

THE  
PARLIAMENTARY REPORTER;

OR,

DEBATES AND PROCEEDINGS

OF THE

HOUSE OF ASSEMBLY

OF

PRINCE EDWARD ISLAND,

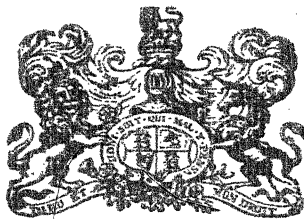
FOR THE YEAR 1864.

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

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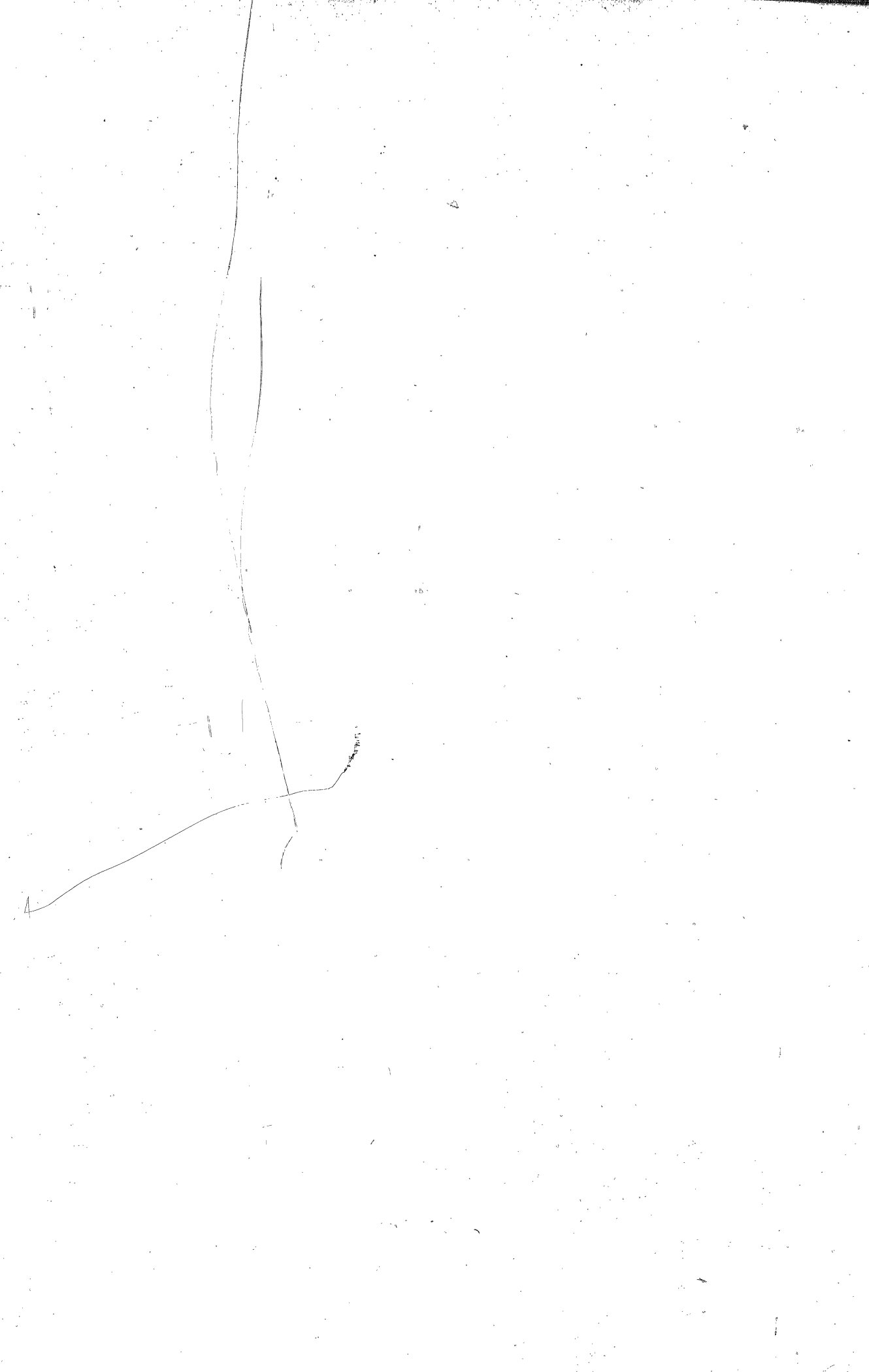
MESSRS. D. LAIRD & W. M. HOWE, REPORTERS.

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PRINCE EDWARD ISLAND



THE  
**PARLIAMENTARY REPORTER,**  
SESSION, 1864.

**Meeting of the Legislature.**

On Wednesday, March 16th, His Excellency Lieutenant Governor Dundas came down to the Council Chamber at 3 o'clock, when he was pleased to open the second Session of the Twenty-second General Assembly of this Island with the following

SPEECH :

*Mr President, and Honorable Gentlemen of the Legislative Council ;*

*Mr Speaker, and Gentlemen of the House of Assembly :*

Your Address of congratulation to your Sovereign on the Marriage of His Royal Highness the Prince of Wales has been laid before the Queen, and Her Majesty was much gratified by the expressions which it contained of loyalty and attachment to her Throne and Person.

You, I am confident, warmly participate in the joy to which the Birth of a Prince has given rise throughout Her Majesty's Dominions.

I am desired by the Secretary of State for the Colonies to inform you that Her Majesty has not been able to comply with the prayer conveyed in the Address which you adopted during last Session, on the subject of the Report of the Commissioners appointed to enquire into the Differences between Landlords and their Tenants.

It is the wish of the Secretary of State, that in communicating this Decision to you, I should invite your attention to Suggestions made by His Grace, in a Despatch, which will be laid before you.

His Grace, in this Despatch proposed that the Local Government should be authorized to issue, annually, a certain amount of Debentures, and to apply these Debentures in assisting to buy up Landlords' rights, with their consent.

His Grace further proposed that Sales should not be compulsory on the Landlords, but that a fixed rate of Commutation should be indicated, by authority, as the Government price.—That this assessed rate of purchase, viewed as receiving a certain moral support from the Government, should regulate the amount of assistance to be given in each case from the public funds.

As the Terms of Commutation proposed by His Grace were in some respects less favorable to the Tenantry than those which had already been offered by the Pro-

prietors, and as it seemed likely that little practical good would result from their adoption, in consequence of His Grace stating that they would not be compulsory on the Landlords, it was deemed expedient that Delegates should be sent to England to ascertain the views of Her Majesty's Government, and to facilitate a Settlement of the Question.

The Report of the Delegates will be laid before you.

After mature consideration of this Report and of the whole Question of a Settlement, I trust your best efforts will be directed to maturing such Measures as may not only conduce to the amelioration of the condition of the Tenantry, but also receive the sanction of the Imperial Government, and the concurrence of the Proprietors.

The Administrator of the Government of Nova Scotia has addressed Communications to me on the Subject of a proposed Union of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, under one Government and Legislature.

I have directed that these Communications be laid before you.

A Bill to prevent the fraudulent Marking of Merchandize will be proposed to you. You will also be asked to take under your Consideration a Suggestion made by the Secretary of State for the Colonies respecting the Establishment of a Maritime Court of Enquiry into the causes of Wrecks.

*Mr Speaker, and Gentlemen of the House of Assembly :*

The Estimates for the current Year will be laid before you. They have been framed with due regard to economy.

The Accounts for the past year will also be submitted to you. I observe, with great satisfaction, that the Revenue of the past Year far exceeds that of any previous year, and leaves a large surplus over the Expenditure.

*Mr President, and Honorable Gentlemen of the Legislative Council ;*

*Mr Speaker, and Gentlemen of the House of Assembly :*

I rejoice to be able to congratulate you on the general prosperity of this Colony during the past year.

The Labors of our agricultural population were blessed with an abundant Harvest.

An unprecedented demand increased materially the value of our staple Produce ; and the quantity which left our shores exceeded the Exports of any previous year.

I now commit to you the Business of the Session ;

may your Deliberations conduce to the honor and welfare of this Island.

After the Members of the House of Assembly returned to their own room, His Excellency's Speech was again read from the chair, and the usual standing Committees for the Session were appointed, the two most important of which are as follows:

*Committee to prepare an Address in answer to His Excellency's Speech.*—Messrs. McLennan, Brecken, Laird, Haslam, J. Yeo, Howat, and Montgomery.

*Committee on Public Accounts.*—Messrs. McLennan, J. Yeo, McAulay, Sinclair, Duncan, Hensley, and Coles.

Mr. D. Laird was then appointed first Reporter to the House, and Mr. W. M. Howe, additional Reporter.

Hon. Col Gray, having obtained leave, introduced a Bill relating to the office of the Commander-in-Chief, which was read a first time, and ordered to be read a second time on Monday next. Adjourned.

THURSDAY, March 17.

Mr McLENNAN moved the adoption of the following address in answer to His Excellency's speech, at the commencement of the Session.

Hon. Mr COLES moved that it be referred to a Committee of the whole, as being the course usually adopted.

This suggestion was agreed to, and this consideration of the address was made the order of the day for to-morrow.

Hon. the SPEAKER laid before the House a communication he had received from the Secretary and members of the Charlottetown Reading Room, tendering to the members of the House, the use of that institution, during the Session.

Some conversation ensued on the subject of reporting the debates and proceedings of the House, the opinion generally expressed being in favor of having, in addition to the extended reports, a summary of the daily proceedings. Adjourned.

FRIDAY, March 18.

The Committee to receive tenders for printing the Journals of the Session reported. Tenders had been received from Messrs. Ings, Hazard, Hughes and Reilly. After some conversation in Committee, it was decided that the tender of Mr F. W. Hughes at 17s. 6d. per sheet for paper and printing, and 4s. per copy for binding, was the most favorable, and it was accordingly accepted by the House.

#### DEBATE ON THE ADDRESS IN ANSWER TO HIS EXCELLENCY'S SPEECH.

In the afternoon, the order of the day being read for the House in Committee of the whole on the draft Address in answer to His Excellency's Speech, it was, on motion of Mr McLennan, resolved that the House go into the order of the day. Mr John Yeo in the chair.

The Address was then read by the Chairman, and is as follows:—

To His Excellency George Dundas, Esquire, Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island Prince Edward and the Territories thereunto belonging, Chancellor, Vice Admiral, and Ordinary of the same, &c., &c.

MAY IT PLEASE YOUR EXCELLENCY:—

We, Her Majesty's faithful subjects, the House of Assembly of Prince Edward Island, beg respectfully to tender our thanks for the Speech with which your Excellency was pleased to open the present Session.

We thank Your Excellency for the information that our expressions of loyal congratulation to Her Majesty, on the marriage of His Royal Highness the Prince of Wales, have been laid before Our Gracious Sovereign.

We indeed heard with great satisfaction the happy tidings of the birth of a Prince, and we warmly participate in the joy which that auspicious event has afforded to all classes of Her Majesty's subjects.

We regret to receive the intelligence that Her Majesty has not been able to comply with the prayer conveyed in the joint Address which the Legislative Council and House of Assembly adopted in the last Session, on the subject of the Report of the Commissioners appointed to enquire into the differences between Landlords and their Tenants in this Island.

The Despatch received by Your Excellency from His Grace the Secretary of State for the Colonies, and to which Your Excellency refers, with the suggestions contained therein, when laid before us, shall receive our consideration.

We agree with your Excellency that it was expedient that Delegates should be sent to England for the purpose of ascertaining the views of Her Majesty's Secretary of State for the Colonies on this important question of the land tenures, previous to the meeting of the Legislature, and thereby facilitating the settlement of this long agitated subject.

We shall have much pleasure in receiving the Report of the Delegates referred to by Your Excellency.

We assure Your Excellency that our best consideration will be given to this Report, as well as to the whole question connected therewith; and that our earnest efforts will be directed to the maturing of such measures as will, in our opinion, conduce to the amelioration of the condition of the Tenantry, and at the same time be calculated to receive the sanction of the Imperial Government and the concurrence of the Proprietors.

The communication received by Your Excellency from the Administrator of the Government of Nova Scotia, on the subject of a proposed Union of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, when laid before us, shall receive due consideration.

The Bill to which Your Excellency adverts, relative to the fraudulent marking of merchandize, together with the suggestion of the Secretary of State for the Colonies respecting the establishment of a maritime Court of Enquiry, when submitted to us, will receive our best attention.

We thank your Excellency for having directed the Estimates for the present year, and the Public Accounts for the past, to be laid before us.

We are happy to learn that the Revenue of the

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

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

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

On the 6th paragraph being read—

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

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

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

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

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

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

stantially within the scope of the Commissioners' authority."

"They further state that any Act for the settlement of this question must be judged of upon its own merits, and not upon any supposition of an Award legally or morally binding, having been made in this case."

"I trust that this opinion embracing the legal and moral aspects of the question, and founded on the plainest principle of law and common sense—the principle that a man who has agreed to refer his case to one Tribunal, cannot therefore be forced to submit it to another—will satisfy the Legislature of Prince Edward Island, that the course which they have suggested must be dismissed as impracticable, and will lead them to consider, with patience and moderation, some other means of settling a question, which is at present productive of so much public inconvenience."

"The Government of the Colony, acting in the interests of the Tenants, have already rejected a proposal made by the Proprietors that their leasees should be allowed to purchase a fee simple in their holdings, at fifteen years purchase of the reserved rent, the purchase money being paid at once in cash. I can imagine that they may have had good reasons for that refusal, but I cannot help observing that, as the Commissioners have suggested a maximum rate of twenty years purchase, the proprietors' proposal must, in some instances, have involved a considerable sacrifice on their part, and that its rejection by the Tenantry transfers to them the obligation of suggesting some reasonable basis of compromise."

Now, his Grace says here, that he can imagine we may have had good grounds for refusing the proprietors' proposal. He does not complain of this, but seems to admit that the tenants would not be able to pay 15 years purchase, and yet the Government sends home delegates to offer 16 years purchase. The Duke allowing that Cunard's bill was fairly set aside, then sets to work to give his own views on the question. He states:—

"The ground being thus cleared for a fresh proposal, I think myself bound to bring before the Colonial Government the views which I have been led to form on the subject."

"As to the general principles on which this matter ought to be settled, I feel little difficulty."

"In the first place, I dismiss the idea of imposing on the Proprietors, by law, any general rate of commutation."

"The enquiries of the Commissioners were pointedly directed to this object, and they have pronounced it unattainable."

"I think that the objections to a compulsory arbitration are equally insuperable. The expense would probably be so large, and the practical difficulty of securing a fair adjudication, and compelling a Tenant to perform the terms of an unfavorable Award, would in the present state of public opinion, be so great, that the proprietor could not, with any justice, be required to submit to them."

"I also dismiss the notion of any Imperial Guarantee or Advance of Money. The Legislature of Prince Edward Island must take it as certain that

Her Majesty's Government cannot propose any such measure to Parliament.

"As, however, the project of a Loan, under an Imperial Guarantee, has met with universal favor, I assume that means might be found in the Colony to pay interest on a Loan of less amount, without such a guarantee."

"I also infer from the tone of the Commissioners, that any general rate of commutation which is adopted or indicated by authority, should hinge more or less upon the reserved rent."

"From the eagerness with which I have been pressed to confirm the Award of the Commissioners, I infer that the Award is acceptable to the Tenants, that is to say, that the Tenants are ready to pay the fair price of their lands—as settled by impartial arbitrators—in instalments spread over ten years, and to continue the payment of rent—or rather, of interest on the unpaid instalments,—until the land is thus enfranchised."

"From the scheme of the Proprietors I infer that they, on their side, are in all cases ready to sell their rights, for fifteen years purchase of the reserved rent, paid at once in cash. But I conceive that basis of commutation to have been defective, for two reasons:—first, that it required an immediate cash payment in full, which the Tenants cannot make; and secondly, that it based the price of an Estate solely on the rate of reserved rent, without reference to the question whether that rent had been, or could be collected. It could not be expected that Tenants who had never paid their rents, would buy off their obligation to do so at the rate of fifteen years purchase."

"With these preliminary observations, I desire to consider the present condition of the question, with a view to determine not what is just or legal, on which of course no agreement can be expected, nor yet what would be most advantageous to the Tenants or Landlords, if either of them were possessed of unlimited power to effect what they wished—which is an easy but impractical question—but the more useful and difficult enquiry, Can these Tenures be extinguished on terms, which under present circumstances are mutually advantageous to Tenant and Proprietor?"

"It must steadily be borne in mind that in calling upon the proprietor to relinquish his present claims, the Colony is calling upon him to sacrifice admitted legal rights. By what inducement can he be reconciled to that sacrifice? Plainly by giving increased security to those rights which he retains. Payment in cash would dispose of all question of security, but this the Tenant cannot effect. Payment by instalments gives the Landlord no fresh security. It is merely the substitution of one promise to pay for another, the parties remaining the same."

"It appears to me, however, that in many cases, at least the position of the Landlord would be materially bettered, if he received the security of the Colony, instead of the security of the Tenant for his annual income; or in other words, if the purchase money were paid down at once, but were paid either wholly or partially in Debentures"

"I will assume in order to facilitate the explanation of my meaning, that the purchase money is paid, one third in cash, and two thirds in Debentures."

"I should then, in the first place, propose that the

Government should be authorized to issue annually a certain amount of Debentures, bearing six per cent interest—say not exceeding fifteen thousand pounds a year for five years,—and to apply these Debentures in buying up, or in assisting to buy, the Landlords' rights, with their consent, at a fixed rate of purchase, which I will call the Government price. When a Tenant is prepared to pay down in cash one third of the Government price, I would propose that the Government should issue Debentures to the amount of the remaining two thirds, and that the purchase being thus completed, the Tenant should receive a conveyance in fee of the land, subject to the liability to pay the interest on the Debentures, and ultimately, by contribution to a sinking fund, or otherwise to discharge the principal.

"If the Tenant could not advance this proportion of the purchase money, the Government might buy the property on its own account—as has been done with the Selkirk and Worrell Estates—and recover its advances, as it could, either by resale of the Lands, or by the recovery of rent from the Tenant, in which the Government, with full power of Legislation at its command, ought not to find any difficulty.

"In this case, however, it might be necessary for the Government to raise, by the sale of Debentures, perhaps at a loss, the proportion of the purchase money, which was to be paid in cash.

"This being the machinery of redemption, it follows to enquire what shall be the Government price, the assessed rate of purchase which will regulate the amount of assistance to be given in each case from public funds, and which may be viewed as receiving a certain moral support from Government. Although this rate is not compulsory,"

(Hear, hear, from Hon. Col. Gray.) It is true that his Grace did not contemplate to bind the proprietors down without their consent, but if the scheme received the "moral support" of Government, and that the influence of the Home Government, it would be almost equal to a law. But I will again proceed with reading the despatch:—

"Although this rate is not compulsory and may therefore be increased or diminished in particular cases by private arrangements between Landlords and Tenants, it is highly desirable that it should be so fixed as to be tolerably applicable to the majority of sales, and to inform Landlords, with some precision, what they have to expect, and what terms of escape, (for so I will call it) from their very invidious position, are practically open to them."

The proprietors do not appear to be very anxious to "escape" as long as the present party in power remains in office. They know their friends too well. Every now and again it is rumored that there is a great row between the proprietors and the Government, but with all this I venture to say that, if there was an election to-morrow, we would see the agent of Sir Samuel Cunard posting away down to Georgetown to vote for the party. The Duke further says:

"In this enquiry, I shall assume the rate of Interest in Prince Edward Island to be that at which the Debentures are issued, namely, 6 per cent. A rent reserved on land would, at this rate, be worth about 16 years purchase. And, considering that two-thirds of the purchase money is to be paid in Government De-

bentures, I do not think that a Landlord, who has looked after his property, and is in the receipt of the full reserved rent, could be expected to part with his interest—including a more or less valuable reversion at the expiration of the lease—for a less amount. Nor do I see why the Tenant should be disinclined to redeem at that rate."

A great cry was made about the burden the Purchase Bill was going to impose on the country, when lands were bought for 4s. or 5s. an acre, surely then it would be a greater tax on the Government to pay even two-thirds of 16 years purchase. The very idea that a government sent delegates home to offer this sum, shows that they have the interest of the proprietors and not that of the tenants at heart. I will continue with His Grace's despatch:—

"But in many cases Landlords have not looked after their interests, and have not received their full rents. In proportion, as this has been the case, the Tenant will be unwilling to redeem, at a high rate, a rent which he has never paid; while the Landlord will be ready to sell, at a low rate, a rent which he has never received. In all these cases, therefore, a proportional reduction must be made in order to satisfy the Tenant, and may be made without dissatisfying the Landlord. In all these cases I would propose—to use an ordinary phrase—to 'split the difference' between the strict rights of the Landlord, and his actual receipts.

"It would be easy to ascertain, in any case of intended commutation, the average payment of the Tenant for the 8 years preceding the 1st of May, 1858, being the date up to which the Commissioners propose to remit arrears. Having done this, I would propose to take, as the Government price, a sum equal to 8 years purchase of the reserved rent, plus 8 years purchase of the average actual receipts.

I will illustrate the proposal by three cases, of farms, rented at £50 a year each. In one, I will suppose that the full rent has been regularly paid—in the second, that it has been half paid—in the third, that it has not been paid at all.

( I. )	
Eight years purchase of reserved rent (£50)	£400 0 0
Eight years purchase of average receipts (£50)	400 0 0
Government price,	£800 0 0
( II. )	
Eight years purchase of reserved rent (£50)	£400 0 0
Eight years purchase of average receipts (£25)	200 0 0
Government price,	£600 0 0
( III. )	
Eight years purchase of reserved rent (£50)	£400 0 0
Eight years purchase of average receipts	0 0 0
Government price,	£400 0 0

"Of this sum I have already said, one-third would be paid in cash by the Tenant; the remaining two-thirds would be advanced by Government in Debentures. A payment for twenty-five years of 8 per cent, on the amount borrowed, would probably suffice to meet the annual interest of the Debentures, and to pay off the principal, if the terms of the Loan rendered it possible to invest the annual payment towards the sinking fund in the redemption of the Debentures, i. e., at 6 per cent interest. If not, the slight loss might possibly be borne by the public Treasury, in consideration of the public benefit which this commutation might be expected to effect.

"If this were so, the result to the Tenant, in each of the three preceding cases, would be as follows:

"When a rent of £50 had been paid in full, the Landlord would receive £800. The Tenant would pay £266

13s. 4d. down, and an annuity, say for 25 years, of £42 13s. 4d.

"When the reserved rent was £50, and £25 had been actually paid, the Landlord would receive £600, and the Tenant would pay £200 down and an annuity of £32.

"When nothing had been paid, the Landlord would receive £400 and the Tenant would pay £133 6s. 8d. down and an annuity of £21 6s. 8d.

"I suggest the payment by way of annuity, because I suppose this to be the most convenient to the Tenant. But, of course, arrangements might easily be made to enable those who preferred it to pay their money more promptly.

"In any case, however, it must be distinctly understood—as this is the basis of the whole arrangement—that the obligation to pay the principal and interest of the Debentures, as between the Government and the Debenture holder, rests exclusively on the public Treasury, and is in no degree, whatever, affected by the failure or neglect of the Government to recover the money from the Tenant.

"As these sales will not be compulsory, it is not necessary to enter upon any question as to the nature and duration of the leases to which the right of purchase should apply. But, with regard to arrears, I assume that, in any case of commutation, the Tenant and Landlord will alike be satisfied to abide by the Commissioners' recommendation, that arrears which accrue prior to May 1st, 1858, should be remitted, but that all subsequent arrears should be paid up.

"I have heard two objections raised to that part of the scheme which relates to Tenants who have not hitherto paid their rents. The one is that so large a remission professedly depending on the fact that rent has been withheld, is, in fact, an encouragement to dishonesty. The other is, that those who have hitherto successfully resisted the payment of any rent whatever, will not be willing to pay the proposed commutation, in order to get rid of an obligation which they have never performed.

"The one objection is, that the indulgence to non-paying Tenants is immorally large—the other, that it is suicidally small.

"These objections, to a certain extent, answer each other. But the truth is, that any practicable arrangement must be open to both of them. The state of things is this: The Landlords cannot seriously hope to recover their strict legal rights in full, while the Tenants, who have not paid rent, cannot, without extravagance, expect to be supported in their present refusal to do so. It is assumed for without that assumption all hope of a pacification is impossible—that the Landlords will find it to their interest to waive their right to much that they are entitled to, if the Legislature of Prince Edward Island will honestly assist them to obtain more than they at present receive. This is the only possible basis of compromise. The real question is not whether the proposed arrangement is free from objection, but whether it will not, in a large number of cases, be for the advantage alike of Landlord and Tenant to secure their own interest by closing with such terms as I have indicated. My own hope and impression is that it will be so; and I, therefore, cannot but hope that the terms would be largely accepted, if put forward with the support of this Government; though I am bound to add that some, at least, of the Landlords are not satisfied with them. [Hear, hear, from the Government benches.] There would, of course, remain a few special cases to be dealt with separately. But the experience of this country has shown, that when a reasonable principle of voluntary commutation is once put forward, it is, before long, freely accepted by the majority of those concerned, while the minority either establish a fair ground of exception, or are eventually compelled to follow the stream.

"I am under the necessity of requesting you to inform the Legislature that Her Majesty has not been able to comply with the prayer conveyed in their Address. But I wish you, in so doing, to lay the present Despatch

before them, and invite their attention to the suggestions which it contains, being, I can assure you, the result of much anxious consideration, and of an earnest desire to promote the interests of Prince Edward Island and its inhabitants."

The Colonial Minister then annexes the following tabular statement:—

(I.) £50 rent paid in full.			
Government price.	Paid down.	Remaining due.	Annual payment for 25 years, 8 per cent.
£800 0 0	£266 13 4	£533 6 8	£41 13 4

(II.) £50 reserved rent, £25 actually paid.			
Government price.	Paid down.	Remaining due.	Annual payment for 25 years, 8 per cent.
£600 0 0	£200 0 0	£400 0 0	£32 0 0

(III.) £50 reserved rent, nothing actually paid.			
Government price.	Paid down.	Remaining due.	Annual payment for 25 years, 8 per cent.
£400 0 0	£133 6 8	£266 13 4	£21 6 8

I will not take up the time of the Committee in reading the opinion of the Law Officers of the Crown on the decision of the Commissioners, as the Award has been completely set aside. But this I will remark. It is reported that the Delegates when home, not satisfied with the Law Officers' decision, went and took the opinion of the gentleman who had been the Attorney General of the tory government. This, I say, if true, was an insult to the Imperial Government, and no wonder the Duke treated the delegates with indifference. When the Colonial Minister penned the despatch which I have read, no doubt he had the Commissioners' report before him, and knew that heavy arrears were due to many of the proprietors as shown by the abstract of returns which they handed into Court; and it appears to me, that he thinks 8 years purchase is sufficient to remunerate them for their lands when relieved of agents' and other expenses. In mentioning £50 as the annual rent, he was adapting his scale somewhat to the rents paid in the mother country. £5 is about what it should be in calculating for the rents of this Island, and I have drawn out the following statement of what the Duke's proposal would be at this rate:—

(I.) £5 rent per 100 acres, paid in full.			
Government Price.	½ paid down	¾ remaining due	Annual payment for 25 years, at 8 per cent.
£80 0 0	£26 13 4	£53 6 8	£4 5 4

(II.) £5 reserved rent, £2 10s. actually paid.			
Government Price.	½ paid down	¾ remaining due	Annual payment for 25 years, at 8 per cent.
£60 0 0	£20 0 0	£40 0 0	£3 4 1

(III.) £5 reserved rent, nothing actually paid.			
Government Price.	½ paid down	¾ remaining due	Annual payment for 25 years, at 8 per cent.
£40 0 0	£13 6 8	£26 13 4	£2 2 8

The very highest amount to be paid by this proposal—the case in which the rent has been paid in full—is the same as that offered by the delegates at the Colonial Office. The next is equal to 8 years purchase with four years arrears of rent, and the last case is just 8 years purchase with the arrears entirely struck off. Now, if we refer to the returns of those proprietors who gave in abstracts to the Commissioners' Court, we shall find from the amount of arrears of rent stated, that on some of the estates, for example those at New London, the tenants by the Duke's scheme would obtain their lands at about 8 years



purchase. From the returns of proprietors, as contained in the appendix to the Commissioners' report, I have made out the following statement, showing the average amount of arrears of rent, per acre, on their respective estates:—

Proprietors.	No. of Acres.	Average Rent due per acre to 1858.
H. J. Candall,	1256	4s. 4d.
W. Candall,	2692	5s. 7d.
Eliza M. Candall,	1360	8s.
Estate of Billing,	1811	7s. 3d.
Daniel Hodgson,	4494	4s. 6d.
T. H. Haviland, Lot 56,	7415	3s. 6d.
Samuel Cunard,	64899	1s.
Edward Cunard,	24791	2s. 7d.

According to these returns, the tenants on Miss Candall's estate would, by the Duke's proposal, obtain the freehold of their farms at 8 years purchase, and those on Sir Samuel Cunard's estates at 12 years purchase. Such terms would have been much more favorable than those proposed by the delegates; and I am very much of opinion that the Government did not understand the Duke's despatch.—(Hon. Col Gray, hear, hear.) The hon leader of the Government cries, hear, but I certainly think that they did not understand the despatch or they would not immediately after have authorized delegates to offer the proprietors 16 years purchase. This proposal of the Colonial Minister was one which, I think, the Government ought to have taken into consideration; but it appears that the delegates, when they went to Downing Street, never mentioned it at all; and no wonder that the Duke of Newcastle gave them the cold shoulder after he found that his own scheme was ignored. All that the Government required to do on receiving his Grace's despatch, was, to have sent home a minute of Council approving of the scheme, and he would have been under the necessity of carrying out his own proposal. They, however, go to the expense of sending home a delegation who never refer to the Duke's proposal, and the consequence is they take it out of his hands. He seems to have felt this—felt himself slighted—for he sent the delegates to Sir Samuel Cunard, and this gentleman appears to have had a great deal of deference for such high officers in the Government, because he expresses himself leath to answer them! By this course, I contend that the Government have materially injured the cause of the tenantry. Having taken the matter out of the hands of the Colonial Minister by offering 16 years purchase, they cannot well retrace their steps. And what can they do but take Cunard's new Bill as it stands, for he plainly says if one word of it is altered he will not agree to it. The delegates' offer, I consider, was worse for the tenantry by 50 per cent than the Duke's proposal. It is true that his Grace did not intend to have a Bill passed that would be compulsory on the proprietors, and he says that he understands some of them had objections to his scheme. Notwithstanding these objections he sent out his proposal, which shows he was almost determined to carry it out. And with, as he says, "the moral support of this Government," that is the Imperial Government, I can have little doubt but he would have been enabled to attain his object.

Hon Col GRAY rose to explain, as it might lead to misconception, that the word "this" in the printed despatch was not in the original copy. It was an error of the Queen's Printer.

Hon Mr COLES.—The poor Queen's Printer has a great deal to bear. He made an error on a former occasion which caused considerable trouble. This is not the time to have such errors corrected. If a mistake had occurred, the correction ought to have been published before the meeting of the Legislature. I believe it was the Duke of Newcastle's anxious desire to carry out his proposal, or he would not have taken such pains to prepare it; and considering his influence with his own Government, I have little doubt as to his success. It is said that Sir Samuel Cunard's influence at the Colonial office is all powerful; but by the despatch which I have read it appears to be otherwise. Probably he was one of the objecting proprietors to the proposal of the Duke, but his Grace does not appear to attach much importance to the objections, because he still forwards for the consideration of the Legislature his scheme for "splitting the difference" between proprietor and tenant; the proprietors wish all their arrears of rent, and the tenants want to have their land for nothing, so the Colonial Minister says let them have it at 8 years' purchase. I will now turn attention to the Report of the Delegates. It is a voluminous document, and has probably proved of more advantage to the Queen's Printer than it ever will to any other person. It is composed in a great measure of extracts from papers and bills prepared and brought forward by the Liberal Government. After the preliminary correspondence it contains the propositions of the delegates; and I must say that I am sorry to see the name of the Attorney General to such a paper. As, however, they were sent by the party, we must hold the Government responsible for every word it contains. Fully a month had elapsed after the Duke of Newcastle's despatch was received, before the delegates left for England, consequently there was sufficient time for the Government to have laid it fairly before their supporters, but I have heard that some of them never saw it. Though the Colonial Minister's despatch of July was the latest document received by the Government, the delegates in the beginning of their communication to his Grace make no reference to his proposal. They say:—

"The undersigned, referring to the subject discussed at the interview with your Grace, with which they were yesterday honored, beg leave respectfully to submit for your Grace's consideration, the following propositions, expressive of certain concessions and privileges, which, if granted by the proprietors of land in Prince Edward Island to their tenants, would be accepted by the Government of that Island as a settlement of the land question and in lieu of the award of the Land Commissioners."

These concessions, they say, would be "accepted by the Government." What authority had the Government to make such a statement without consulting the people. The propositions of the delegates are these:

"First—The undersigned propose that in the terms of the award of the royal Commissioners all arrears of rent prior to May, 1858, be remitted; and that in all cases, if any there be, wherein tenants have paid to their landlords, at any time since the 13th of February, 1860, sums of money for rent, which sums in the whole exceed the rent which has accrued due from such tenants since May, 1858, the amounts by which such payments shall exceed the rent which shall have accrued due since May, 1858, shall be placed to the credit of the tenants who shall have paid the same, by the landlords to whom the same shall have been paid; the tenants in such cases, to have the privilege of appropriating such over-payments towards the purchase of the fee simple of their respective holdings; and in all cases where lands leased originally at rents not exceeding one shilling per acre, have been let at rents exceeding one shilling per acre, the rents of such lands shall be reduced to the rate of rent reserved in the original leases of such lands when leased in their wilderness state; the latter stipulation is considered by the undersigned as necessary to meet those cases wherein arrears of rent have heretofore been remitted on condition that the tenants owing such arrears should take new leases, reserving a rent exceeding the original rent by a sum equivalent to the annual in-

land which it is assumed such arrears would yield the land-  
lord was the proceeds of the sale of the land.

The undersigned infer from the scheme submitted by the proprietors in the draft of the Bill transmitted by your Grace to the Honorable and Excellent Governor of Prince Edward Island that the proprietors are in all cases willing to sell the leasehold for 10 years purchase of the reserved rent, or for 15 years purchase of the reserved rent, in cash; the undersigned therefore holds under leases granted for 10 years, and who shall not be liable to pay any rent, shall at all times, within twenty years from the 1st day of January next, have the right to receive a conveyance of the fee simple of their farms, on paying to the proprietors 15 years purchase of the reserved rent, together with the rent which may be due by such tenants in respect of such lands.

The undersigned is of opinion, as in the foregoing proposition is mentioned, that the land is indebted in more than one year's rent, and that the period of twenty years will be a sufficient time for the fee simple of their respective holdings on payment of 15 years purchase of the reserved rent.

It is assumed by the undersigned that the Government of Prince Edward Island would adopt the suggestion contained in the despatch of your Grace to the Honorable and Excellent Governor of Prince Edward Island, dated 17th July 1853, and be prepared to advance to the tenants desirous of purchasing their farms, either seven and one-half or ten years purchase of the reserved rent of such farms, and retaining from such tenants the balance of the reserved rent, and thus to enable such tenants to purchase their lands in one payment in cash. Assuming that such a recommendation should be adopted by the Government of Prince Edward Island, it is evident that the indebtedness of those tenants who are indebted in arrears for rent to the proprietors of their farms would be very greatly reduced.

The only objection which is made to the despatch of your Grace, and to the Government's proposal to purchase the land, is that the rate of purchase of the reserved rent will be too high, and that the rate of purchase of the reserved rent will be too high, and that the rate of purchase of the reserved rent will be too high.

their hands, the undersigned fear that disaffection among the tenantry will become very general, and that the maintenance of good order will prove a task of no ordinary difficulty in a Colony the inhabitants of which exercise self-government, and where universal suffrage obtains.

Here is a reflection on self-government, and universal suffrage. This appears to say to the proprietors "you better beware what you are doing, and accept our offer, because if you do not, we may find ourselves unable to preserve the peace." No wonder, then, we hear of refractory tenant meetings down in a part of the country represented by a member and supporter of the Government. The Administration have broadly intimated that peace may not be preserved, and their supporters seem to have taken the hint, and formed combinations to resist proprietary claims. You have now heard all that the delegates proposed on behalf of the tenantry. I never was an admirer of Sir Samuel Cunard; I have always met his opposition, and particularly in regard to the £1000 which he was assessed for the opening of new roads; but I must say that if he has prevented the Government from confirming the proprietors' titles, and from saddling the tenantry with 10 years purchase, he has accomplished a great deal towards wiping off his former sins. This, I suppose, he has done unintentionally, but as he saw the Government make such favorable offers, he no doubt thought that more might be obtained from them, particularly since they had rejected his bill with 15 years purchase, and had proposed 10. It is unnecessary for me to review the remainder of the correspondence between the delegates, the Colonial office, and the proprietors. The Hon. Colonial Secretary, with a great deal of tact, has got up a reply to some statements of Sir Samuel Cunard which may have been rather strong. As nearly the only difference between Sir Samuel's own offer and that of the delegates was in regard to over payments of rent since 1858, standing as part of the purchase money of those tenants who desired to buy their lands, it was not worth his pains coming out against the proposals of his pet Government. One of his statements, however, namely, that with respect to the One-ninth Bill, reducing the value of his property 25 per cent, was not very incorrect; but it was too important an admission for the Colonial Secretary to allow to pass, as it would reflect too much credit on the Liberal Government who introduced the Bill. In Sir Alexander Bannerman's time, parties waited on him complaining that their proprietors were exacting British sterling. Some had to pay it, among whom I may name one Legate, near Town, and Mr Gordon at Caecumpec. From these and other cases I suppose Sir Samuel Cunard was led to believe that by the passing of the One-ninth Bill he had been deprived of one fourth of his property. As late as 1840, the British shilling passed here for only 1s. 4d., but about that time by the consent of all the merchants in Charlottetown it was raised to 1s. 6d. It was, however, not legal at this rate until the Civil List Bill was passed in 1851. The very evidence given by Judge Peters, quoted by the Colonial Secretary, shows that he might exact rent at 5s. the dollar; and, indeed, that he could demand payment in British sterling, though this had not been the practice. With respect to Cunard's statements in regard to this Building, he was certainly in error; but it was scarcely worth the Secretary's pains to expose him, seeing that the Government were endeavoring to obtain some concessions from him and the other proprietors. I must say that I was a little pleased at the manner in which the Hon. Colonial Secretary repelled Sir Samuel Cunard's attack, and if it had gained anything for the tenantry I would have been still better satisfied. The Secretary appears to have been somewhat vexed when he reported it seems to me that he ought to have been more courteous when addressing the Colonial Minister, and not have so openly impeached the veracity of such a distinguished person as Sir Samuel Cunard. Taking all these matters into consideration, I cannot agree with the paragraph of the address approving of the appointment of the delegates.

I believe, that their mission has done a real injury to the address so full of sophisms that they would be a general tenantry. As I have already stated, had the Duke's proposal been accepted, the tenants on Sir Samuel Cunard's estates would in an average have obtained their lands which have been assailed, it is a fact, at 15 years purchase, and those on other estates at even more favorable terms. However, I cannot say that I would go with the proposal of His Grace, liberal as it is, by the resolutions passed at several meetings to the country that the tenantry would be satisfied with such terms as the lands were sold at on the Salkin estate. Similar terms, I believe, cannot be obtained in any other way, than through the operation of the Purchase Bill. Some say that the proprietors will not now sell on so favorable terms. No doubt, they have been encouraged to expect high prices for their lands by the present party in power. The difference between the Liberal Government and the present Administration is, that the former sought no favors from the proprietors, but maintained that there were certain claims against them, which might be enforced, consequently they were the more likely to seize the first opportunity to dispose of their property. We held that they were liable for Quit Rents, but the present Government do not take this position, though the able Counsel for the tenantry before the Land Commissioners' Court, Mr Thomson, maintained to the last that they were not forgiven. Again, with respect to the question of the titles, though I was never in favor of Escheat, yet I always contended that the conditions of the original grants were never fulfilled, and therefore that the proprietors would be wiser to accept a compromise than risk the establishment of a Court of Enquiry. I am not solicitous to get the government; I have been relieved from office for some time, and have enjoyed my freedom too well to be anxious now for the labor of keeping a government together. But I contend as the present Administration came into power on the principle of carrying out the Award, that now, since it has been wholly set aside, they ought to give up the seals of office. Some assert that there should be a third party, because this side of the House is too extreme, and the government party is too much under proprietary influence. Rather than join such a party, I would prefer to sit as an independent member of this House. In some localities, the supporters of the conservative party have been holding meetings, and passing resolutions against paying rent and a high rate for land, showing that they are ashamed of the conduct of the Government. Perhaps they hope to be successful in their resistance as was the case in a part of the United States some years ago. I am not in favor of agitation of this kind, as it must only end in injury to the parties participating in it; but this action, on the part of tenants who supported the Government, proves that they believe they have been sold. I lately attended a meeting held in my district, and when asked my opinion in regard to resisting payment of rent, I strongly advised my constituents against it, and the consequence was that I brought the majority of the meeting pretty well to my way of thinking. But I was opposed by a man who never voted for a Liberal in his life, and who said he was ashamed of the Government, and wished to get resolutions passed similar to those at the Murray Harbor meeting. I will now move an amendment to the paragraph under consideration; it represents the views of the minority of this House, but I believe those of the majority of the tenantry of this Island. (Hear, hear, from members of the Opposition). The following is the amendment:—

"The House of Assembly have received with dutiful consideration your Excellency's announcement in regard to a certain despatch from the Secretary of State, containing suggestions relative to a settlement of the Land Question; and also the information in reference to the sending of Delegates to England for the purpose of proposing other terms of settlement than those suggested by His Grace the Duke of Newcastle."

Hon. Col. GRAY.—Mr Chairman, the hon. leader of the Opposition has taken up about 2½ hours with an

address so full of sophisms that they would be a general tenantry. As I have already stated, had the Duke's proposal been accepted, the tenants on Sir Samuel Cunard's estates would in an average have obtained their lands which have been assailed, it is a fact, at 15 years purchase, and those on other estates at even more favorable terms. However, I cannot say that I would go with the proposal of His Grace, liberal as it is, by the resolutions passed at several meetings to the country that the tenantry would be satisfied with such terms as the lands were sold at on the Salkin estate. Similar terms, I believe, cannot be obtained in any other way, than through the operation of the Purchase Bill. Some say that the proprietors will not now sell on so favorable terms. No doubt, they have been encouraged to expect high prices for their lands by the present party in power. The difference between the Liberal Government and the present Administration is, that the former sought no favors from the proprietors, but maintained that there were certain claims against them, which might be enforced, consequently they were the more likely to seize the first opportunity to dispose of their property. We held that they were liable for Quit Rents, but the present Government do not take this position, though the able Counsel for the tenantry before the Land Commissioners' Court, Mr Thomson, maintained to the last that they were not forgiven. Again, with respect to the question of the titles, though I was never in favor of Escheat, yet I always contended that the conditions of the original grants were never fulfilled, and therefore that the proprietors would be wiser to accept a compromise than risk the establishment of a Court of Enquiry. I am not solicitous to get the government; I have been relieved from office for some time, and have enjoyed my freedom too well to be anxious now for the labor of keeping a government together. But I contend as the present Administration came into power on the principle of carrying out the Award, that now, since it has been wholly set aside, they ought to give up the seals of office. Some assert that there should be a third party, because this side of the House is too extreme, and the government party is too much under proprietary influence. Rather than join such a party, I would prefer to sit as an independent member of this House. In some localities, the supporters of the conservative party have been holding meetings, and passing resolutions against paying rent and a high rate for land, showing that they are ashamed of the conduct of the Government. Perhaps they hope to be successful in their resistance as was the case in a part of the United States some years ago. I am not in favor of agitation of this kind, as it must only end in injury to the parties participating in it; but this action, on the part of tenants who supported the Government, proves that they believe they have been sold. I lately attended a meeting held in my district, and when asked my opinion in regard to resisting payment of rent, I strongly advised my constituents against it, and the consequence was that I brought the majority of the meeting pretty well to my way of thinking. But I was opposed by a man who never voted for a Liberal in his life, and who said he was ashamed of the Government, and wished to get resolutions passed similar to those at the Murray Harbor meeting. I will now move an amendment to the paragraph under consideration; it represents the views of the minority of this House, but I believe those of the majority of the tenantry of this Island. (Hear, hear, from members of the Opposition). The following is the amendment:—

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Hon. Mr COLES.—I did not say the Duke's proposal should have been acceded to, but that it would have been better than the propositions of the delegates.

Hon. Col. GRAY.—I understood perfectly what the hon. member said; I took down his words, and he distinctly stated that we ought to have accepted the Duke's proposal. Now, I shall give the reasons why we did not accept the scheme of his Grace. I may divide them under three heads: first, that it did not require the proprietors to agree to it; secondly, it did not bind the proprietors to give up arrears of rent to 1858, unless in cases where the tenant purchased with the consent of the landlord; and thirdly, it gave the tenant not in arrears merely the privilege to purchase at 15 years purchase, and this only at the option of the proprietor. With reference to those cases in which arrears had accrued, where the Colonial Minister suggested that there should be a proportionate reduction of the purchase amount as low as 8 years purchase—this was also always to be at the option of the proprietor. What would be the result of accepting such a scheme? Why, when the rich man came forward, who owed no arrears, to purchase his farm, the proprietor would accept his offer; but when the poor tenant came expecting to get his land at 8 years purchase, the propri-

eter would say so, I cannot agree to such terms. The proprietor would just have the latter at his mercy, and might eject him, and look for another to purchase on his own terms. The Duke of Newcastle in order to make it plainly understood that the sales which he suggested were not intended to be compulsory, mentions it twice in his despatch; and besides this, he states he had been informed that some of the proprietors would not agree to his proposal. What proprietors have we to deal with in England except Sir Samuel Cunard, Mr Lawrence Sullivan, and Sir Graham Montgomery? and if they—who hold a large proportion of the lands here—refuse to accede to the proposal, how could it benefit the tenantry? Still these are the concessions (!) which the hon. leader of the Opposition has labored nearly two hours to prove that the Government ought to have accepted. The delegates offered 15 years purchase under certain conditions, and yet we are censured for proposing these terms and not accepting 16 years purchase as suggested by his Grace the Duke of Newcastle. Another of the charges against the Government has been that of insincerity. On this point, I need only refer to our probable motives for pursuing the course which he has done. If I, Sir, am to retain the proud position which I hold as leader of the Government, and my friends are to continue to enjoy the sweets of office, would we not sincerely endeavor to carry out the wishes of the tenantry who are the great bulk of the people of this Island? What possible motive, then, could we have to act with insincerity? By such conduct we would gain no personal advantage on the one hand, and on the other would forfeit the support of the people as they cannot be thus deceived. We have heard it stated that the terms proposed by the delegates would be no boon to the tenantry. Let us see. On Sullivan's estate there were about £15,000 due before 1860; on the Messrs Cunard's estates in Prince County, over £20,000, and since 1860 more than £6,000 additional. But on Sir Samuel Cunard's property in King's County the average of old arrears I understand is 7s. an acre. Certainly it would be an advantage to the tenantry on these estates to have such heavy arrears remitted. I know some contend that it is no concession to obtain the remission of arrears as they can never be collected. I assure those who hold this opinion that they are laboring under a mistake. Many tenants who are in arrears own a horse, a cow, and a few articles, and if the back rents are not given up, I expect to hear of their effects being sold at the suit of the proprietors. And the tenantry would have to submit to it unless they are prepared to resist the majesty of the law. It is vain for them to hope to oppose the officers of justice. Her Majesty is bound to maintain the supremacy of the laws; this she solemnly swore to do on her coronation day, and she has not lost the power to carry it into execution. What would be the result were His Excellency the Lieut. Governor, in exercise of the authority with which he is vested, to send to Halifax or New Brunswick for troops in case of disturbance? Besides the trouble which might ensue, the expenses of the troops would require to be defrayed out of the revenue of the Colony. The hon. leader of the Opposition says he is not anxious to return to office, after so long enjoying relief from the care of carrying on a government. Neither am I anxious to retain my present position, nor even to remain in the Colony. I have frequently changed my place of residence on a few days' notice, and can do so again. I certainly would not remain in a country where blood was shed. We have been told of meetings held in the country, where resolutions were passed to refuse the payment of rent. In one of the weekly newspapers, there appeared about 6 weeks ago, a notice of some such meeting as described; but those who threatened to resist the majesty of British law, took good care not to sign their names to the document. I might follow the hon. leader of the Opposition, and refer to Quit Rents, and other old stories, as old, old, as the proceedings in the garden of Eden; but I will not take up the time of the Committee in discussing such

stale and unprofitable subjects. He has referred to a case in the United States, where a successful resistance was made to the payment of rent. I can also refer to another case in the same country where a similar resistance was made by tenants claiming their lands under the old rights of the patroons of Albany, State of New York—the militia were called out, and at the first order to fire 30 or 40 fell dead. That is what was gained there by resistance. In Canada also a similar resistance was made with like results. It has been asked whether the British Government would send troops here to enforce the payment of rent. In answer I would beg hon. members to take up the latest papers and read what has been done to maintain the supremacy of the laws in New Zealand, where the population is very little greater than our own. The hon. leader of the Opposition has stated that we refused the proprietors' bill. I may tell him that we did not refuse the proprietors' bill; we only said that we could not entertain it pending the decision respecting the Award of the royal Commissioners. I will not detain this Committee by taking up time in replying to the other remarks of the hon. member; their absurdity is so apparent that they do not require refutation.

Mr CONROY.—As hon members appear to be slow in rising to speak, I will avail myself of the present opportunity to say a few words. In reference to the remarks which have been made respecting the agitation in the Colony, I may state that there has been very little of the kind in our part of the country. My colleague and I, sometime before we left home, called a meeting of our constituents to ascertain their views on the present aspect of the Land Question, and they instructed us to vote both against the proposals of the Duke of Newcastle, and the propositions made by the proprietors. One gentleman, however, who is a conservative, arose near the close of the meeting and advocated the views of the people down in the direction of Murray Harbor. We told him if he was going to advise such proceedings, we would hunt him out of the country. I cannot vote for the paragraph under consideration, as I did not approve of the delegation. I think it was unfair for the Government to send home delegates without consulting this House, because I believe that the minority here represent the majority of the people. Nor do I approve of what the delegates did after they went to England, for if we are not going to get better terms than what they proposed, I for my part would prefer to continue paying rent. I agree it would be a benefit to have the arrears forgiven up to the present time, but cannot see what the tenantry would gain by paying 16 years purchase as proposed by the delegates. This land question is the leading feature in His Excellency's speech, and has been the main subject of discussion in this House for several years; but I must say the longer we legislate upon it, the more it widens. I cannot approve of the delegation, therefore I will support the amendment moved by the hon leader of the Opposition.

Hon Mr DAVIES.—Great objection is taken to the propositions of the delegates. They may not contain as favorable terms as the tenantry or this House could desire; but it appears to me that we have forgotten what was asked for in the original resolutions submitted by the present hon leader of the Government. At the time they were brought forward there was very little prospect for the tenantry. The Liberal Government had failed to carry the Loan Bill—which many believe was a very fortunate circumstance, and had given up all except the Purchase Bill, a measure of which I always approved, though it had not then accomplished much. No satisfactory settlement having been come to, the resolutions were introduced asking for a Commission to arrange for a remission of arrears of rent, and giving the tenant the option to purchase at a fixed rate. Now, I am of opinion that had we been offered, when these resolutions were submitted, such terms as were recently proposed, we would gladly have accepted them. The proceedings before the Commissioners' Court raised the expectations of the people, and hence many of them are now opposed to what would formerly have been considered a favorable offer. I am willing to support any measure which would hold out better terms than those proposed, provided there is a reasonable expectation that they

could be obtained; but I do not feel disposed to be carried away with any visionary scheme. As regards the proposal in the Duke of Newcastle's despatch of July last, it is not worth considering, inasmuch as he declared that the sales were not to be compulsory. If we wholly refuse the proprietor's offer, and the tenants resist the payment of rent, what then? But I need not refer to consequences which the hon. leader of the Government has so well described.

Hon Mr LONGWORTH.—Mr Chairman, this subject has been the chief one which has occupied the attention of this House for a number of years. So much so has this been the case, that we are disposed to ask, Shall the question ever have a termination? is there any scheme by which it may probably be set at rest? If it is necessary that some settlement should be arrived at, are we not called upon to suggest some plan on behalf of the sufferers? Schemes enough there have been, yet, hitherto they have not been quite successful. The hon leader of the Opposition had his pet scheme, but obstacles were thrown in the way at home, and it could not be carried through. Had it been sanctioned by Her Majesty, it might have had very injurious effects, though in introducing it, I believe the hon member's motives were good and sincere. If the Loan Bill had once become law, probably the proprietors would have combined and made their own terms. When the hon. leader of the Government introduced those resolutions which have been the basis of the action of our party ever since, he recommended that a part of the arrears of rent should be given up. This remission was provided for in the Award of the Commissioners, and would have become binding, had not the pressure at the Colonial office been such as to render our efforts ineffectual to obtain a confirmation of that Award. The Commissioners also decided that 20 years purchase was to be the maximum rate, and where the lands were not of this value, the price was to be settled by arbitration. On the alleged illegality of this provision, the Award was set aside. It is not my intention to follow the hon leader of the Opposition through his lengthy address, but I will refer to one or two of his charges against the Government. He says that we are insincere—that we went to the hustings promising if we were returned to carry out the Award, when we knew it was set aside. At the time the election took place, we had no means of ascertaining the certainty as to the fate of the Award, because we had no legal opinion on the subject. In this case was the course of the Government not reasonable when they went before the country, in stating that they would use their utmost exertions to carry out the Award? and did not the people believe that we were sincere? They know it was and is not our intention to sell the interests of the tenantry. What motive has the Government of the present day to advocate schemes advantageous to the proprietors? We receive no salaries for our time and trouble in conducting the government, and we need no better proof of our sincerity than that the proprietors themselves do not consider us their friends. The hon. leader of the Opposition has further accused us of offering the proprietors better terms, than they themselves asked, or what was proposed by His Grace the Duke of Newcastle. He advocated that we ought to have accepted the offer of the latter.

Hon Mr COLES.—The hon. member must have misunderstood me, for I did not advocate that course.

Hon Mr LONGWORTH.—I understood the hon. leader of the Opposition very well, and maintain that what I have stated was the tendency of his leading arguments. The reason why we did not accept the terms of the Colonial Minister was very well explained by the hon. leader of the Government. Our principal objection to them was that they were not intended to be compulsory, for without they could be made binding, we conceived no benefit could be derived from them. This being the state of matters, the question very naturally arose whether it would not be advisable to employ some other means, in the hope that the influence of the Home Government might be brought to bear upon the proprietors and some adjustment of the case be effected. As a settlement of the question depended mainly on the consent of the proprietors at home, was it not desirable that some concession on their part should be first sought? It was under this impression that the Government resolved to appoint a delegation. They had a right to adopt this course, they did it with the concurrence of the majority of this

House, and they did it with a good intention. Whether we have failed in our object or not, is a matter yet to be proved. I believe that the tenantry will, hereafter, reap the benefits of that delegation. An approval of this appointment is the principle contained in the paragraph before us; yet the hon leader of the Opposition has proposed an amendment to it which contains no principle at all. This is very unsatisfactory, because if our efforts have not been properly directed the exigency of the case demands that something better should have been proposed. He must have some scheme devised which he intends to carry out, were the reins of government again placed in his hands; but he has submitted nothing. To look at the merits of this question a little more closely, the great difficulty is to get clear of the engagement between landlord and tenant. This is one which it is almost impossible to remove, as an engagement cannot be broken without the consent of the parties. The point at which the Government have been aiming, has been the consent of the proprietors to some arrangement whereby the tenantry would be relieved from encumbrances, and be enabled to purchase their farms on reasonable terms. Some argue that if entirely satisfactory terms cannot now be obtained, let the tenantry continue for the present to pay rent, and hereafter we may gain something better. If the tenant is content to pay his £5 a year now, is there any reasonable probability of his obtaining more favorable terms, in the future? But the great advantage to be gained by an immediate arrangement, is the remission of arrears of rent. The Award provided that all arrears should be given up to 1858, and this the consenting proprietors have agreed to in the event of an arrangement being effected. As long as a lease remains in force it cannot be disturbed without the consent of the parties; hence the difficulty of legislating upon it. In regard, then, to a fixed-rate of purchase and the remission of arrears, is it not advisable for us to get the best terms we can from the proprietors rather than allow things to remain as they are? We have heard a great deal from the hon. leader of the Opposition about the quit rents not being given up, and also about the bugbear of escheat. These are matters of which I have been hearing since my infancy, and all the agitation on them has produced nothing. It is very well thought, for certain hon. members to keep them up as a phantom to deceive the people. The hon. leader of the Opposition referred to the opinion of Mr Thomson, the able Counsel for the tenantry, on these subjects. I think if he had asked for Mr Thomson's private opinion respecting them, he would have found it very different. It is all very well for the paid advocate of a cause to adhere to a certain line of argument. (Cheers.) This is his duty. But if his private opinion is solicited, it may be very different, for his professional reputation is staked upon it. (Continued cheers.) But I ask if that was the opinion of the other Counsel for the tenantry. I think he did not give his opinion on the matter at all.

Hon Mr HENSLEY.—By referring to the report of the Commission, I think you will find that I did take up the question.

Hon Mr LONGWORTH.—Then the hon. member did no more than his duty; but in this House since when he was acting quite freely he did not advocate that the quit rents could be recovered. I hope, therefore, that no hon. member will be so foolish as to be carried away by any such supposition, as that the quit rent or escheat question can be agitated with success.

Hon Mr LAIRD was at a loss to understand, if the titles of the proprietors were unquestionably good, how it was they had a clause inserted in their bill, to confirm them. If the titles were beyond dispute, what more on this point did the proprietors want? Perhaps some hon. member would be kind enough to explain.

Mr BRECKEN.—Mr Chairman, we have had a lengthy speech from the hon. leader of the Opposition, but I must say, Sir, that it was one of the feeblest efforts that I have ever heard from him. I agree with him in one remark, we have as good a Colonial Minister at present as probably we can expect to see in that office; and that he is one who has the interests of the tenantry at heart. Still the Duke of Newcastle does not hold out the slightest prospect that the proposals contained in his despatch of July last would be

carried out unless the proprietors were willing to accede to them. Is there any prospect, then, I would ask, of our being able to reduce his suggestion into a law without such consent. It is difficult to conceive what object his Grace had in penning such a despatch, for in one part of it he states he did not intend his scheme to be binding on the proprietors without their consent, and then he concludes by saying that he is informed that some of them at least are not satisfied with it. It appears to me that he only intended to state a price at which proprietors and tenants might or ought to agree to with respect to their lands. The hon. member states that 16 years purchase will be no boon, that there are many tenants too poor to avail themselves of such terms. I know there are many tenants too poor to buy at 10 or even 5 years purchase; but in dealing with the Land Question, we must assume that we are dealing with recognized legal rights, as we no doubt are, and for which position the tenantry, as I shall presently show, are much indebted to the leader of the Opposition. It is idle, therefore, to censure the Government for not being able to compel the landlords to part with their lands on terms to suit the means of the poorer classes of the tenantry. But let us look for a moment at the proposals of his Grace, which the hon. the leader of the Opposition has landed to the skies, and censures the Government for not taking as the basis of their scheme for enfranchising the tenantry. The hon. member contends that the terms suggested by his Grace, if acted on by the Government, would enable a large portion of the land-holders in this Island to acquire their freeholds at from 8 to 10 years purchase. This I contend is not a fair construction of the Despatch. The Duke's proposition is 8 years of the reserved rent plus the rent paid between 1850 and 1858, together with all arrears due from the latter period up to the date of purchase. Now, Sir, take the case of the tenant who has paid 4 years rent between 1850 and 1858 and none since, (and I have no doubt there are many in that state,) such tenant supposing he were to purchase this year would have to pay 18 years purchase, viz., 8 years reserved rent plus, 4 years rent paid between 50 and 58 with 6 years from 58 to 1864. Take another case where there has been 8 years rent paid between 50 and 58—and there are many such in this case—the rate of purchase would be 16 years together with all the rent from 58 to the date of purchase.

Hon. Mr COLES.—The delegates' proposal was the same.

Mr BRECKEN.—I contend it was not the same. A simple reference to that report will prove the contrary. The scheme proposed by the Government would enable the tenants, no matter what the accumulation of rent might be to acquire their freeholds at 16 years purchase. The hon. member anxious to show that the present Government had done everything to strengthen the proprietors' titles, dwelt for a long time on the stale questions of Escheat, the Quit Rents and Fishery Reserves, and maintained that the Liberal Government by keeping alive these questions had been enabled to purchase lands at a cheap rate. Now, Sir, I contend that no person in this Colony ever did more to confirm the proprietors' titles, than did the hon. the leader of the Opposition himself, when he took office under the terms dictated by the celebrated Despatch of Feb., 1851, upon which Responsible Government was conceded to this Colony, and which even went so far as to authorize the Lieut. Governor in case of any resistance to the payment of rents, to send to Halifax for troops to put down the agitation.

Hon. Mr COLES said he was not responsible for this Despatch.

Mr BRECKEN.—The hon. member, if he do not approve of its conditions, ought to have repudiated it at the time, and not have taken office under the terms it enjoined. Perhaps he has forgotten the precise language of that despatch. I will refresh his memory by reading an extract from it. It was addressed by Earl Grey to Sir Alexander Bannerman when appointed to the Government of this Colony, and is dated 12th February, 1851. Earl Grey says:—

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

"It appears to me of the highest importance, that some satisfactory arrangement of it should now take place, when the

inhabitants of the Island are soon about to exercise a still larger share of control over its public affairs, than they have hitherto enjoyed.

"2. I allude to the subject of the Landed Tenures. Without going into detail, it is sufficient for me here to remind you, that repeated applications have been made, at different times, to Her Majesty's Government, to consent to measures to deprive the Proprietors under the original grants of their Estates, on the ground of their having Escheated to the Crown by reason of the non-fulfilment of conditions. These applications have been resisted on grounds with which the correspondence between successive Secretaries of State and Lieutenant Governors of Prince Edward Island, especially since the year 1832, will render you sufficiently familiar. It is only my purpose now to state, that Her Majesty's Government feel themselves bound to adhere to the decisions so repeatedly adopted by my predecessors in this matter, and to state, that, both on the grounds of justice to the Landed Proprietors, and of the permanent interests of the community of Prince Edward Island, they regard such a measure as impracticable. Nor on the other hand, could they consent to entertain any measure, such as has occasionally been suggested, for buying up and extinguishing the rights of Proprietors, or any portion of them, at an expense to the Imperial Treasury.

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

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

After submitting to this despatch, Sir, and taking the reins of Government under it, the leader of the Opposition should never open his lips to accuse others of confirming proprietors' titles. He has, no doubt, referred to the question of Escheat very cautiously, but broadly insinuates that the Government would be inflicting an injury on the tenantry by countenancing any measure which would surrender the right of further agitating for Escheat and Quit Rents. Now, Sir, if the hon. member is really sincere in this, why did he not, when in power with a strong majority at his back, agitate these questions. No, Sir, he knew well that he had estopped himself from pursuing such a course; his desire was to discountenance all agitation on the subject, to frown down the very mention of it. Witness his treatment of old Mr Cooper's celebrated Escheat resolutions of 1855. By the policy which he followed when in power, he has set these questions at rest. If he did not wish to recognize the long previously expressed determination of the Imperial Government not to disturb the question of proprietary titles, he should not have been in such haste to obtain office; his course was to have contended for Responsible Government without being fettered with such terms as would compromise the tenants' rights, if he really thought they had any. He says this despatch was not made known until some few days after he had formed his Government; take it for granted that it was, although I am slow to believe that his pet constitutional Governor would have dared to have withheld such an important despatch on such a subject from the leader of his Government. When it did come to light, if he did not approve of it, he ought to have remonstrated; but he appears to have submitted quietly to its terms. The explanation is, the sweets and allurements of office were too powerful a temptation for him to overcome, and he quietly submitted to what is commonly known as the Bloody Despatch. It is very well for the hon. member, when in the ranks of the Opposition, to discourse about the rights and privileges of the tenantry, to dictate to the landlords as to the mode and manner in which they will perform their obligations—obligations, recollect, Sir, which the hon. member, when in power, recognized as legal

and binding, and if necessary to be enforced even at the point of the bayonet. Such were the views as expressed in a despatch written when he was at the head of the Government, and sent home with the Rent Roll Bill. We must recollect, in legislating on this subject, that our measures must be such as will meet with the approval of the Imperial Government. We know their determined opposition to anything like an encroachment on the rights of property. Perhaps I cannot give a more telling condemnation to such a course than by reading the following extract from Lord Palmerston's Speech, on a motion for a Royal Commission to enquire into and report upon the state of the agricultural classes of Ireland, and to suggest such improvement in the relations between landlord and tenant, as may seem necessary and expedient. On this, the noble Lord said:—

"Gentlemen talk in the easiest way possible, of the manner in which owners of land should be compelled to make such and such arrangements with their tenants, and should receive only such rent as other people adjudge them entitled to. I say these doctrines are communistic doctrines, totally at variance with the whole fabric of social organization, to which, in this country, we attach so much value, and upon which the interests and prosperity of our country depends."

*Hazard's Par. Debates, Vol. 171., page 1875.*

I believe the Government have been honest and sincere in their endeavors to settle this question for the benefit of the tenantry, and as the measure advocated by them is as advantageous for the tenantry as is likely to be obtained, I will give it my support.

Hon. Mr COLES replied by stating that this was the first time he had heard that a government was to be bound by a despatch. He contended that the present Government had repudiated despatches in toto; and said that he believed the despatch read by the hon. member had been written at the suggestion of some person in this Colony. He further maintained that the said despatch was only for the Lieutenant Governor's private instruction, and that it did not contain the conditions on which Responsible Government was granted to the Colony. These were contained in another despatch which he (Mr C.) read, and on which the Civil List Bill was based.

Mr BRECKEN was at a loss to understand, if the despatch in question was a private one, how it appeared in the Journals. He maintained that it was a part of the foundation of Responsible Government in this Colony, and to say it was not was a mere political quibble.

With remarks of this nature, the debate for the evening closed, progress was reported, and the House adjourned.

#### SATURDAY, March 19.

The report of the Committee on the subject of reporting the debates of the House was submitted by the chairman, Hon. Dr Kay, and referred to a Committee of the whole House. Mr F. W. Hughes' tender was the lowest, but the quality of the paper on which he proposed to print the debates was so inferior to that exhibited by Mr Geo. T. Hazard, that Hon. Col. Gray, Messrs. Davies, Brecken, Duncan, Longworth, M'Aulay, and Montgomery advocated the acceptance of the latter offer as being in reality the lower.

Hon. Mr Hensley's calculations of the relative charges of the two parties for printing and binding, showed him that Mr Hazard's tender was actually the lower in amount.

Hon. Mr Coles argued in favor of the adoption of Mr Hughes' tender, but Mr Hazard's was accepted without division, Hon. Col. Gray and others affirming the principle that it was not in all cases advisable that the lowest tender for work should be accepted, merely because it was the lowest, as parties frequently proposed at rates which were too low to compensate for the work to be performed, and afterwards asked compensation for their alleged losses. Bonds for the due performance of a public contract were of course necessary, but the public interest was better served by parties complying with the terms of

their contract thus obviating the necessity of the Government taking action on such securities.

The Committee on the Address was resumed.

Hon. Col. SECRETARY.—In the observations I am about to make, Mr Chairman, I shall confine myself to the question before the Committee, which is not the manner in which the delegates have executed the trust conferred upon them, but whether the Government was justified in sending any delegation at all. In order to arrive at a just conclusion on this point, it will be proper to consider the state of the Land Question at the time that the delegation was decided on. The Award of the Commissioners had been approved by 26 of the 30 members of this House. It must, therefore, be conceded that it was the duty of the Government to seek by all means in their power to obtain a confirmation of it. When the delegation was proposed, it is true, the Government was in possession of the opinion of the law-officers of the Crown that the Award of the Royal Commissioners was not sustainable at law; but this opinion, although (as I now believe) correct, appeared to be based on erroneous grounds. By reference to this opinion, it will be seen that the Crown law-officers, in reply to the question "whether the Award is, in itself, liable to any objection founded on any principle of law or equity," state as follows:—

"We do not think the term 'Award' applicable with any propriety to the Report of the Commissioners of inquiry appointed by Her Majesty's Commission of the 25th June, 1860, for there was no reference or submission properly so-called. The gentlemen who signed the letter to your Grace, dated the 18th February, 1860, having been incompetent to bind the general body of landlords in P. E. Island, and not having professed or attempted to do so; while on the other hand, it is clear that they did not propose or intend by that letter to bind themselves, individually, unless the general body of proprietors should be also bound."

It appears to me, Mr Chairman, that great stress was laid on this assumption, that the proprietors who signed the letter of the 13th February, 1860, did not intend to be bound thereby, unless certain other proprietors should also agree to be bound by it. It was known that the gentlemen who signed the letter referred to, did in fact propose to bind themselves by it, and they never urged this extraordinary plea as a reason against the adoption of the Award. The expression of an opinion, the author of which states that they "attached the greatest importance" to the manifestly erroneous assumption that the parties who signed the letter of the 13th February, 1860, did not intend to abide by it, would most certainly not have justified the Government in abandoning the Award. The Despatch which communicated this opinion of the Crown officers, enclosed a proposition from the Duke of Newcastle, for the settlement of the Land Question, in which His Grace reiterated his objections to any scheme of "compulsory arbitration," and urged the abandonment of the expectation of any Imperial guarantee, as "Her Majesty's Government could not propose any such measure to parliament," and put to the Colonial Government this question—"What equivalent should be given to the proprietors in return for the relinquishment of their admitted legal rights?" His Grace answered this question, himself, in the following words—"Plainly, by giving increased security to those rights which they retain"—meaning, not increased security as regards title, but with reference to the receipt of the rents—that the Government of the Colony should advance two-thirds of the value of the tenant's farm, according to what he styled a Government price, such price to be ascertained in the following manner:—He proposed that to one half of 16 years' purchase there should be added all rent paid by the tenant during the 8 years previous to 1858. The amount thus ascertained was to be regarded as the "Government price." This price was not, however, that on payment of which, together with all rent accruing since 1858; the

tenant would be entitled to demand from his landlord the fee simple of his farm. It was rather to be considered as the standard which was to regulate the amount to be advanced from the public funds to the landlord in the event of the latter consenting to sell to his tenant the fee simple of his farm. This scheme did not contemplate a general remission of arrears to 1858. The remission of such arrears is made applicable only to those tenants who should become freeholders. Such a scheme as that which I have detailed—a scheme which does not in any case render it compulsory on the landlord to accept its terms, and sell the freehold to the tenant who may be prepared and anxious to purchase the freehold of his farm—which does not contemplate a general remission of arrears of rent which accrued prior to 1858, and which establishes 16 years' purchase as the price to be paid by the tenant who had always paid his rent regularly, is not, in my opinion, worthy of serious consideration. The Government, regarding the proposed plan in the same light, in August last, convened a meeting of those members of this House, who are the supporters of their policy. After due consideration it was decided that a delegation should be sent to the Colonial Office to submit through the Secretary of State to the proprietors certain proposals, which would be accepted in substitution of the Award of the Land Commissioners. At that meeting, Sir, it was considered most desirable and important that the Legislature, at its next session, should receive the most correct and reliable information as to the nature and extent of the concessions which the proprietors would be willing to make to their tenants, and that the Government should meet the representations of the people with some matured and practicable measure for the settlement of this long vexed question. For those reasons, it was decided that a deputation should be sent to Downing Street, such a course being deemed the most efficacious and expeditious mode of acquiring the desired information. I assert, Mr Chairman, that had the propositions of the delegates found favor in the eyes of the proprietors, and been adopted by them, the tenantry would have received benefits far greater than would have been conferred on them by the adoption of the plan suggested by the Duke of Newcastle. By the plan submitted by the delegates, all arrears of rent prior to 1858 were required to be absolutely remitted to all tenants, whether they should purchase or not. All sums of money paid on account of rent, since that year, in excess of the current rent which accrued subsequently to that year, were to be placed to the credit of the tenant. Rents which had been increased, in consequence of outstanding arrears, were to be reduced to the original rates. The tenant who had paid his rents in full would have had the right to purchase his freehold at 15 years' purchase. Any tenant in arrear for rent, no matter what might be the amount, would have the right to purchase his freehold, at any time within 20 years, at 15 years' purchase and one year's back rent. I am well aware, Mr Chairman, that there are many tenants who are as well able to purchase their farms at 100 years' purchase as at 15, and the Government would gladly fix a rate much lower than the latter, but it was useless to attempt to do so. The assent of the proprietors was a condition precedent to the adoption of any measure on the subject, and as they would not agree, to dispose of their lands leased to the more affluent tenants, for less than 15 years' purchase, the concession of this privilege would be a great boon to very many of the tenantry. I do not know the views of any members on the other side on this subject, but I am aware that the hon. leader of the Opposition, some two years ago, expressed himself to the effect that the right to buy at 15 years' purchase would be a great boon to the tenants.

Hon Mr COLES.—Yes to those on Lot 34.

Hon COL. SECRETARY, the hon member may now say that he had reference merely to the tenants on that Lot, but when he gave utterance to his opinion on the occasion to which I refer, he did not limit the application

of his sentiments to the leaseholders of any particular Lot. In proof of this statement, I shall quote the hon gentleman's words as given in the Parliamentary Reporter for the year 1862 :—

"I think, if, through the operation of the Award, Land can be obtained at 15 years purchase, it will be a benefit, but if higher than this, I consider it will be better for the people to continue paying rent."

It has been argued that, according to the proposals of the delegates, a tenant would be required to pay 16 years purchase, and arrears of rent accruing since 1858. Such, sir, is not the case. The delegates proposed 15 years' with the addition of 1 year's rent in cases in which the tenant was in arrear, and part of their plan, and by no means, an unimportant part, was the privilege they sought to obtain for the tenant of availing himself of it at any time within twenty years. If the rate of purchase were now fixed at 5 years, together with arrears due from 1858, I am satisfied that there are hundreds of tenants who would receive no benefit from such terms. I conceive that any scheme, having for its foundation the payment of arrears in addition to a fixed rate of purchase must, in as far as the majority of tenants are concerned, prove imperative. We all know that many tenants will fall into arrear, and I claim for the scheme submitted by the delegates, that it contained a plan for the amelioration of their condition, by relieving them from their embarrassments. We have, Mr Chairman, once more, a revival of the old story of the quit rents. I have been charged with influencing the decision of the Royal Commissioners on this point. Those gentlemen declared that all arrears of those rents had been remitted. It is true, sir, that I laid before them copies of the despatches referring to the subject. If I thought that these arrears were due, I maintain that any attempt at their collection would involve the ruin of the tenant farmers and small freeholders, who would have to pay the greater portion of them, but I contend and am prepared to prove, as I have done before, that they are not due. The hon. leader of the opposition, when in a majority in this House, and when he led the Government of the day, ridiculed his friend and supporter Mr Benjamin Davies, for moot- ing the question. His own Attorney General, the learned and hon member for East Point, (Hon Mr Hensley) well knew, and I feel assured from my knowledge of that gentleman's character that he will readily avow his opinion, that those arrears must be taken to have been remitted. It is, and has been, charged against the Government, that it is our intention to make good defective titles of proprietors. Mr Chairman, were I possessed of the eloquence of my learned and hon friend, the member for Charlottetown (Mr Brecken, I might say much on this part of the subject, but this I must say, that such an insinuation comes with a singularly bad grace from the hon leader of the opposition—that hon gentleman, by the introduction of the Land Purchase Bill in 1853 had given a "legislative admission" that the titles of the proprietors must be deemed to be good and valid. At the time when Responsible Government was about to be conceded to the Colony, it is but reasonable to suppose that the proprietors objected to it, on the ground that it would place in a majority of the House of Assembly the power of dealing with their estates in such a mode as they might see fit. We may readily suppose that their objections were answered by the Secretary of State to somewhat the following effect :—

"I will take care, gentlemen, that Responsible Government shall be granted to Prince Edward Island, solely on the express condition, that the Legislature shall not attempt to interfere with Proprietary titles. I will provide, that your rights to your estates shall be protected, if necessary, by a military force, for which purpose I will authorize the Lieutenant Governor who is just about taking his departure to assume the Government of the



Colony, to apply to the Commander-in-Chief at Halifax for troops to be sent for your protection," &c., &c.

On what assumption, other than this, can we account for that celebrated document, the despatch of Feb. 12, 1851, which has been known as the "Bloody Despatch." After expressing most emphatically the determination of the Imperial Government to maintain intact the rights of the proprietors to their estates, I find the following paragraph:

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

Yet, under this despatch, the hon. leader of the Opposition and his party took office!! The concession of the principle of Responsible Government and its acceptance by the Colony were made contingent upon the abandonment of all interference with the rights of the proprietors, the recognition by the Government of the validity of their titles, and the adoption of the services of an armed force to put down, if necessary, any resistance to the law enforcing those rights. The grants of compensation to retiring officers and the assumption of the future payment of the civil list, were assented to and made the law of the land, by the hon. member and his party under this despatch, and in return for this acknowledgement of the proprietary titles, he and his political friends received the reins of Government. That hon. member would fain ask the House to believe that he took office in ignorance of this most important despatch which was laid on the table of the House a few days after the formation of the Government of which he was leader! I have heard that discussions "neither few nor far between" took place among members of the liberal party in 1851, of which this despatch formed the subject. They did not exactly admire the terms on which power and place were offered to them, but they swallowed their dislike and grasped the sweets of office and faithfully did they fulfil their part of the contract, by strengthening the position of proprietors. When Mr B. Davies advocated Escheat in this House, he was put down by the leader of the Opposition in the most arbitrary manner, and so far was the Government of the day opposed to any action affecting the rights of the proprietors that poor old Mr Cooper was by way of punishment for his political sins, excluded from the customary hospitalities of Government House. In 1855, that gentleman was encouraged to advocate Escheat, or, at least, the establishment of a Court of Enquiry to ascertain the validity of the proprietary titles, by several members of the conservative party, who, knowing the nature of the terms upon which the hon. leader of the Opposition had been allowed to take office, wished to lead the Government into a specific declaration of their opinions and policy upon the Land Question, to induce the hon. member and his friends to denounce Escheat and all who advocated it. The stratagem was successful, the big fish of the opposition rose to the fly with avidity and never was the idea of Escheat scouted by any party in this Island as it was in 1855 by the hon. member (Hon. Mr. Coles) and his friends, not one of whom would for a moment admit that he had ever been an advocate for Escheat. The speech delivered by the hon. the present leader of the Opposition, on that occasion, was, in my opinion, highly creditable to him. The ruse practised at that time by the present Attorney General reminds me of a circumstance which occurred during the election for the County of Mayo, in Ireland, in the year 1857, at which Col. Ousely Higgins and a Mr Palmer were candidates. On that occasion, Sir Richard O'Donnell had recourse to the expedient of issuing a placard denying the authenticity of a sensational address which had been issued to

the people of Mayo, calling upon them to record their votes against Col. Higgins, which placard bore the names of the amiable John, Archbishop of Tuam and of three Bishops. Sir Richard denounced the Bishops' address as a forgery and as a weak invention of the enemy, alleging that they had not signed it. Three priests immediately rushed into print with a rejoinder in which they stated that they were in possession of the original address bearing the several autographs of the Archbishop and his suffragans. By these means, Sir Richard O'Donnell obtained the information he required, and to obtain which he had laid his trap. The following extracts from the speech of the hon. leader of the Opposition I quote from the Parliamentary Reporter for the session of 1855, and old and musty as they are, I think them worthy of citation, as showing the opinion of the hon. member who now finds it convenient to express his fears that the Government are about to confirm the titles of proprietors:

"The Government, from the Bills passed in this House on the subject of the Land Question, were bound to adopt, as a rule, the legislative admission that the question of Escheat was finally settled."

"I do think it would be an act of the grossest injustice to the present owners to deprive them of their properties at this day. The faith of the Home Government has been so repeatedly, and so explicitly pledged to the proprietors, that a deviation now from the spirit of its repeated declarations on this subject would render Great Britain a bye-word among nations. The effect of such a breach of faith would carry a reproach which would never be forgotten."

While on this branch of the subject, Mr Chairman, I may mention that the present Attorney General was treated with but scant courtesy by the hon. member, when he (Hon. Attorney General) spoke somewhat disparagingly of the weight due to a despatch from the Imperial Government. The hon. leader of the Opposition, in commenting on the remarks of the Attorney General, expressed an opinion on the subject of the force and authority of despatches in which I fully concur, and I have much pleasure in quoting his words as reported:—

"Although I think I have already adduced documents sufficient to shew the recorded declarations, *not of Colonial Secretaries individually, but of the British Government, not to grant Escheat.*"

"I do not know what better answer to the assertion of the hon. member, that we have only the opinion of individuals, who might be holding the seals of the Colonial Office at the time, to shew in opposition to his views, and that the British Government have not decided against the measure (Escheat) which is the subject of this evening's discussion."

The hon. member characterised the conduct of the Hon. Mr Palmer, in countenancing Mr Cooper in his endeavors to obtain a Court of Enquiry into the titles of proprietors, as being as disreputable as would be his association with a number of boys in an attempt to rob a hen-roost! In 1855, the hon. leader of the Opposition had a majority in this House, and in the Legislative Council, and Mr Cooper and his friends took nothing by their motion for a Court of Enquiry. The session, like all subliminary things, at length came to an end, and the Lieutenant Governor must be provided with a speech with which to prorogue the House. Thankful that he had got rid of attacks upon proprietors' titles, I can imagine the hon. member (Mr Coles) with his friend the hon. member for St. Peter's (Hon. Mr Whelan) at his elbow, concocting the thunder, which was intended to extinguish forever any questioning of the vested rights of the proprietors. The following extract from the speech delivered by Sir Dominic Daly at the close of the Session of 1855, will prove the nature of the opinions on this subject held and avowed at that time by the hon. member, and the Government of which he was the leader:—

"I cannot too emphatically express my approval of your proceedings in reference to the attempt that has been made

to throw doubt upon the validity of the titles to Landed Property in this Island, by endeavoring to establish a Court of Escheat, with the consequent revival of a mischievous agitation calculated to injure the honest and industrious tenantry."

This was in perfect consistency with the speeches delivered, and policy pursued by the hon. member and his party. They accepted office on the condition that they were to maintain the validity of the titles of the proprietors, and while they were in possession of the sweets of office, they did not shrink from a loyal adherence to the terms of the "Bloody Despatch." Fearing the effect upon the public mind, after agitation of the question of establishing a Court of Enquiry, the hon. member had recourse to the following extraordinary expedient for securing his retention of office. He resolved to provide himself with an armed force, by means of which he might be enabled to checkmate the advocates for a Court of Enquiry into the validity of the proprietors' titles. To effect this object, he introduced and carried through the Legislature the celebrated Bill for taxing the Rent Rolls of the proprietors, in order to defray the charge of the required force. With the view of deluding the tenantry of the Island, it was industriously promulgated that the Act would have the effect of diminishing the value of proprietary estates, and of inducing landlords to sell them in accordance with the provisions of the Land Purchase Act. At the same time, for the purpose of hoodwinking the proprietors and inducing them to consent to the measure, the real object of the Bill was communicated to the Colonial Office, by a despatch to the then Secretary of State for the Colonies, the present Earl Russel, of the date of the 19th May, 1855. In this despatch, the object of the Bill was announced to be, the furnishing the Government with a power to enforce the law, for the benefit of the proprietors, in fact, to carry out the principles of the "Bloody despatch," under which the hon. member and his associates took office. To prove that I am correct in my statement, I will read the following extract from the despatch to Earl Russel, to which I am referring:—

"It cannot be doubted that a general resistance to the payment of rents would follow from a continuance of the present powerless position of the Government, and that attempts to establish a Court of Escheat, and any other means to harass the proprietors, would be resorted to. It is from the anticipation of these evils that I feel impelled respectfully to urge the expediency of allowing this Bill to go into immediate operation."

To shew that not only was gross deception attempted to be practised upon the people of the Island, but also that Sir Dominic Daly and his Executive Council, at the head of which was the hon. leader of the Opposition, practised deception upon the Secretary of State for the Colonies, I will refer to the title of the Act itself, which is:—

"An Act to impose a Rate or Duty on the Rent Rolls of the proprietors of certain rented Township Lands in Prince Edward Island, in order to defray the expenses of any armed force which may be required on account of the withdrawal of the troops, and for the further encouragement of Education."

Now, Mr Chairman, I assert that when this Bill was so intitled, Sir Dominic Daly and the members of his Executive Council, foremost among whom was the hon. leader of the Opposition, were well aware that if the measure had become the law of the land, there would, after paying for the proposed armed force, be no surplus proceeds to be applied to "the further encouragement of Education."

Hon Mr COLES.—I rise to order. The statement of the hon. Col. Secretary is untrue—no one could know what amount would be realized from the tax to be imposed by the Bill which merely specifies that, if there should be a surplus, it was to be applied to the furtherance of Education.

Hon. Col. SECRETARY.—I have made the charge of deception advisedly, and I am well aware that if I should fail in proving my assertion, I should suffer in the estimation of the House, and not the hon leader of the Opposition against whom I have preferred the charge. He has stated that he did not know what amount the Act would produce. I will now show that he well knew that it would leave no surplus. It is well known to the House that the Bill was disallowed. Subsequently, Sir Dominic Daly, and his Government sent to the Colonial Minister, a despatch explanatory of the reasons for which the Bill was passed. This despatch is numbered "70," and dated Government House, P. E. Island, December 10, 1855; It is addressed to the Right Hon. Henry Labouchere. In it I find the following paragraph:—

"It is manifest that the Act (Rent Roll, Bill) would not produce more than a portion, probably not one half, of the cost of such a force as was required, but it would have enabled the local Government to appeal successfully to the Assembly for the deficiency."

I consider, sir, that this evidence fully bears out the charge of deception which I have made against the hon leader of the Opposition. Yet, notwithstanding all this devotion to proprietary interests, it is amusing, now, to read in newspapers under the control of the great liberals, articles in favor of Escheat.

Hon. Mr Coles.—The newspapers referred to do not advocate Escheat: there is a wide difference between Escheat and the testing of titles in themselves defective.

Hon Col. SECRETARY.—If the titles are to be declared good, such declaration would merely have reference to the titles, as between the Crown and the original grantees. The respective titles as between individuals are matters for the determination of the Supreme Court. On the subject of the intention of confirming the titles of proprietors, attributed to the present Government, that imputation comes with a bad grace from the hon leader of the Opposition, for no stronger confirmation do they need, than that which they have received in the legislative action of that hon member and his party, when they were in power.

Hon. Mr COLES.—I expected, Mr Chairman, to have heard something original from the Hon. Col. Secretary after his six months' residence in London. With reference to the Rent Roll Bill, it is the first time that I have heard that the late Government is censurable for desiring to maintain the laws of the land.

Hon. Col. SECRETARY.—I do not censure the hon. leader of the Opposition, for maintaining the laws, but for inconsistency between his conduct when in office and in opposition.

Hon. Mr COLES.—There is a wide difference between Escheat and confirmation by statute of the proprietary titles; while some proprietors' titles are bad, is the Legislature to interpose to make them good? From my first entrance into public life, I have always opposed Escheat, and have told the tenantry that other plans could be devised for their relief. With that object the late Government carried the Land Purchase Bill. We were told by the Government that the Commission would obtain for the tenants better terms than they could expect under that Bill, but the Government shortly afterwards purchased estates under it, and I voted against their action, because, I thought it better to wait for the results of the famous Commission. If the Government party were honest in their opposition to the Land Purchase Bill against which, and the Loan Bill, they exerted their utmost energies, they ought to have resigned before making use of the measures of their opponents which they had denounced. The only benefit to the tenantry, which they have received from the present Government was under the Land Purchase Bill. The only advantage to the people of the Island arising from the Commission was received by the Lawyers who were employed before that tribunal, and sued the tenants for their arrears of rents more rigorously than before the agitation of the scheme of the Commission.

The time for adjournment having arrived, progress was here reported.

SATURDAY AFTERNOON, March 19.

The Committee on the address was resumed.

**Mr HOWAT.**—I feel it my duty, Mr Chairman, to offer a few remarks on the question before the Committee, and that question is simply the propriety of the Government sending the delegation to the Colonial Office. I, for one, think that it was quite right for them to do as they have done—as the Award had not been assented to, they would have either to abandon it or follow it up with such action as would be likely to lead to a satisfactory settlement of the Land Question. For this reason, I think the Government acted wisely in sending the delegation; in fact, that that was their only course. I believe that the Government did all in their power to effect a final arrangement on the best terms they could obtain, and from private conversations with some of the members of the Executive, and from their public declarations and actions, I have no doubt of their sincerity in the matter; and as I believe the delegates have acted with ability in the discharge of the duties devolved upon them, they should not, in my humble opinion, be blamed for a want of success. And this I believe to be the general opinion of the people of the Island. The hon. leader of the Opposition has endeavored to gull the people by asserting that the majority would enforce the fulfilment of the Award. That is such nonsense that the intelligent portion of the population would hoot the man who would give utterance to it. The people are well posted up on the subject, and they believe that a delegation was the proper means to adopt; and if the delegates have failed in effecting the objects of their mission, they have, at least, thrown light upon the subject. With these observations I shall conclude, merely observing that I am prepared to vote for the paragraph in the Address.

**Hon. Mr HENSLEY.**—I feel called upon, Mr Chairman, to express my views on the matter before the Committee, and in doing so, I shall endeavor to confine myself to the question, and refrain from following up the rambling and discursive range which the debate has taken. Several despatches have been referred to, and allusions to opinions theretofore maintained by different members, have been made the bases of charges of inconsistency. I do not think it necessary to go over such ground. The opinions of all men may, and do, change with the ever-varying circumstances in which they may be placed, or from honest convictions that views previously entertained with all sincerity, were founded on misconception or erroneous principles. I will cite the case of that eminent Statesman, the late Sir Robert Peel, who changed his opinions on the subject of the repeal of the Corn Laws and Free Trade, which measures he had used the influence of his high position to oppose in Parliament; but afterwards although he had a perfect consciousness that his advocacy of them would alienate his protectionist supporters, and compel the resignation of his Government, so strong were his convictions on the subject, that he declared his abandonment of his former views, and enforcing his newly adopted opinions in avowed acknowledgment that they had become a necessity of the times, strenuously asserted the principles of free trade. Such conduct, based on such principles, has, I may almost say, consecrated his memory as a wise and patriotic Statesman. The amendment of the hon. leader of the Opposition has been found fault with, but from the mode in which the paragraph, in substitution of which it has been moved, is framed, it is necessary that some amendment or other should be adopted. The amendment before the Committee merely acknowledges the paragraph in the Speech to which it refers, and expresses the readiness of the House to consider the subject when legitimately before us for discussion. As the paragraph in the Address at present stands, I cannot see how hon. members can support it without committing themselves also to an expression of approval of the policy of sending home the delegation; and not only that, but it also involves an approval of their proceedings—and of the proposition for a settlement of the Land Question which they carried with them. There may be, and I know there are, conscientious differences of opinion on both those subjects, and I see no reason why hon. members may not, on either side of the House, differ in opinion without subjecting themselves to obliquity and the imputation of improper motives. The real question raised, in my judgment, is whether the scheme of the delegation was the best one that could be adopted, with a view to a practicable and beneficial settlement of the relations between landlord and tenant in this Island. The objection to the plan of the Duke of Newcastle, preferred by the Government and its supporters, is that it contained no provision, making its adoption compulsory. The Speech of his Excellency refers to the same matter of objection, as having rendered the delegation necessary.

The fair inference from this would seem to be, that the proposition of the delegates must have embodied the principle of compulsion, yet both the hon. member for Charlottetown, Mr Brecken and the hon. member, Mr Longworth, have expressly asserted that no terms based on the idea of compulsion could be proposed—that all action must be founded on the mutual consent of the parties whose interests were involved in a settlement of the question. Then, Sir, it follows that the acceptance of the proposals of the delegates by the proprietors was to be just as free from compulsion as the scheme suggested by the Duke of Newcastle. In further support of this view of the case, I find in the letter written by the delegates to the Duke of Newcastle:—

“The undersigned, &c., submit the following propositions, expressive of certain concessions and privileges which if granted by the proprietors of land, &c., would be accepted by the Government of that Island as a settlement of the Land Question.”

Here is no compulsion, on the contrary, the granting of the concessions by the proprietors, is expressly alluded to. Again in the same letter occurs the following:—

“The settlement of the Land Question, which would be the result of the acceptance by the proprietors of the foregoing propositions—the statutory confirmation of proprietary titles, &c., would necessarily have the effect of increasing the value of the proprietary estates.”

Where is the compulsion? here, it expressly recognizes the necessity of the propositions being accepted by the proprietors before going into effect. Again, at the close of the same letter, the delegates say:—

“Should the proprietors refuse these reasonable concessions now required at their hands, the undersigned fear that dissatisfaction among the tenantry will become general.”

There is here no declaration of a determination to pass a Compulsory Act. The delegates merely submit their project as one, in their opinion, likely to lead to a beneficial settlement, but only if granted or accepted by the proprietors. Again, Mr Pope in his letter to the Duke of Newcastle of the 18th December, 1863, writes as follows:—

“I beg respectfully to request that your Grace will be pleased to call the attention of Sir Samuel Cunard to the 3d proposition of the delegates, and request that he will inform your Grace whether that or any similar proposition will be AGREED to by him or by the large proprietors resident in this country.”

This also shows that nothing compulsory was intended or proposed by the delegates. It is open, therefore, to compare the two propositions, and to prefer either to the other. In my own opinion, the proposition of the Colonial Minister was the best of the two, although that also was susceptible of considerable improvement. The Commissioners found difficulty in adopting a general rate of valuation, on account of the differences in the qualities of soil, and situations of different farms. To obviate this difficulty, they recommended the system of arbitration. But the Award having been set aside, the whole question has been opened up, and our efforts should be directed to the devising of a measure, as far as possible, applicable to all cases. The despatch accompanying the Duke's plan, whether it was the work of a subordinate office in the Colonial Office, or written by the head of that department, evidently indicates careful consideration of the subject. It lays down, as the test of value, the amount of the rent paid by each tenant in the 8 years preceding 1858, fixing 8 years purchase as the basis of all purchases, liable to be increased up to 16 years' purchase in those cases where the rent had been fully paid up between 1850 and 1858. Thus the tenant who had paid half his rent, (4 years) between 1850 and '58, would be entitled to buy at 12 years' purchase; he who had paid 5 years, at 13 years' purchase. This scale was fixed, evidently, on the supposition that, where the soil and position of the farms was good, the tenant had paid his rent, and would therefore be able to buy at the higher rate; whilst those who were deeply in arrear, and had not paid their rent, had been unable to do so on account of the inferior soil and position of their farms; and, consequently, that they would only be able to buy at the lower rate, and this mode of calculation seemed to be a very sensible one, and had the advantage of a fixed basis for calculation, the result of bygone years, which can be ascertained, but not changed, and in which requisite the delegates' proposition was deficient. The Hon. Member for Charlottetown, Mr Brecken, has drawn some comparisons between the workings of the Duke's scheme and that of the delegates, with the view of proving that the latter was the most favorable. He supposed the case of a tenant who had

paid 4 years' rent, between '50 and '55, and none since, and then laid down the proposition that under the Duke's scheme, this man would have to pay 15 years' purchase. Now, this is a very extreme proposition. We must suppose that the same man who paid half his rent between 1850 and 1858, has also paid half since; and if so, he will have to pay only 15 years' purchase under the Duke's scheme, and years' purchase under that of delegates.

**Mr BRECKEN.**—I rise to explain. The hon. member has misunderstood my meaning. I argued to this effect,—that according to the Colonial Minister's scheme, the tenant who had only paid 4 years' rent between 1850 and 1858 would be required to purchase at 18 years' purchase, viz., 8 years' of the reserved rent, plus the 4 years' rent paid between 1850 and 1858, together with the 6 years' rent, accrued since 1858, and in cases in which the time of purchase might be delayed, all arrears up to the time of the purchase would have to be paid, and it might happen that, in many instances, the tenant might be required to pay 20 years' purchase or more.

**Hon. Mr HENSLEY.**—That calculation is based upon the supposition that the rents subsequent to 1858 have not been collected. The plan proposed by the delegates was defective, inasmuch as it had no fixed basis. The third paragraph proposes to remit all arrears of rent to the tenants who shall have paid their rents since 1858, and makes only the difference of one year's purchase in cases where the tenant might not have paid previously to that year. Now, the scheme of the Colonial Minister has the advantage of embodying a general plan applicable to the different classes of the tenantry, according to the positions in which they may stand to their landlords with reference to their rent accounts. The Duke's proposal should have been met and improved upon by suggestions embodying the principles contained in the recommendation of the Commissioners, as regards a full remission of arrears of rent. One reason, Mr Chairman, which weighs on my mind, when contrasting the two proposals, is that I do not think the Duke of Newcastle would have sent out his proposition had he not believed that it would have been ultimately assented to by the proprietors. For the reasons I have stated, Mr Chairman, I intend to record my vote for the amendment before the Committee. I see no necessity of going into the questions of Escheat and Quit Rents. As, however, I have been referred to in connection with the latter subject, I shall merely say, that however my opinions may differ from those of hon. members with whom I generally act, I have not heard to-day anything to induce me to change them. I have formerly expressed my opinion that the arrears of Quit Rents had been remitted, and I repeat it as my present belief, and as one point in addition to many others, I may mention that, while I recognize the rule, that an lapse of time bars the right of the Crown, as being strictly applicable to the colonies; yet we know that the principle has been so modified, that after the lapse of a period, which would bar the rights of individuals, juries have been directed to presume a grant from the Crown. With reference to the remarks of the hon. member, Mr Longworth, as to the position of lawyers arguing as advocates before the Commissioners, and as members of a deliberative assembly, I may say that in the first instance, it is the duty of an advocate to submit the strong points of his case in the most favorable point of view, for the judgment of those who are to decide on the relative merits of both sides; but in this House it is the duty of every member to give his individual judgment and opinion on the subject under consideration. The commissioners reported us their opinion that arrears of the Quit Rents had been remitted, and I always considered that the British Government had solemnly decided the question. I shall reserve any further observations on the subject of the proceedings of the Delegates until their reports shall be properly the topic of debate.

**Mr SINCLAIR.**—Mr Chairman: as I perceive the hon. leader of the Opposition has a large pile of material whereon to base a lengthy speech, in reply to the hon. the Col. Secretary, I think it will be as well for some of the less conspicuous members to fire off their small arms in the interval between the great guns. The Hon. Colonial Secretary has made a rambling and irrelevant speech; he has gone back to old dusty records for matter to found charges against the late Liberal Government which have nothing whatever to do with the subject before us; indeed I can only account for the irrelevant character of that hon. member's remarks on the supposition that, when in England, having had to rebut the assertions of Sir Samuel Cunard, he was forced to study

deeply the acts of the late Liberal Government that they left such an impression on his mind as could only be effaced by having them discussed over again in this House. Sir, I believe the question before us is the answer to his Excellency's speech, and, as usual, the most prominent topic in the speech is the Land Question. We are informed in it that the action of the Legislature in its last Session has proved a failure, that the policy of the Government since then has not succeeded, and it winds up with the hope that the Legislature will now be able to adopt some measure that will ameliorate the condition of the tenantry—meet the approval of Her Majesty's Government and the concurrence of the proprietors. Many plans have been adopted for the settlement of this question—first the escheat policy, which proved a failure; then the compromise policy, which was the policy of the late Liberal Government; their plan was to keep in obeysance the claims of the Crown against the proprietors while they provided for purchasing their lands at a fair rate, and thus give the proprietors (to use the Col. Minister's words) a chance to escape from their very invidious position. Next we have what I will term the supplicating policy; this is the policy initiated by the present Government, and I need not tell you, Sir, that it has been a signal and decided failure. Sir Samuel Cunard's letter to the delegates shows very conclusively what the people and the legislature may expect from the policy of begging, cap in hand, of the proprietors. The Government, by the preamble to a series of resolutions, admitted to the fullest extent, the legal and constitutional right of the proprietors to the lands of the colony; they repudiated the idea of the crown having any claims against the proprietors, and as far as resolutions could do it, confirmed the proprietors' titles; but the proprietors were not satisfied with a confirmation of titles by resolution, having now such a pliant Government they conceived the idea of having a statutory confirmation of their titles, and therefore objected to a commissioner to negotiate, whose report would not be binding, but proposed instead a commission whose decision must be binding on the tenantry, and the Legislature must be pledged to give effect to that decision by an Act of the Assembly. They no doubt fully expected that the decision would be everything they could desire, but lest it should be otherwise, they took very good care to leave a loophole of escape, which they have availed themselves of. The proprietors then, having managed to set aside the award, forward a draft of a Bill to be accepted in lieu of the award which the Government, I think, very justly, rejected. The Duke of Newcastle now takes up the matter, admits objections to the proprietors' Bill, and states that it is defective inasmuch as it requires the whole of the purchase money to be paid at one time, and lays down a general rate of purchase, without reference to the quality or position of the land, and, after giving the whole matter a great deal of study and consideration, he proposes a plan as a compromise between the tenant and proprietor, remedying as far as possible the objections to the proprietors' Bill and keeping as near as might be, to the award. As it was difficult to arrive at a valuation of the lands, the Col. Minister took as a criterion the ability of the tenants to pay their rents for the eight years previous to 1858; if they had not been able to pay, the natural conclusion was that the lands were of inferior quality or inferior as regards position, and therefore the proprietor was not entitled to the same rate as for his best lands; and thus, by his plan, if the tenant was in arrears the whole of the eight years previous to 1858, he would get his farm for half price, and if in arrears four years, he would be entitled to his farm for three-fourths the price of the fixed rate for the best lands. I am of opinion that the principle of the Duke's plan was sound and had it been taken up in the spirit in which it was proposed, and made the basis of future action, it would have had the support and influence of the Imperial Government, the proprietors would have had to submit to it, and beneficial effects would have followed from it. But the Government have cast it aside as unworthy of consideration, and without submitting it to the Legislature or the tenantry, they decide on sending delegates to England with a proposition altogether different, and not near as well calculated to benefit the tenantry, and for which they were unwilling to confirm by statute the proprietors' titles; and indeed, one of the propositions was of such a nature as subjected it to the charge of dishonesty. Sir Samuel Cunard

was afraid to answer it as he could scarcely help insulting the delegates; he declares it would be a premium on dishonesty, and indeed, I must say it had that tendency. It would hold out an inducement to the tenant, that if he could manage to evade the payment of his rent to any amount within the next twenty years, he could relieve himself of it by tendering to his landlord 16 years' purchase. But, Sir, this proposition would have another effect, and one most disastrous to the poor tenant. It would cause the proprietor to be more hard and exacting towards him, as the former would be in danger of losing altogether any rent he might allow to go in arrear, and, Sir, the delegates were not insensible to the effect it would have in this respect, for, in their advocacy of their proposition, they make the following statement to the Col. Minister:—

“The undersigned are well aware that the increased energy with which landlords would, in future, insist upon the payment of their rents would be complained of as one of the results of the adoption of the foregoing propositions, but they are prepared to meet this objection by showing that the benefits to the tenants generally would far exceed the evils which might result to the few. The allowing rent to accumulate, the undersigned believe, is, on the whole, no less injurious to the interest of the tenant than to that of the landlords.”

Thus they endeavor to make it appear that it will be a benefit to the tenant by giving him a chance to evade the payment of his rent, and also a benefit to the landlord by giving him an excuse to exact to the last farthing the rent from the poor tenant. Therefore, I consider the proposition absurd. Now, Sir, I want to shew by the delegates' own words that they, or at least one of them, repudiated and condemned the principles of their own proposition. The Hon. Col. Secretary, in his correspondence with the Duke of Newcastle, dated 18th December, 1863, in commenting upon the Draft Bill of Sir Samuel Cunard, writes as follows:—

“It now remains, my Lord Duke, to consider the Draft Bill submitted to your Grace by Sir Samuel Cunard. The main feature in any act intended as a settlement of the land question must necessarily be a rate at which every tenant shall have the right to convert his leasehold into freehold.

“In the Act submitted, the rate of purchase is fixed higher than in the Draft Bill previously furnished to your Grace by Sir Samuel Cunard, and although it is the same as is suggested in the plan of settlement laid down in your Grace's despatch of the 11th July last, the plan suggested in your Grace's despatch differs from that laid down in the Draft Bill of Sir Samuel Cunard, in this material point, that the latter does not make any distinction based upon the difference in the quality and value of the lands. I respectfully submit, my Lord Duke, that if the leasehold tenures of Prince Edward Island are ever to be converted into freeholds, this and will not be accomplished by any Act which fixes an uniform rate of purchase without recognizing the difference which exist in the quality and value of the lands.”

And yet, Mr Chairman, strange to say, the very proposition that gentleman was authorized to make did fix a uniform rate of purchase without recognizing any difference in the quality and value of the lands, that principle was repudiated by casting aside the Colonial Minister's suggestions. Hon. members take objection to the Duke's suggestions that there was nothing compulsory in them. I think the Hon. member from East Point, (Mr Hensley) has satisfactorily answered that objection. I need not further allude to it. I believe, Sir, the Delegation was unnecessary, as the Government refused a better proposal than the one the Delegates were authorized to offer. I believe the Government has injured the cause of the tenantry—they have taken the matter out of the Colonial Minister's hands, and are left to battle with the proprietors—they have put themselves in such a position that there is no feasible way left for them to do anything for the tenantry.

Hon. Mr WARBURTON.—Mr Chairman: this debate has embraced so many irrelevant topics that while I regret its rambling character, I feel that I must reply to some statements, which have fallen from the lips of hon members who have spoken on the Government side of the House. I have always been of opinion, that the Land Commission was a gigantic humbug, and, if I could characterise it in stronger

terms, I would do so. I expressed the same opinion last session. When the hon. leader of the Government talked of the necessity of upholding the supremacy of the law, I fully agreed with him, and the hon leader of the Opposition, when in power, endeavored to carry measures which would ensure that object, yet, when the tenantry are told by the Lieut. Governor, not to listen to agitators, but that his official advisers would soon have them comfortably established, and when their hopes had been excited by such statements, and when they now find their expectations disappointed, is it a matter of surprise that the people should manifest a spirit of resistance to the law? In my opinion the tenants deserve praise for the patience with which they have so long borne their burdens, and I, for one, hope and trust that they will never resist the laws. It would be far better for them to leave the country than to be subjected to the military rule shadowed forth in the speech of His Excellency. We all know that the British Government has power to put down all resistance to the law and I believe the Government intends to quell any opposition to the payment of rents at the point of the bayonet. With reference to the proposition of the delegates, I see nothing in it which is calculated to meet the approval of the tenants. The Duke of Newcastle's proposition is, I consider, far more favorable to the tenantry than that of the Government, although even that is not satisfactory. When the latter object to the scheme of the Secretary of State, that it is not compulsory, I ask them, is their plan compulsory? They should have called the House together before they decided on sending a delegation with special instructions, which it was intended should bind the tenantry. I assert that the majority in this House do not represent as large a number of the tenantry of the Island as the minority, besides which, they are not so generally acquainted with the circumstances of the people as others who have lived among them and have associated with them.—The hon leader of the Government may be anxious to alleviate the hardships of their condition, but I maintain that he is not, as well acquainted with their situation, as others. He has never gone into the forest, axe in hand to clear a farm, as I have done, and although it may do very well to attribute the poverty of the great bulk of them to a want of industry, I contend that, taken as a class, they are as industrious a people as are any where to be found. When a failure of crops occurs all their available means, in very many instances, are insufficient to maintain their families. How then can it be expected that they can pay for their farms? In their letter to the Colonial Minister of the 13th October, 1863, the delegates say:—

“The rate of purchase should, the undersigned suggest, be such as to present an inducement to the tenant to become a freeholder. The rate of interest received in Prince Edward Island for money, generally, materially exceeds six pounds per centum per annum; and if the value of the freehold be fixed at sixteen years' purchase, the number of purchasers will be far less than if the rate should be fixed at fifteen years' purchase. Many tenants it is assumed, would purchase their farms, if allowed the privilege to do, so at fifteen years' purchase, who, rather than buy at sixteen years' purchase would continue to pay rent, and invest their money in such a manner as to give them more than sufficient to discharge the claims of their landlord. The apparent loss which the landlords would sustain by selling at fifteen years' purchase, would, to a very great extent, be made up to them by reason of their being enabled to procure six pounds per centum per annum for their money, free from the risk and expence which necessarily attend the collection of rents. The undersigned deem it not improper to state, that the rate of interest charged by the Bank of Prince Edward Island, has not been less, for several years past, than seven pounds ten shillings per centum per annum; and also that the estates which have been purchased by the Government of the Colony, namely, the “Worrell Estate,” “Sir Hunt Johnston Welsh's Estate,” the “Selkirk Estate,” the “Sandfield Estate,” and portions of the “Montgomery Estates,” the whole comprising an area of upwards of one hundred and seventy thousand acres, together with all arrears of rent due thereon, have been acquired at a rate per acre less on the average than five years' purchase of the reserved rent.”

Now it is well known that the interest charged by the Bank of Prince Edward Island has long been 7½ per cent,

which, at 15 years' purchase, would be equal to a rent of £5 12s 6d per 100 acres, leased at a shilling an acre. When his members censure the late Government for having failed in settling this vexed question of the landed tenures of the Island, they should be reminded that it was principally through their opposition, and that of their party that some of the beneficial measures for the relief of the tenantry were frustrated at the Colonial Office. The petition and remonstrance against the Tenants' Compensation Bill was signed, among others of his party, by the Hon. Col. Secretary himself. The situation of Tenant farmers in England is widely different from what it is here. In that country the buildings are leased with the farm, and the official advertisements of the sales of land on the Selkirk Estate for arrears of instalments of purchase money, published by the Commissioners of public lands in the Royal Gazette afford sufficient proof that the majority of tenants are unable to pay 10 years' purchase, and if the Secretary of State had been aware of the actual condition of the tenantry, he would have known that as a general rate 15 years' purchase was altogether beyond the means of the people. I am a farmer myself, and have kept regular accounts of matters connected with my business, and last year, although I sowed no less than 30 bushels of wheat, I had to purchase flour for the use of my family. If this, then, is my experience who have no rent to pay, what must be the condition of the poorer class of settlers? I shall not detain the Committee longer than by saying I shall vote for the amendment.

Hon. Mr COLES.—Mr Chairman, before the adjournment, this morning, I listened to a long list of citations from old and musty records, by the Hon. Col. Secretary, and had barely commenced to reply to him when the House adjourned. I was disappointed at his remarks, for I had thought that we should have heard something original on the subject, after his long sojourn in London. I shall endeavor to be brief in my remarks before the Committee. As my hon. friend, who has just sat down, says, it will be unprofitable for the tenants to comply with the terms proposed by the delegates, for if the favored tenants on the Selkirk Estates, who obtained such liberal terms, are in arrears of instalments of their purchase money, how can it be expected that others so differently situated can pay the prices suggested? where would be the benefit of offering to a man the right to purchase at 15 or 16 years' reserved rent, who cannot buy at 7 or 8 years? In the *Gazette*, there are some 50 parties on the Selkirk Estate proclaimed for non-payment of their instalments. As to the other proposal of the delegates, that the tenant in arrear should have the right to purchase at 16 years'. I consider it a mere trap intended to conceal an object which they would not openly avow. Sir Samuel Cunard could not understand it, for last year he offered the tenants the right to buy out their freeholds at 15 years' purchase, with a remission of all arrears up to 1858. This offer the Government repudiated, and actually sent a delegation to offer that gentleman terms better for himself than those he had demanded. Annoyed at such conduct, he now claims 16 years' reserved rent, and the payment of all arrears. All arrears already secured, whether by bills, bonds, judgments, and all sums for which suits are now pending to remain valid against the tenants, whether for back rents due before or since 1858. I have reason to believe, Mr Chairman, that at the meeting of the supporters of the Government to which allusion has been made, the details of the scheme suggested by the delegates to the Colonial Minister were not submitted to them. The proprietors' influence in the Executive Council was so powerful that, I believe, it was not considered advisable to make known what the Government intended to do in the matter of the Land Question. I cannot congratulate the Delegates on the reception they met with while in England. These gentlemen, if we may judge from their correspondence, had no interview with the proprietors. They were not invited to dinner by any of them, nor were they introduced to the Queen. The result of their mission reminds me of a story which I read when a boy; the inhabitants of a certain village were afraid of two awful monsters, Gog and Magog, and it was resolved to send delegates either to conciliate or destroy them. The delegates selected went on their mission, but after a lapse of time, returned with the intelligence that they could not get at the giants. With reference to the allegations of the Hon. Colonial Secretary,

on the subject of the Rent Roll Bill, I may say that the Liberal Government thought it but right that the absentee proprietors should be taxed for the maintenance of an armed force to uphold the supremacy of the law, of which I and the government, of which I was the leader, were always advocates. It may be, now, necessary to provide means for maintaining the public peace, in consequence of the deception and oppression practised upon the people by the Government in reference to this subject. I have already said that no specific amount could be calculated on, as the surplus which might accrue from the tax imposed by the Rent Roll Act, which was intended to be a permanent law, and consequently, the proceeds might fairly be assumed to increase in lapse of time. It was not expected that the proposed force would cost very much more than the expense of their clothing. No surplus for the purposes of education was anticipated to arise from the first operation of the Bill, and when that Bill was disallowed, the force was at once disbanded. The Bill was disallowed through the exertions of the proprietors and their agents, whose remonstrance signed among others by the Hon. Colonial Secretary, states that no oppression was inflicted upon the tenantry. It is curious that, if such were the case, this House should have been called upon so lately as in the year 1858 to interfere on behalf of Neil Darrach, a tenant of a proprietor whose agent was, at the time, the Hon. Col. Secretary himself. With reference to the charge of deception on the subject of Education, I plainly stated in my place in the Assembly, that the proprietors should be taxed for the support of a military force; and in the debate on Escheat in 1855, I stated the aim and object of the policy of the Liberal Government to be pressure upon the proprietors to induce them to sell their township lands at a reasonable rate to the Government. I asserted, and still maintain, that the absentee proprietors, who take so much money from the Island, should be taxed for the public purposes of the Colony. As to my vote against the purchase of the Selkirk Estate by the Government, I have already stated that I acted on the opinion that the tenantry having been promised such great benefits from the anticipated commission, I thought it advisable to wait for their action before purchasing more land under the Land Purchase Act. But, Sir, while on this subject, I will read to the House the opinion entertained in 1858 of the settlers on that estate by a member of the present Government, the Hon. Mr Yeo, who then held a seat in this House:—

"Than the people resident upon Lot 61, a portion of the Selkirk Estate, a poorer set could scarcely be found any where. How could they rationally be expected to pay for their farms, when it was well known they could scarcely pay for any thing, not even for the most common necessaries? As for the people of Belfast, he certainly knew them and their condition more by repute than by any intercourse or dealings which he had had with them, but he believed they were as little able to pay for their farms as any class of tenantry on the Island; and if the Government should ultimately succeed in purchasing the Selkirk Estate, and in selling it to the tenantry, the purchase money, he ventured to predict, would never be paid, unless it were made good by means of taxation."

This was spoken at a time when the Liberals were endeavoring, by means of the Loan Bill, to purchase the proprietary estates. Yet the gentleman, whose words I have quoted, was a member of the Government, which purchased the very estate the tenants of which he characterized in such terms. And from the numbers lately proclaimed in the *Gazette*, as defaulters, it would seem that his opinion is likely to be proved correct. With reference to the arrears of Quit Rents, the opinions of Mr Thompson, when before the Commissioners, are so strongly expressed to the effect that they have not been remitted, that I will quote it, as shewing that my views have the support of that able lawyer. Mr Thompson said:—

"I maintain they are due, and I am sorry I have not time to go into statistical information on this point. Should your Excellencies decide upon allowing proprietors a sum for the lands which they claim, I hold that the amount of Quit Rents which are justly due by them should be deducted from that sum. Beyond the shadow of a doubt, I think such must be the result of your decision."

The Hon. Colonial Secretary has imputed to me that the opinions I express upon this subject are advocated merely with a view of obtaining the reins of Government; but, Sir, when I was at the head of the Government, in 1858, I openly avowed the same sentiments that I now hold. In the official report of a speech of my own, made in the Session of that year, I used the following language:—

“A despatch of Lord Goderich to Governor Young dated 27th Jan. 1838, says expressly that ‘the claim to Quit Rents will revive retrospectively and prospectively, at the termination of the existing agreement.’ (that is the agreement embodied in the Provincial Statute 11 Geo. 4, cap. 17.) The conditions established by that Despatch to enable the Proprietors to redeem the Quit Rents are these: ‘During the first two years, after the expiration of the five years, for which the claim to Quit Rents has been suspended, the Quit Rents shall be redeemable at fifteen years’ purchase; at all subsequent periods, they shall be redeemable at twenty years’ purchase.’ The Hon. gentleman further read from the Despatch, ‘Having established these conditions, I think that the punctual payment of all unredeemed Quit Rents ought to be rigorously exacted;’ ‘The common complaint respecting Prince Edward Island is, that the soil is owned by persons who are disposed to leave large tracts of land unimproved, in the expectation that the value of them will ultimately be raised by the exertions of those colonists who cultivate other and neighboring lands;’ ‘I must observe, that the land arising from the regular collection of Quit Rents will be appropriated solely to objects connected with the Colony. The support of the Civil Government will, probably, be the most proper service in aid of which to expend the fund.’ To that end, observed the Hon. gentleman the arrears of Quit Rents, and all future Quit Rents which should become due after the expiration of the present Land Assessment Act, would be appropriated, and to that end they were expressly resigned by Her Majesty to the Colony, in the Civil List Act. The late Mr George R. Young, whom, in the year 1838, the Proprietors employed as their Solicitor and Counsel, to advocate their wishes with respect to the payment of Quit Rents, urged upon the Home Government, at that time, in their behalf, that the payment of the Land Tax imposed upon them ought to be regarded as an equivalent for the Quit Rents in arrear, as well as accruing Quit Rents; but, in reply, he was told that the Lords Commissioners of Her Majesty’s Treasury were of quite a contrary opinion; and so his advocacy of the wishes of the Proprietors ended in a rejection of them and a denial of their justice so far as the arrears went: and as the propriety of that decision had never since been questioned, or any attempt made, on behalf of the Proprietors, to set it aside, the matter as between the Proprietors and the Government of this Colony at the present time stood exactly as it did at that time between them and the Crown; and they might rely upon it that at the expiration of the present Land Assessment Act, they would find themselves imperatively called upon to pay all their Quit Rent arrears: for by the Law the arrears, as well as the accruing rent, were recoverable at the day.”

And I maintain, that as the Land Assessment Act will expire this year, the time has arrived to enforce the collection of those arrears. We are now independent of the Home Government in a matter of this nature.

Hon. Col. SECRETARY.—There is nothing about arrears of Quit Rents in the Land Assessment Act.

Hon. Mr COLES.—The arrears, as well as all other Crown property in the Island, were surrendered to the Government of the Colony by the Civil List Bill. It has been said that the burden of the payment of those arrears would fall upon the tenant, but, if so, they would not be called upon to pay the rents due upon wilderness lands. There are many tenants who owe no rent to their landlords, and if as has been asserted, the proprietors should call upon them for the Quit Rents mentioned in their leases, I should be in favor of allowing them credit against their landlords for the amounts due, on purchase of the fee simple of their lands. And I would set off the arrears of Quit Rents against arrears of the reserved rent in cases in which the tenant has not paid his rents in full. The charges of inconsistency which have been made against me I disregard. I never advocated Eecheat; on the contrary I discountenanced it, and in my dealing with that subject I acted with more honesty than some who now hold high positions in the Government, and who excited Messrs Laird, Cooper, and McIntosh, then supporters of the

Government of the day to throw a firebrand into the camp of the liberal party. To prove this, it is but necessary to refer to the speeches of the present Attorney General, the president of the Legislative Council, the Hon F. Longworth and other members of the party. The terms offered by the Home Government, as the conditions on which the Quit Rents would be forgiven were that the proprietors who owed them should commute them at certain rates within particular periods of time, and it is quite clear that in offering those conditions, the Imperial Government considered that the rents were due, and, as the proprietors did not avail themselves of the privilege of commutation tendered to them, their liability still attaches. The proposition was based on the offer made to New Brunswick and expressly stated that the remission was to be on the same terms as those which had been offered to that Province.

Hon. Col. SECRETARY.—No one contends that the Quit Rents have been remitted. The right to collect them will revive when the present Land Assessment shall expire.

Hon. Mr COLES.—If then, no arrears are due, the Hon Col Secretary ought to give a written receipt in full, but I repeat that the arrears are due, in consequence of the proprietors not having accepted the terms of commutation within the time specified. Suppose, as an illustration of my argument, that a proprietor should say to his tenant, “you owe me 10 years’ rent, if you pay 5 years’ rent within a month I will forgive you the balance.” If the tenant failed to do so, could he claim the remission which his landlord had conditionally offered? When none of the proprietors accepted the terms of commutation, I maintain that the whole proposition fell to the ground. Had those rents been commuted, great benefits would have accrued to the Colony:—We all know that the enforcement of the collection of the Quit Rents some years ago entailed ruinous consequences on many of the poorer class of the tenants whose very mittens and poultry were, in some instances, seized and sold by bailiffs. The fact is that the proprietors got rid of the payment of the Quit Rents, on their proposal to give up one-fourth of their Township lands to the loyalists. After having obtained the benefit of their offer, they reclaimed their lands and employed the late Hon George R. Young to obtain an acknowledgment from the British Government that those arrears had been forgiven, but that gentleman’s exertions were unsuccessful, as the correspondence shows.—Mr E. B. Stewart did, I believe, offer to commute his Quit Rents if he got a discount for cash payment.

Hon. Col Secretary.—Who voted for the last Land Assessment Act?

Hon. Mr COLES.—I did, but we had not Responsible Government at that time. In the Civil List Bill, as I have said, all Crown rights are surrendered to the Colony. I have been taunted with having laughed at Mr B. Davies’ action on the subject of those rents. True it is, that I did laugh, but, sir, my laughter was excited by the air of astonishment with which the proprietary party and their friends in the House regarded that gentleman’s calculations of the amount due on account of those rents. So far was I from admitting that the arrears had been remitted, that I advised Mr Davies, to move an address to the Sovereign, praying for a statement of the amounts which had been paid. That address was sent home and the reply was that nothing had been received by the Imperial Government. The Land Commissioners did not trouble themselves about the Quit Rents, in consequence of the evidence brought before them by the Hon. Col. Secretary, for they said that they would not force money upon a people which was not asked for. I hope this question may be speedily and satisfactorily settled, and I would not object to the employment of Mr Thompson and a legal gentleman from Nova Scotia to argue the case before the proper tribunal. I would select Sir Samuel Cunard’s, as the case in which to test the general question.

Hon. Col. Secretary.—Would the Hon member like to have his property charged with Quit Rents?

Hon. Mr COLES.—I pay all the taxes assessed upon my property, and I would treat the proprietors as they

that their tenants. Let Sir Samuel Cunard produce his receipts for his payments of Quit Rents. I trust that no Government will ever be found, which will exonerate proprietors from their liabilities. If one Court gave a judgment to the effect that the arrears had been remitted, we could still appeal to England and the opinion of the Crown officers or the decision of the Imperial Courts would settle the question for ever. The Hon. Col Secretary, while on his delegation, addressed a rambling, disconnected letter to Sir Samuel Cunard, in which references were made to a variety of subjects. Among other matters he alluded to the Small Debt Act, and the Act to prevent the removal of property distrained upon to a distance exceeding five miles from the tenants' premises. Well, Sir, the liberal Government, found it but right to prevent the poor farmer being subjected to the unnecessary expenses caused by his cattle being removed to a long distance from his home, and to restrict the right to remove the fodder in the winter season, on which alone the cattle could exist. It had been the practice to sue for rent in the Small Debt Court, and seize cattle under the execution. Having already expressed my opinion at some length, I shall not occupy the time of the Committee any longer at this stage of the debate. I am perfectly willing to let the Government take the whole responsibility of their action on this question, and the amendment I have moved to the paragraph before the Committee merely expresses a disapproval of the delegation.

**Mr MONTGOMERY.**—I should be glad Mr Chairman, to believe that the large amount of arrears of Quit Rents could be realized by the Colony, but I am afraid that the time has gone by for claiming it. I am surprised, however, that the hon. leader of the Opposition did not attend to the collection of those arrears while he was in power. I have heard so much about the Bill sent out by Sir Samuel Cunard, that I really do not intend to discuss it. The plan of the Duke of Newcastle would confer certain benefits on the tenantry, but it had the defect of not being compulsory. I am prepared to vote for the original paragraph.

**Mr HASLAM.**—As Chairman of the Committee, which prepared the address, a paragraph of which we are discussing, I think it but right to assign the reasons which actuate me in giving my vote on this question. The paragraph under discussion refers merely to the fact of a delegation having been sent to the Colonial Office. I shall confine my remarks to the matter which is legitimately before the Committee, and not follow the rambling course which has been pursued by some hon. members—the proceedings of last Session on the subject of the land tenures in this Island. An address was voted, the object of which was to obtain an authoritative opinion as to the effect of the Award of the Royal Commissioners. In the course of the last summer, a despatch was received from the Secretary of State, enclosing the opinion of the Crown Officers in England, to the effect that the decision and report of the Commissioners was a nullity. The hon. leader of the Government very properly called a meeting of the members of the House who support his policy. At that meeting the question for consideration was, simply, what was the most expedient course for adoption under the circumstances in which we were placed? A delegation to the Colonial Office was decided on, and the published correspondence shows the propriety of that decision; as without it much time would have been uselessly consumed in communicating with the Colonial Office by Mail. I maintain that it was necessary to submit the whole matter fully to the Home Government, and the delegates being present could meet any statements made by proprietors without loss of time. I am decidedly of opinion that the Government, in sending the delegation, adopted the wisest course that was open to them. The style of argument pursued by the hon. member, the leader of the Opposition, reminds me of an anecdote which I have read, of a young clergyman of whose discourse it was said that, if his text had the small pox, his sermon

would not have caught it. (Laughter.) That hon. member has been reading a lot of old despatches on the subject of the Quit Rents, to show that the arrears are still due. But why, I ask, did he not annul the Land Assessment Act, when he was in power, instead of carrying the address to which he has alluded? Why, if he considered £140,000 obtainable, as arrears; did he omit to collect them? When the hon. member states that the right to buy their farms at 15 years' purchase, will be a boon to the tenantry, I should like to know the source of information on which he bases his opinion. His arguments are but the same now as they have been ever since the hon. leader of the Government undertook to endeavor to settle this question: when Mr Howe, one of the Commissioners, gave a synopsis of the report, it was received with disfavor by the Opposition organs. The *Examiner*, in commenting on it, represented that the total amount of the purchase of 100 acres of land would be £166. The exertions of the party excited so strong a feeling of dissatisfaction at the action of the Commissioners, that one of them, Mr Howe, was burnt in effigy at Fyfe's Ferry. I do not know the details of the Bill to be introduced, but I maintain that the right to buy at 15 years' purchase, with the remission of all arrears up to 1858, will be a great boon to large bodies of the tenantry. The hon. leader of the Opposition has admitted that large arrears were due up to 1858, and if they can be wiped off, it becomes the duty of the Government to relieve the people of the Colony of a heavy burden. It may be said that a large portion of those arrears may never be collected; but the very existence of those debts must exercise a depressing and prejudicial influence on the energies of those who owe them. The young men leave their aged fathers who have toiled during the prime and vigor of life in clearing the forest, and have a right to expect the assistance of their sons when they themselves are waxing old and feeble. They leave the places of their birth, because they see no prospect of ever holding the old homestead free of all the accumulated rents which have been accruing for years. There is no doubt that the more freeholders we have in the Island, the more wealth will there be;—when the Commissioners asked the reason of the superior appearance of some districts over others, the ready answer was given that the settlers were freeholders. It must be patent to every man who knows anything about the Island, that it will never progress as it should, until this Land Question be settled—while I think that the Government are doing their best to effect a settlement of the question, I shall not follow the example of the hon. leader of the Opposition, who, however, I am willing to admit, has taken several steps in the right direction. The Land Purchase Bill was a good measure, but the action of the late Government had entailed a heavy loss on the purchases of two estates; but the bargains made by the present Government were self-sustaining, and the Land Office, with reference to the lately acquired properties, is working very satisfactorily, and, in the interest of the tenantry, I hope that its operations may be extended.

**Mr BRECKEN.**—After the course pursued by the hon. leader of the Opposition in this debate, I hope, Mr Chairman, that members on this side of the House will not hereafter be twitted with making long speeches. I, Sir, never expected to have witnessed within these walls so deplorable an exhibition as that hon. member has made of himself in his endeavors to persuade the country that there are arrears of Quit Rents due to the Colony, and that their payment would be a boon to the tenantry. I have no hesitation, Sir, in expressing my belief, that in giving utterance to the sentiments he has avowed, he has spoken against his own moral convictions. He tells us that the arrears were only in abeyance—that they would revive at the expiration of the Land Assessment Act. If that is his opinion, I would ask him, why did he not enforce their collection during the 8 years of his possession of the Government? His own Attorney General, the ben-



member for the East Point, does not coincide in opinion with him, and I can tell him that he will never get a Lawyer, whose opinion is worth anything, to agree with him. The 26th Section of the Act 11 Victoria, cap. 7, is as follows:—

“And whereas this Act has been passed in the confident expectation that Her Majesty, taking into consideration the limited resources of this Colony, and the long-retarded state of the settlement and improvement of the principal lands therein, will be graciously pleased to forego Her Majesty's claim to the Quit Rents during the continuance of this Act: Be it therefore enacted that the operation of this Act shall be suspended, and it shall be of no force or effect until it shall be ascertained that Her Majesty shall have been pleased to relinquish all claim to the said Quit Rents during the continuance of this Act; provided always, that nothing in this Act contained shall have any force or effect till Her Majesty's pleasure therein shall be known.”

Now, Sir, if the arrears of Quit Rents are, as asserted by the hon. member, still due, what, I ask, is the meaning of the passage which I have just read to the Committee? We all know that the Land Commissioners decided that the arrears had been forgiven. Besides, Mr. Chairman, why, when the answer to the address, moved by Mr. B. Davies, on this subject, was received, did not the Government of the day, of which the hon. leader of the Opposition was the head, take further action on the subject? Again, Mr. Chairman, I state the collection of those rents would press heavily, and even ruinously, on the tenants whose leases contain covenants which bind them to the payment of all claims of the kind.

Hon. Mr. COLES.—I would ask the hon. member to tell the Committee how many writs have been issued from his office at the suits of proprietors?

Mr. BRECKEN.—The answer to that question, Mr. Chairman, is very simple. It is my duty to carry out the instructions of my clients, and right well the hon. member knows it. The talk of setting off the Quit Rents against the arrears of reserved rent, is so absurd that it scarcely deserves even a passing notice. The tenant covenants in his lease to pay both, and I care not who he may be, but the man who would seek to enforce the collection of Quit Rents, is an enemy to the tenantry. I wonder that the hon. leader of the Opposition is not ashamed to rise in his place and avow opinions which I cannot believe he conscientiously entertains. If the payment of those arrears could be, and were, enforced, almost every individual tenant and small freeholder would be liable to the impost, and the proprietors would be induced to apply the screw to their tenants. Much has been said on the subject of the Rent Roll Bill, but I have no hesitation in characterising that measure as the most short-sighted piece of legislation that ever legislature was called upon to pass. It proposed an Income Tax on the nominal amount of the Rent Rolls without reference to the sum actually received. One effect of such a Bill coming into operation, would be the encouragement to the landlords to collect all the rents from their tenants. Although that Bill was passed with a suspending clause, yet the hon. member did not wait for the Royal assent, but, in utter disregard of constitutional obligations, took the public money to purchase uniforms for the force contemplated by the Bill, which uniforms were, I am informed, this day sold at public auction for 4s. per suit. The course of that hon. member in dealing with the ramifications of the Land Question, has been so inconsistent that I cannot define his position. Yesterday he made it matter of charge against the Government that they would not investigate the titles of the proprietors, while in the same breath he pretends to hold them liable for Quit Rents, the liability to pay which can only attach to parties having valid claims to their lands from the Crown. If we are to believe the hon. member, he took the reins of office in ignorance of the existence of the so-called “Bloody Despatch.” Yet, Sir, notwithstanding the such assertion, I find on reference to the Journals of the Assembly for 1851, that 12 days after the establishment of Responsible Government, a member of the Assembly, a

supporter of the then Government, who afterwards received the appointment of Collector of Impost and Excise; the late Mr. Fraser, moved an address to the Lieutenant Governor, asking for a copy of that document. The prayer of this address was complied with, and yet the hon. member, who now denies that he knew of its existence at the time of his assumption of office, was content, as the Legislative history of the Island will show for all time, to retain power, and mould his policy in accordance with it for eight years.

MONDAY, MARCH 21.

The Committee on the address was resumed.

Hon. Mr. COLES.—Mr. Chairman, on Saturday, the hon. member for Charlottetown asked why the Liberal Government did not, when in power, repeal the Land Assessment Act, and enforce the collection of the Quit Rents. Had we done so, the probability is that the repealing act would have been disallowed at the Colonial office. It would most likely have met the fate of the Bill which was passed to make Sir Samuel Cunard pay £1000 as his assessment for the Western Road. But I repeat that there is no reason why the claim to them should not now revive. I do not think that the hon. member and the legal members of his party have examined the question in a professional point of view. I recollect the time when a gentleman in every respect competent to investigate and judge of the subject, the Hon. Col. Swabey, published a pamphlet shewing that my views as to the arrears were correct. All I wish now is that no decision of this House shall remit those arrears and the rights of the colony to the Fishery Reserves. Whatever difference of opinion may exist as to the true position of this matter, I hope no Government will deprive the people of the Island of the right to contest these questions. As to the so-called “Bloody Despatch,” it was not known to the Government of the day until about a fortnight after that Government had been formed. It was not even written until nearly a fortnight after the despatch No. 2., which conceded the principle of Responsible Government. With reference to the allusion which has been made to the provision of a military force, I hope that no Government will ever find itself powerless to enforce submission to the law. I may say, that the doctrine that a Government should resign office on a mere despatch, and allow the minority of the day to take their places, while the despatch might be toned down or withdrawn, is of so unconstitutional a character that the hon. member himself would not avow it.

Mr. CONROY.—I hope, Mr. Chairman, that the Government are preparing, or have matured some measure on the subject of the Land Question. When their plan shall be submitted to the House, it will be proper to discuss its merits or defects. I do not see the propriety or necessity of fighting old battles over again. I cannot foresee any advantage likely to arise from discussing, at this time, the comparative merits of the arguments of the hon. member Mr. Coles, or his opponent, on the subject of the Quit Rents, which has taken up so much of our time in this debate. We are supposed to be discussing the address in answer to His Excellency's Speech. In the debate of Saturday last, members on the Government side of the House advocated the rate of 16 years' purchase of the reserved rent, as the price at which a tenant should have the privilege of purchasing the freehold of his farm. I have therefore a right to presume that it is the intention of the Government to bring in a measure on that basis. Now I have no hesitation in saying that, as far as the great bulk of the tenantry are concerned, such a scheme will fail to confer any relief from the burdens under which they groan. In a few instances, I admit, parties may be satisfied to avail themselves of it, but the great majority of the people are unable to comply with such terms, and, moreover, they see no reason why they should be required to buy at a higher rate than the tenantry on the Selkirk

and other Estates purchased by the Government. As a tenant myself, I shall oppose such a Bill, considering that I have the right to purchase my farm at the same rate as any of my fellow-tenants. Why should the general body of the tax-payers in the Island, who have contributed to the purchase of the Selkirk, Worrell, and other Estates, have to pay more for their lands, than the settlers on these properties? My constituents, Mr Chairman, are among the best rent-paying tenants in the Island, and is it just that they should be taxed to pay, from their means, for farms which others who have the same facilities of acquiring property may desire to purchase? I listened with pleasure to the picture drawn by the hon. member, Mr Haslam, of the hardships endured by those tenants who have to reclaim the wilderness. But much as I respect that gentleman, and fully as I agree with his description of the sufferings necessarily to be endured by the poor struggler with the wilderness, in his efforts to provide a home for himself and family, I cannot believe that his observations are the result of his personal experience. I have known that gentleman from the time at which I first arrived in this Island. His father was well off; and the hon. member settled near him. His situation bears no resemblance to that of the tenant population of the Island. His property was freehold, and his condition on entrance upon it contrasts strongly with that of the tenants generally, whose circumstances are thus described by the Hon. Col. Secretary, in his letter to the Col. Minister, of the date of the 16th Dec., 1863. The quotation which I am about to read has been extracted from the report of Mr Wightman, the individual generally known as "the Spy:"

"The food of one person for a year, at the prices calculated, will hardly be less than four pounds; say two pounds for bread and potatoes, and two pounds for meat and fish; and taking the average family at six and a half persons, the amount will be twenty-seven pounds; to which add thirty bushels of oats for feeding a horse while at work, say thirty pounds in the whole, besides milk and vegetables in the summer. But considering the small quantity of fodder for seven months' feed of cattle, and the pooriness of the pastures in summer, the relief from milk cannot be very great. Taking the provisions of the family at twenty-seven pounds a year, it is only 10s. 4d. currency, or six shillings and eleven pence sterling, per week; there is no surplus for the payment of rent or purchase of foreign articles. But of four-sevenths of the tenants this is the maximum income; the average is only a about one-half of this sum. There is also another seventh, but slightly raised above this. Nor is this state of things occasioned, except partially, by the newness of the settlement, an examination of the tables shows that the new farms are not numerous, and that in the greater number of instances small crops are drawn from farms long settled upon.

"It may be surmised that these persons get a good deal of their living by fishing, but this can hardly be the case, as the greater part of the poor tenantry are in the interior of the townships out of reach of the fishery. As regards clothing, these people can make for themselves, if they had materials, but the source from which they are to be drawn is not obvious. By the tables of 1855, all the sheep in these townships averaged but eight to a family, and as the more wealthy have a larger share, the number owned by the poorer class can hardly be put at more than three or four to each family. How clothing and shoes are obtained by these people to meet the rigors of winter, is a question difficult to solve. It has been said that there is a great deal of suffering among them at times, and the statistics prove that it must be true."

If this be a correct statement of the condition of the tenant population, how, I ask, can it be expected that people in the situation thus described, will be able to pay 16 years' purchase for their farms? We all know that the young men of the Island are in the habit of leaving it to seek their living elsewhere—in countries where their exertions will be rewarded. While they have gone abroad to earn the means of living, their aged parents are left destitute of support. The fact which has been mentioned, of the numbers who are named in the *Gazette* as defaulters, and the small amounts for which they are deficient

in payment for their lands, show the utter impossibility of their paying for their farms, at a rate much lower than that proposed by the delegates. Why, Sir, a week's or month's wages in the United States would pay what they owe. The emigration to that country from Ireland is caused by a similar state of things. Parties will go where they can get remuneration for their labor, and it is a very common thing for the emigrants, in a short time after their arrival in the States, to remit funds to bring out their friends and connections. And, Mr Chairman, I ask, can the people of this Island be worse off anywhere than here? I cannot but express my sorrow that a member of this House, holding the high office of Colonial Secretary, could not in this debate, refrain from insulting my fellow-countrymen and their clergy by his allusion to Irish Bishops. Why are we not allowed to sit here without being insulted by leading members of the Government? I say, Sir, that the Colonial Secretary offered a gratuitous insult to the Catholics. The Irish, if they enlist in the contest now being waged in the States, are not insulted on account of their country or their creed, and are paid for their services, but in this Island they may starve. I am sorry that my feelings have compelled me to speak as I have done, but I could not remain silent under the unprovoked insults given by the Hon. Col. Secretary. Having had no faith in the delegation, nor the delegates, I shall vote for the amendment. While I agree with many of the arguments urged by the delegates in their published correspondence, I differ from their conclusions, and shall be prepared to record my vote against the Bill, which I presume they will introduce, as affording no amelioration of the condition of the people.

Hon. Mr LONGWORTH.—I do not intend, Mr Chairman, to detain the Committee for any length of time, but as the Hon. leader of the Opposition has spoken some seven or eight times, I think it but fair that some allowance should be made for members on this side of the House in expressing their views. The hon. member from Tiguish, Mr Conroy, has just said that, while he agrees with the arguments of the delegates, he differs from the conclusions at which they have arrived. That difference, in my opinion, involves the whole subject of discussion. As to that hon. member's remarks on what fell from the lips of the Hon. Col. Secretary, while I think them quite uncalled for, I deprecate all allusions of such character from whichever side of the House they may emanate. I am sorry that the hon. member should have manifested so much warmth, but knowing his temperament, I am not surprised at it. I feel, however, quite satisfied that in making the remarks which have induced that gentleman to express himself so strongly, the Hon. Col. Secretary had no intention of insulting him or any other member of this House. On the subject of the poverty of a large portion of the tenantry, I acknowledge with regret that the picture drawn is but too true; but the cause is to be found in the fact that parties entered upon their farms without means, and it is not reasonable to expect that they could become possessed of much unencumbered property in a few years. The long-continued agitation of the land question has done much, by diverting the attention of the people from their more immediate and pressing interests, to protract this state of things, and the question to which this House should devote its attention at the present day is simply, what is the best remedy which we can apply? The present Government has received the duty of settlement of this question, as an heritage from their predecessors who tried in vain to devise some practicable mode of adjustment. The advocacy of escheat was ineffectual; and the Loan Bill, of which so much has been said, was a failure. Had it gone into operation, the effect would have been, that the proprietors would have combined and demanded high prices for their lands. If £100,000 sterling had been borrowed under that Bill, it would have been ruinous to the Colony—for it is idle to say that it could be obtained in small sums, as estates might be purchased from time to time. The only way in

which the professed object of the Bill could be realized, would be by the sale of our debentures in the English market, as our Sister Colonies have done, in providing the means of constructing their railways. The hon. leader of the Opposition has charged the members and supporters of the Government with having attempted to dispassage the Land Purchase Bill. The imputation is unfounded. As one member of the Government, I admit that I did oppose the Loan Bill, and I have seen no reason to change my opinion. The Selkirk Estate was purchased under the provisions of the Land Purchase Bill, by the present Government. Had the resolutions, introduced by the hon. leader of the Government for the settlement of the Land Question, been adopted by the Imperial Government, great benefits would have accrued to the tenantry. But the principles on which they were based, not having been acted on, the terms of settlement which have been discussed in this debate, are, I consider, the best that we can adopt. The remission of arrears will, in itself, be a great boon to those who are oppressed with the incubus, relief from which I am sure they will duly appreciate. The hon. member, Mr Hensley, has objected to the proposals of the delegates that there is no difference in essential principle between them and the suggestions of the Colonial Minister—that nothing compulsory is contained in either of them. The delegation was necessary to ascertain the terms which would receive the sanction of the Imperial Government and the assent of the proprietors. We had no guarantee that any measure which we might pass would be sanctioned, and a reliance on "moral influence" would be no basis for us to rely on. In our position, legislation itself is liable to be frustrated, for we are dealing with the vested and acknowledged rights of others. I do not blame the hon member the leader of the Opposition for the course he has pursued in this debate, but I cannot see the advantage to be obtained by his recurrence to the oft discussed questions of the Quit Rents and Fishery Reserves. The only legitimate subject for discussion is the policy of appointing a delegation. Notwithstanding all that has been said on the policy of the Government, it is strange that not a single member of the Opposition has asserted that the scheme of the Duke of Newcastle was calculated to confer greater benefits than that of the delegates. It will, however, be time enough to discuss this matter when the report of the delegates is before us. The merits of Sir Samuel Cunard's Bill will come up for discussion at the same time. No necessity exists for the introduction of the case of Mr Darraoh which has been referred to by the hon. leader of the Opposition. I know that cases of peculiar hardship have arisen, but as the hon member, Mr Brecken, has stated we cannot legislate a poor man into a rich one. We are to act in such manner as we consider most conducive to the greatest benefits to the greatest number. In this spirit the resolutions of the hon. leader of the Government were introduced and passed. We propose nothing which will militate against subsequent legislation. If necessary to adopt the principles of the Rent Roll and Tenants' Compensation Bills, we can do so, although so extravagant in character were they, that I do not wonder that their fate was sealed. The late Government could scarcely have supposed that they would have received the Imperial sanction, when it was well known that a measure similar to the latter had failed in the House of Commons, though ably advocated by eminent men. I admit that if any arrears of Quit rents were due at the time of the cession of Responsible Government, they passed to the Local Government by the Civil List Bill. It has been strenuously argued that they were not remitted, but I shall content myself by stating that I differ *in toto* from that opinion without repeating the arguments which have been adduced on both sides. The argument, based upon the advocacy of Mr Thompson, of the non-remission of the arrears of Quit rents, cannot be admitted as having any force in this House. We sit here as members of a deliberative assembly, and the conclu-

sions to which, in our collective capacity, we may arrive are authoritative. Supposing, for the sake of argument, that these arrears have not been remitted, and that the idea of the hon. leader of the Opposition should receive a practical embodiment in a suit against Sir Samuel Cunard, would not he at once institute proceedings against his numerous tenantry for their proportions of the Quit Rents to the payment of which they are bound by the covenants in their leases? It may suit the purpose of that hon. member to say that the collection of those arrears would be exacted from wilderness lands only; but the liability would accrue generally, and thousands of the population might be ruined by the adoption of the policy suggested, and no action of any government could atone for the disastrous results. The numerous class of small freeholders and tenantry are, in respect of this question, to be ranked *pari passu*, as no distinction can be made between them. I admit with deep regret that the pictures drawn by the hon. members, Messrs. Conroy and Warburton, of the condition of the tenantry, are unfortunately too true, and it is the duty of this or any other government to apply the best practical remedy for the evils which we all acknowledge and deplore. One prominent cause of the unfortunate state of affairs to which I have alluded, is to be found in the futile and long-protracted agitation of the Land Question, which, by unsettling the minds of the tenantry, has tended to retard their material prosperity.

Hon. Col. SECRETARY.—I was not present when the hon. leader of the Opposition argued that arrears of Quit Rent are still due. But I am prepared to prove to the satisfaction of the honorable and learned member from East Point (Hon. Mr Hensley) that these arrears of Quit Rents are not due—that they have been fully given up. In 1790, the Quit Rents in arrear amounted to several thousand pounds. In 1802, large remissions were made; and in 1818, as will appear by a Proclamation of Lieut. Governor Smith, issued in that year and published in the Gazette, the Quit rents in arrear to 1816 were remitted—absolutely and unconditionally given up. Much distress was occasioned by the proceedings taken by Lieut. Governor Smith for the collection, from the inhabitants, of Quit Rents which accrued due from 1816. The proprietors had the privilege of paying in England, and thus escaped. In 1826, Lord Bathurst in a despatch to Lieut. Governor Ready, directed the collection of the Quit Rents from 1823, from which it may be inferred that the Crown remitted the arrears from 1816 to 1823. The order of Lord Bathurst for the collection of the Quit Rents from 1823 filled the people with alarm. And the Legislature petitioned the Colonial Minister, that the Quit Rents might be given up to the Island, alleging that there was not in the Colony sufficient money to pay the amount then in arrear. In 1833, Lord Goderich, in a despatch dated 27th January, remitted all arrears of Quit Rent to the expiration of the Act 11, Geo. IV. cap. 17, and offered to commute with proprietors for Quit Rents, which would revive, on expiration of that Act. The Act 11, Geo. IV. cap. 17, which suspended the Quit Rents, and subjected the lands to a tax in lieu thereof, has virtually been continued to this day. The despatch of Lord Goderich (27th Jan., 1833) was, in 1833, submitted to the Lords of the Treasury for their opinion, as to whether it remitted arrears or not. That opinion was given by Mr Spearman, who stated that "all Quit Rent in arrear at the period when the Provincial Act 11, Geo. IV. cap. 17, was confirmed, came into operation, must be considered to have been remitted by the authority of the despatch of 27th Jan'y, 1833."

Hon. Mr COLES explained that commutation was a condition precedent to the remission of the arrears.

Hon. Col. SECRETARY.—The despatch of 27th January, 1833, contained two distinct propositions, one, the remission of all arrears to a certain date, the other an offer of commutation for rent to accrue. The arrears were unconditionally given up. Nothing can be plainer than the words of Mr

Speaker's letter.—That all arrears must be considered to have been remitted." Having disposed of this subject, I may be permitted to mention that I have understood that during my absence the hon. member for Tignish (Mr Conroy) has expressed himself in rather strong language, having reference to an allusion made by me on a former occasion, to certain popish Bishops, and had accused me of speaking insultingly of those dignitaries, his especial pets. As I do not wish to attribute expressions to that hon. member which he did not use, I trust the hon. gentleman will repeat the observations to which I have just referred.

Mr CONROY.—In referring to what had been said about the Irish in the States being treated with obloquy and contempt, I asked what greater insults could they receive in that country than they were subjected to here, and said that the reference to the Bishops made by so high an officer of the Government as the Hon. Colonial Secretary, was a wanton and gratuitous insult.

Hon. Col. SECRETARY.—The hon. member belongs to the class of thin skinned papists—the slightest allusion to, or mention of, a popish Priest or Bishop sets him wild. When that hon. Member charged me with having "wantonly and gratuitously insulted" any Bishop or Ecclesiastic of his church, he stated what he knew to be untrue. I used no language insulting to the Bishops to whom I alluded. I instituted a comparison between the conduct of the present Attorney General in the Escheat Question in 1855, and the part played by Sir Richard O'Donnell at the Mayo Election in 1857, as detailed in the Parliamentary Report. Col. Higgins, one of the candidates, was violently opposed by John de Tuam, the Lion of St. Jarlath, and some four or five other rowdy successors of St. Peter, who put forth an inflammatory placard, bearing their names, and addressed to the "Men of Mayo," directing them how to vote, in order to prevent Col. Higgins from "sneaking in." Sir Richard O'Donnell wanted evidence of the genuineness of the placard, and he hit upon the following expedient to obtain it. He issued a counter-notice, warning the "Men of Mayo," against the placard, and intimated that the names of the Bishops attached to it had been forged. Immediately some four Priests rushed into print, and told the world that they had in their possession the original, with the autographs of the Bishops. This was all that Sir Richard wanted. So with the Attorney General, he advocated Escheat in order to draw out the opposition against it; and that he succeeded, the debates of 1855 fully prove. If the hon. member from Tignish wishes for my opinion of Popish Bishops, he shall have it. It is, that no Popish Bishop can be a loyal subject of Her Majesty Queen Victoria.

Hon. Col. GRAY.—I deprecate all such allusions to creed. Matters of doctrine can, with much more propriety, be discussed outside these walls. I am sorry that the hon. member from Tignish should have misunderstood the Hon. Col. Secretary who, in the allusion which evoked such strong expressions of feeling from that hon. member, had, I am confident, no intention of insulting him or wounding his feelings. I wish to say, in refutation of the assertion, that I was opposed to the Land Purchase Bill, that I always considered it a good measure; and on the hustings in 1859, I expressed myself to that effect, and said that I would aid in carrying out its principles—I have done so—as the House well knows. House adjourned till afternoon.

#### MONDAY AFTERNOON, March 11.

Hon. Mr COLES.—As the Quit Rents have been again referred to, it is as well that I should repeat my opinions on the question. I maintain that the arrears were due at the time of the passing of the Land Assessment Act, and that the collection of them was only suspended during the continuance of that Act. I am willing to assist the Government in adopting coercive measures to induce proprietors to accept reasonable terms for their lands. Repeated indulgences have been given to the proprietors in the matter of these Quit Rents, but they were all contingent upon their commencing them within certain specified periods. The principle on which the arrears were to be remitted was analogous to the case of a landlord offering to his tenant forgiveness of arrears, on condition of payment of a certain sum within a fixed time. If the latter should fail in performance of his obligation,

he could not reap the benefit of the offer. The hon. member, Mr Longworth, says that there is nothing due on account of Quit Rents, and that if they were due, the tenantry would be the sufferers from their collection. He must recollect that all arrears are now the property of the Government, and I ask what government could stand, if it sought to oppress the tenants? Credit for arrears of reserved rent could be given to the proprietor in settling his Quit Rents. As to the plan of the delegates, if the Government measure differs from Sir Samuel Cunard's Bill, it is evident that he will not assent to it, and the whole scheme will fall to the ground.

Mr BRECKEN.—I do not think it worth while, Mr Chairman, to argue the point as to the date from which the arrears of Quit Rents may be due, for I maintain that they were all remitted to the time of the passing of the Land Assessment Act. If they had not been remitted, it would have been the duty of the hon. leader of the Opposition, when in power, to have enforced their collection, but I think that the opinion of his own Atty General must satisfy that hon. member on this subject. The hon. member may affect to despise legal opinions; it is to be regretted that he should disregard information from whatever source it may come. But, Sir, we have the opinion of a gentleman, not a member of the profession, an enlightened, able, and distinguished Colonial statesman, the hon. Joseph Howe, to the effect that these arrears had all been remitted up to the time when the Land Assessment Act shall expire. The Hon. Mr Gray of New Brunswick, a highly talented lawyer, and Mr Ritchie of Halifax, than whom, no one stood higher in his profession, came to the same conclusion after a full and dispassionate view of all the facts of the case. As to what has been said about the collection of these rents, let me suppose the usual case of a township partially settled. The tax is to be levied on the whole township, and as the tenants are bound to pay their Quit Rents, where would be the benefit to them, of trying the question in the Supreme Court? On Saturday the hon. member seemed to argue as though he forgot that about one-third of the farmers in the Island were freeholders, and I should like to know what they would say to him, if, some morning, they unexpectedly found the sheriff at their doors, demanding many years' arrears of Quit Rent. The policy he recommended of coercing the proprietors would only have the effect of oppressing the tenants, but I consider that the former having received so many boons from the Imperial Government, should make liberal concessions to the latter. The hon. member asks what government could continue in office if it oppressed the tenantry?

Hon. Mr COLES.—Government could relieve freeholders as well as tenants.

Mr BRECKEN.—Does the hon member, after his experience of the Rent Roll Bill, expect that class legislation will be sanctioned? It is idle to try to parade such ideas for the purpose of making political capital.

Hon. Mr DAVIES.—Really, Mr Chairman, I cannot see the advantages of discussing this subject as we have been doing. I have listened to the same arguments over and over again for the last four or five Sessions. While I agree with my hon. colleague, Mr Brecken, that the arrears have been remitted, I cannot coincide with him in his eulogy of the Land Commission, as I do not consider their decision entitled to great respect. The proprietors objected strongly to the arbitration scheme, and I cannot but think that the Commissioners must have been perfectly conscious that they could not delegate their powers to others. Their award having been declared illegal, we have nothing left but to make the best terms we can for the people of the Island who I consider were not well treated by the Commission.

Hon. Mr THORNTON.—In 1859, Mr Chairman, I voted for the appointment of the Commission, in the hope that some benefits would accrue to the tenantry from its action, but now, 4 years afterwards, we find ourselves farther removed from a settlement of the Land Question than we were at that time. But few of the tenantry, (having been a land agent for years, I know the general state of them) can buy the freeholds of their farms at 15 years' purchase, and as there is nothing to compel a proprietor to sell to a good paying tenant, he will not be allowed to buy out, and the poor one is unable to do so. As to Sir Samuel Cunard's Bill, I do not consider it worth talking about, and the scheme of the delegates I regard in the same light. In Lots 63 and 64, very few are able to pay at the proposed rate, but a merchant with whom I had some conversation, assured me that several would make efforts to convert their leaseholders into

freeholds, at the rate of 10 years' purchase, if they could obtain such terms.

A Mr HOWLAN.—Mr Chairman, the question properly before us for discussion is our approval or disapproval of the conduct of the Government in sending home the delegation. In addressing the Committee, I do not intend to follow in the steps of others who have gone at length into all the phases of the long-agitated Land Question. The system pursued by the hon. leader of the Opposition when in power, had the effect of making a good many freeholders. However, Sir, the people, it appeared, disapproved of his policy, and put another party into power to settle it. As a Statesman, the hon. leader of the Government has, in my opinion, committed great impositions upon the people of the Colony, and I am not surprised at his opinions as to their credulity. From his comparatively wealthy position, it was assumed that he was above the influence of party feelings, and reliance was readily given to his promises of beneficially arranging the land tenures of the Island. He introduced the resolutions and Bill for the Commission, and, after the Award was pronounced null and void, he carried an address seeking for what was avowedly of no use. That hon. member declared that he would be prepared, on the occurrence of certain contingencies, to leave the country. Well, Sir, the country prospered years ago during his absence, and I suppose it could still exist were he to leave its shores once more. We have heard high eulogies of the legal gentlemen who sat on the Commission, especially from members of the same profession in this House. But, Sir, if they were such high authorities in the law, they must have known that they could not, as arbitrators, delegate their powers to others, and I must assume that the legal gentlemen opposite knew that the Award was a nullity at the time they prayed for its confirmation. I am willing to give the hon. leader of the Government credit for a sincere desire to have this question settled, but I believe that he has been humbugged by his conferees. It has been said that members of the Opposition do not know the circumstances and opinions of the tenantry. I differ from that assertion, for I think we are better informed on those points than hon. members on the Government side of the House. If a strong feeling is getting up in the Colony, let it be remembered that it is but the natural result of the disappointed hopes which the tenantry were induced by the Government to entertain. No member on this side has endeavored to excite resistance to the payment of rents. On the contrary, we find that the parties combining into tenant leagues are supporters of the present Government. With reference to the proposed rate of purchase, I will mention that, at a meeting in my district, the question was put to the people, and it was unanimously decided that they would not agree to 15 years' purchase, and sure I am that any representative of the people, if he expects re-election will hesitate before voting for such terms. It may be said that had tenants would not purchase at any price, but the meeting to which I refer was composed of, probably, the best paying tenants in the Island. On receipt of the despatch in July last, the Government convened a meeting of its supporters, at which it was resolved to send a delegation to invoke a greater lease than was proposed either by Sir Samuel Cunard's Bill or the suggestions of the Duke of Newcastle. They proposed to close the question by leaving the tenants to buy out their leasehold interests at 10 years' purchase. In making this offer, the delegates must have had the authority of the Government which sent them, and of which they were prominent members. And, Sir, anything more despotic than for a Government to grant the public money for such a purpose, without the sanction of the legislature, I cannot conceive. In 1860, the hon. leader of the Government said that his expectations had been more than realized. I do not know what he expected, but this I do know, that the hopes of the people have been excited by the opinions expressed by that hon. member, and now they are unanimous in the sentiment that the rate of purchase is altogether too high. In denouncing the principle of the Loan Bill, the hon. member, Mr Longworth, used arguments absurd and fallacious. He based his opposition to that measure on the assumed ground that the whole amount would have to be drawn at one time. A more fallacious train of reasoning I never heard. We have been told that we ought to introduce a measure to settle the Land Question. Why, Sir, before the last general election, at every stamp meeting, we were abused by the Government candidates

who claimed to themselves the credit of being the only parties who could effect a settlement of it, and the people were told that a beneficial arrangement was only attainable by their retention of power. It has been asserted that the proposed Bill will make many freeholders. This I deny, while I admit that, if it goes into operation, it may entrench some; but we are here to legislate for the many, not for the few. The man who reclaims his farm from the forest, and pays his rent and taxes, and raises his family by his hard labor, knows the value of his land better than others; and among that class there is but one opinion—that the rate proposed is entirely too high. I had hoped that this question would have been fairly adjusted, but the contemplated measure will place the tenants in a worse position than they would be in under the operation of the terms suggested by Colonial Minister.

Hon. Mr HENSLEY.—My position in this debate is certainly a peculiar one, for any views on the questions under discussion are not in accord, on every point, with either the one or the other side of the House. I may say fairly that on this occasion I have no close friends on either side, as I receive every now and then, from both sides, raps over the knuckles with undoubted impartiality. The members on the Government side of the House find fault with me for not supporting the Address, and at the same time my hon. friend, the leader of the Opposition, expresses dissatisfaction because I dissent from his views on the Quit Rent question. That hon. member has, I must admit, displayed such ingenuity in the speech on the subject which he has delivered, and has employed a great deal of research among Despatches, Journals, and other Records to fortify his position on the subject of the Quit Rents; but I remain unconvinced, and still differ with his views on the subject. He may be right, and I may be wrong; but having, after much and deliberate consideration, come to the conclusion that the arrears of Quit Rents were abandoned by the Crown, I feel it to be my duty to declare my opinion, lest I should, by silence, share in the responsibility of exciting expectations which are not likely to be realized. It is unnecessary again to refer to the correspondence which has been cited on this subject; but there is another element in the question which has not been much alluded to, yet, in my opinion, is entitled to considerable weight.—I mean the lapse of time since these rents became due. In ordinary cases, between private individuals, we all know that the Statutes of Limitations bar the claim of a creditor on parcel contracts after the lapse of six years, and on Specialties or Contracts under Seal, after 20 years. We have no positive local Statute contravening the old doctrine, that time does not run against the Crown, but practically it does not remain in force, because Judges direct Juries to presume a Release from the Crown after the lapse of the same period which would bar an individual claim; and this, in many cases where the length of time allowed to run (apart from any other circumstances) forms alone the ground for arriving at this conclusion. I supported last year the Address to the Imperial Government requesting a reference of the Award of the Commissioners to the decision of some legal tribunal, because it appeared to me that that course was desired by the country; and although my own opinion was adverse to the validity of that Award, I forbore expressing it in the Legislature, rather wishing that the question should be elsewhere settled on the decision of others whose opinions would be free from bias. The mode in which the paragraph in the Address now under consideration has been drawn, commits the House to a decided expression of approval, not only of the policy of the Government in despatching the Delegates to England, but of the proposals for a settlement of the Land Question submitted by those gentlemen on behalf of the Government. As I think no proposals should have been made without the assent of the Legislature; and as I altogether disapprove of the propositions made, I shall vote for the amendment submitted. I have no wish to charge any member of this House with insincerity on this matter, for I am quite aware that in attempting to settle this long-veiled Land Question, the Government have assumed a task of great difficulty and responsibility.

Hon. Mr KELLY.—I cannot, Mr. Chairman, endorse the doctrine that 15 years' purchase, or even 15 years, will be any boon or benefit at all to the tenants of this Island. In the District which I have the honor to represent, in which are over one thousand tenants, I am quite sure none of them believe it to be any boon to be allowed to purchase at the proposed rate. By calculation I find that for 100 acres, at the ordinary rent of £5 11s. 2d., per annum, 15 years' purchase would amount to £83

7s. 6d., and at 16 years £89 18s. 8d. Now, Sir, any person able to purchase his farm, and pay for it at that rate, could surely turn his money to better account by investing it in the Banks of Charlottetown, or elsewhere, at 7½ per cent., which is now readily obtained anywhere, and which would make him £6 5s. on the first amount, or £6 18s. on the latter, per annum. I would therefore like to know who would be the fool to force £89 18s. 8d. on a tyrant landlord, for such he surely would be who could expect more, when such tenant would be a clear gainer of at least 23s. 10d. annually, and have always the control of his money when so invested, no matter what government we may live under. On the other hand, the tenant who is unable to pay, and has to fall under heavy arrears, can never purchase his farm for 15 years purchase; and, therefore, if the proposal of the delegates was accepted to-morrow, which is evident never will be the case, can be only a delusion and a humbug, and is acceptable to no party.

Hon. Mr MAULAY.—I regret, Mr Chairman, that in debating on the paragraph under consideration of the Committee, so much time should have been wasted which might and ought to have been devoted to the interests of the country. This vexed question of the lands of the Island has been a fruitful source of annoyance and agitation, as far back as I can remember, from the time of my arrival in the Colony. A former member of this House, Mr Cooper, tried in vain to settle it. The hon. leader of the Opposition had his swing at it for 8 years, during which he was at the head of the Government. And now, because another Government cannot effect miracles, he is loud in denunciation of their policy. Why, Sir, which is the Government that has not, and would not, do all they could to settle this question? I am an independent member of this House, and as such, so far from blaming the present Government for their action in this matter I am, in justice, bound to give them credit for the honesty of their intentions, and the zeal of their efforts to dispose, at once, and forever, of this source of trouble and annoyance in a manner beneficial to the people of the Colony. If I should speak otherwise, I should be a traitor to my own conscience. Sundry members of the Opposition use arguments inconsistent and irreconcilable with the conclusions which they would fain draw. They have said that tenants would be liable to pay 20 or 25 years' purchase for their freeholds; and when I hear that, I ask are they such imbeciles as to seek to make us believe that the right to buy at 15 years' purchase, is no boon? As well might they seek to prove that twice 2 is not 4. The imputation of a want of integrity comes from a source whose own deficiency in that quality deprives it of all force.

Hon. Mr WHELAN.—In rising to address the Committee, Mr Chairman, I may say that I am not actuated by any feeling of vanity in making a speech or of having my remarks published to the world. Other channels for giving publicity to my sentiments are open to me, and my experience as a member of this House has satisfied me long since, that no powers which I possess will influence any hon member to change his predetermined vote. But on this occasion I may not sit silent in my chair or remain in the lobby, lest it should be supposed that this side of the House was deficient in ammunition wherewith to answer the the great gun of our opponents. Divesting my remarks of the irrelevances which have characterized the debate thus far, I shall endeavor to confine myself to the paragraph in the draft address which is the only subject properly before us for discussion. It will be time enough to consider the merits or demerits of the suggestions contained in the Duke of Newcastle's Despatch when that document shall come officially before us. But I cannot refrain from expressing my surprise at the disingenuous reasoning of members on the other side of the House, especially the hon leader of the Government, when, in reference to that despatch, he alleged as an objection to it, that it merely embodied suggestions, and that there was nothing in it of a compulsory character. Knowing the importance of particular emphasis in modifying meaning, I inferred that the intention of that hon member was to convey the idea that the despatch of the Colonial Minister should be regarded merely as the expression of that nobleman's individual sentiments. The people of the Island are well able to discern and appreciate the differences between the terms of settlement proposed by the Colonial Minister, the delegates and Sir Samuel Cunard respectively. Does the hon leader of the Government suppose for a moment that the Duke of Newcastle would have transmitted these suggestions, unless he had intended that they should be embodied in an Act of this Legislature? There is no use in multiplying words on

this point; the people understand the merits of the relative proposals and can and do fully comprehend that the proposals of the delegates and any bill based upon them contain nothing compulsory, and, in this respect, are liable to the same objection which has been urged against the plan of the Duke of Newcastle. A comparison of the different schemes will show that the Colonial Minister has proposed terms more favorable to the tenantry than those submitted by the delegates. While the latter and the proprietors, demand 15 years' purchase, and the Land Commission specified 20 years' the average, by the scale proposed by the Duke of Newcastle, would be about the rate of 10 years' purchase. Is that rate less favorable than their proposition? And, Sir, when members on this side of the House are twitted with a want of influence at the Colonial office, a monopoly of which, forsooth, the Government arrogate to themselves, I ask them if they entertain the idea that they can embody their views in a law which will be sanctioned against the wishes of Sir Samuel Cunard and the other proprietors? They cannot say that they expect any such result. As one member of this House, I have always regarded the Land Purchase Bill and the Loan Bill, as the best means whereby to effect a settlement of this question, and the Government in the purchase of the Selkirk and Stanfield estates, recognized the propriety and sound policy of an equitable basis of settlement. Every tenant in the Island should have the same privileges as those who have purchased their freeholds from Government. I cannot recognize the justice of one man getting his freehold at 6 or 7 years' purchase, while others should be required to pay 16. It is but natural to presume that the Government will introduce a Bill fixing the rate at 16 years' purchase. If they do, I ask what prospect of relief would a measure, framed on such basis, hold out to the tenantry? And when we listen to the vaunted benefits to arise from the remission of arrears up to 1858, we should bear in mind that all rents from that date to the time of purchase must be paid, together with the purchase money. Why, Sir, not one in ten could avail themselves of such terms. In support of this view, we have the testimony of the delegates and of the hon leader of the Government who stated the other evening that most of the tenants on large estates were indebted in heavy amounts, and the delegates adopting, the opinion of "the spy," say that 40 per cent, or nearly one half of the tenant population of the Island cannot feed themselves. If such be their condition, how can it be assumed that they can pay 7 years' arrears and 15 years' purchase of their reserved rents? Such terms would not be proposed by Government, if it were not intended to perpetuate the thralldom under which the tenantry have so long labored. All are aware that great excitement exists at present. Meetings have been convened in various parts of the Island at which resolutions not complimentary, and I presume, not very satisfactory, to the Government and the proprietary party, have been adopted. As to myself, I know not whether I am supposed to have had any part in getting up this agitation, but I can safely say that I have taken no part in it, nor have I attended a single meeting, but that such assemblages will continue to be held I have not the slightest doubt, knowing, as I do, the degree to which the hopes of the people have been excited by the professions of the Government and their supporters. The tenants were told at first that the Commission would give them free lands, when that bubble burst, the Government secured a renewed term of office by the promise that a legal tribunal would confirm the validity of the award. The hopes thus raised have been rudely blasted and, for myself, I can only say that my judgment was never influenced by the delusive policy pursued by the Government. As to this famous delegation, in what has it resulted? The hon Attorney General has been in England a month, the hon Col. Secretary has been enjoying himself at the Athenaeum for some six months, and although the Bill of expenses is not yet before us, we shall probably soon have a charge of £1000 on that account. It appears from the published correspondence that they had but one interview with the Duke of Newcastle, and that was a very brief one. The hon. leader of the Government has intimated the possible contingency of the intervention of an armed force, in the event of resistance to the collection of rents. I am not surprised at the excitement which has arisen from the disappointment of the hopes so sedulously encouraged, but I was not prepared to hear from the hon. member that the result of all his high statemanship would likely be the suspension of our constitution, and the introduction of a military force, to collect the proprietors' rents at the point of the bayonet. As to the so-called "Bloody Despatch," I can assert from my own knowledge that the Executive

Council, on assuming office in 1861, did not know of its existence; and if they had, it would not have influenced my judgment as one member of that body. While I would and always have, counselled obedience to the laws of the country, and while I should recommend all tenants to comply with the terms of their leases, as far as they can, I shall not dissuade them from holding public meetings for the discussion of their grievances, and protesting against the system which has entailed upon them the burdens under which they labor. This can be done within the limits of the constitution, and so long as those limits are not transgressed, no government has the right of threatening to stifle the free expression of the opinions held by free men, by the use of the bayonet. A similar course was pursued towards Ireland when her people complained of the grievances sustained at the hands of the British Government. Let it be remembered that, notwithstanding the existence of this bugbear. "The Bloody Despatch," which contemplated the necessity of military force to ensure obedience to the laws, during the 8 years' tenure of office by the liberal party, there was no attempt at resistance to the authorities and institutions of the country, and it has been reserved for the present Government to see their policy evensate in a threatened combination of their own supporters against the law of the land. Before resuming my seat, I must allude to the objection which hon. members on the Government side have preferred against the minority—that we have suggested nothing in substitution of the plan they propose. Sir, it is not our duty to do anything of the kind. They are in possession of the sweets of office and power, and they must discharge the duties of their position, and incur its responsibilities. In what other country has it ever happened that the administration of the day asked their parliamentary opponents to carry on the business of the country for them? Having recorded their opinions in disapproval of our policy as indicated in the Loan and Land Purchase Bills, it is not very probable that they would adopt our suggestions if we were simple enough to offer any.

Hon. Col. GRAY.—Four days ago, Mr Chairman, I addressed this Committee, and during all the time which has since elapsed I have listened in vain for a single argument put forth by hon. members of the opposition, which required a reply. So discursive has been the debate, that now, on the sixth day of the Session, we are raising in our discussion a superstructure as devoid of a substantial basis as a child's house of cards. Hon. members have discussed the different questions of the Quit Rents, Escheat, and Fishery Reserves, and I fully expected to have heard a resumé of the old subject, the Worrell Estate which has been paraded in this House for the last 6 or 7 years. I am happy that no special allusion has been made to it, as there will be a more appropriate occasion to discuss the affairs of that property when the House shall be called upon to provide £18,000, the balance of the purchase money. Amid the various opinions expressed on the policy of sending a delegation to the Colonial Office, one most important argument in justification of the course pursued by the Government has not been referred to. I allude to the difference of time necessarily arising between personal and written communications. Months must have elapsed in the dilatory process of official communication by despatches, and the necessity of obtaining, as speedily as possible, a solution of the still unsettled question of the land tenures rendered the policy of appointing delegates not only justifiable, but necessary. It was essential that Government should meet this House with all the information which it might be possible to obtain on the subject, and with measures matured on the basis of such information. I am satisfied that the delegates have discharged their duties with fidelity and ability, and in this connection I have to express my surprise that a member of this House, having had the extensive legislative experience of the hon. leader of the Opposition, should have submitted an amendment of the character of that which he has moved in substitution of the paragraph in the address. As to the arrears of Quit Rents which that hon. member alleges are still due, I have told the people that if such were the case, their collection would impose grievous burdens upon the tenantry, and I think it an unworthy waste of time to discuss the questions of Quit Rents, Escheat, and Fishery Reserves. I had hoped that the Report of the Commissioners had finally settled those matters even to the minds of those who might have entertained peculiar and extreme notions on the subject. Why, Sir, the attempt to revive these extinct claims at this day, would be about as reasonable as my seeking in Virginia the realization of a large and valuable property which was possessed by my family 100 years ago. With reference to the despatch of the 31st January,

1861, when the hon. leader of the Opposition tells us that he took office in ignorance of its existence, I am bound to give credence to his statement, but I cannot refrain from expressing my surprise at his continuing in the relation of confidential adviser to the Lieutenant Governor who withheld from him, as he alleges, and as I am bound to believe, all knowledge of the existence of such a document. For myself, I can truly say that I would not have continued to hold office for an hour in any government, the head of which should have so insulted me. The questions on the amendment was then taken when it was negatived on the following division: *Yeas*—Hons. Messrs. Coles, Whelan, Thornton, Hensley, Warburton; Messrs. Sinclair, Sutherland, Howlan, Walker, Conroy—10. *Nays*—Hons. Messrs. M'Auley, Davies, Kaye, Longworth, Col. Secretary, Col. Gray; Messrs. M'Lennan, Green, Howat, Yeo, Duncan, Ramsay, Montgomery, Haslam and Brecken—15. The original paragraph was then carried, the votes of the parties being reversed, and the Hon. Mr Kelly voting in the negative.

TUESDAY, March 22.

Committee on the Address resumed.

The 7th paragraph was read, whereupon Hon. Mr Coles moved the following amendment:—

"The Report of the Delegates, as well as the Despatch of the Duke of Newcastle, will receive our best consideration when submitted to us."

When the question was put, there appeared for the amendment: Hons. Messrs. Coles, Thornton, Kelly, Warburton; Messrs. Conroy, Sinclair, Sutherland—7.

Against it—Hons. Col. Gray, Col. Secretary, Longworth, Speaker, Kaye, Davies; Messrs. Haslam, Brecken, Green, Montgomery, Ramsay, M'Lennan—12.

The original paragraph was then agreed to, and the 8th being read—

Hon. Mr Coles said he could not for a moment agree to it. No good was to be derived from the mission of the Delegates. The Hon. Leader of the Government argued last night that they were sent to save time. He, (Mr C.) however, maintained that no advantage was gained in this respect. The Duke of Newcastle's despatch showed that he had turned his attention to the Address of the House in regard to the Award immediately on its receipt. He answered it on the 11th of July, and had the Government agreed to accept his Grace's proposal, they had only to forward a despatch to this effect, and surely they would have received a reply before the meeting of the Legislature. This course would have saved some £600 or £500 to the Colony, and would have satisfied the Colonial Minister much more than by appointing the delegation. As the matter now stood, the whole of this land question was at sea. The paragraph before the Committee says that "our best efforts will be directed to the maturing of such measures as will, in our opinion, conduce to the amelioration of the condition of the tenantry, and at the same time be calculated to receive the sanction of the Imperial Government, and the concurrence of the proprietors." Now, he (Mr C.) was at a loss to understand how this concurrence could be obtained to any measure except Sir Samuel Cunard's Bill. To submit anything else was only raising the expectations of the people to be disappointed. He could not pledge himself by agreeing to the paragraph, therefore, he would submit an amendment which embraced the sentiments of the minority of this House, but he believed also the views of a majority of the tenantry of this Island. The following was the amendment which he would beg leave to propose:—

"But the House of Assembly regrets that your Excellency's Government should have deemed it advisable to send Delegates to England with the view of effecting the settlement of so important a question, without being fully instructed by the House of Assembly as to the terms which should be proposed to the proprietors of land. The House humbly believing that in the absence of a direct appeal to the country, they alone should be allowed to

determine the basis of a compromise with the Land Proprietors on a question which so materially affects the welfare of the Island generally."

On the question being put, there appeared, For the amendment—Hons. Messrs. Coles, Whelan, Thornton, Kelly, Warburton; Messrs. Sutherland, Sinclair, Howlan, Croy—9

Against it—Hons. Col. Gray, Langworth, the Speaker, Davies, Laird, Kaye, McAulay, Col. Secretary, Messrs. Haslam, Brecken, Howat, Duncan, McLennan, Green, Montgomery, Ramsay—16

The 9th paragraph, namely, that relating to a communication received on a proposed union of the Provinces of Nova Scotia, New Brunswick, and Prince Edward Island, was then read. Hon. members generally seemed to entertain the opinion that it was premature to discuss this question, until they were made acquainted with the nature of the proposal. This paragraph, as well as the remaining paragraphs, were carried unanimously, and the whole Address reported, agreed to without an amendment.

The first to the fifth paragraphs, inclusive, being again severally read by the Clerk, were, on the question being separately put thereon by the Speaker, agreed to by the House.

The 6th, 7th and 8th paragraphs, inclusive, in the said reported Address, being again severally read, Hon. Mr. Coles moved to amend the said Address, by striking out the whole of the said paragraphs, and substituting those which he before submitted in Committee.

The House then divided on the motion of amendment.

Yeas—Hons. Messrs. Coles, Whelan, Thornton, Hasley, Warburton; Messrs. Sinclair, Sutherland, Howlan, Walker, Conroy—10.

Nays—Hons. Col. Gray, Colonial Secretary, Longworth, Kaye, Daviss, McAulay; Messrs. Brecken, Haslam, Montgomery, Ramsay, Duncan, Howat, Yeo, McLennan, Green—15.

The said paragraphs were then agreed to, as were also the residue of the paragraphs contained in the Address.

The Address was then ordered to be engrossed, and a Committee appointed to wait on His Excellency to know his pleasure, when he would receive the same.

The following petitions were then presented to the House by Mr. Brecken:—A petition of John M. Casham, and others, merchants of Charlottetown, praying for a reduction in the duty on crushed sugar; also a petition of Alexander McKeanie of Charlottetown, Confectioner, praying for a similar object; also a petition of Theophilus DesBrisay, and others of Charlottetown, Druggists, praying that the duty on patent medicines may be equalized with the duty on ordinary merchandize.

Adjourned for one hour.

TUESDAY AFTERNOON, March 22

At 4 o'clock the House waited on His Excellency with the address, and, on their return, the Speaker reported the reply.

Hon. Col. Gray, Messrs. Coles, Longworth, Hasley, and Messrs. Sinclair and McLennan were appointed a Committee to join a Committee of the Legislative Council to prepare an address of congratulation to Her Majesty on the occasion of the birth of the Son of the Prince of Wales.

Hon. Col. Gray, in moving the 2d reading of the Bill, for vesting the Command of the volunteers in the Commander-in-Chief of the Island, explained that doubt had arisen as to the command of the volunteer force; the latter were in a different position from the regular army and militia. In Britain the volunteers were under the command of the Lords Lieutenants of their respective Counties, and the Commander-in-Chief exercised no control over them, save when on active service. Here we had no officers analogous to Lords Lieutenants of Counties, and

the Bill would vest the command of the volunteers in the Lieutenant Governor of the Island, during his absence from it of the Governor-General. The Bill and the Report relating to it having been referred to Committees of the whole, the former was agreed to.

Hon. Mr. Langworth submitted the report of the Medical Attendant of the Lunatic Asylum. Hon. Col. Secretary, the Blue Book for 1860, and the returns of the Bank of P. E. Island, for 1860.

UNION OF THE COLONIES

On motion, the House resolved itself into a Committee of the whole to take into further consideration the various Despatches and papers transmitted by Messrs. to the House this Session. The correspondence relative to the Union of the three Lower Provinces having been taken up and read.

Hon. Col. GRAY rose and said:—I have a resolution to propose, Mr. Chairman, on the correspondence before you, which is to the following effect:

Resolved, That His Excellency the Lieutenant Governor be authorized to appoint Delegates (not to exceed five) to confer with Delegates who may be appointed by the Governments of Nova Scotia and New Brunswick for the purpose of discussing the expediency of a Union of the three provinces of Nova Scotia, New Brunswick and P. E. Island, under one Government and Legislature—the Report of said Delegates to be laid before the Legislature of this Colony, before any further action shall be taken in regard to the proposed question.

The question of a Union of the Colonies, is one, Sir, of very great importance; and I might occupy a large share of the time of this hon. Committee in advancing the views which I have long entertained on the subject; but, Sir, the present aspect of the question does not call for much remark. Being ignorant as to the terms of Union which may be proposed by the sister Provinces, we are scarcely in a position to discuss whether or not such a Union would be advantageous to this Colony. If the Provinces of Nova Scotia and New Brunswick were to be annexed to Prince Edward Island, great benefits might result to our people; but if this Colony were to be annexed to those Provinces, the opposite might be the effect. From the documents before you, Sir, it appears that the Governments of Nova Scotia and New Brunswick intend to bring before their respective Legislatures a resolution authorizing the appointment of Delegates to confer with other Delegates who may be appointed, for the purpose of arranging a preliminary plan, respecting a Union of the three Maritime Provinces; and we are called upon to take similar action. Now, Sir, I cannot avoid expressing my opinion that our neighbors are proceeding too hastily in this matter. I think the first point to consider is, Shall there be a preliminary plan? Is it advisable to have a Union at all? In the resolution which I have submitted it is proposed to appoint Delegates, simply for the purpose of discussing the expediency of a union of the three Provinces of Nova Scotia, New Brunswick and P. E. Island, under one Government and Legislature. This is as far as I deem to be prudent for us to proceed at present. It behoves this House to view the question in all its bearings before it should take any action which might be construed as a willingness on our part to have the constitution of the Colony taken away. Owing to our insular position, and the difficulty of crossing the Straits at certain seasons of the year, a legislative union might in many respects operate to our disadvantage. I, however, am free to admit that weighty reasons could be adduced to show why the three Provinces in question should be united under one Government. It is an old maxim that "union is strength;" and in the case under consideration, I believe union would be strength. What would have become of the thirteen Colonies had there not been a union among them at the time of the revolutionary war? What would have become of Massachusetts if good old Virginia had not stepped forward to help her, and given her gallant troops; and more than all a George Washington—conduct which I am sorry to say, has met with base ingratitude from the dollar-worshipping aristocracy of that northern State? And the strength which union affords may be long required in these British Provinces. It is understood that Maximilian has accepted the Crown of Mexico; and he may even now be almost landed in America. Once seated upon the throne of this new Empire, his government will, in all pro-



habilly acknowledge the independence of the Confederate States. This step would be followed by France, and the recognition of France, no doubt, by a peace between the Federal and Confederate States. What then would become of Illinois, Wisconsin, Iowa, Minnesota, Kansas, and others of the Western States shut out from the Mississippi? Sir, they would find it expedient to join the Southern Confederacy. Thus stripped of their territory south and west, the Northern States would seek to extend their boundaries in other directions. What then would be the position of these Colonies? The British Government maintaining, or pretending to maintain a neutrality between the belligerent powers—though I think a one-sided neutrality, as witness the case of the steam rams at Liverpool—has given satisfaction to neither contending party. When the destinies of two nations or governments are trembling in the balance, they are each disposed to imagine that every influence not exerted directly in their favor, operates against them. Owing to recent occurrences the South does not now look with favor on our government; this I regret, for the white population of the Confederate States are the natural sons of Britain. On the other hand, the North has never seemed satisfied with the course pursued by the British Government during the present war; and in one view of the case this need not be wondered at, for her people are a mixed population gathered from all the nations of the earth. In the event of a peace, the South would in many respects be in a better position than the North. The Confederate States unquestionably have a large debt, but this is chiefly in the hands of her own people, and might to some extent be repaid. With the North, however, it is different; her securities are held all over the world—in England, France, Russia, and other countries; and her debt, now exceeding that of Great Britain, will have to be paid. The army of the North now numbers about 600,000 men; nearly all mercenaries, men whose services can be bought and sold. These troops will have to be provided for, and should hostilities cease against the South, the government which employed them will have to seek for them another bait. Many of these men are the rowdies of New York, and other large cities, and to satisfy their thirst for plunder, they will in all probability demand to be let loose on Canada. The villages and towns of that fine Province will afford them scope in which to revel, and gratify their rapacity. Taking this view of the case I think that something will ere long require to be done to unite these Colonies for self-defence. A Union must be effected either legislative or federal. I am not prepared to say, however, how it is to be carried out, or what are to be the arrangements. If there is to be a Legislative Union of these Maritime Provinces, are new government and parliament buildings to be erected, and where are they to be built? Is Charlottetown, or Summerside, to be the capital of Cobequid or Acadia, or whatever the country may be called? Are we to be the Ottawa of the United Provinces, and are buildings to be erected here, costing as in Canada, millions of dollars? Then, again, when are the Sessions of Parliament to be held—in December, January, February, or in June, July, or September? Are we to be required to keep our Representatives at some capital in one of the sister Provinces, from autumn to spring;—or are they to be expected to take pole in hand and leap from ice-berg to ice-berg across the Straits in the dead of winter? All these are questions which would require to be answered, before I would be prepared to say whether it would be expedient or not for this Colony to enter into the proposed union. I have heard it objected by some that this Island could have no representation in the executive government of the United Colonies, as on account of the distance, and the inconsequence of travelling, members of government from here would be unable to attend the cabinet meetings of council. I, however, can see no force in this objection, as any gentleman who might obtain a seat in the executive of the United Provinces would no doubt have a salaried office of £1000 a year. It is also objected by some that this Colony would be swamped in a Union with the other Provinces. I, Sir, have an apprehension on this ground.—I would not allow myself or my country to be swamped by any body of men on earth. We, Sir, are here to maintain our rights, and we shall never enter a Union which will deprive us of this birthright. In a united Legislature we might possess the balance of parties, and if released our claims, might force the government to do us justice. We would be in a position similar to the Irish members in the British Parliament who frequently compel the government yield to their requests. But as I have already stated the only course which is prudent for us at present to adopt, is that pointed out in the resolution which I have submitted, namely

to authorize the appointment of Delegates, in the first place simply to consider the expediency of a Union.

Hon. COLONIAL SECRETARY—Mr Chairman, I second with much pleasure, the resolution just submitted by my honorable friend, the Leader of the Government. It proposes that this House shall authorize His Excellency the Lieutenant Governor to appoint delegates to confer with delegates who may be appointed by the neighboring Provinces of Nova Scotia and New Brunswick, for the purpose of discussing the expediency of a union of the lower Provinces—or rather, a re-union of these dependencies. Chief among the causes, from which have sprung the evils under which this Island suffers, in my opinion, may be ranked the granting the Township lands in the year 1767, and the constituting the Island a separate government three years afterwards. The one evil produced the other. In 1769, in answer to the prayer of a large number of the grantees, this Island was separated from the Province of Nova Scotia, of which New Brunswick was then a part, and constituted a distinct government, on condition that the grantees should provide funds for the payment of its civil establishment. The grantees, although they failed to perform their contract in this respect have, nevertheless, been enabled to control the destinies of the colony, from the first day of its existence as a separate government, to the present hour. They also, without an exception, neglected to fulfill the conditions upon which they received their Townships, yet such was the influence which they were enabled to command, that they did so with impunity. Their lands became liable to Escheat, and should have been resumed by the Crown, but the grantees induced the Ministers of George III, from time to time, to waive the forfeitures; and the evil created by the original grants has, in consequence, been perpetuated to this day. I have stated that this Island was, prior to 1769, a portion of the Province of Nova Scotia, although this was the case, the inhabitants were not represented in the parliament of Nova Scotia, nor were the laws of that Province made to extend to Prince Edward Island. In 1768 the Government of Nova Scotia sent to the Island a Mr Morris—Surveyor of the Province of Nova Scotia—who laid off Charlottetown also a Mr Deschamps, who was appointed by Governor Franklin the first Magistrate of the Island of Saint John. This gentleman in that year opened the Court of Common Pleas in Charlottetown; and from his reports I learn that the population of the Island then consisted of 271 souls—of whom 208 were French Acadians. There is something very ludicrous in the idea of a colony so limited in extent as this Island, and containing only a few hundred of inhabitants, having a Captain General and Governor-in-Chief, and two Legislative Chambers—playing at King, Lords and Commons. In 1774, the fifth year of the existence of the Island as a separate government—a census was taken—and it was found that the population of the Island had increased to 1216 souls. In 1784 our Island was re-annexed to Nova Scotia. It nevertheless retained its separate government and legislature, although Walter Patterson, therefore Captain General and Governor-in-Chief, received Dutch promotion, and was afterwards known as Lieutenant Governor. Mr Chairman, the inhabitants of this Island have never been able to remedy the first of the two evils of which I have spoken, that caused by the original grants and to reinvest in the Crown the lands so injudiciously granted in 1767; but Sir, they may now remedy the second, they may now again become one with the neighboring Provinces. I purpose to enquire, How would such re-union affect this Island? It must be plain to every gentleman of this Committee, that the legislation of this Island cannot be of a nature calculated to develop its resources and to promote its prosperity, so long as the inhabitants are divided into two parties, the one violently antagonistic to the other—so long as the chief object of one party is to hold office, and of the other to obtain office. I readily admit, Mr Chairman, that, in my opinion, we have party legislation in its worst form, and that neither of the parties into which we are divided, is free from the influence of party spirit. Party animosities are violent in all communities, in proportion to their size. Our community is a very limited one, and the differences which divide us partake of a religious character. 55,000 of our inhabitants are arrayed in bitter antagonism to the remaining 45,000. We

have 35,000 Roman Catholic, the majority of them Irish, of the extreme ultramontane stamp, and we have 45,000 Protestants, the majority of whom are Scotch Presbyterians, many the sons of covenanters, who will never submit to be ruled by Roman Catholics. If this Island were united with the neighboring Provinces, our protestant population would have less cause to dread Popish supremacy than they have at present, religious animosities would be weakened, and great good would be the consequence. Another result of such union would be the establishment of a uniform currency, a uniform Tariff, a common Legislature, and a common Judiciary. The deliberation of the Legislature of the United Provinces, upon our Island matters, would be more disinterested, more liberal, and enlightened, than we can ever expect from our little Legislature constituted as at present. The Judges who now preside in our Courts, have practised for many years at our Bar, and are acquainted with almost every sutor who comes into Court. It occasionally happens that they are disqualified to try actions brought, in consequence of their having been employed as Attorney or Counsel in such actions, and, Sir, although their impartiality and integrity have never been questioned, in my opinion, they cannot but partake of the prejudices of the little community in which they have so long lived. I would ask, Sir, what has been the chief subject of legislation in this House during the past half century? The Land Question,—the Land Tenures—conflicts between Landlords and Tenants, and, Sir, when proprietors of land in this Island, have, at the Colonial office, objected to Bills passed in this House, and urged that such Bills were passed by Tenants to the prejudice of their Landlords, is it not reasonable to suppose that their objections have carried with them an influence, attributable chiefly to the character of the legislators. I can readily understand, that Bills passed by our Legislature, as at present constituted, would, if opposed by the Proprietors, be disallowed, which, should they be enacted by a Legislature such as we shall have, in the event of a union, would be confirmed by the Sovereign in the face of greater opposition. The people of this Island should ask themselves these questions. In the event of a union will they be called upon to pay more in the shape of taxes than they pay at present? If so will they derive more than corresponding benefits? It must be evident to every member of this Committee, that if the farmers of this Island shall have better Roads, Bridges and Wharves, better accommodation for shipping their produce, better communication by means of steamers over our rivers, and with the other Provinces, and better markets than they possess at present, they will be able to pay a moderately increased taxation with greater ease than they pay the taxes now exacted from them. The farmers may rest assured that a union with the adjoining Provinces would not cause their lands to yield less than they yield at present. Would the circumstance of our being united cause capital to be invested in this Island? If so, it is for our interest that we should be united. The chief exports of this Island are Ships and Agricultural Produce—Oats. I, Mr. Chairman, cannot regard the future of this Island as being as bright, or as promising as many consider it. The past year, it is true, has been one of unexampled prosperity. But do we not owe this to the fact, that shipbuilding, during the year just past, has been carried on on a very extensive scale? But, Mr. Chairman, is it not a fact that shipbuilding is a most precarious business; and that whether it shall continue profitable or otherwise, it must soon cease with us, simply because the day is very near, when materials for the construction of ships will not be found on the Island? Already our shipbuilders import materials from New Brunswick and Nova Scotia. The report of Mr. Wightman has shown us that forty per cent of the tenantry of this Island do not produce from their farms a sufficiency of food. How do these people procure the necessaries of life? In answer, by the employment which shipbuilding demands. What will become of such persons when shipbuilding can no longer be carried on in this Island—when our forests shall have entirely disappeared? They must emigrate—or depend upon the soil, or upon the fisheries. We have during the year just passed, exported from the Island about 1,400,000 bushels of oats, for which our farmers received remunerative prices. The demand in the United States, consequent upon the war, had greatly increased the value of oats. But this unhappy war must come to an end,

The termination of the American Reciprocity Treaty we may look for, and should this event occur during the present year, and a duty, as formerly, be imposed upon our agricultural produce on its importation into the United States, we shall have to depend chiefly upon England as a market for our oats, and the English market is an uncertain one. At present it is very low. Mr. Chairman:—Many persons consider the enormous export of oats during the past year as a proof of agricultural prosperity. I view this exportation in a very different light. I consider it a proof of bad farming—an evidence that, tempted by the high prices which oats have commanded during the past three or four years—our farmers have grown them, to the great injury of their lands. It is well known, that land which will not yield wheat, or barley, will give good oats, and that oats are a very exhausting crop. Where oats have been grown upon the same land several years in succession, without manure, as they generally have been in this Island, the result must necessarily be the complete exhaustion of the soil. Mr. Chairman:—Those who pride themselves upon the agricultural prosperity of this Island at the present time, should not forget that of the 1,400,000 bushels of oats exported, at least 800,000 would be required to pay for the bread stuffs imported,—for the more than 40,000 barrels of flour brought into the Colony in 1863. Not only are the lands of the great majority of our farmers, becoming exhausted by injudicious cropping; they are also fast being denuded of materials necessarily required for fuel and fencing. Many farms are now destitute of both. Substitutes for fence poles may be found in hedges and dykes; and these the farmers can themselves construct; but, when firewood shall have disappeared, coal will have to be purchased, and when the agriculturists of this Island shall be necessitated to pay for coal, and to haul it from the harbors on the coast to their farms in the interior—when they shall have no more new land—rich in the mould formed by decayed leaves or fertilized by the ashes obtained from wood burnt in the process of clearing, to fall bank upon,—when manure will have to be obtained in order to render productive the lands which over-cropping have exhausted; and when hedges will have to be planted, and dykes constructed, then will large portions of Prince Edward Island be far less prosperous than they are at present. Add to this, the evils resulting from the inhabitants being divided into two parties, each regarding the other with animosity. Under such circumstances, Mr. Chairman, I fear that if left to ourselves, we shall share the fate of the Killikenny Cats. We have no mines, no minerals, no quarries of limestone, no extensive forests. Our dependence, ultimately must be solely upon our Agriculture, and our Fisheries. To develop these, we require capital. Would a Union with the sister Provinces, cause capital to be invested in this Island? I think, Mr. Chairman, it would. This, I repeat, is a very important consideration. If it can be shown that one result of a union would be, that persons in Nova Scotia and New Brunswick would employ capital in this Island, in farming and fishing, it is clearly for our interest that we should assent to the proposed Union. The Railroads of Nova Scotia, and New Brunswick, will soon connect our Island, very closely with the commercial capitals of those Provinces. Our lands are more easily cultivated than are those of either Province, and are quite as productive as the land of Nova Scotia or New Brunswick. The alluvial lands of those Provinces exceed ours. Our Fisheries are the best in the British Provinces. Such being the case, I think it may fairly be assumed; that if this Island were a portion of the Union, under a common Legislature, in which the people of the adjoining Provinces had confidence, and which would afford a guarantee for enlightened legislation, and the protection of the rights of property, we should find many disposed to invest their capital in this Island, who will never do so, as long as it remains what it now is, a very little community, torn by the contentions of rival political and religious parties. I have said, Mr. Chairman, that I cannot regard the future of this Island as bright. I view that of Nova Scotia and New Brunswick very differently. It has been stated that the debt of those Provinces is enormous and their taxation excessive. As to taxation it is very little in advance of our own. The amount of their debt is not such as should occasion any alarm. They have constructed Railroads, and in doing so have created a debt; it is true; but in this age, in every country, Railroads are a

necessity. I, Mr Chairman, hope ere long to see Railroads traversing those Provinces from Halifax to Canada, and what they may, the money expended in building them will, in my opinion, be judiciously invested—such roads would open up vast districts of wood land, and render them easily accessible to immigrants. The resources of the neighboring Provinces are boundless. In Nova Scotia, especially, Iron, Coal, and Limestone, are to be found in inexhaustible quantity. In New Brunswick, in addition to minerals, there are invaluable forests and extensive districts of land suitable for cultivation. In those Provinces are noble Harbors open all the year round, and, Sir, I cannot believe that the day is far distant, when by means of the railroads, of which I have spoken, the trade of Canada will find its outlet during a great portion of the year, in the Harbors of St John, and Halifax. I should have been better pleased, Sir, had the resolution before you, proposed a Union of all the British Provinces on the Atlantic Board. Such a Union, I consider, must some day take place, and I trust the Union of the maritime Provinces will prove the first step towards it. Who can over estimate the commercial greatness which these dependencies of Great Britain are destined to attain? Less than a century ago, the entire exports of Great Britain did not exceed \$80,000,000. The exports of Canada alone, for 1863, reached more than half this amount. At the time of the accession of Queen Ann, the exports of Great Britain, were less by one-fourth than the exports of Canada for 1863. Burke, the friend and advocate of the British Colonies, employed his eloquence to portray, the commercial growth, which during a life time, those of the North American Colonies of his day, now included in the neighboring Republic, had attained. He pictured them in 1704, then, in a commercial sense, utterly insignificant—ad Countries which served for little more than to amuse with stories of savage life and unscouth manners. In 1775, he saw them possessed of a Commerce equal to that which, seventy years previously, had made England the envy of the world. The progress of the Colonies, after they attained their independence, was far greater than that which had excited the wonder of Burke. Mr Chairman, at this day, British North America comprises a larger territory than was possessed by the Revolted Colonies in 1776, larger than the United States now possess, and although much of this territory must necessarily remain sterile, so far as agriculture is concerned, it is nevertheless valuable. The population of Canada, New Brunswick, Nova Scotia, and Prince Edward Island, is greater than was that of the Revolted Colonies at the date of their independence. Our mines, and minerals, and forests are as valuable as were theirs. We have magnificent rivers and lakes, connecting the Atlantic with the far West. Our people are a hardy race, characterized by determination of character, and fitted to overcome those obstacles which are caused by the nature of our climate, which however, is not more severe than in portions of Germany, of Sweden, or of Norway or of Russia. We possess all the elements essential to the formation of a great and powerful people. Why should we not advance towards greatness in something like the same ratio as did the Revolted Colonies? The manufactures of England, are the chief source of her wealth. Those who have travelled through that Country, are aware, that it is little other than a vast workshop, from which a great portion of the world is supplied. Why should not the people of British America have their manufactures? They have iron, and coal, and limestone, why should they not turn them to account? Why should they depend upon England for articles manufactured from iron? I can see no reason why. Food is more easily obtained in the Colonies than in England, and after all, Mr Chairman, the question of labor resolves itself into bread and butter. It is well known to this Committee, that the people of New England, before the Reciprocity Treaty was in existence, carried coal, and iron and grindstones, from Nova Scotia to the United States, manufactured them, and brought them back to us, that we bought them, and notwithstanding the manufacturers had paid two duties, and a double transport, they became rich. Mr Chairman, I am satisfied that Canada, New Brunswick, and Nova Scotia, will be united, and that, after the example of the Revolted Colonies, they will become a great and wealthy people. I desire that this my native Island may share their greatness, and not remain, as at present, the scene of unseemly contentions, which prevent all useful legis-

lation. In conclusion, Sir Chairman, the question under discussion is one of great importance to our people, and it is proper that they should be fully consulted, that the matter should be fully discussed, and notwithstanding my individual opinions, I shall not be prepared to vote for a Union, until after they shall have been consulted, and the question discussed among them; but, Sir, this House is not called upon to come to any such vote. The question before the Committee is, shall we send delegates to confer with the delegates from the other Provinces, on the expediency of a Union, and, whatever may be the opinions of hon. members—however much they may be opposed to the proposed Union—common courtesy requires us to send delegates as proposed by the resolution before you.

Hon. Mr COLES.—Mr Chairman, this is a subject, which, as the hon. Col. Secretary has justly remarked, is not a party question; but I presume it will be like other questions, there will be a party in its favor, and a party opposed to it. The hon. member who last spoke, hinted that there is no security of property in this Colony. Now, Sir, I believe there never was a measure introduced into this Legislature so calculated to interfere with the rights of property as the Bill on the Land Question, submitted this morning by the hon. leader of the Government. It is only a piece of political clap-trap. The subject of the war in the neighboring States has been introduced into this debate, and we have been told that when it terminates, a host of mercenaries will be ready to rush in upon these Colonies. I entertain no fears on this ground, for I have every confidence in the power of Great Britain to defend her possessions against the combined force of either the Northern or Southern States. The hon. leader of the Government said that he could not support a resolution similar to those passed in the adjoining Provinces, viz that delegates should be appointed to arrange a preliminary plan in regard to Union. I concur with the hon. member in this view of the subject; we ought first to consider whether a union at all is desirable. I hold my own opinions respecting a union of the Colonies. I have long thought that these Provinces ought to have more influence at the Colonial Office. This Island, as also the other Colonies have labored under great disadvantage in this respect—a disadvantage which a union of the whole would probably have removed. Still it does not appear to me that great benefit would result from a union of the three maritime Provinces. We have been making progress, small as our Colony is. I hold in my hand an order of the date of 1790 for 1s., which is a fair specimen of our currency at that time. Now we have two or three Banks, and an extensive trade; so I think we better work along with our separate government, until it is thought that "the time has arrived" to consummate a federal union of the whole of British America, allowing each Colony to retain its own Legislature. If this could be effected with the good-will of the Home Government—Britain acting towards us in a friendly and paternal manner, just as a father does with a son setting up for himself—it might be well. The new government might be either a monarchy or a republic, but I, for my part, would prefer a monarchy. All the Colonies united from Newfoundland to Columbia, would be one of the most powerful governments on the face of the earth; but with only Nova Scotia, New Brunswick and this Island united, we would still be looked down upon by our neighbors. I do not think the people of this Island would agree to such a union as is proposed; if they would consent to a change at all, I believe they would desire a union that would place the Colonies in a position that would give them some weight among the powers that be. As to religious strife here being an argument in favor of our union with the other Colonies, I differ from the hon. Colonial Secretary. If people are disposed to be contentious in regard to creeds, union with another body of men will not prevent it. In fact, I believe that the religious strife which exists in this Island was an infection from the other Provinces. It occurs to me that this union delegation will be like the one on the land question; it will cost several hundred pounds, and produce nothing. I do not know that I shall oppose the motion for the appointment of delegates; but I would prefer taking higher ground than a legislative union of the three maritime Provinces. We might gain in some points by such a union, yet the other Colonies have a heavy debt, and I am inclined to believe that

we would get along just as well without being connected with them. This question should be considered solely on its own merits, altogether irrespective of what is taking place in the neighboring States, or any other country, and I hope hon. members will take no hasty view of the matter. We might to some extent be committing ourselves to union, by the very appointment of a delegation.

Hon. Mr. MAULAN.—It is true that by passing the resolution before the Committee, we are acknowledging that a union may possibly be desirable; but while doing so, it carefully guards against committing us to any course which might result in our destruction. A union of these three Provinces, has much to recommend it. The suggestion has come from the other Provinces, and it would be unbecoming in us not to send delegates to meet the delegates whom they may appoint. We ought to wait until we hear the report of those delegates, before we pronounce an opinion as to whether it would be desirable for this Colony to enter the proposed union or not. For my own part, I would rather hear arguments against than for the union, because it is better to err on the side we know, than to err on those with which we are entirely unacquainted. United with the other Provinces, we would raise money here for revenues that would be divided by other hands. Supposing even that there was a territorial division of the money, we would scarcely be allowed to obtain our share, as they would maintain that their railways were in part for our advantage as well as theirs. Another consideration is, that our roads in this Island are not so durable as in Nova Scotia, and consequently it would require more to keep them in repair—a necessity which the united Legislature might not be willing to meet. Religious agitation has been referred to as an argument in favor of union, but it is very doubtful if strife would cease where the same elements continued to exist, merely because the community was enlarged. I have never taken any active part in this agitation, but I have felt its effects ever since I first offered for a seat in this House. It is an evil which a union of the Provinces would not quash; we must wait until it dies out of sheer shame. Now, Mr. Chairman, one point ought to be considered before we enter into the details of a union. Would this Colony be allowed to retain a representation of 30 members in the lower House of the United Legislature, and would Nova Scotia and New Brunswick be allowed to retain the same representation also as at present? If our representation were decreased, and theirs permitted to continue as now, I conceive it would be doing our Island an injustice. This is a matter for the delegates to consider. I shall support the resolution, because the delegates, whom it authorizes His Excellency to appoint, are not to be empowered to decide any matter, but merely to hear suggestions, and report to this Legislature.

Mr. CONROY.—Mr. Chairman, this subject was partially discussed here last session, and on that occasion there was a general expression of opinion against a union of the Colonies. I believe that I was the only member who spoke in its favor; and my reason for so doing was one assigned by the hon. Colonial Secretary, namely, that it might be the means of allaying the religious feeling in the Island. I have weighed the matter since then, and must state that I have arrived at a different conclusion, and now think that this agitation would not be any argument in favor of a union, but rather the reverse. What have the other Colonies to give us in return, if our Legislature is taken away? Nothing, unless they aid us in settling our Land Question. If they could give our people free land as an equivalent for depriving us of our constitution, it might be something. But as the Bill which was introduced this morning respecting the land question will probably be passed, I cannot see what we are to gain by a union. At the meeting which my colleague and I had with our constituents, before we came to the opening of the session, the subject of a union of the Colonies was discussed, and they desired us to vote against it should it come up in this House for consideration, as it might place the Colony in a worse position than at present.

Hon. Mr. LONGWORTH.—Mr. Chairman, the subject under consideration is one of vast importance. It appears that the Legislatures of Nova Scotia and New Brunswick have adopted a resolution to appoint delegates to arrange a preliminary plan for a union of the three maritime Provinces, and therefore it seems that they have come to the conclusion that such a union is expedient. This question is one which has been discussed for a length of time. The present leader of the Government in Nova Scotia advocated the scheme years ago, as also did the

leader of the late Government in that Province. The flowery description which these able politicians gave of the probable future of these Colonies should a union of the whole be consummated, carried away the minds of many in the lower Provinces in favor of the proposal. The union of Canada with these Colonies is not now immediately contemplated. Objections have arisen on the part of Canada, and this chiefly on account of the differences of population in the Eastern and Western sections of that country. Lower Canada contained the larger population of the two, at the time of their union; but since then numbers have changed, and Upper Canada has become the most populous. Hence, there has arisen quite an agitation between the two parts of that Province with respect to representation, by population, and one of the results is, that Upper Canada objects to a union with the lower Colonies, on the ground that as they adjoin Lower Canada, they would probably take part with her. On the other hand, Lower Canada also objects to the union, fearing that as the population of these lower Colonies, as regards nationality and religion, resemble the people of Upper Canada, she would by such a union be placed in a worse position than at present. Hence, a new scheme of union has arisen, and it is proposed that these three maritime Provinces alone should unite. It is argued that from their proximity, and similarity of interest, they should be united under one Legislature, and that this is necessary to give us of these Colonies standing and respectability in the scale of governments. It is not contemplated to alter our connection with the Mother country, but merely to make us a larger dependency of the British Crown. As we are peculiarly situated in this Island, I think it would be imprudent in us to pass such a resolution as has been agreed to in the other Provinces. They, no doubt, feel that the advantage would be on their side, and therefore they had no hesitation in adopting such a resolution as has been referred to. They anticipate no danger to their interests in resolving to take little Prince Edward Island under their wing. We are not burdened with the same proportionate amount of debt as the adjoining Colonies, consequently though we might hesitate in deciding as to the expediency of a union, they at once commit themselves to the course. They have nothing to lose, for as they have more railways to construct, their debt must go on increasing. At the present moment, we hear of several Railways being projected in New Brunswick, as well as a very expensive one in Nova Scotia to connect Truro with Pictou, and Bill. It is reported, are about actually before the Legislatures of these Provinces for giving effect to those projects. In addition to all this, it would appear that a change in the policy of the Canadian Government in regard to the intercolonial Railroad has recently taken place, and that that vast scheme for the purpose of opening a great highway through Canada and New Brunswick to Halifax is likely to be realized. These undertakings must involve a large amount of expenditure, and entail upon the Provinces of Canada, New Brunswick, and Nova Scotia a large addition to their public debts; and, as a necessary consequence, an increased taxation upon the people of those respective Provinces. The local Railways must be built at the cost of the Provinces to which they belong, and the intercolonial at the joint expense of the three. The question now arises, as these works are to be constructed for the benefit of these Provinces, and independent of us, what advantage are we to derive from a union with Nova Scotia and New Brunswick that we do not enjoy in our present position? As an agricultural country, we must benefit by the construction of these works in supplying food for the laborers, and supplying them with houses, cattle, and other productions of our Island; but that is an advantage which we will enjoy whether we enter the union or maintain our independent condition. The hand of nature in giving us a fruitful soil and so salubrious a climate, has secured these advantages to be independent of all political or national considerations, and in our present position we enjoy comparative freedom from taxation. These are facts which we must not lose sight of, and before we are prepared to yield up our local Legislatures and the right of taxing ourselves for our local purposes and improvements, and in other respects all the other advantages which our independent position as a separate Colonial Government confer upon us, we must see that we are to receive larger and more permanent advantages, in fact, as equivalent for what we are called upon to surrender. The question, then, as has been already remarked, is, what are we going to gain by such a union? Should it cause a subsidence of religious feeling, it might be something in the scale; but there is very little prospect of this being a result, seeing it is a matter entirely among ourselves. It is no less than the other Colonies can offer, it is only an effect which might arise out of union. It appears to me that they can scarcely offer us an equivalent for

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our independent position, and hence I consider that the resolution proposed by the hon. leader of the Government, is the only one we can safely adopt. We must not commit ourselves to the union as the other Colonies, by their Resolutions, appear to have done. We should first consider the expediency of a union; but before we can be in a position to do so, we must hear the arguments and reasons which may be offered in support of it, and therefore, it is our duty to appoint delegates; to refuse this much, would be uncourteous to our sister Colonies. Besides, we cannot lose by obtaining information upon all colonial questions which may have a tendency to affect us as a government or a people. If the time should arrive when we might be necessitated to enter into a union, by refusing to confer on the subject now, we might be placed in a disadvantageous position hereafter. But while we appoint delegates, we must not tie up our hands, and commit ourselves to a union, without knowing what equivalent we are to receive. I admit that it might add to our importance to be a part of a larger Province which might be called Acadia or Cabotia, or any thing else, still this would not satisfy our people unless there was some material and great permanent advantage to be gained by the change. Though united with Nova Scotia and New Brunswick, we could do little in giving battle to a government like the United States, if it should ever be the policy of that country to go to war with England or her North American Colonies; consequently, I can see no force in the argument drawn from probable occurrences in that country. We must look to ourselves, and our own interests, and act accordingly. The practical difficulty that would be experienced by us in sending Representatives across our ice-bound Strait in the winter season to attend the United Legislature in Halifax, or some other favored city on the other side of the water, seems to me at present almost sufficient to overbalance every argument in favor of the project, unless indeed, Charlottetown were made the capital of the United Provinces, which we could not expect it would be. The question is, then, should we give up our independent position—our separate Government—and become a part of a greater Province? My own opinion is decidedly in the negative, but the question can only be satisfactorily answered when we ascertain the terms of union, which it would be the duty of delegates, if appointed, to learn; therefore, I will support the resolution before the Committee authorizing such appointment, reserving to ourselves, as a Legislature, our own action hereafter upon the results of that Delegation.

Adjourned for one hour.

MONDAY AFTERNOON, April 18.

Committee on despatches resumed.

Hon. Mr SPEAKER.—Mr Chairman, since I have had a seat in this House, many questions of moment have been introduced and discussed, but although I was a member of the Legislature at the times when the principles of Responsible Government, Free Trade, and an Executive Legislative Council were debated, yet the subject on which we are now engaged, is, in my opinion, of importance paramount to any which has ever engaged the attention of our local legislature. The question at issue is briefly, whether we are to have a Legislature of our own, or whether we shall be absorbed by union with Nova Scotia and New Brunswick. This is a subject which can be discussed without party bias, and it is the duty of every hon. member to give his individual opinion on a matter of such importance, irrespectively of the obligations which the interests of political combination in many cases impose. This question of a union of the Maritime Colonies is not a new one. In 1814, the father of Her Majesty, the late Duke of Kent, while Commander-in-Chief of the Province of Nova Scotia, corresponded on the subject with Judge Sewell in Canada. The Duke was of opinion that these Colonies, without a political union, would never occupy the influential position to which they were entitled by the elements of material prosperity which they possessed. It was urged this morning as an argument in favor of the union, that, in the event of a cessation of the present civil war in the States, we would be powerless against a northern army or against the united forces of the restored union. If that be the only argument which can be advanced by the advocates of the

suggested association, their position is weak indeed; for I ask, what could the united colonies effect against the forces which could be brought against them? Assuming the population of the Canadas to be two and one-half millions, and that of the Lower Provinces half a million, can it be expected that we could, in case of invasion, offer successful resistance to the disciplined armies which a population exceeding twenty millions could send forth? The minds of hon. members may be seduced from a sober consideration of this question, by the idea that we would be laying the foundations of a great country, and I admit the influence of that feeling on my own mind last Session. But, Sir, I confess that a change has come o'er the spirit of my dream. What benefits are we to reap from the proposed reunion, for we were united up to 1769? New Brunswick has a large funded debt, in comparison to which our public liabilities, the fruitful subject of so much grumbling, are mere matter of moonshine. The public debt of the Island amounts to not more than £60,000 or £70,000, and we have the public domain to the credit of the country. Although the resolution submitted does not commit this House to the expression of any opinion on the subject of the union of the colonies, it is but right that the delegates, who may be appointed as the representatives of the Island at the proposed conference, should have their position fortified by the avowed sentiments of members of the Legislature—that they should be able to tell the representatives of the sister colonies what are the feelings of those whom they represent. I am decidedly of opinion that we should, as an act of common courtesy, assent to the appointment of delegates, if for no other purpose than that of hearing what propositions may be offered by the representatives of the other provinces. With this view, I shall support the resolution, but I entertain very decided objections to the proposed union. In New Brunswick, the Railway barely supports itself, and earns nothing towards repayment of the money borrowed for its construction. In looking over the Journals of the House of Assembly of that Province, I find that its Railway Debentures require no less than £58,000 annual interest, to be paid at Baring's, in London. In his speech on the Union of the Lower Colonies, the Hon. Mr Tupper, Provincial Secretary of Nova Scotia, said that the time had not yet arrived for an union with Canada because of the large debt of that Colony. "I thank thee, Jew, for teaching me that word," for the argument deduced from it, is applicable against our union with the other colonies. Canada is burdened with a debt of more than sixty millions of dollars, and there is an annual deficit in the revenue of a million. As to the idea attributed to the Imperial Government that these Colonies are able to bear the burden of defending themselves against the invasion of a foreign foe, the sooner Great Britain awakes from that delusion the better. Our small annual appropriation of £400 for the volunteer organization is not passed without strong expressions of disapprobation, while Nova Scotia grants \$20,000 for that service. If we are to have a union, I should hope that it would be of a Federative, not Legislative, character, so that we might retain our Local Legislature, and our people have the management of our affairs. Our status, if united, would, I am bound to assume, be adjusted on the basis, either of territorial area or numerical ratio of population. If the first criterion be adopted, we would occupy a very inconsiderable position in the United Legislature. If our representation is to be regulated by population, the official statistics on that point afford but little prospect of Prince Edward Island exercising much influence in the halls of the United Colonies. The House of Assembly in Nova Scotia is composed of some 55 members, New Brunswick has 42 or 43, and in any political combination of the kind foreshadowed, we might expect to receive the treatment that Scotland and Ireland were subjected to when their separate Legislatures were abolished. I own, Mr Chairman, to a feeling of surprise when I read the allusion made by the Hon.

Provincial Secretary of Nova Scotia to the personal character of the debates in this House, as an argument for the inference that our union with that Colony and New Brunswick would tend to elevate the character of our Legislative discussions. I admit and deplore the frequent introduction of offensive personalities here; but I ask, why should we be twitted with such a charge, when any one who will take the trouble to read the recorded speeches of Nova Scotian legislators will readily acknowledge that it would be more becoming in them to take the beam out of their own eyes, ors they allude to the mote in ours. And in New Brunswick during the present session, a scene of unparalleled, I might almost say disgusting, personal abuse, occurred on the floor of the Assembly between the Attorney General and a member of the House. In view of those facts, it would be as well if they would confine their imputations of personalities to themselves. At present, the money that we raise among ourselves is spent on the Island, and I ask, what guarantee have we that, once absorbed in the Union, we may not have to pass a budget framed to meet the railway charges of Nova Scotia and New Brunswick? I know not what may result from this overture, but I caution hon. members that if they sell their birthright, they may expect their country to retrograde as Cape Breton has done since her annexation to Nova Scotia. We have at present the system of self government and self taxation, and if there be some defects in the practical working of our institutions, it is "better to bear the ills we have, than fly to others that we know not of." We have already an independent judiciary, and if our professional men and their clients should have to appear in the Great Supreme Court of Acadia, I do not see what improvement would be effected by the change. At present, we enjoy the advantages of the Railways in the neighboring provinces without the burden of the cost, and if we were prevented from those advantages, I admit an argument might be drawn in favor of the Union, but it should also be borne in mind that the Railway in New Brunswick derives a large amount of income from this Island. I was surprised at hearing the Hon. Colonial Secretary this morning when he spoke in terms of disparagement of our Legislation. A reference to our Statute Book will shew that in many instances we have led the van of these Colonies in Legislative action. I will merely refer to our law of evidence, and our Elective Council Bill as proving the truth of my assertion. And I cannot think that facts were strong in favor of his statement that our judiciary was so limited that others than the judges were frequently called on to preside at the trials of cases in which the judges, while at the bar, had been retained as Counsel or Attornies. I know of but one such case, which was tried at St. Eleanor's two or three years ago. The hon. Col. Secretary also told us that our internal communications would be improved by the increased outlay which the revenue of the united colonies could afford, and that capital would flow in on us after our separate constitution shall be merged in the union. As to the first argument, my impression is very decidedly opposed to it, and I cannot conceive that our identification with other countries, deeply involved in debt, will have the effect of inducing men of wealth to invade their property in the Colony. The statistics of the Island show that, without the public lands, which they possess, without the Imperial Expenditure for naval and military purposes, which has been so abundantly, nay, lavishly, disbursed in Nova Scotia and New Brunswick, we have thriven and advanced in material prosperity, as did the old thirteen Colonies, by our own unaided resources. The very first result of a union with those provinces would be a uniform tariff; and while we hear complaints of our present scale of duties, let it be remembered that in the neighboring colonies the people are taxed far more heavily. In view of all these facts, I repeat the question, what are we to gain by a union? Consider further, Mr Chairman, the peculiarity which

would necessarily arise from our insular position. All who hear me know that our Colonial Legislatures meet in the winter season; and I ask hon. members, on either side, if they would fancy the idea of crossing the Straits of Northumberland in January or February, to attend to their Legislative duties. Sir, I believe that this scheme has been devised more in the interests of the ruling parties in the neighboring colonies, than in regard for those of the people. The Tilleyes and Tupperes would fain have a wider field for the exercise of their talents and the extension of their sway, but it is our duty to protect the rights of those whose representatives we are, and what public man will not hesitate, ere he votes that our institutions shall become nonentities! We have been told, and with truth, that Scotland prospered after, and in consequence of, her union with England, in 1707. There might be some cogency in the argument, if, before the union, she had possessed free institutions; but such was not the case, and she benefitted by the change, and stands now among the foremost of civilized nations. The same remark is applicable, to a great extent, to Ireland, whose parliament could not levy a tax, until under the law known as "Poynings," the proposition received the previous sanction of the English Cabinet. We all know that there has been for years an agitation for the repeal of the union, and we see at this day a people asking for a restitution of the privileges which we are invited to surrender. The mode in which the union between Great Britain and Ireland was carried through the Legislature of the latter country, I have no hesitation in denouncing as a gigantic piece of villainy. Millions of British gold were used in influencing the decisions of the Irish Legislature; in fact, so gross and patent was the corruption practised, that the Speaker of the House of Commons acquired the *Soubriquet* of "the Undertaker" from his guaranteeing to the Government a sufficient number of votes to be obtained at certain prices. Here, thank God, we have a parliament which is, at all events, pure from any such taint. The argument, that we shall be materially benefitted by forming a part of a country which will count its population by millions, finds no acquiescence in my mind, when I reflect on what Tell achieved for Switzerland against the most powerful nation of his time, and that Greece, under the protection of the leading nations of Europe, has maintained her separate nationality. While the Mother Country remains true to her traditions, are we to be coerced by threats of the Stars and Stripes of the Northern States? I have no fear that the *Aegis*, under which we have hitherto prospered, will be withdrawn, or that "the meteor flag of England" will be replaced in these colonies by that of the United States.

Hon. Mr HENSLEY.—Mr Chairman, acknowledging that the resolution does not pledge the House to an approval of an union of the Lower Provinces, I yet consider that the range which the debate has taken is within the legitimate bounds of discussion. Without offering any observations upon the probable consequences to the Island of a cessation of the civil war which has so long raged in the States, I see no special reason to apprehend a successful invasion of the Colony, by the disengaged forces of the Republic. That subject, I am, however, willing to leave to the more qualified judgments of the hon. leader of the Government and the Speaker, who are both military men. The extensive land frontier of Canada justified the Imperial authorities in urging upon its Government the propriety and necessity of that great dependency taking measures for its own protection against hostile incursions, but nothing has yet transpired, as far as my knowledge extends, which is indicative of any intention on the part of the Mother Country to abandon her Colonial possessions. The naval power of Great Britain is our best protection, and I believe that it would be as available in our defence as ever. With reference to the suggested union, I must confess that I cannot foresee the advantages to be derived from it; but I think it but reasonable to

appoint a delegation, if for no other object than a discussion of the question in all its bearings. I have listened with pleasure to the able and eloquent remarks of his Honor the Speaker, and in his sentiments I fully coincide. The allusion he made to the personalities attributed to our debates by the Provincial Secretary of Nova Scotia, was not only justified by facts, but, it appears to me, came with much propriety from a gentleman holding the high position of Speaker of this House. Much as I regret the style which sometimes characterizes our discussions of public measures in our halls of Legislation and the columns of our press, I yet maintain that we compare favorably, in this respect with our fellow-subjects of the neighboring Colonies. I cannot but consider that an almost insuperable objection to the proposed union will be found in the difficulty of any Island Representatives attending in the winter season in a Parliament to be convened in either Nova Scotia or New Brunswick. When Dr. Tupper, in Nova Scotia, urged that union with Canada was not desirable, on the ground that his country would not have an equal number of Representatives in the Legislature, I would have liked to have asked him whether Nova Scotia or New Brunswick would be prepared to admit us to an equal voice in the deliberations of the associate Lower Colonies. Although the union between Upper and Lower Canada was arranged on the basis of each Colony having an equal number of Representatives, it is now sought by the latter to regulate representation according to population. In view of this fact, what guarantee have we that, after having cast in our lot with our neighbors on the principle of numerical equality of representation we may not hereafter have that principle abrogated? I see many difficulties of a practical nature in the way of this projected union, in addition to those which have been referred to. The rate of taxation would require to be adjusted with reference to our financial condition, as distinct from those of the other Provinces. The holding the winter terms of our Supreme Court would afford matter for serious consideration, for it could hardly be expected that the judges should cross the Straits in an ice-boat. While such questions as these are present to my mind, I still vote for the resolution which has been submitted, as being so cautiously worded that it commits members to nothing but the sanction of a delegation by whom the subject may be discussed, and our ultimate action can afterwards be had.

Hon. Mr WARBURTON.—Pleased as I have been, Mr Chairman, at hearing the pertinent and lucid observations which have fallen from the lips of the hon. Speaker, I should have been more gratified if he had announced his intention of voting against the resolution, as I can see no necessity of putting the country to the expense of the proposed delegation. With that limitation, I heartily endorse every word of his eloquent speech.

Hon. Mr POPE.—I must say, Mr Chairman, that the speech which we have heard from the hon. and learned speaker does that gentleman great credit, and I feel myself constrained to record my opinions as being decidedly opposite to those enunciated by the Hon. Col. Secretary. Without reviewing the statistics which have been brought before the Committee, I agree in the opinion that the appointment of a delegation is but an act of common courtesy. I cannot but admit the force of the argument that our isolated situation during the winter months presents almost insuperable objections to our Legislative union with the other Colonies. Had we been always united with them, we might be content to continue the connection, but, as the case is, we should retain possession of what privileges we enjoy. It may be said that we are a small country for the machinery of a separate government, but we would be in a far inferior position, if united. If representation is to be based upon the relative numbers of population, we, with a population of 84,000, would have our influence merged in a union with Nova

Scotia's 300,000 and the 200,000 of New Brunswick. Both of these Colonies are burdened with heavy liabilities incurred on account of their Railways, the benefits of which we enjoy without the burden of their cost. As to the argument that the union would introduce capital into the Island, I cannot recognize its force. Capitalists will invest their means in countries which, from the extent of their geographical area, and the consequent varieties of resources, offer the amplest fields for investment, and the brightest prospects of advantageous returns. The principal dependence of the people of this Island is on agriculture, and no man of realized wealth is likely to invest in a country where, for half the year, his attention must be devoted to keeping himself and his cattle from freezing. We have resources which, in some respects, render us small as is our territorial extent, second to none of our Sister Colonies; and if, as has been suggested, the business of shipbuilding should decline, our fisheries may justly be regarded as a permanent source of wealth. I can see no advantage likely to accrue from our union with Nova Scotia and New Brunswick, or with either of them; and it is but right that members should express their opinions on the subject to be discussed by our delegates, who, by the express terms of the resolution, are precluded from pledging the action of the Legislature of the Colony. If the Capital of the United Provinces were to be fixed in the Island, there might be some reasons for our advocacy of a political association; but as that is not to be expected, I cannot imagine any benefits we are to receive from the change in our constitution.

Hon. Mr LAIRD.—Mr Chairman, I rise to express my gratification at what has fallen from the hon. Speaker, and, for one, I would not object to vote for the appointment of delegates if the representatives of the three colonies were to meet in the Island.

Hon. Mr KELLY.—If I had a thousand votes, I would give them all in opposition to the resolution. What is the necessity of appointing gentlemen to consult on the subject of a union from which we can derive no benefits? I heartily concur in the expressions of approval which have been made of the remarks of the hon. Speaker, and agree with him in his opposition to the scheme.

Hon. Mr DAVIES.—Mr Chairman, this subject of a union of the Colonies has been matter of speculation among their public men for several years. While I have always been of opinion that benefits would accrue from the union of these Colonies, I readily admit the force of the argument drawn from the fact that we derive benefits from the Railways in Nova Scotia and New Brunswick, without being required to contribute to the cost of their construction. The proposed amalgamation would not, as far as I am capable of forming an opinion on the subject, afford additional protection to the Island from hostile invasion. While each of the Provinces referred to is burdened with heavy debts, our comparatively trifling liabilities, not amounting, after crediting the value of our public lands, to more than about £50,000, will require careful consideration in any negotiations on the subject of our union. The people of the Island feel that our tariff is at present sufficiently heavy for the resources of the Colony and the means of the inhabitants, and one serious objection would be removed from my mind by the proper adjustment of our separate public debt in any scheme of union. My own opinion is, that a union is only a question of time—that it must occur sooner or later. Situate as we are at present, we are powerless at the Colonial Office on the most important subject of the Land Question, and it cannot be doubted that we would occupy a more influential position, if we formed a part of a great united province. The enlarged field of subjects of political discussion would elevate the minds of the people, and extinguish the narrow feelings which at present embitter the parties into which we are, and have been, divided. The assimilation of our currency

to that of the other colonies would give an impetus to trade by facilitating business transactions. It is in the recollection of hon. members that our possession of a separate Government has been compared, abroad, to the placing of a large steam engine into a small canoe, and it does appear a paltry matter to assemble a Legislature, such as ours, to regulate the disbursement of some £30,000 or £40,000 sterling. The cessation of our petty squabbles will have the effect of inducing many gentlemen of means to take up their abodes with us, as they formerly did, and I cannot see how a judiciously framed union can have the effect of diminishing our resources. At all events, I think it but right that we should accede to the invitation to be represented at the proposed conference.

Mr. BRECKEN.—It is so seldom that questions in this House rise above the influence of mere party interests, that I must express my satisfaction at the tone and spirit which has characterized this debate. In common with my hon. colleague, I have not adopted a decided opinion on the subject, but I agree with him that it is due to common courtesy that we should appoint delegates. This subject should be dealt with cautiously, for its results will affect not ourselves alone, but our children's children for all time; for let it be borne in mind that any steps taken in the direction of the union, it will be difficult, if not impossible, to retract. I listened with pleasure to the remarks of the hon. Speaker, which were worthy of his high position, and the frank and manly avowal of his change of opinion is ample guarantee of his sincerity. I have always considered that our institutions were not permanent, and that opinion is being daily confirmed. The hon. leader of the Government laid great stress on the probable result of the armed forces now engaged in active warfare in the States, being disengaged by the establishment of peace in their distracted country. But I cannot see why, if we owe allegiance to the Crown of Great Britain at present, and as I presume our union is not intended to dissolve that bond, the same means of protection will not be still available for us. Admitting and regretting that our discussions are too often distinguished by offensive personalities, I cannot assume the benefits attributed by the leaders of the Government of Nova Scotia to our union with that Province in the improvement in the character of our debates. Gladly would I hail the subsidence of the angry feelings which embitter the relations of our political men; but when the Provincial Secretary of that Colony sees fit to rebuke us, I answer that he had better look at home—he need not go from his own country for specimens of gross and undignified language used in the Legislature and the press of the Colony, amalgamation with which would, forsooth, purify and exalt the character of our public discussions. Although, in the event of the union taking place, we may not be bound in specific terms to the payment of the heavy debts of the other Colonies, yet the proceeds of a common tariff would be paid into a common treasury, and we should thus be, indirectly, contributing to the payment of the interest on their liabilities. As to the difference of currency which has been alluded to, that is a matter which depends on the state of trade more than on legislation. While my present impressions are adverse to the union, I am in favor of the appointment of delegates who, I have no doubt, will be cautious in what they say or do, remembering that this suggested union will bear a striking analogy to a matrimonial connection, which, however, pleased the parties may have been with each other, during their days of single blessedness, in many cases they find it desirable, but impossible, to dissolve. The report of the delegates will show what benefits our people are to derive from the measure, and when that shall have been before us, it will be time enough to discuss the advisability of our casting in our lot with our neighbors. The reference made by the hon. Speaker to the representative basis on which the two Canadas were united, has great weight in my mind. At the time of the consolidation of that union, the population of the Lower Province was in excess of that of the Upper—but numerical equality of representatives was decided on. But now, when the proportion is reversed, the Upper Canadians are seeking to have the principle of representation according to population, the Lower Province objects to this as involving a breach of the conditions on which the union was formed. At present, we have the largest representation of any country, with the legislative statistics of which I am acquainted. We have 1 representative to every

3000 of the population, and, if united, on the scale of representation existing in the neighboring Provinces, instead of thirty members in the Assembly, we would not be awarded more than thirteen. The argument that our comparatively small representation in the United Legislature could ensure our local interests, by turning the scale as occasion might require between the members from New Brunswick and Nova Scotia, militates against the principle of union, and would place us in a position not very dignified. Besides, the similarity and almost identity of interests of Nova Scotia and New Brunswick would render our shifting position of very little moment to our Legislative conferees. If we were territorially connected with these Provinces, I would support the union; for although their Railways have imposed heavy burdens on their resources, still their people receive vast benefits from, and all the money expended on their construction is spent among themselves.

Mr. HOWLAN, I cannot conceive, what benefits we are likely to receive from the political amalgamation of our 80,000 people with 600,000. We have been ridiculed on account of our inferiority in territorial area, and amount of population, and I do not believe that the Union suggested would give any addition to the rights which we at present possess. It becomes the duty of any legislature to deliberate seriously ere they surrender the parliament of their country, and the privileges of its people. It is true, that we do not possess the same amount of talent that is to be found in the larger populations of our sister Colonies, but I maintain that we are every day manifesting improvement, and I fail to perceive how Union with Nova Scotia, and New Brunswick, will benefit us in this respect. The first result, say, annihilation of our Union with those provinces would probably be a tariff of 15 per cent, with a Railway tax of 2½ in addition. The practical result of the scheme will be simply the extinction of our Legislature, and of the control of our revenues and taxation, and in my humble opinion this is but the first step towards a general amalgamation of all the North American Colonies, and I believe that Canada is holding aloof, merely till this Union of the Lower Provinces shall be consummated. As to the bugbear conjured up by the hon. leader of the Government, that we might be subjected to an invasion by 600,000 men, when the civil war in the States shall cease, I think they would find more alluring arenas for the gratification of their propensities for rapine, than this little Island affords. If we are not considered worthy of the protection of the mother country, as provinces, we have nothing to lose. It has been said that the tariff of the States is the cause of the war. Such is not the case, for the Merrill tariff was enacted under the presidency of Buchanan. The true origin of the present deplorable struggle is to be found in the institution of slavery, and I, for one, hope that the North will wipe out the foul stain. But, Mr. Chairman, to revert to the subject of the proposed Union, there is a strong argument against it, in the fact of so many countries trying to regain their lost Constitutions. Take Ireland, as an instance. Some years ago, when I stood in its Halls of Legislation once graced by the presence of such men as Grattan, Curran and others of historic reputation, my thoughts were indeed melancholy, as I reflected on the altered features of the scene around me. But I need not travel so far for an illustration of my argument. Cape Breton lost her separate Constitution, and in vain has she endeavored to regain it. The Honorable Colonial Secretary, has painted our future prospects in gloomy colours, but he has not shown how they are to be improved by the Union. We would still retain our agriculture, and our fisheries. The latter will in a few years be the greatest source of our prosperity. Already we had every summer 1200 or 1400 sail carrying away vast amounts of wealth from our shores to enrich a town built on a barren rock. Before I sit down, I must allude to the reference made by the Hon. Col. Secretary to the religious animosities existing in our midst. History will record, and posterity will believe that the member was the first to throw the firebrand of religious strife among a once united people. The hon member then submitted the following amendment, which was seconded by the Hon. Mr. Warburton:—

*Resolved*, That it is expedient under present circumstances to appoint delegates to confer with those who may be appointed by the Governments of Nova Scotia and New Brunswick for the purpose of discovering the expediency of a union of the three Provinces, &c.



Mr HOWAT.—I have listened to the arguments very ably put before the Committee, and I must say that my opinions remain unchanged from what they were last year. I still hold to the view that it would not be well for us to be united with the larger Provinces. It is doubtful should we go into the union, and find it did not meet our expectations, whether we could get our independence again. Some appear to think that union would be the means of allaying the little animosities which exist in our community. Larger countries do not seem to be exempt from these more than our own, for I was just reading the other day of an election in some part of England, and even there great difficulties were experienced on this very point; consequently, I believe it to be a mistaken view that small places alone are disturbed by such feelings. In the old country, candidates are sometimes pelted with brickbats and rotten eggs; now, Sir, we have scarcely come to that in our little Colony. Were the Provinces united, they would each probably require to be divided into municipalities; and in electing the officers for such, the same feelings would likely arise which are complained of at present. I also believe that in the event of a union the taxation would be almost doubled. Deciding upon the seat of Government would likewise be a difficulty; and however the question might be settled, we could scarcely expect that the capital would be on this Island. I am opposed to union, still I think it would be treating the other Colonies with scarcely proper courtesy not to accede to the appointment of a delegation.

Mr MONTGOMERY.—I will support the resolution authorizing the appointment of delegates, but only on condition that they have no power independent of the Legislature. They should only, as it were, spy out the land, and report to this House. It is because the resolution merely contemplates this that I do not object to it.

Hon. Mr M'AULAY read the amendment proposed by Mr Howlan, and objected to it, because it was so worded as to say that this House would not agree to union on any terms.

Mr HASLAM.—Mr Chairman, we are only, as it were, reasoning on the proposal of our sister Colonies,—only desiring to obtain information as to what terms they would agree to take us into a union, and for this purpose the resolution is very cautiously worded. The delegates will only be required to meet those appointed by the other Provinces, listen to their suggestions, and report again to this Legislature. When we look at the debt of Nova Scotia and New Brunswick, it appears to me that we should hesitate before we enter into a union. Whatever advantage we might gain from it, it is evident that we could obtain very little more benefit from their railways than at present. It costs a considerable sum to convey our mails here in the winter season, an expense which we would probably have still to bear though a union were consummated. We might derive the benefit of an increase of trade, but this would not amount to much; therefore, taking a view of the whole case, I think we ought to be careful how we act in this matter. As to the religious bickerings alluded to by former speakers, they have been got up for a certain purpose, and may not continue for any length of time. I detest them, and say that they have no business in the halls of legislation. They are extraneous matter in this debate, and should not be allowed to weigh our decisions on this question. I differ with the hon. Col. Secretary in thinking that a union would increase our capital. I believe we would still have to depend on our own resources. We ought to be cautious how we proceed, but I can see no difficulty in the way of supporting the resolution proposed by the hon. leader of the Government. These Colonies are undoubtedly destined to become a great country; and should a union, after mature consideration, be deemed advisable, I would be prepared to fall in with the movement.

Hon. Mr COLES again spoke at considerable length. He said that he had been listening to the arguments of the different speakers, and had come to the conclusion that to authorize the appointment of delegates would be a bogus affair, as it appeared that not more than one hon. member or two were at all in favor of union. The hon. Colonial Secretary was the only one who entirely approved of it. Now, what end would it serve to appoint delegates if we were de-

termined not to enter into a union. It had been argued that we should send delegates as a matter of courtesy, but this was too serious a question for mere forms. The other Provinces seemed to have resolved on union whether we went into it or not, so that unless we were prepared to go the whole course, we had better decline to appoint delegates. It had been stated that a delegation would be the means of obtaining information. This was a very weak argument, for we already knew exactly the state of the other Colonies. By sending delegates, we might be thought to commit ourselves to union; he therefore thought it a safer course to support the amendment proposed by the hon. member for Cascopec. When he (Mr C.) spoke in the morning, he saw no serious objection to the resolution proposed by the hon. leader of the Government, but then he was not aware that hon. members were so unanimously opposed to giving up our Legislature. Our speeches would probably be referred to, so we might as well maintain our consistency, and vote against even the appointment of a delegation. Were it a federal union of the whole of the Provinces that was proposed, he (Mr C.) would more readily give it his support.

Hon. Col. GRAY replied, that this morning the hon. member did not seem disposed to make this a party question; but it appeared now that simply because the resolution had been proposed by himself (Col. Gray) as leader of the Government—what was his duty to do on account of the communication received from the Government of Nova Scotia—the hon. leader of the Opposition did not intend to treat it as an open question. He had spoken in favor of a federal union of the Provinces, but this was not the matter before the House. He had also stated that all hon. members, with one or two exceptions, were opposed to the proposed union. He (Col. G.) had not said that he was opposed to the union. If the other Colonies would agree to build the Provincial Buildings here, and engage to aid us in abolishing our landlord system, he might give it his hearty support.

Hon. Mr COLES said a march had been stolen on the Opposition. We were told that it was not a party question, and it was certainly so understood by the hon. the Speaker this afternoon when he delivered one of the best speeches ever given within these walls. The hon. leader of the Government, however, now threw out the hint to his supporters that the resolution was brought forward by the Government.

Hon. Mr WHELAN.—Before the question is taken, Mr Chairman, I will say a few words on the subject; and in the first place, I have to express my regret at not having heard the remarks of the hon. Speaker which those more fortunate than I, have characterised so highly. Before entering upon the discussion of a question of such pre-eminent importance, the Government should have given notice of a particular day to be appropriated to it, and it is amusing to hear the disclaimer that it is to be considered as a Government measure. Never was a more momentous question submitted to this Legislature; and since the Government decline to pledge themselves to it, the sending of a delegation to the proposed conference is nothing but a farce. I care not for the nature of the union whether it be Federal or Legislative, either will be absurd while we remain tied to the apron-strings of our venerable mother—Great Britain. The time will come when, as foreshadowed by the statesmen and politicians of Britain, the Colonies will be cast off; and when that time shall arrive, they may with far more propriety than at present discuss the principle and details of a union, either Federal or Legislative. The anticipated invasion of hordes of hostile Marauders from the States is not likely to occur; but if it should take place, the people of Great Britain, not of this Island, would be responsible for it, and we would not be under the necessity of sacrificing our blood and our treasure in a vain endeavor in a struggle which we had no part in creating. The opinion that it would be advantageous to separate the connection which binds the Colonies to the Mother Country, is gaining ground in Britain, and if it should assume a practical shape, we would be as well off in our separate condition as we would be as a member of a Confederacy with the neighboring Provinces. These Colonies are as old as, some older, than were the thirteen which, in 1775, revolted from Great Britain; but are we as prosperous as they? Is this Island in wealth equal to the little

State of Rhode Island? Are these maritime colonies as advanced as any of the States to which I have referred? The answer is obvious, and equally so is the reason—it is to be found in our dependent position. It is simply a solemn mockery for us to go through the farce of passing through the Legislature Acts, the fate of which may be announced to us by the Colonial Minister after the lapse of some 8 or 9 months. I need not cite particular instances to prove the truth of my assertion; they are too numerous and too well known to hon. members on either side of the House to require specific mention. If our Legislative and Constitutional privileges were as free and unrestrained in operation as those of Rhode Island, we would not be wasting months in discussing matters which are more appropriate subjects for the deliberations of a Court of Quarter Session or a Vestry. If the proposed union would give us so much influence as to leave our Legislative action unfettered by the underhand intrigues and influence of the proprietors at the Colonial Office, I would support it; for here, with an Assembly of 80, and a Legislative Council of 17 members, any of our proceedings can be set at naught by the Colonial Minister for the time being, who knows nothing of the Colony. The present position of our Legislature, representing but some 80,000 people, is powerless against the secret influence of the proprietors at the Colonial Office. The style of the remarks of the hon. Colonial Secretary earns from me no tribute of respect for his sincerity, for he has not openly advocated the policy or necessity of a union; he knows full well that if we were merged in a large united Province, his occupation of stirring up religious opposition as a means of acquiring political power, would be, like that of Othello, gone. The area of the British North American Colonies exceeds that of the United States, and we are, as far as resources are concerned, more advantageously situated to carry on Government than were the old Colonies at the time of the revolution. The imports and exports far exceed those of the latter, when they asserted their independence in 1776. While our present relation to the Imperial Government subsists, any union would place us in a position similar to that of Ireland and Cape Breton. Previously to 1772, Ireland had her own King, Lords and Commons—her commerce increased, and until her Legislature was corrupted, her prosperity was steadily advancing. The Colonial Office acts towards us on the presumption that the Island is under the absolute control of the proprietors, and the idea of Georgetown, Summerside, or St. Eleanor's, being independent of our Legislative control is not more absurd than the supposition that we will be allowed the reality of representative institutions, while in our isolated condition we are bound by the *dicta* of a Colonial Minister, in whose appointment we have no voice, and who can treat our remonstrances with disdain. Without subjecting myself to the charge of disloyalty, (for I wish to continue the connection with the brightest crown which ever graced the brow of monarchy) I repeat, that while the right of irresponsible interference in our affairs is continued, annexation to any foreign power would be preferable to the insulting mockery by which the people of this Island, slaves to Sir Samuel Cunard and others of the proprietors, are told that they have the right of self-government. If the truth of my assertion is disputed, I ask any hon. member, if he will tell the country that our Legislation is operative to settle the Land Question without the consent of the gentleman I have named? The resolution would not be so objectionable, to my mind, if it embodied an expression of opinion for or against the union; but the Government, I believe, are disposed to amuse the people and provide, at the public expense, a pleasure trip for some of their friends, as was the case last year. As to the exemption of the Island from the Railway debts of the Sister Colonies, in common fairness, it should be borne in mind that the Island derives great benefits from them, and that it is not unreasonable that an honest acknowledgment of that fact should be made.

The question was then put on Mr. Howlan's amendment, which was lost, and the original resolution carried. When the House resumed, and the Speaker put the question on the main resolution, Mr. Howlan again moved his amendment, and the House divided as follows:

*For the amendment*—Messrs. Howlan, Sutherland, Sinclair,

Conroy, Hous, Kelly, Thornton, Whelan, Coles, Warburton.—9.

*For the resolution*—Hons. Col. Gray, Col. Secretary, J. C. Pope, Longworth, Laird, Hensley, Davies, Kaye, McAlhaly; Messrs. Montgomery, Haslam, Ramsay, McLennan, Howat, J. Yeo, Duncan, Green, Brecken.—18.

So the resolution was carried, and after the transaction of a little routine business the House adjourned.

WEDNESDAY, March 23.

Mr HASLAM presented a petition from inhabitants of Strathalbyn, praying for the establishment of a Small Debt Court in that locality.

Hon. Col. GRAY obtained leave to introduce a Bill relating to the fraudulent marking of merchandize. He explained the object of the measure, and showed how the interests of manufacturers of good articles were injured, on account of their trade marks being pirated by others, as well as purchasers imposed upon by the practice, they paying a high price under the impression that they were procuring the genuine article.

The Bill relating to the office of Commander-in-Chief, was read a third time and passed.

Hon. Col. GRAY introduced a Bill to amend the Act, regulating the specie currency of P. E. Island. He said there appeared to be an omission in the Act granting a charter to the Bank of P. E. Island, namely a clause securing those holding the paper of the Bank, from the necessity of receiving more than a limited quantity in silver. The same omission had been made in the Union Bank Act, and he thought it necessary to have the Act regulating the specie currency amended so as to protect parties from loss, who might wish to have Bank paper changed, when about to leave the Colony. To remedy this, he now introduced this Bill which provided that no more than £3 of silver should be a legal tender.

Hon. Col. SECRETARY presented to the House the Treasurer's Accounts for 1863—referred to the Committee on Public Accounts.

Hon. Mr HENSLEY having obtained leave, introduced a Bill to repeal the Acts now in force establishing and regulating the rate of interest. He explained that the law, as it at present stood, restricted the rate of interest to six per cent. on landed security. He considered this unfair, for why should less gain or interest be allowed on money than on any other commodity? For example, if a person by borrowing 30s. could buy a barrel of flour for that sum instead of at £3 on credit, why should not the individual lending the 30s. have a share of the profit? There was a great variety of usury laws, but they were generally being done away with now in England and other countries where advances had been made in political economy. He here referred to some of the absurd laws of this nature that had been on the statute book of England. The Bill, he said, did not contemplate interfering with any existing contract, but only those which might be made hereafter.

The Bill was read a first time and ordered to be read a second time to-morrow.

Hon. Mr LONGWORTH, having obtained leave, introduced a Bill to amend the Act to incorporate the Union Bank of Prince Edward Island. He explained that the Bill was framed in accordance with suggestions contained in a despatch of His Grace the Duke of Newcastle.

On motion of Hon. Col. Gray, the consideration of the Despatches on the table was made the order for the day for Thursday, March 31st. Adjourned till to-morrow.

THURSDAY, March 24.

Hon. Col. SECRETARY submitted the correspondence between the delegates and the Duke of Newcastle on the subject of the land question.

Hon. Col. GRAY moved the second reading of the Bill to prevent the fraudulent marking of merchandize. Read second time and committed.

Hon. Mr COLES wanted to know what was there in the Bill to prevent casks bearing his brand being filled by others with liquors of their own manufacture, and his being rendered liable for the fraud by the forfeiture of the casks?

Hon. Mr LONGWORTH explained that the Bill only referred to the fraudulent adoption by a party, of the name or trade mark of another party, to induce the sale of his own wares. In such cases the fraudulent party would render himself amenable to the provisions of the Bill. The date of the commencement of the operation of the Bill was fixed at the 31st December, 1864. Agreed to.

Hon. Mr DAVIES gave notice that he would move supply on Saturday next.

Hon. Col. GRAY brought down a message from the Lieut. Governor, desiring that, on rising to-day, the House should adjourn to Saturday next.

Mr BRECKEN introduced a Bill relating to Bills of Exchange accepted specially. At present, when the acceptance is made payable at a particular place, the acceptor is not liable unless it be presented in the terms of the acceptance. The Bill provided for the liability of the acceptor in all cases, unless it be accepted payable at that particular place only. The second clause provided a remedy for the recovery of bills and notes which may have been lost. At present, the only remedy which a party has is the dilatory and expensive process of an application to the Court of Chancery with a guarantee. The clause would enable the Supreme Court to order the necessary relief on the execution of a satisfactory indemnity. Read first time. Second reading order of day for Monday next. The House then adjourned till Saturday next.

SATURDAY, March 26.

On motion of Hon. Mr Davies, seconded by Mr Ramsay, it was resolved that a Supply be granted to Her Majesty.

Hon. Col. GRAY, a member of Her Majesty's Executive Council, presented to the House the Auditors' classified Accounts for 1863, and the same were referred to the Committee on Public Accounts.

Hon. Col. SECRETARY introduced a Bill to regulate the Oyster Fisheries of this Island. He said it was well known that at certain places of the Island, such as Orwell and New London, where formerly good oysters could be obtained, they were now almost entirely extinct. The object of the Bill was to prevent the fishing of these mollusca during the spawning season, and to encourage the artificial formation of their beds.

The Bill was read a first time, and ordered to be read a second time to-morrow.

Hon. Col. GRAY presented to the House, as asked for by the Hon. Mr Coles, copy of a Despatch from Lieutenant Governor Dundas to the Secretary of the State for the Colonial department, dated 16th December, 1863, enclosing account of money paid by the local Government towards the expenses of the Land Commission; and the same was referred to the House when in Committee on the Despatches on the table.

Hon. Mr LONGWORTH reported from the Private Bill Committee that the Act to regulate the Fisheries of this Island, the Acts for levying further an Assessment on all Lands in this Colony for the encouragement of Education, and the Revenue Act, had expired, or were about to expire.

The House again spent some time in Committee on the fraudulent marking of Merchandise Bill. It was reported agreed to with amendments.

#### USURY LAW REPEAL BILL.

The order of the day for the second reading of the Bill to repeal the Acts now in force establishing and regulating the rate of interest, and to make some provisions on the same subject, was taken up.

Hon. Mr HENSLEY in moving that the Bill be read a second time, said it was unnecessary to repeat what he had stated in introducing the measure. In 1854 the British Parliament passed an Act, to which the Bill he had brought before the House was similar, by which the remaining laws in that country against usury were repealed. It was curious to read the Statutes of England on this subject. [The hon. member here referred to the history of Usury Laws in Britain.] He said the Bill before the House was merely a transcript of the Imperial Statute. It provided that where no rate of interest was mentioned, the rate should still be 6 per cent.; and if there was any other rate fixed upon, it must be expressly stated in the agreement.

Hon. Mr COLES said the Bill might not be objectionable when 6 per cent. was to be the rate where none was precisely mentioned. He was at the Bank this morning, and saw a note for which it was stated that if it were not paid at a certain date, it was to bear 20 per cent. interest. The Cashier of the Bank would not receive it with such conditions, so the person presenting it had the 20 per cent. clause struck out. High rates like this, specified in a note, might do no injury, where there were such upright men to deal with as the present Cashier of the Bank; but it showed the lengths some of our monied men were prepared to go. Since we had gone so far in the repeal of the Usury Laws, he supposed we might as well remove all restrictions.

Hon. the SPEAKER said he must congratulate the hon. member for East Point on introducing such a Bill. He now was preparing to drive home the wedge which he (hon. Speaker) had the honor of introducing some years ago. He never could understand why Usury Laws were placed on the Statute Book of any nation. It seemed to him utterly at variance with the rules of common sense to say that people in merchandising could exact what they pleased on a barrel of flour or any other article of trade, and they were not to be allowed beyond a fixed rate for the use of money. He believed the enactment of such laws had its origin in some erroneous views of certain passages of the Old Testament, where, under the peculiar economy of the Jews in regard to their dealings one with another, they were forbidden to exact usury of their brethren. They were, however, allowed to exact as much as they pleased from a stranger. They were a peculiar people, and had peculiar laws for a divine purpose; therefore, we were not required to regulate ourselves by them. The law was evaded every day. Those who charged high interest generally did so to cover the risk which they incurred. We were in advance of Nova Scotia respecting the repeal of the usury laws. They were in force there still, and he observed by the newspapers that the Legislature of that Province intended to carry them out into their revised Statutes in course of preparation. It was more in accordance with sound political economy to place money free of restrictions, so that men of conscience who did not wish to evade the law might go into the market at home, instead of sending their money abroad. The Bill should have his hearty support.

Hon. Mr DAVIES would also give the measure his support. It had been well said that the law was evaded every day. There ought, in his opinion, to be no more restrictions on money than on any other article of merchandize. In a new country like this there should be free scope for trade, and for the influx of money.

Hon. Mr LONGWORTH agreed with those who had spoken on the subject. He was aware that usury laws were still in force in some of the other Colonies. But it was only recently that he learned that the usury law had been abolished in Scotland, the law lately passed in the mother country being a general statute embracing the whole United Kingdom. We were under no obligation to follow the example of Nova Scotia; and we could not err far in that respect by pursuing the course of the Imperial Parliament. Capital was increasing in the Colony, as many of our farmers were growing rich. Money should be free from restrictions, and he considered that it would be enlightened legislation to pass the measure before the House.

Hon. Col. SECRETARY said he would likewise support the measure, but he was aware that it was opposed to two authorities, namely Moses and the Church.

Mr HOWAT was not aware that any application had come in from the people in favor of passing such a Bill. He thought it was got up solely for the benefit of money-holders in Charlotte-town. He had had some conversation recently with a money-lender, who said that if he gave out money at a higher rate than 6 per cent, he incurred a risk, so he (Mr H.) believed that it would just be as safe for the country to let the law remain as it was. Many become indebted to merchants in the country, and if they did not pay up exactly at a certain date, they might be charged 15 or 20 per cent interest. This would be hard on the poor people. He considered the tendency of the measure would be to increase the rate of interest, consequently he felt disposed to oppose the motion.

Hon. Mr HENSLEY thought that the hon. member for Tryon took an extreme view of the Bill. At present the law allowed the merchant to compel his debtors to pay their accounts, by seizing and selling their goods and chattels. These might sell low, and the poor man's property be sacrificed. But if he could

get money to borrow he might save this sacrifice, so that instead of this Bill being an injury to the poor man, it would rather be a benefit. As to the matter of introducing the measure without its being asked for by petition, he would simply state that the law was altered on a former occasion without any petitions being before the House on the subject.

Hon. Mr LAIRD said he was expecting to hear from those who spoke in favor of the Bill that some person had been injured by the law as it stood. Several hon. members appeared to be in favor of free trade, but this seemed to be only when it suited themselves.

After two or three others had again spoken on the question, the motion was put, and only Messrs. Howat, Laird and Kelly voted against it. The Bill was then accordingly read a second time, committed to a Committee of the whole House, and reported agreed to with an amendment.

Hon. Col. GRAY tabled the warrant-book up to January last. Referred to Committee on public accounts.

Hon. Mr LONGWORTH presented petition from inhabitants of Wheatley River praying amendment in the law regulating sale of spirituous liquors.

Hon. Col. SECRETARY presented petition from president and directors of Bank of Prince Edward Island for power to increase capital stock.

#### MONDAY MARCH 28th.

Hon. COL. SECRETARY presented a bill relating to anchorage Duties.

Mr BRECKEN moved the second reading of the Bill to amend the law relating to Bills of exchange and Promissory Notes. He explained some of its leading objects; it would remove the unnecessary difficulty of collecting bills drawn abroad and made payable at particular Banks, &c. The bill was not to effect any suits now pending, nor introduced to meet any particular case, but by a more direct and less expensive course it would enable parties to take proceedings for recovery of bills, &c., in the common Courts, which is now confined to Courts of Chancery.

Hon. Mr HENSLEY agreed with the introducer of the bill; explained the difficulties of present law, relative to the collection and recovery of Promissory notes in certain cases; these difficulties would be obviated by the bill now under their consideration.

Hon. Mr COLES would not favor any principle of legislation on the subject, which would enable parties to recover any bill or note not recoverable as the law now stands.

The Hon. the SPEAKER said no danger need be apprehended from this bill. Its operation would be similar to that of small Debt Courts to which has been transferred jurisdiction formerly confined to Supreme Courts, relative to sums not exceeding £20. The power still remains for parties to go to Supreme Court if they choose; but it is less expensive to bring action of small amounts to a Commissioners' Court.

Hon. J. LONGWORTH, remarked that it was found necessary in England to provide similar protection as that contemplated by this bill. They were therefore following a very wholesome example.

The motion was agreed to, the Bill read a second time, and passed through Committee.

On motion of hon. J. Longworth, the House went into Committee on expiring laws. He stated that the Act relating to the regulation of the Fisheries of this Island had expired. Also that acts of 11 Vic. 7 and 24 Vic. Cap. 25, were about to expire. He observed that these Acts having but one object, namely the raising of funds for the encouragement of Education, he would recommend that they be consolidated. This would be an advantage to the public and a saving of expense to the country. He then commented on the general increase of the Revenue under the operation of these Acts, and the expediency of their continuance.

Hon. Mr COLES remarked, that it appeared to him that Government had cooked up the accounts to make the revenue appear £1,000 larger than it really was. It had been trumpeted forth to the country that the revenue for the past year was £62,000, whereas it was £1,000 less than that sum. We might be told this was but a clerical error committed by the auditors, but the Gov-

ernment were responsible for the acts of these officers, who were paid for the performance of their duty.

Hon. Col. GRAY termed the remarks of the hon. member who had just spoken, unfounded accusations. He observed that the clerical errors of auditors were not chargeable on the Government. The Treasurer's accounts showed the correct amount of receipts and expenditure.

Hon. Mr LONGWORTH said it was apparent that the hon. leader of the Opposition was anxious to attribute motives to the Government in this matter, but he would ask if one single hon. member on either side of the House would say there had been any tampering with the accounts.

Hon. Col. SECRETARY said that as the Public Accounts was not the subject before the House, this was not the proper time to reply to the hon. leader of the Opposition. If, however, credit is given to the colony of £1000, and the same amount also debited in the classified accounts, such an entry may appear erroneous but does not affect the real balance.

Mr BRECKEN said cooking accounts presented a fraudulent transaction performed for a purpose, and therefore was very different to a mere accident or clerical error.

Hon. Mr MAULAY said the facts of the case does not justify the discussion. The monetary interests of the colony or the integrity of any of the public officers of the Government are not affected by an error of the auditors in classifying the accounts.

Hon. Mr WARBURTON observed that the duty of auditors was to classify the public accounts correctly, and thus lessen the time otherwise spent in examining the accounts of different departments.

After this desultory discussion, the following resolutions were proposed by Hon. Mr Longworth and agreed to:

1. Resolved, That it is expedient to continue and amend the Act 5th George 4th, Cap. 12, intitled "An Act to regulate the Fisheries of this Island."

2. Resolved, That it is expedient to consolidate and amend the Act 11th Victoria, Cap. 7, intitled "An Act for levying further an Assessment on all Lands in this Colony, and for the encouragement of Education" and the several Acts in amendment thereof, together with the Act 24th Victoria, Cap. 55, intitled "An Act to raise funds for the purposes of Education, by imposing an additional Assessment on Land in this Island, and on Real Estate in Charlottetown and Common and Georgetown and Common," and to continue the same.

Committees were then appointed to bring in Bills pursuant to the resolutions.

Mr GREEN presented petition on the subject of the wholesale destruction of wild fowl in Richmond Bay. Tabled. The Bill to prevent the fraudulent marking of merchandize was read third time and passed.

Hon. Mr LONGWORTH moved the first reading of the Savings Bank Bill, and in so doing, stated that Bills to establish such an institution had been before the Legislature several times, having originated in the Legislative Council, but had been rejected by the House on objections to the manner in which they had been drawn up. The principle on which such institutions were based was not disputed. Savings banks had been established in England and in her Colonies, and great benefits had resulted from them. The Act which he now submitted was based on that in force in New Brunswick, from which, however, it differed in some respects. After instancing the great increase in the operations of the Savings Bank in St. John, the hon. member stated that the Bill provided for the management of the proposed Bank in connection with the Treasury, which arrangements could be easily effected at a cost to the Colony far within the surplus profits of the Bank, after allowing depositors 5 per cent. interest. The amount to be received on deposit was fixed at £10,000. It was proposed that the interest should be calculated quarterly on even pounds, and that such interest as was not to be withdrawn should be added to the credit of the depositor whose account might reach £75, when it would be finally closed. The measure was not to go into operation until the Lieut. Governor in Council should have declared its establishment. The gross amount of deposits fixed by the bill could be increased hereafter if necessary. Read first time.

The Usury Act was read third time and passed, after which the House adjourned.

TUESDAY, March 29.

Mr HOWAT presented a petition praying modification of the law regulating sale of spirituous liquors.

Mr M'LENNAN—petition for establishment of a Small Debt Court at Summerside.

Hon. Col. GRAY—the accounts of Impost and light duties. The latter were referred to the Committee on public accounts. The Bill to amend the law relating to Bills of Exchange and Promissory Notes was read a third time and passed.

## SAVINGS BANK BILL.

On motion of Hon. Mr Longworth, the Savings Bank Bill was read a second time and committed. Mr Sinclair chairman.

Hon. Mr COLES was not opposed to the principle of the Bill, but objected to the management of the institution being connected with the Treasury. Such connection would involve the creation of a new office and the appointment of another officer. The Treasurer and his Assistant had at present quite enough to do. The amounts deposited could be paid into the Treasurer weekly, and the officer who received them could assist in the Registry office where his services were required, as at present there was no provision made for the proper comparison of Deeds, &c. It was considered that those Banks were intended, not for the benefit of wealthy speculators, but for the encouragement of habits of economy among the poorer classes. As the Bill now stood, however, a comparatively wealthy farmer might invest £75 at one time.

Hon. Mr LONGWORTH replied that no inconvenience could arise from the plan proposed by the Bill, as it would not interfere with the business transacted at the Treasury Office,—a separate room would be provided for the Savings Bank, and by connecting it with the Treasurer's department, the public would have the advantage of the security of £10,000 which that office had given, while no such benefit would accrue from the appointment of a Deputy Registrar of Deeds.

Hon. Mr HENSLEY thought that since the Treasury had kept accounts with the Bank, its business must have been materially simplified, and that the Savings Bank would be operated at less expense if it were connected with that office. He would wish a definition of the term "industrious classes" for whose interests the Bill purported to be intended. He supposed that there was no intention to exclude from its benefits poor farmers who might be desirous of availing themselves of it, in order to save enough to purchase the freeholds of their farms.

Hon. SPEAKER agreed with the last speaker, but thought 4 per cent. would be sufficient interest to be allowed on deposits. The very designation, *Savings Bank*, implied that such an institution was not intended for wealthy men to invest their capital in, and therefore the rate should be such as to afford that class no inducement to do so.

Mr HOWAT thought it not prudent that the rate should be lowered as suggested. The object was to induce the poorer class to invest in the Bank.

Hon. Mr LAIRD would leave the Bill open to all classes.

The words "industrious classes" were, on motion of Hon. Mr Coles, struck out. The clause relative to the maximum amount to be placed to the credit of any one depositor having been read, Mr Montgomery thought it was desirable to limit it to an extent which would offer no inducements to men of wealth to use the institution.

Mr BRECKEN was of the same opinion. They should—as the institution was not intended for the class of people who could deposit their £30 or £40 at one time—limit the amount which a depositor might pay in at each payment. They should fix that amount say, at 30s. or 40s.

Hon. Mr M'AULAY said that the suggestions of the hon. member could be easily evaded by a party depositing his 30s. or 40s. every Bank day. It was better to leave the clause as it stood. He moved that the minimum

amount of any one deposit be one shilling and sixpence. Carried.

The other clauses were passed *non con*, and the Bill reported agreed to with an amendment.

Hon. Mr LONGWORTH moved the second reading of the Bill to amend the Act to incorporate the Union Bank of P. E. Island. He explained that the Bill was introduced to correct some errors in the Act pointed out by His Grace the Duke of Newcastle.

The Bill was accordingly read a second time, and committed to a Committee of the whole House. Some desultory debate took place on an amendment which the Directors of the Bank desired to be made to the 20th section of the Act, which provided that payment should be made out of the "joint funds of the Corporation." This clause the Directors wished to have omitted. Progress was reported, after which the House adjourned.

## SPECIE CURRENCY BILL.

WEDNESDAY, March 30.

On motion of the Hon. Col. GRAY, the House went into Committee on the Specie Currency Bill. In making the motion, the hon. member said that having fully explained the nature of the Bill when he introduced it, he would now only say that his object was to correct an anomaly in our currency. The Bill was similar to those in operation in the neighboring colonies. Without going into details at that time, he would suppose the hardship of the case of a man wanting gold say, for £500 of Bank paper, having his application met by the proposal to take silver in exchange, or pay 2½ per cent. for gold. The amount, at which silver should be a legal tender, was fixed at 12 dollars in the other Provinces, which he considered quite sufficient.

Hon. Mr COLES asked if the Bank demanded 2½ per cent. for gold?

Hon. Mr Longworth and Mr Brecken replied in the negative.

Hon. Mr COLES.—It was natural and proper that the Bank should keep some gold in their vaults, and he thought there should be some limit to the amount of tenders of silver.

Hon. Mr LONGWORTH.—The Bank having been incorporated on the basis of the Currency Act, the shareholders paid their subscribed stock in silver and gold, and the Bill would operate as an injustice to that institution. But if it was necessary to apply it to the Bank, its provisions should be extended to monetary transactions between individuals. Time should, in common honesty, be allowed for the Bank to get rid of its silver before the Bill should come into operation. The Bank does not, and cannot, charge a premium on gold, but all Banks charged on Bills of Exchange.

In Committee. Mr Brecken, Chairman.

Hon. Col. GRAY.—Mr Chairman, I wish to state that I did not intend to convey the impression that the Bank of Prince Edward Island charged 2½ per cent. for gold, but said that if I went to a Bank, it may be one of the three Banks now incorporated, and demanded £100 or £500 in gold to take abroad, I might be refused, and be compelled to take silver at the rate of 1s. 6d. to the shilling sterling, or pay 2½ per cent. for a Bill of Exchange representing the gold. The amount of silver to be tendered at one time, as I have said, is equivalent to those fixed by Statute in Nova Scotia and New Brunswick. The great influx of American silver into the neighboring provinces has caused a depreciation of 1-5th, and it is necessary that some provision should be made to prevent the loss and inconvenience to individuals which, as the law stands at present, must result from it. At the time of the passage of the Currency Act in 1848, a Bill of this nature was not necessary, as we had at that time not silver enough for our wants, and no Banking institutions existed among us. This measure has also an important

bearing on the operations of the contemplated Savings Bank. I may say that it is my intention to add a short clause deferring the operation of the Bill to the 1st of June, 1865.

Hon. SPEAKER.—Parties going to the Bank are bound to take silver, and so long as they are compelled by our Currency Act to receive the American quarter dollar at 1s. 6d., while in the other Colonies it is worth but a shilling, this Bill does not provide an adequate remedy for the evil. The Bill should fix the value of American silver at its proper standard. Besides, I do not approve of the principle of the Bill. Such a measure may do well enough in England where gold is more abundant than copper is with us. In a country so circumstanced, it is necessary to limit the amount of silver to be tendered in one payment. But our insular situation renders it impossible in winter to import gold, and a general law declaiming that not more than £3 of silver need be received from the Bank, will work a positive injustice. The supply of gold at present is inadequate, and all classes of the community will be only too glad to get their debts paid in any coin. The proper remedy for any inconvenience is to be found in an alteration of our Currency Act. The depreciation of American silver was caused by the demand for gold, and mercantile men resolved to prevent the drain of the latter by refusing to take the former at the face. At present, the merchants of Charlottetown, receiving silver in exchange for their goods, deposit in the Bank the money as they receive it, and would the Banks receive it in that shape if they were liable to pay out gold for it? I ask, is the Island in a position to carry on its business on the basis of gold alone? I avow my disapproval of the Bill, and, if I stand alone in my opposition, I shall oppose it as a measure which may be used as an engine of oppression. People in business in the rural districts of the Island may, if inclined, refuse to receive payment of their debts in aught but gold, and a man with plenty of silver may be sued for a debt which he is able and desirous to pay.

Mr HOWLAN.—The Bill will only affect the Banks. If a party can get Bills he will not take gold, and the inference to be drawn from a refusal of a Bank to redeem their paper with gold is simply that they are not in a position to draw Bills. The whole Currency of the Island is a humbug, and the sooner it is systematised the better. With reference to the sum proposed by the Bill, I think it too small—I would prefer £10. The Bill will accommodate the public without injury to the Banks. It will induce them to provide for the wants of the mercantile community by Bills of Exchange.

Hon. Col. SECRETARY.—Whenever gold is rising in value, silver depreciates. Without some measure of this kind what is there to prevent speculators from buying up silver in the neighboring provinces, and exchanging it here for our Bank notes, for which they would demand gold from its vaults? We should enact some measure to do away with the anomalous position of the Island, and assimilate ourselves in respect of our currency to the other provinces. I think £3 too small an amount. That can be adjusted by the Committee, and no injustice will be inflicted if time be given before the Bill shall go into operation.

Hon. Mr LONGWORTH.—The principle of the Bill is wholesome, but I am inclined to the opinion that £3 is too small a limit to the payments in silver. No one can deny the inconvenience which would result from the transmission of large amounts in the bulky forms of silver coins, and I agree with the hon. member, Mr Howlan, that Bills of Exchange would be the only, as they are the most, desirable means of making remittances. I, myself, suggested to the hon. introducer of the Bill the propriety of allowing a reasonable time to elapse before the Bill should come into operation.

Hon. Mr MAULAY.—The depreciation of silver being the result of evils existing in another country, it is our

duty to provide a remedy as prudently as possible, for unless some protection be provided the result may be that some capitalist with the control of say, 4000 sovereigns, may exchange them in New Brunswick for silver, and return with coins of that metal representing the value of 6000 sovereigns. I am not wadded to any particular amount, as the legal tender of silver, but I certainly think there should be some check.

Hon. SPEAKER.—All the supporters of the Bill declare that the depreciation of American silver is the cause of evil, but I ask how does the Bill remedy it? It appears that there is a want of moral courage to deal with the Currency Act. Under this Bill the rich man could get what gold he wants from the vaults of the Bank, while his poor neighbor has to sell his produce for a delusive value. In justice, such should not be the case; we should apply the remedy at once to the part diseased. We should strike the specification of the legal value of American coins out of our Statute Book, after which they would soon find their proper level.

Mr McLENNAN thought that in payments by the Bank the amount to be paid in silver should be a per centage—not a fixed sum—as a party might take hundreds in gold and only receive £3 in silver.

After some few observations, the purport of which has been given above, Mr Duncan moved that the blank be filled up with £6. Hon. Speaker's motion for £10 was lost.

Bill agreed to with amendment.

THURSDAY, March 31.

Hon. Col. SECRETARY moved the second reading of the Bill imposing an additional anchorage duty. The Bill was intended to impose a rate similar to that which was levied on Island vessels in the other colonies. Read second time and committed. Mr Yeo, chairman.

Hon. Mr COLES was opposed to the Bill as taxing vessels just launched.

Hon. Col. SECRETARY.—The Bill only concerned ship-owners, and they have not objected to it. In the case of new vessels a clause might be added specially affecting them.

Mr DUNCAN paid anchorage every time a vessel of his entered a port in New Brunswick. The amount was levied for Buoys and Beacons. He was in favor of a small tax here for those objects; but new vessels should be exempt, as the iron used in their construction paid a duty of 10 per cent.

Mr McLENNAN was of the same opinion that it was unfair to impose such tax on new vessels.

Mr SINCLAIR said that at present foreign and Island vessels paid light duties once a year, but the Bill proposed to charge the former 5s. each time they might anchor in any of our ports. That would be a great hardship, and its collection would be matter of inconvenience, and in a majority of instances, an impossibility.

Hon. Mr HENSLEY.—There might be a justification for the levied tax in the other provinces where vessels got the benefit of numerous light houses. He thought that difficulty would be experienced in collecting the duties to be levied under the Bill, and was in favor of exempting new vessels which might leave the Island and never return to it.

Mr CONROY.—The Bill would injure the business of Cascumpec. On Saturday evenings numerous fishing vessels go into Cascumpec harbor, and lay out a good deal of money in the purchase of various stores. He would exempt fishing vessels from the operation of the Bill.

Mr HOWLAN.—American Fishermen paid light money in Canso, and complained that they had to pay again in this Island, where the only light of any service to them was that on Point Prim. The case would be different if there was a proper Light House at Cascumpec instead of a light but little better than that of a stable-lantern fixed on a shifting sand-bar. An efficient light at the North Cape would remedy the evil, and the Mutual Insurance Company of Gloucester would cheerfully contribute towards its erection and maintenance. The collection of the additional charge would be more difficult

than at present. Fishing vessels put into Cascumpec late on Saturday night, and leave early on Monday morning. Sometimes one hundred sail come and depart at one time. The people of Cascumpec pay more to the Revenue than those of any port on the north side of the Island, with the exception of Malpeque, where the hon. Mr Yeo carries on so extensive a business. If the goods landed at Summerside, but intended for Cascumpec, were credited to the import returns of the latter place, the returns of duties from Summerside would be materially reduced.

Hon. Mr LONGWORTH.—The erection of a Light House at North Cape was an inter-Colonial undertaking, and long negotiations on the subject had taken place some two years since, but nothing definitive had as yet been done in the matter. It was but right to protect our revenue by taxing others as they taxed us. It might be right to exempt from the charge vessels entering our harbors for shelter, while it could still be exacted from those coming for the purposes of trade.

Mr BRECKEN moved to amend the clause by inserting the words "or other vessels bona fide engaged in fishing." Agreed to.

The Bill was then agreed to with amendments.

#### THURSDAY AFTERNOON, March 31.

Hon. Col. SECRETARY presented a petition from John Robinson, of Liverpool, England, praying for letters Patent relative to certain inventions in shipbuilding; read and laid on the table.

Hon. leader of the Government submitted to the House the minutes of Council relating to the Land Question, asked for by the hon. leader of the Opposition; read and referred to Committee on public Despatches.

Hon. Col. SECRETARY gave notice that to-morrow he would ask leave to present petition of John Corish and others praying for an amendment to the license law, relative to spirituous liquors.

A message was received from the Legislative Council, intimating that the Bill relating to the office of Commander-in-Chief had passed the Council. Also the Bill relating to the fraudulent marking of Merchandize, with several amendments, the principal of which was the striking out of the clause rendering Merchants liable for selling goods having thereon pirated marks. Said amendment was received and read a first time. On motion of the hon. Col. Gray the Bill intitled "an Act to amend the Act relating to Specie currency," was read a third time and passed.

Hon. Col. SECRETARY submitted a bill relative to the extension of the charter of the Bank of P. E. Island. Received and read a first time; ordered to be referred to the special committee on private bills.

Hon. leader of the Government presented to the House the accounts of the Public Land Office of this Island for the past year. Referred to Committee on Public accounts.

The House in Committee of the whole resumed the consideration of the amendment to the Union Bank Act; said amendment was then read a second time and agreed to.—House adjourned.

#### FRIDAY, April 1.

Hon. G. COLES gave notice that to-morrow he would present a petition from inhabitants of East River complaining of the Road Commissioner. Hon. Col. Secretary presented a petition from John Corish and others praying for alteration in license law. Mr Sinclair presented a petition from inhabitants of Lot 18 relative to the same subject.

On motion of Hon. Dr Kaye, the Bill to incorporate St. George's Lodge was read a second time and ordered to be engrossed.

On motion of Hon. J. Longworth, House went into Committee to take into consideration amendments made by Legislative Council to Bill relating to fraudulent marking of merchandize—Mr Sinclair in the chair.

Hon. Col. GRAY said he thought it extraordinary that the Bill should be sent back by the Upper House, to receive proposed amendments. If amendments were adopted, Bill be-

came a dead letter. He then enumerated several articles of public utility, manufacturers of which had been seriously injured by their trade marks having been fraudulently adopted by vendors of spurious articles. He instanced the celebrated Knife Manufactory of Rogers & Son, No. 6, Norfolk Street, Sheffield, England; Bass's Pale Ale, universally acknowledged to be highly nutritious; the valuable Watches manufactured by Messrs. McCabe of London, &c., and commented on the serious injury inflicted upon the general public by having the trade-mark of those and such like establishments pirated by the manufacturers of inferior articles, as well as its ruinous effects upon the fortunes of men who have expended much capital in perfecting their business. Mr Goodyear had expended some thousands of pounds in perfecting his patent for the manufacture of India Rubber Shoes: his patent was pirated, and spurious articles sold in its stead. The public, therefore, as well as the honest manufacturer, should be protected, and the object of this bill was to afford that protection. The Legislature of this Colony was asked by the Colonial Minister to pass the measure for wise purposes.

Hon. Col. SECRETARY supported the views of the hon. leader of the Government. When farmers bought Griffin's Scythes, for instance, they should be the genuine article, and merchants should be held to guarantee the article or declare that they do not guarantee it. If they had goods of inferior quality, or such as they considered had pirated marks, they could easily say they were not prepared to guarantee them.

Hon. G. COLES said the practice of importing inferior merchandize, having spurious labels, was nothing short of deception. Holloway's Pills of world-wide celebrity, pirated by quack doctors, may be made to poison instead of cure. He agreed with the views taken on this subject by the hon. leader of the Government. It was his opinion that certain hon. gentlemen in the other end of the building had looked too much to self-interest on this question. Certain traders appear to be getting rich of late, by practising deception upon the public. He would, therefore, oppose the amendments of the hon. Legislative Council.

Mr DUNCAN said the Bill would not only afford protection to the manufacturer but also to the purchaser; he had known what was called Griffin's Scythe to be sold for less than that Scythe's prime cost. This was a proof that in the sale of that article fraud was practised upon the public.

Hon. Mr HENSLEY said parties purchasing abroad should satisfy themselves that the article is genuine, and merchants importing from England or the States any quantity of goods, should take special care to protect themselves and customers from impositions of this nature by ascertaining their real value. Reference had been made to Bass's ale; that gentleman's label had been pirated, and a spurious article containing strychnine had been used instead of the genuine article.

Mr BRECKEN said if the clause objected to by the hon. Legislative Council is struck out, the effect of the whole Bill is destroyed. When a law is enacted relative to a subject of this kind, the public are very naturally led to suppose they are protected by it, and if parties are allowed to sell spurious instead of genuine articles under the provisions of the Bill, he contended that it would tend rather to deceive than to protect the public. It would, therefore, be better to abolish the Bill than to adopt the amendment proposed by that hon. House.

Mr HOWAT compared the course pursued by the hon. Legislative Council towards this Bill, to a man afflicted with the horrors, who thought he saw the devil coming after him, and begged his Satanic Majesty not to take him, but carry off that man, pointing to some other individual present; so it was with those who considered this Bill applicable to merchants abroad, but did not wish its principles applied to their own trade.

Hon. J. WARBURTON remarked upon the many evils of which this pernicious system was productive, and added that he himself had often been deceived by purchasing spurious articles.

Hon. J. LONGWORTH said it appeared to him that the alterations made by the hon. Legislative Council to the Bill, were made without mature consideration. The object of the Bill was to protect the honest dealer and to prevent fraud.

We would not be discharging our duty to the public at large if we strangled the Bill.

The hon. the SPEAKER said that the alterations proposed would render the Bill useless; it would be the body deprived of life. It was the duty of that House to legislate not for the protection of British merchants, but for the rights of all classes in the community. If parties will sell spurious articles, they should be prepared to take the consequences; and as the Bill is not to be put into operation till the 31st Dec. 1864, ample time is given to prepare for it, and therefore it cannot be alleged that any improper advantage has been taken of any parties by the passing of this measure.

Mr MONTGOMERY observed that in cases where articles that had been fraudulently marked were not direct from the manufacturer, but bought at intermediate places, impositions might be practised on merchants from this Island. It might, therefore, be considered a hardship to hold the innocent purchaser of articles, under such circumstances, responsible for the fraudulent marks upon them. He considered, however, that every possible protection should be given to the honest manufacturer, and to the general public, and would, therefore, support the Bill.

Mr HOWLAN said that merchants who could not guarantee that any article of merchandise sold by them was genuine, had only to make that candid admission, and this would, as had already been very properly observed, free them from any further trouble about the matter; and as the time was limited when this Bill should come into operation, he considered no reasonable objection could be raised against it. If goods purchased by parties at St. John, N. B., or Halifax, were illegally marked, the merchants of those places were subject to an action at law, as an act similar to the Bill now before this House was in operation in the other Colonies.

After some further remarks from the Hons. Col. Gray, Coles, Longworth, and Pope, relative to the striking out of the Bill by the hon. Legislative Council, the manufacturer's place of business, it was Resolved that the amendment of the Legislative Council be disagreed to, and that a Committee be appointed to draw up reasons for said disagreement.

On motion of Mr Duncan the Bill to incorporate the minister and trustees of the Presbyterian church at Valley Field, Lot 57, was read a second time and agreed to.

Mr Haslam moved that the House go into Committee on petitions praying for the establishment of S. D. Courts in certain localities of this Island.—House adjourned for one hour.

#### FRIDAY AFTERNOON, April 1.

The House went into Committee on the Act to amend the Act of incorporation of the Bank of Prince Edward Island.

The first clause having been read, Hon. Mr Hensley, in moving its adoption, said, This clause is similar to that contained in the Bill of last year, but it contains a proviso authorising shareholders to withdraw their stock at the expiration of the present charter. Few of the shareholders will object to the extension of the charter. The other day, a petition adopted, "almost unanimously," was presented, praying for such extension, and but one shareholder objected to it at the meeting of the stockholders. The idea that was last year expressed in another place, that this Bank wished to increase the amount of its capital stock in order to prevent or embarrass the Union Bank's operations, was by no means just. We ask no privileges which we would deny to that or any other Bank. The extension prayed for is not to be adopted until January, 1866. The Bill of last Session, which was rejected at the other end of the building, gave the privilege of extending the capital, when a majority of the shareholders should be in favor of doing so—the additional shares to be put into the market, and public opinion would regulate their value.

Hon. Col. SECRETARY.—If the proviso, authorising parties to sell out their stock, were not inserted, we should have had the recalcitrants, as last year, appearing in opposition to it.

Hon. SPEAKER.—Mr Chairman, I must give credit to the Hon. Col. Secretary for the ingenuity with which he has sought to catch the favorable opinion of the *Patres Conscripti*. The Bill which, last year, passed this House and was rejected by the Council, was at all events based on sound principle. This differs widely from it, and I cannot consent to sacrifice principle to

please those who legislate on the narrow-minded view that the measure of last Session was intended to interfere with the Union, or any other, Bank. I am a freetrader, and am as much opposed to a monopoly of Banking as to any other exclusive business. If capitalists wish to invest, I am in favor of affording them the means of embarking their wealth in whatever way they may prefer. But now to conciliate anticipated opposition, a mongrel measure, such as has no counterpart in any other country, is introduced. It is monstrous to defer the time at which the right of extension is to commence to eighteen months from the present; and the proviso, as to the right of selling out, is absurd. Let whoever is unwilling to continue a shareholder, sell out whenever he pleases, as he can do at present. Is it to be tolerated that one man may paralyze the whole institution? At the annual meeting of the shareholders, but one opposed the extension sought for, and he had a large interest in the Union Bank. The charters of the Bank of New Brunswick, the St. Stephen's Bank, Charlotte County Bank, and Bank of Nova Scotia have been extended without any limitations. I will oppose the clause.

Hon. Col. SECRETARY.—I agree with the hon. Speaker as to the nature of the Bill of last year, and that the Legislative Council took a very narrow-minded view in rejecting it. But, Mr Chairman, I do not see why I should be twitted for having introduced the present Bill; it has been drawn up in accordance with the petition of the Directory of the Bank, and that being the case, it is not our business to enquire into the reasons which actuated them in asking for it in its present shape.

Hon. Mr COLES.—If a majority of the shareholders wish an extension of their capital stock, it is unnecessary to insert a clause to meet the views of opponents. I can see no reason for objections to the Bill on the part of the new Bank.

Mr DUNCAN.—I cannot agree with the hon. Speaker. I think the clause quite right and proper. No party should be compelled to continue in an association on other terms than those on which he entered into it. Suppose a man enters into a co-partnership for three years, ought he to be forced to continue the connection for ten? It is but just and reasonable that those who wish to retire should be allowed to do so, and that they who wish to remain should be at liberty to continue the business.

Mr BRECKEN.—The case supposed is not analogous. One section of the Act of Incorporation gave the power of increasing the capital stock of the Company, and every shareholder knew that when he subscribed for his shares. As the Hon. Mr Hensley stated, the shares will rise or fall according to the degree of confidence which the public may feel in the management and prospects of the association. I am not opposed to the Union Bank, and his would truly be a narrow mind who would throw obstacles in its path, in order to raise the value of his own shares in the older institution. I should like to see half a dozen Banks in operation, and would wish them all success.

Hon. Col. GRAY.—The probability is, that if the Bank of Prince Edward Island had not slumbered on its rights, the extension prayed for would have been conceded without argument. It is clear that, within seven years from their incorporation, the directory could have increased the capital stock, and that period having elapsed some two years since, they have felt it necessary to come to the Legislature to sanction the action they desire to take. The fact that twelve months have now elapsed since a Bill with a similar object was before us without any remonstrance being presented against the present one, justifies the conclusion that those more immediately interested in this measure are desirous that it should pass. Hon. members should not allow their votes to be influenced by regard to the separate interests of either the Bank of P. E. Island, the Union Bank, or the Farmer's Bank at Rustico. Holding no shares in either of them, I entertain no personal feelings in the matter.—Competition is essential in Banking, as in other commercial operations, and the establishment of the Union Bank will afford to the mercantile community increased accommodation. They will both find profitable employment for their funds, and I sincerely hope that they will both prosper. A few years ago, we were inundated with New Brunswick Bank Notes; and parties requiring to borrow money were at the mercy of men who charged what interest they pleased. I knew an instance where a party executing a mortgage on a valuable house property, had to pay no less than 15 per cent. I shall support the clause.

The date at which the Bill was to come into operation having been changed from 1865 to 1866, was agreed to, as amended, by striking out the clause allowing parties to withdraw their stock.



SATURDAY, April 2.

On motion of Hon. Col. Secretary, the House went into Committee on the Oyster Bill. Mr Howlan Chairman.

Hon. Mr COLES moved that the Speaker take the chair. Bills imposing a tax upon the subject should emanate from Committee of the whole House in ways and means; no member in his individual capacity could introduce a measure of that nature. The hon. member quoted authorities in support of his position.

Hon. Mr M'AULAY.—As no duty was imposed by the Bill, did not recognize the applicability of the quotation. The only object was to prevent the destruction of the oyster fisheries.

Hon. Mr LONGWORTH.—Without disputing the authorities cited by Hon. Mr Coles, which had reference to a general tax, yet thought that a constitutional principle being involved, they should consider how far the course adopted by the Hon. Col. Secretary was in accordance with British Parliamentary practice. The Hon. Mr Coles had objected that one portion of the Bill imposed a tax, and that, consequently, it should have originated in Committee. He contended that the whole Bill was properly introduced, and that the charge for a license to fish could not be viewed in the light of a general tax. Parties to be affected by it came voluntarily under its provisions, and its operation would only have the effect of imposing a local charge—as but two or three rivers were to be subjected to it—which he showed from May on Parliament, page 450, did not come within the rule.

Hon. Mr COLES.—The proceeds were to go into the general Revenue; therefore, the Bill was not properly introduced.

After some conversation, the Hon. Col. Secretary moved that progress be reported; and that a Committee be appointed to examine precedents and report. Progress reported.

In the House, Hons. Col. Secretary, Longworth, and Hensley were appointed the Committee.

SATURDAY AFTERNOON, April 2.

The Hon. Col. SECRETARY moved that the engrossed Bill intituled "An Act relating to Anchorage Duties," be now read the third time.

Hon. the SPEAKER declined receiving the motion, stating as his reason, that as the Bill provides for raising a general revenue, the Bill should have originated either in the Committee of Ways and Means, or in a Committee of the whole House.

Hon. Mr COLES said, according to notice, he would now present a petition of Alexander Miller and others, complaining of the conduct of John Scott M'Leod, Commissioner of Roads for the 7th District of Queen's County, in the discharge of his duty as such, and praying an investigation of the matter. The members for the District had always a great deal of trouble with the people about Apple Tree Farm Wharf, complaining that too little money was expended there; but now they were coming forward to say that it was squandered by the Commissioner. He believed the petition should be referred to a special Committee to report thereon, and he would make a motion to this effect, unless the Government could show cause to the contrary.

Hon. Col. GRAY replied that the matter referred to in the petition had been carefully investigated by the Government. This House had little to do with the squabbles of the people about Apple Tree Wharf. It would have been with better grace if those whose names were attached to the petition had first come before this House; but after the Government had been put to a great deal of trouble in the matter, they now came and asked this House to pass a direct vote of censure on the Executive. He would say nothing against the person who came forward with an address to the Executive last summer; but he (Col. G.) believed that individual was mistaken. The Road Commissioner complained of appeared to be a capable person for the office, and on investigation, no charge of misappropriation could be sustained against him. The petitioner already referred to asked to censure the Government because he was not made acquainted with all the particulars of the investigation. No Government could do such a thing. He (Col. G.) contended that the application for a special Committee could not be received.

After two or three other brief speeches on the subject, the question was put on Hon. Mr Coles' motion for a special Committee.

For the motion—Hons. Coles, Warburton, Thornton, Kelly, Beaton, Hensley; Messrs. Sinclair, Sutherland, Howlan, Conroy, Walker—11.

Against it—Hons. Col. Gray, Longworth, Colonial Secretary, Laird, Kaye, M'Aulay; Messrs. Brecken, Haslam, M'Lennan, Montgomery, Ramsay, Duncan, Howat—18.

Hon. Mr LAIRD then moved, seconded by Mr Howat, that it is inexpedient to entertain the prayer of the said petition, the subject matter thereof having been already investigated and disposed of. The motion was agreed to.

On motion of Hon. Mr Longworth, the Union Bank Act amendment Bill was read a third time and passed.

On motion of Hon. Col. Secretary, the Bank of P. E. Island Act continuation and amendment Bill, was read a third time and passed.

Mr BRECKEN introduced two Bills, one in addition to the Charlottetown Incorporation Act, and one in addition to the Act to extend the Criminal Jurisdiction of the Police Court in the City of Charlottetown. Both were read a first time, and then the House adjourned.

MONDAY, April 4.

Hon. Mr KELLY presented a petition of Archibald Kennedy, and other inhabitants of Charlottetown and Hillsborough River, praying that the Act relating to Steam navigation between Charlottetown, certain parts of the Hillsborough, and Elliot Rivers, may be so amended as to provide for the semi-weekly running of a steamboat between the several points mentioned, instead of daily. Also another petition of Hugh M'Innis, and others, of the same place, praying for a similar object. Also a petition of James Ross, and other inhabitants of Township 37, praying for the establishment of a Small Debt Court at Mount Stewart Bridge.

Hon. Col. SECRETARY presented a petition of Donald M'Millan, and other inhabitants of Woodville, praying for an amendment in the law regulating the sale by license of spirituous liquors.

Hon. Mr LONGWORTH, a member of Her Majesty's Executive Council, presented to the House the Reports of Visitors of Schools for both the Eastern and Western sections of the Island, as transmitted by the Board of Education, with the remarks of the Board thereon. In doing so, he said it was gratifying to know that the officer who had charge of the Western section of the Island, in particular, had given a very satisfactory report of his proceedings. His statistics, at least, were very satisfactory, and would be thought so by the House. With respect to the officer in charge of the Eastern section, he had been ill for some time, and therefore his report would have to be looked at with leniency. The Board of Education had made a comment upon it, and it was accompanied by a certificate from a medical man.

Hon. Mr COLES said he would now offer a few remarks on these Reports, as perhaps he might not have another opportunity. Notwithstanding the flattering terms in which the report of the Visitor of the Western section of the Island was noticed, he (Mr C.) believed that the sick man's report contained the most information. The advice which he gave was a return to the old system of granting a small sum to unqualified persons to teach in certain localities. The other Visitor, however, stated that there was a sufficient number of teachers. The Western Visitor referred to the irregular attendance on account of the wet weather in harvest, and advised a longer vacation. He (Mr C.) thought the present arrangement preferable; let the children attend school on wet days if harvesting operations could not be proceeded with. With respect to the Normal School, we had heard it stated that it had been a great benefit to the Island. Well, he hoped that it was. But with respect to another school in the city, he would not hesitate to say that it was kept by a person whom it would be a disgrace to any country to retain on the list of teachers. He was openly convicted as a forger, and still he was allowed by the Board to act as a public teacher of youth in this city. Nor was forgery the only thing of which he was guilty. He (Mr C.) spoke feelingly on this matter, as this teacher in question was the one in his own district; but he could never think of sending a child of his to a school taught by such a man.

Hon. Mr LONGWORTH thought it scarcely necessary to reply to the remarks of the hon. leader of the Opposition. He objected to the Western Visitor's report because it pointed out some defects in the operation of the Education Act. While it did so, it clearly showed that Education was making advances in the Colony. The Board of Education had passed a high encomium on the Report, and they were in a better position to judge of its merits than the hon. member who had only heard it read in his place. Mr Backerfield thought that there ought to be more vacations in the year; this was merely his opinion, but if he held it he had a perfect right to state his mind. The hon. member had made an attack upon an individual teaching in Charlottetown. This person had at one time been guilty of a misdemeanor, but it might be that he had reformed, and become a credit to the community. The fact that he had been employed by such a respectable body of men as the Board of Education, showed that he must have reformed.

Hon. Mr WHELAN offered some severe remarks against the teacher in question, and strongly condemned the Board of Education for keeping him on the list of Teachers.

Mr BRECKEN was aware that the teacher referred to was tried and convicted of an offence; but he did not know anything about his character since. He had been informed that there were upwards of 100 children in his school, and that he had now an assistant. What the hon. leader of the Opposition had stated, he (Mr B.) considered a reflection on a part of his constituents. He believed they were as capable of judging of the character of a teacher as the hon. member.

Mr HOWLAN rose to refer to one point, namely, that under the operation of the Act of last session, the French schools were nearly all closed. They were told that they must comply with the regulations of the Board of Education. They endeavored to do so; their teachers passed the Board; still they could not get their districts registered. He had questioned the Visitor of Schools on the subject, and this officer said that the matter had been referred to the Attorney General. But up to this time no answer had been received. Those who had the education of the Colony in charge ought to do something to remedy this defect in the Act.

Hon. Mr LONGWORTH explained that a Bill was about to be introduced in which provision was made for French Acadian Schools situated in other districts.

Mr CONROY said there was an Acadian school in the Western part of the Island, which used to be attended by 60 or 70 children, closed because it could not become a registered district. He hoped that some remedy would be provided.

Hon. Mr HENSLEY understood by the Act of last session that the French Acadian Schools were to come under the full control of the Board of Education as regularly registered district schools; but the difficulty was to get them registered in some places without interfering with other districts already registered, for the Board had not power to grant this to two within the same or part of the same limits. He never saw any disposition on the part of the Board to exclude the Acadian schools; the difficulty was in the Act. With respect to the Report of the Western Visitor of Schools, he would say that if any person took up and examined the statistics given in it, he would find them to be very carefully prepared. In regard to the teacher in Charlottetown, whose character had been commented on, he might have purged his guilt by subsequent good conduct. How this might be he could not say, for he was not present at the meeting of the Board when the teacher in question was licensed. This, however, he knew, that teacher had been appointed by the Board in compliance with the prayer of a petition numerously signed by the householders in the district in which he taught. Adjourned.

TUESDAY, April 5.

The Bills incorporating the St. George's Lodge of Free Masons at Georgetown, and the Presbyterian Church at Valleyfield, Lot 57, were severally read a third time and passed.

Hon. Col. SECRETARY introduced a Bill to enable John Robinson of Liverpool, England, to obtain letters patent for a new invention in the art of shipbuilding.

Hon. Col. GRAY introduced a Bill to provide for the establishment of a Marine Court of Enquiry. He explained that it was based on a despatch from the Secretary of State for the Colonies. It had been considered necessary on account of the number of vessels wrecked on the coasts of these Colonies. This Bill provided for the establishment of a Court to adjudicate in regard to wrecks on this Island.

#### SMALL DEBT COURTS.

The House went into Committee of the whole on the petitions praying for the establishment of additional Small Debt Courts.

Mr HASLAM commented on the petition praying for a Small Debt Court at Strathalbyn. That settlement was about 12 miles from the Court at New Glasgow, about an equal distance from the one at DeSable, and still further from Charlottetown. The expense of travelling such a distance for a summons, would in many cases almost equal the amount of the debt. It was a thriving district, and as a good deal of business was beginning to be done there, he thought it would be but fair for the House to grant the prayer of the petitioners.

Hon. Mr KELLY said the same arguments as those adduced by the hon. member, would also apply to the petition before the Committee for a Court at Mount Stewart Bridge. The people of that part had frequently to come to Town with their cases to the Small Debt Court, which was entirely too great a distance when the roads were bad, as at this season of the year.

Mr McLENNAN remarked in regard to the petition from Summerside that it had 400 signatures. The people there had not so much to complain of the distance they had to travel, as the circumstance that there was generally so much business in the Court at St. Eleanor's that it could not be got through with on one day. They had besides, as it were, to go out of town to get their dues collected. It was like what it would be to take the people of Charlottetown to Southport to attend Court. He knew it was argued that there were too many Small Debt Courts in the Colony; but if a Court was good for one part, it must be so also for another.

Hon. Mr DAVIES thought that Summerside ought to get an Act of Incorporation at once, and then it could transact its own business. There were already some 18 courts throughout the Island, and he would oppose the establishment of any additional ones, as he did not believe they were for the public benefit.

Hon. Mr COLES agreed with the hon. member for Charlottetown. It was not well that persons should have too great facilities for taking revenge on their neighbours. If they had to travel a few miles they might cool down. There could be no business at Strathalbyn to require a Court there, and with regard to Summerside it would be better to move the Court down from St. Eleanor's than establish a new one. He was opposed to his colleagues also as to the necessity of a Court at Mount Stewart Bridge.

Mr HASLAM offered some remarks in reply to previous speakers, and moved a resolution to the effect that it was expedient to establish Small Debt Courts at certain localities as prayed for in the petitions before the House.

Mr MONTGOMERY would, by no means, desire to increase litigation in the country, as it was generally followed by evil consequences; but when a settlement became very populous they required such Courts. The petitions were very numerously signed, and surely the people were competent to judge for themselves what would or would not be for their benefit.

Mr SUTHERLAND said that he had been applied to by some of the people in King's County as to the probability of obtaining the establishment of a Small Debt Court at St. Peter's Bay; but he told them that he thought it was no use to petition the House, as similar applications had been refused last session. Had his constituents known that such petitions would be entertained this session, they would have had one before the House. He hoped then that if any applications were granted, St. Peter's Bay would not be overlooked.

Hon. the SPEAKER remarked that if the House were going to adopt the principle that Courts were to be established where prayed for, he would put in his claims for King's County. There was a standing application from that County for a Court at Montague Bridge, which had as much right to be granted as those now before the Committee. He, however, like the hon. member for Charlottetown, and the leader of the Opposition contended that those Courts were sufficiently numerous already. They afforded employment for a number of harpies called bailiffs, and this was about the only class in the community which they benefited.

Hon. Mr DAVIES moved an amendment to Mr. Haslam's motion to the effect that it is inexpedient to increase the number of Small Debt Courts on this Island, which was carried, but on its being reported to the House Hon. Mr. Longworth moved the following amendment:

"Whereas it is expedient to establish two additional Courts for the recovery of Small Debts, in the County of Queen's County, that is to say: A Court at or near Straibalbyn, and a Court at or near Mount Stewart Bridge; and one Court in each of the Counties of Prince and King's Counties, namely, a Court at Summerside, and a Court at or near Saint Peter's Bay. Resolved, Therefore, that the Small Debt Act be so amended as to empower the Executive Government of this Island, to establish additional Courts in the localities above mentioned."

Which amendment was carried on the following division:—  
Yeas—Hons. J. Longworth, Col. Secretary, J. H. Gray, Pope, Hensley, Beaton; Messrs. Montgomery, McLennan, Haslam, Brecken, Sinclair, Sutherland, Kelly—13.

Nays—Hons. G. Coles, Whelan, Thornton, Kays, McAnlay, Warburton, Davies; Messrs. Howlan, Walker, Conroy, Howat, Ramsay—12.

The House then adjourned till to-morrow.

## HOUSE IN COMMITTEE ON DESPATCHES.

WEDNESDAY, April 6.

On motion of Hon. Col. GRAY, the House went into the order of the day, namely, Committee of the whole on consideration of the various despatches and papers transmitted by message to this House, this session. Mr. Sinclair in the chair.

The several despatches and papers having been read, Hon. Col. GRAY rose and proposed the following resolution:—

"Whereas the scheme proposed by the Duke of Newcastle in his Despatch of the 11th July, 1863, even if assented to by the Proprietors, and confirmed by an Act of the Legislature of this Island, inasmuch as it did not anticipate the remission of arrears of rent accrued and due prior to the first of May, 1858, except in cases in which the Tenants should purchase the freehold of their farms; and as it would not render it compulsory upon the landlords to sell at any rate of price; but on the contrary would have left it optional with them to sell or not, as they might see fit; Therefore, Resolved, that the said scheme is one such as this House cannot entertain; and further, that the course pursued by the Executive Government as expressed by the Minute of Council of the 27th August last, appointing a Delegation for the purposes therein named, which was laid before this House on the 31st ultimo, meets with the unqualified approval of this House."

Hon. Mr. COLES.—Mr. Chairman, the resolution just proposed by the hon. leader of the Government, is one of the most singular documents of which I have ever heard. It says, sir, that the appointment of delegates by the government on the 27th of August last, 'meets with the unqualified approval of this House.' This is certainly a very cool piece of dictation. But it does not affect the appointment of delegates merely; it also approves of the minute of Council which authorized them to make certain strange proposals. The resolution also says that the Duke's scheme did not contemplate giving up the arrears of rent accrued and due prior to 1858. I hold that the Delegates' proposal offers nothing better, in short that they went home to propose terms more favorable to the proprietors than those contained in the Duke's Despatch of July last. His Grace proposed 16 years purchase as the very highest that should be paid, but by the instructions to the delegates, contained in the minute of Council, it appears the government were willing to pay 16 years purchase in all cases; but it is difficult to understand what that minute exactly means. The Duke judged that the tenant who was in arrears was a poor man, and therefore could not pay his rent, consequently he should have the privilege of obtaining his land at 8 years purchase. Now, what does one of the delegates say on this question. The hon. Attorney General, in the other end of the building, argued that this proposal was not so favorable to the tenantry as that made by them, and said: "We were not, surely, to call the Legislature together, at an enormous expense, particularly on a question of this kind, on which the views of the people were so well known." Now, sir, this question was never before the country. The matter before the people at the last election was the Award. In stating that the delegates' proposal was more favorable than the Duke's, he must mean that it was more favorable to the proprietors. Hear what his honor the Attorney General himself says of the unfavorable nature of His Grace's proposal: "No doubt the proprietors would consider the propositions of the Colonial Minister outrageous, tainted, perhaps, with more than dishonesty, when they would consider that a tenant who had paid no rent for six-

teen years could get his land at eight years' purchase; and we want no further proof that they would not accede to those proposals." This is the opinion of one whose name was attached to the Proprietors' Bill, and shows that he believed the Duke's proposal to be too liberal for the tenantry. As to its not being compulsory, the same thing might be affirmed of the delegates' offer. Had the Colonial Minister's scheme, however, been accepted, it would have had the influence of the Home Government to recommend it, and would probably have been assented to by the proprietors. Should some measure be carried by the Government similar to the delegates' offer, it will likely for ever place it beyond the power of the tenant to get his lands at a fair price. The titles are to be confirmed, the fishery reserves and quit rents to be set at rest, consequently there will be no means to induce the proprietors to sell their lands on reasonable terms. But if the Government bring in any measure different from Canard's Bill, will they be able to procure for it the concurrence of the proprietors? They have taken the matter out of the Duke's hands, therefore he cannot be expected to exert his influence on behalf of the tenantry, and the Bill when it goes home will not be acceded to. By accepting the Duke's proposal in preference to making that of the delegates', the government would save the first instalment to the tenant, because they would get the whole of a proprietor's lands for about two-thirds of the amount which they would have to pay by their own scheme. Under the proposal of His Grace the whole of Sir Samuel Canard's estates would be obtained for about £30,000. This would have set him out of the way, and then the question might be more easily arranged with the other proprietors. I admit that the Duke's scheme is open to a few objections, but it is preferable to the delegates' proposal; besides the government had no right to make any such proposal without the consent of the people. I am not a friend of Sir Samuel Canard, but I consider that in rejecting the proposal of the Government he has done the country more good than injury. The resolution before the Committee approves of the appointment of delegates; in this I cannot concur, and therefore must submit the following amendment:—

"The Despatch of His Grace the Duke of Newcastle, dated the 11th July last, on the Land Question, although open to some objections;—but which might have been pointed out and their removal suggested—is, on the whole, one far more calculated to relieve the large majority of the Tenantry of this Island from their embarrassments, than the proposals made by the Delegates, by order of the Executive Government, as laid before this House in a Minute of Council, dated the 27th August last: Therefore, Resolved, That in the opinion of this House, the Delegation offer has proved detrimental to the best interests of the Tenantry, and ought not to have been ordered by the Executive Council, until the Despatch of the 11th July, 1863, had been submitted to the Legislature."

Hon. Col. GRAY.—Mr. Chairman, With the hon. leader of the opposition the grapes which are sour one day are sweet another; they are sour when the government consider them sweet, and sweet when the government consider them sour. Every man who can read is in a position to judge whether the arguments of the hon. member are true or false. Every man can judge whether such an eminent person as the Duke of Newcastle would say yes, when he means no—whether his words are of no more value than a straw on the market square. He states in the Despatch of July last, three different times, that his scheme therein proposed would not be compulsory. Of what value then could it be to the tenantry of this Island? As to the titles being confirmed by the present government, I have never thought since I came into this Legislature that any titles required confirmation. I always understood that these were confirmed when responsible Government was conceded to the colony in the Despatch of 21st February, 1851. If there were any titles to confirm, I, being what I contend that I am, the advocate of the tenantry, would be stultifying myself if I were to be a party to such an act.—I never on the hustings held out the prospect to the tenantry that arrears of quit rent would be collected. I promised nothing. I was doubtful whether anything could be done with respect to the proprietors' rights as confirmed by the Liberal Government. All I said was, that as the Home Government had remitted arrears of quit rent to the proprietors, I thought there was some hope that the proprietors in turn might give up arrears of rent to the tenantry. On this ground I introduced my resolutions asking for a remission of arrears of rent. As long as these arrears are standing, it is in the power of the

proprietor to take away, not only the tenant's last horse, cow, and pig, but also the bed from under him. All I contended when I brought in my resolutions was that if the proprietors possessed any principle of fairness they could not avoid giving some boon to the tenantry. I was aware that some of the proprietors would not sell their land to the tenantry on any terms. I need not name them. Others again, such as Sir Samuel Cunard, asked 25 or 30 years' purchase for their land. Besides, then, a remission of arrears of rent, the resolutions submitted by me sought for the tenantry reasonable terms of purchase. I am pleased, and will be pleased to my dying day, to be enabled to say that I have obtained the boon desired. I never thought at the time of the passing of the resolutions, that the arrears would be given up to 1858, and that the tenantry would be enabled to purchase on such terms as are now offered. This, I confess, was more than I expected, when I knew that the hearts of the landlords were accounted as impregnable as the rocks of Gibraltar.

Hon Col SECRETARY did not rise to make a speech, but to refer to one point about the Duke of Newcastle's proposal not being absolute. Had the proposal been accepted would it have been in the power of the tenant to have gone to the proprietor and said, I wish to purchase my land, and you must sell? This was the point; and he (Col. Sec.) could not see words that would bear that construction in the whole of the Despatch. This was the main difference between the Duke's proposal and that of the Delegates—had their proposal been accepted by the proprietors, and assented to by the Home Government, it would have been absolute; but if the Duke's scheme had been accepted, it would have been optional with the proprietors whether they would sell in any particular case or not.

Hon Mr COLES.—No, no!

Hon Col SECRETARY.—All that would have been absolute was, that the Government would be bound to advance two-thirds of the money when the tenant wished to purchase. All that was intended by the Duke's Despatch was to ascertain a probable price. It seemed to offer some advantage to the poor tenant who was unable to pay rent, but then it was not compulsory; and for those who had paid their rents, it held out nothing better than the proprietors had previously offered. And as regarded the arrears of rent, he (Col. Sec.) contended that had the Duke's Despatch become law, they would not be given up in any instance but in the case of those who agreed to purchase. The proposal of the Delegates contemplated that all arrears should be remitted up to 1858, on the estates of those who assented to the Commission.

Hon Mr COLES thought the Hon Col Secretary's arguments were more favorable to the views entertained on this side of the House than to those of his own party. The hon leader of the Government appeared to be quite satisfied with what he had accomplished. Others might not be of the same opinion. The Government had a perfect right to bring forward their scheme; but the Opposition, if they thought proper, had a right to oppose them. We were told that the delegates' proposal was to be absolute. Were the Duke's scheme to pass into law, it would be the same. This was where the Government were wrong. If the delegates, when they went home, had said to the Colonial Minister, we accept your proposal, then he would have asked the proprietors to agree to his terms. They made no such statement, or it would have appeared among the other bits of correspondence. Had they taken up the Duke's suggestions, and thus secured his co-operation, the proprietors would scarcely have dared to refuse compliance therewith. His Grace sent an answer to the Address of the Legislature respecting the Award, stating that it was set aside, and then went to work and proposed a scheme. His propositions had been, however, ruthlessly set aside by the Government. Since there had been a great many caucus meetings of late, at which he supposed the refractory members had been drilled up, the resolution before the Committee approving of the action of the Government, would no doubt be carried. It would be no use for the Opposition to say no. They would, however, endeavor to throw some trees across the way.

Hon Mr LONGWORTH only rose to offer two or three observations. He thought that any hon member who carefully weighed the reasons set forth in the preamble of the resolution before the Committee, must admit that its conclusion was sound. It had been asserted by the hon leader of the opposition that the Duke of Newcastle's proposal would have been compulsory

on the proprietors had it passed into law. His despatch contained nothing of the kind. As stated by the Hon Colonial Secretary it only set forth terms of arrangement between proprietors and tenants that might be agreed upon. With respect to the remission of arrears, the whole reference to it in the Duke's despatch was contained in one sentence, namely: "But with regard to arrears, I assume that, in any case of commutation, the tenant and landlord will alike be satisfied to abide by the Commissioners' recommendation, that arrears which accrue prior to May 1st, 1858, should be remitted, but that all subsequent arrears should be paid up." It would be seen by this that the Duke did not contemplate a general remission of arrears, but only a remission which would take place "in any case of commutation." All, then, that the hon leader of the Opposition had affirmed respecting the Duke's proposal providing for the remission of arrears went for nothing. And of what value, he (hon Mr L.) would ask, was any scheme to the people of Prince Edward Island, if it did not provide for the remission of arrears? The Colonial Minister only intended that the tenant who would agree to purchase his land should have a remission of arrears. Therefore the main point which the hon leader of the Government had in view, when he introduced his first resolutions on the subject, was untouched by the Duke's proposal. This was the principal difference between the scheme propounded by His Grace and the propositions of the delegates. The latter provided for the remission of all arrears on the estates of the consenting proprietors, up to 1858,—a proposal by which at least £40,000 of back rents would be swept away on the properties of Cunard and Sullivan. The next question which he wished to ask was, Did the Colonial Minister intend his proposal to be absolute as regarded the proprietors? He (Mr L.) thought it was clear that no compulsion was contemplated; in short the Duke said, "these sales will not be compulsory." The only provision was that should the tenant agree to purchase, and the proprietor be willing to sell at the price set down in the proposal, the Government should be bound to advance two-thirds of the purchase money. The hon leader of the Opposition, however, with all his professed admiration of the Duke's scheme, did not commit himself so far as to say he would have accepted it. He only said that it might have been made the basis of negotiation; and asserted that it was more favorable than the proposal of the delegates. He admits that the average under the Colonial Minister's proposal would be 12 years' purchase, and 7 years' arrears added to that would make it in all 19 years. But in the case of the tenant who had paid up his arrears to 1858, and had paid no rent since, he having 16 years' purchase to pay, besides arrears, his land would cost him 23 years' purchase. Was this the great boon which the hon leader of the Opposition had for the tenantry? The delegates' proposal contemplated that 16 years' purchase was to cover the whole, no matter how many years of arrears were due. The public might now judge which of the proposals was the most favorable to the tenantry. The hon leader of the Opposition had referred to a speech of the Hon Attorney General, in the Legislative Council, in which he had put a case hypothetically, and said in effect "No doubt the proprietors would consider the Duke's proposal dishonest." By reference to the Duke's despatch, however, we find nearly the same words. His Grace said:—

"I have heard two objections raised to that part of the scheme which relates to Tenants who have not hitherto paid their rents. The one is that so large a remission professedly depending on the fact that rent has been withheld, is, in fact, an encouragement to dishonesty."

The Hon Attorney General in discussing this question, merely took up the same line of argument, as is here laid down, and was under the necessity of using similar language. No blame could therefore be attached to him. The hon leader of the Opposition had also made a cry about the Government intending to confirm the titles. What more confirmation could be given to them than was conceded by the hon member himself? for the whole fabric of Responsible Government in this Colony was built on the understanding that they were not to be disturbed. Measures which he introduced also, such as the Land Purchase and Loan Bills, were framed on the principle that the proprietors' titles were recognised; and all his speeches at the time they were before the House showed that he did not wish to carry out escheat. Why, then, should he raise charges against the present Government with respect to confirming the titles, as no one in the Colony had done more tending to this end than himself?

The debate was then adjourned.

WEDNESDAY AFTERNOON, April 6

The Committee on despatches was resumed.

**Mr HOWAT**—The hon. leader of the Opposition has taunted members on this side of the House with being driven by the Government like horses. I do not know whether he intended to include me in the taunt, but if he did, I can tell him that the Government have no power to coerce any of their supporters. It was different when that hon. member had the reins—we all know the treatment Mr Clark received from him when he told him on the floor of this House, to mind what he was about doing, and he held over his head the threat of the loss of his office if he did not support his Government. If he thinks that I must do the bidding of the Government, he is much mistaken. He attached departmental to Responsible Government, and thus angrafted a vicious principle on the latter system. With reference to the land question, I give the hon. leader of the Government credit for sincerity and good faith. Better men could not be found than the Commissioners, and I am sorry that we have got a mere will of the wisp instead of a satisfactory award. Such, however, being the case, the Government would have been censurable if they had allowed the matter to drop, and the delegation, consequently, became a necessity, and I think the delegates did all in their power to effect an advantageous arrangement. As I have said before, I am prepared to support their action, and I think the country will agree with me.

**Hon. Mr HENSLEY**—The hon. member appears to be so very sensitive that I, for one, am not disposed by any remarks of mine to render him more uneasy. He has expressed himself as satisfied with the delegation and the terms proposed by the delegates. If Government had submitted a scheme beneficial to the tenantry, I would support it; but when it is admitted that the Duke of Newcastle's plan was not compulsory, I cannot see wherein the superiority of the other proposal consists. There is no more compulsion in the one than the other. Both are merely propositions. In common with the hon. member, who has just sat down, I regret that the Commissioners did not give more consideration to the award, as it is a well-settled principle of law that arbitrators cannot delegate their powers to others. My opinion is that the Government, being in receipt of the proposition of the Colonial Minister, should not have sent the delegates with a different one. They might have authorised them to suggest modifications, to which he might have assented, and used his influence with the proprietors to obtain their approval. All the probabilities are in favor of the opinion that the Colonial Minister would not have transmitted his suggestions without intending to give them practical effect. I shall vote for the amendment, and in so doing, I intend to convey no censure on any hon. member who may differ from me. This is pre-eminently a public question, and differences of opinion can be legitimately entertained, and expressed without personal feelings or remarks being indulged in. The Government, ere they decided on the mission of the delegates, should have convened the Legislature, and had a full discussion of the matter in all its bearings. I admit that the Government have a difficult task in settling this question, and I wish them well through it, before the next general election.

**Mr BRECKEN**—The true question is the comparative merits of the two propositions. Neither, I admit, is compulsory, and neither would be operative without the consent of the proprietors. The hon. leader of the Opposition this morning twitted the Government with seeking to benefit the proprietors by a statutory confirmation of their titles, and declared that he had never been an escheator. Why, Sir, if he means to say that their titles are not good, he implies Escheat to be the only remedy for the tenantry, and it is idle to talk otherwise. Why should the proprietors seek for an Act of this legislature when they have not only the Bloody Despatch but the oft-repeated declarations of successive Colonial Ministers to the effect that their titles are not to be called into question, to say nothing of the speeches of the hon. member and his friend from St. Peters, in 1855, and Sir Dominic Daly's speeches to the Legislature.

**Hon. Mr WARBURTON**—The Government having virtually acknowledged that they can do nothing without the consent of the proprietors, and the Duke of Newcastle having stated that nothing can be done against their will, and Sir Samuel Cunard having stated that he will consent to no alteration in his Bill, I see nothing for the deluded tenantry of the Island, but to go on their knees to that gentleman and beg their land on terms of purchase which they may be able to comply with. That Bill

confirms the proprietors' claims, and if their titles are good there is no necessity for confirming them by such an Act. I stated openly on the hustings that I never was an escheator, and the people testified their accordance with my sentiments by electing me by a large majority. I must acknowledge that the result of the Commission greatly disappointed me, for having heard one of the Commissioners, the Hon. Mr Howe, state that the power of the Commissioners was absolute, I was led to expect great and permanent benefit from a Court invested with such authority. The list of defaulters on the Selkirk Estate, as published in the Royal Gazette, shows the facility of imposing a rate of 15 or 16 years purchase on people who cannot pay 10. Five years have now elapsed since the hon. leader of the Government in introducing his resolutions which resulted in the appointment of the Commission, said he would have the question disposed of in eight months. I do not charge him with insincerity in dealing with this matter, but he is not acquainted, as I am, with the actual condition of the people. I have often seen little children going barefoot in the winter season, with but a scanty covering of rags. How can their parents be expected to live and pay this exorbitant price for their farms? Comparing the two proposals, I think the Colonial Minister's is preferable to that of the delegates, although I support neither. It is my duty to vote for the amendment.

**Hon. Mr MAULAY**—Whenever there is much talk, there is but little idea; much sound is generally accompanied by little sense. Hon. members should direct their attention to the actual state of facts as they existed at the time of the appointment of the delegation. It is well known that the Award of the Commissioners was set aside, and that, consequently, the people were disappointed; and the Government, desirous of ameliorating their condition, sent delegates to ascertain what were the hopes of benefits from the labors of the Commissioners? They did not undertake their mission with the view of dictating to the Duke of Newcastle—they well knew that a proud and high-spirited nobleman would not submit to dictation from them. They were wise enough to consult other authority than that of the Colonial Office. And they obtained the opinion of a Lawyer, whose professional character is as high as that of either of the Crown Officers of England, to the effect that the Award was a nullity. One of the delegates remained watching the course of events, and who can doubt that he acted zealously for the interests of the Island. However much individual opinions may differ, I cannot conceive how any man can conscientiously say that some benefits will not result from the Government Bill, and the resolution merely approves of the course pursued in appointing the delegation. The opposition to that resolution, I am not surprised at. The hon. leader of the Opposition avowed, to-day, that his object was to obstruct the Government. He commenced by opposing the appointment of the Commission, and from that time to the present, he has been consistent in his efforts to prevent the tenants obtaining any improvement in their relations with their landlords.

**Mr HOWLAN**—The suggestions of the Duke of Newcastle, with some alterations, would, in my opinion, be more favorable to the tenants than the propositions of the delegates, and the whole tenor of the despatch communicating them satisfies me that he intended that they should be submitted for the consideration of the Legislature. The majority have acted in a most high-handed manner in voting in secret to conclave the public money, and proposing a definite scheme for disposing of this, the most important public question; and the one in which, beyond all others, the people of the Island are interested. One hon. member has stated that his greatest expectations have been exceeded. I do not know what he may have expected, but this I, as a tenant and a representative of tenants, do know, that they are in a worse position now than they were ten years ago. Instead of their chains having been struck off, as they were led to expect, they have been riveted more tightly than before. When I hear legal gentlemen in this House allege that the arbitration scheme detailed in the Award rendered it illegal, where, I ask, was the use of spending the time of the House, and passing an address to obtain the Royal sanction to an admitted illegality? The people did all in their power to assist the Government in endeavoring to settle this question, but they now feel that they have been misled, and left in bondage. For this, who are to blame? The policy of the present Government has left the tenantry at the mercy of their landlords, and liable to be called upon to pay their arrears, secured by Bonds, Bills of Sale, Judgments and other securities. It is a poor consolation to men

in such circumstances to tell them that the Government sent, at the public expense, delegates to propose 16 years' purchase for the freeholds of their farms. We have been told that the opposition obstruct the passage of benefits to the tenantry. But where is the proof of the assertion? Some members on this side of the House opposed both the resolutions for the Commission and the address to confirm the Award. Others, however, conscientiously supported both. I shall vote for the amendment.

**Mr DUNCAN.**—If the despatch of the Duke of Newcastle were literally enacted, it would not be binding on the proprietors. The hon. leader of the Opposition opposed the appointment of the Commission, and subsequently, the purchase of the Selkirk Estate, until the result of the Commission should be made known. That shows that he had some faith in that tribunal though he now repudiates it. The hon. member, Mr Howland, imputes great blame to the Government for not having called an extra Session of the House. It is but natural that he should, for if this vexed Land Question were once settled, the opposition would be politically bankrupt. Then political capital would be forever destroyed. I approve of the action of the Government in sending the delegates and expect that good will result from their labors.

The House divided as follows:—For the amendment: Hons. Coles, Whelan, Warburton, Kelly, Hensley, Beaton; Messrs. Conroy, Howland, Sinclair, Sutherland, Walker—11.

For the resolution: Hons. Col. Gray, Longworth, Col. Secretary, J. C. Pope, Davies, M'Aulay, Kaye; Messrs. Brecken, Duncan, M'Lennan, Howat, Montgomery, Haslam, Ramsay.—14. House adjourned.

#### THURSDAY, April 7.

The Committee on public despatches was resumed. The despatch on the subject of the Bill for the incorporation of Orange Lodges, having been read

**Hon. Col. SECRETARY** said the Bill which elicited this despatch had for its object the incorporation of large numbers of good and loyal subjects of our Queen. Believing that the Legislative powers of this House has been most unjustly interfered with, the constitutional right of the people of this Island to manage their own local affairs invaded, and large numbers of the electors misrepresented by the course which His Grace the Duke of Newcastle has thought it expedient to pursue in the matter of the Act passed for the incorporation of the Grand Orange Lodge of this Island, and the Subordinate Lodges in connection therewith, and by the expressions contained in the despatch just read, I deem it my duty, sir, to submit the following resolutions as a protest against the conduct of His Grace the Duke of Newcastle, and expressive of the views of this House, upon the rejection of the Orange Bill, and upon Orange Institutions:—

1. *Resolved*, That Orange Lodges — the Institutions for the incorporation of which this House in its last Session passed the Act, intitled "An Act to incorporate the Grand Orange Lodge of Prince Edward Island, and the Subordinate Lodges in connection therewith"—are not forbidden by any Law in force in Prince Edward Island, and further, that Orange Lodges, although they have existed in this Island for several years past, have not, in the opinion of this House, proved detrimental to the best interests of this Colony.

2. *Resolved*, That it is the constitutional right of the Legislature of this Island to make and ordain such laws for the public peace, welfare and good government of this Island, and of the people and Inhabitants thereof, as may be considered necessary, subject only to the proviso that such laws be not repugnant to the laws and statutes of Great Britain.

3. *Resolved*, That, therefore, His Grace the Duke of Newcastle, Her Majesty's principal Secretary of State for the Colonies, by refusing to submit the Act, intitled "An Act to Incorporate the Grand Orange Lodge of Prince Edward Island, and the Subordinate Lodges in connection therewith," for the Royal

allowance, deprived the Legislature of this Colony of its constitutional right to make, ordain, and carry into effect a Law, which was deemed expedient and desirable by a large majority of this House—(the motion that the Bill do pass having been carried in the affirmative by a majority of seven, in a House consisting of twenty-three members: exclusive of Mr Speaker)—and which would have conferred upon the large numbers of Her Majesty's loyal subjects, who compose the Grand Orange Lodge of Prince Edward Island, and the Subordinate Lodges in connection therewith,—the simple privileges of incorporation, never before, in this Colony, denied to any Association for lawful purposes.

I deem it my duty, sir, to notice some of the statements made by the opponents of the Orange Bill, in the petition which they sent to the Colonial Minister praying its disallowance. The rejection of the Orange Bill, was, I believe, induced not so much by the representations of the inhabitants of this Island who petitioned against it, as by the influence of those Irish Catholic members in the House of Commons, who are known as the "Pope's Brass Band." These popish members, who serve the cause of the Romish Church in the British Parliament, possess the power, at times, of making and unmaking Governments, and Ministers too often deemed it expedient to comply with their demands. The first statement contained in the petition which I shall notice, is the following :

"After numerous and very warm discussions in the Assembly, this Bill was carried by the small majority of three."

This, sir, is a gross misstatement, calculated to mislead the Secretary of State, and I am sorry to add that foremost on the list of names subscribed to the petition is that of no less a dignitary than a Romish Bishop—the ecclesiastic who arrogantly, and in defiance of Her Majesty's instructions, calls himself Bishop of Charlottetown,—this gentleman did not scruple to violate the truth, for I assert that the Romish Bishop, when he subscribed that statement, was, in my opinion, fully aware that it was untrue. He had read the newspapers which exhibited the division upon the Bill, and could not possibly have been ignorant of the fact that the Bill in question was "carried" by a majority of seven, in a House consisting of twenty-three members, exclusive of the Speaker. Such conduct on the part of an ignorant and obscure political priest would occasion to me no surprise; but, sir, I certainly did think that, since his elevation to the position of Bishop, the quondam priest of Tignish would have been more guarded in his statements. The assertion that Orange Institutions have inflicted incalculable mischief wherever they have been thwarted by the civil authorities, is also untrue. Will any honorable member of this House venture to assert, and attempt to prove, that Orange Lodges in this Island have produced mischief? Have they not suppressed popish outrages and murders, and induced the observance of law and order? They have. Since their establishment we have not had such scenes as previously thereto we had—no Belfast riots, no way-laying of Protestants by Papists. The petitions assert that "among the first principles of Orangeism one is, to instil into the minds of Protestants hatred to the Roman Catholic religion," and another "to encourage a system of proscription in the exercise of civil rights against all who profess that religion." Sir, I have yet to learn that it is a crime in Protestants to instil into the minds of others a hatred of the Roman Catholic re-

ligion. I assert, sir, that hatred of the Roman Catholic religion should be the feeling in the breast of every subject of Her Majesty. Who that is acquainted with the character of that religion, the history of which is traced in blood, can entertain any other feeling than that of hatred. I, sir, consider that I would be but doing my duty were I to teach to my children the story of St. Bartholomew's Day—to tell them of the thousands who were on that sad occasion awakened from sleep to be murdered by popish fiends, led on by popish priests—that the news of such unparalleled barbarity filled the city of Rome with joy and gladness, and was an event worthy to be commemorated by medals, which were struck by the order of Gregory XIII—to acquaint them with the history of Smithfield and the persecutions of the Romish Church in our proud land, as detailed in that glorious old work, Fox's Book of Martyrs. And, sir, could any child, or any person, really acquainted with the character of the Roman Catholic religion—which never changes—do other than hate it? Sir, were children educated to hate the Roman Catholic religion, it would be better for our land. The assertion that Orangemen seek to deprive Romanists of their civil rights is untrue. Toleration is the motto of Orangemen. The Orange Institution has been fully recognized by the Queen. The Grand Master of the Institution in Canada went to London, after the quarrel of the Duke of Newcastle with the Orangemen of Canada, in 1860, and he was permitted to present the address of the Grand Lodges to his Sovereign. The Legislature of this Island may be, by the Colonial Minister, treated with injustice, and its people may be misrepresented,—they are numerically insignificant—but a body of loyal Orangemen, numbering between 150,000 and 200,000, could not be safely so dealt with, and their chief was duly recognized. Sir, the disallowance of the Act of last session is not flattering to Orangemen. It will nevertheless do much to advance the order, and, notwithstanding the condemnation of His Grace the Duke of Newcastle, there will, I trust, ere long, be found a Lodge in every settlement throughout the Island. As to what has been said about quarrels and bloodshed being induced by the Orange Institution, I have no fears. Orangemen are peaceable subjects, but they are determined to maintain their rights to the uttermost in this Island. They want no assistance from the civil powers. They have full confidence in their strong hearts and hands, and, depend upon it, they will prove quite able to protect themselves, and maintain the public peace.

Hon. Mr. COLES.—Although the hon. Colonial Secretary has charged the petition as being untruthful, I maintain that it is perfectly true; and the Journals will show that the Bill was referred to Committee on a majority of only three; and if on the third reading advantage was taken of the absence of several of the minority to pass the Bill, the statement in the petition remains substantially correct. When he made his unjustifiable attack on the Bishop of Charlottetown, I could not help thinking that it would be better if other clergymen would attend to the duties of their profession as faithfully as that gentleman does, they would then be better employed than in stirring up strife and ill-will between the different classes of the

community. That Orangeism is productive of strife, the Duke of Newcastle was justified in saying. In Canada the members of that body endeavoured to compel the Prince of Wales to pass beneath their arches bearing their party emblems; and the citizens were humiliated by the conduct of a mayor who deceived the Duke of Newcastle by promising that there should be no such manifestations. Those institutions are not required in this country, and the hon. Col. Secretary would do well, if instead of instilling into the minds of his children hatred to the religion of others, he should inculcate the principles of peace and good-will to all men.

Hon. Mr. KELLY.—While, Mr. Chairman, I personally should not care if Orange Lodges were established in every Township in the Island, I can tell the hon. Colonial Secretary that every Roman Catholic despises the ribaldry and abuse in which he indulges. He does so with the object of creating ill feelings between Protestants and Catholics. The Protestants in my district showed their disapproval of the Bill by signing the petition against it becoming law, and the hon. Col. Secretary will find himself greatly mistaken if he supposes that a majority of Protestants will thank him for his endeavors to excite religious animosities in the community.

Mr. CONROY.—Few members, I believe, have listened to what has fallen from the hon. Col. Secretary without pain and a sense of shame that such remarks should be made by one of the principal officers of the Government. Few of his own party, I am satisfied, approve of the language he has made use of. It is not the part of a gentleman to insult me or my religion. It is neither my intention nor my wish to insult any man, and I rise on this occasion, more in sorrow than in anger, feeling far more deeply the insult which has been offered to my Bishop than I would had it been directed to myself. It would be deserving of contempt, if it were uttered by one in a different position; but from the position which the hon. member holds in the Government, I consider it disgraceful to the country.

Hon. COL. SECRETARY said that the *soi disant* Bishop signed his name to what he knew to be a falsehood.

Hon. Mr. KELLY.—I signed the petition and believe that every word of it is true.

Mr. HOWLAN.—Nothing that the hon. Secretary can say in or outside this House can militate against the character of the Bishop for truthfulness. The object of the Orange Bill was, and its effect would be, not the promotion of peace and good-will, but the excitement of the worst passions of man's nature. The parties who signed the petition against the Bill were not bound to consult the hon. member, and their characters for truthfulness will compare favorably with his. When 11,000 people are branded with dishonesty, it becomes a duty to repel the imputation. They met not in secret dens with closed doors, but openly, in the papers submitted to the people generally copies of a petition to their Sovereign. The experience of the Duke of Newcastle told him how to characterise this Bill, and thus the bigotry of the Orangemen has been excited. I ask, has the Bishop of Charlottetown at any time, socially, morally, or

politically disgraced his position? He is a gentleman in every sense of the word, and nothing from the hon Secretary can injure him. There was but a majority of three in favor of the introduction of the Bill; and I am willing to place the opinion of the Duke of Newcastle on the Bill with that of the hon Secretary, who ought, instead of vilifying, to thank the petitioners for being instrumental in removing it from the Statute Book. I hope that this Island will never witness the scenes of riot and bloodshed which were witnessed in St. John, New Brunswick, some years since, and which had their origin in the party feelings which this Bill would excite and foster.

Hon. Mr. DAVIES.—I regret that any expressions should have been used, calculated to give offence to Roman Catholics. The division on the motion to introduce the Bill showed only a majority of three. I supported the Bill last Session, believing it to be right, and I am willing to extend equal privileges to all classes of the community.

Mr. HOWLAN.—Would the hon member incorporate Ribbon Lodges?

Hon. Mr. DAVIES.—Orangemen are loyal subjects, those of them in this Island are well known to be a respectable and law-abiding people, and their incorporation would make no difference, and I can see nothing in the Bill conflicting with the laws of the land. My opinion of the character of the Bill differs widely from that of the Duke of Newcastle, who, I think, should not have used the language he has in respect to it. It is our duty not to submit quietly to the decision of that nobleman, and we ought, by resolution, to declare that, under the principles of Responsible Government, we had a right to expect that such a Bill would be allowed to come into operation.

Hon. Col. GRAY.—I am prepared to support the resolutions as an assertion of our claims to equal rights with the people and population of Canada. Our political institutions are based on a similar foundation. The Grand Master of the Orangemen of that Colony was received by Her Majesty, dressed in his official robes; and the letter from the Governor General to that gentleman in recognition of the address of the body over whom he presided, shows that Her Majesty did not deem it derogatory to Her Royal dignity to acknowledge the Institution. I consider that we are degraded by being censured for what has elicited praise, when emanating from Canada. If the Sovereign deemed the Orange Institution so detrimental to society as the despatch characterises it, she would not certainly have recognised the official head and organ of the Canadian Orangemen. The question involved in this discussion is merely have our constitutional privileges been violated? and surely this can be debated without the introduction of personalities which are unhappily indulged in so frequently. In France, Britain, Germany, and Canada, a certain decorum characterizes the Legislative proceedings, and members are allowed to express their opinions without a perpetual cross-firing of interruptions. On a question of this nature, I am not disposed to take as final and conclusive all that may emanate from a Colonial Minister; and when I remember that the Coronation Oath of the Sovereign binds her to protect the privileges of all her subjects,

I see no reason why we, with similar constitutions, should not have equal rights with Canada.

Mr. DUNCAN.—I have no doubt that the Col. Secy. is right in characterising the statements in the petition as to the majority which carried the Bill as false; but I do not, for a moment, believe that the Bishop of Charlottetown knew that it was so, when he signed it. But the party who prepared the petition knew it, and I believe it was inserted with a view of deceiving. The majority of three was not on a division "after warm discussions." The question involved is, simply, have we the constitutional right to manage our own local affairs? As to the history of Orange Lodges in the Island, their origin dates from an attack made by rowdies from all parts of the Island, upon respectable parties resident at Belfast. The Orangemen have as much right to the Bill as the Roman Catholic Bishop, or the trustees of St Dunstan's, or the Church of England, Scotland, or any other incorporated body. Progress reported.

THURSDAY AFTERNOON, April 7.

Committee on Despatches resumed.

Hon. Mr. HENSLEY.—I am sorry that I have again to refer to the subject of Orange Lodges in this House. Though I opposed the Bill for incorporating them last session, it was not because I believed that Orangemen had any malicious design. We have the Grand Master of the Island in this House, and I am sure from what I know of him that he would be the last person to injure another. The only object I had in opposing the Orange Bill last year was, that it excited the religious feelings of our Roman Catholic fellow-colonists. And though this Bill was disallowed at Home, yet I do not see why these resolutions should be introduced here. The Bill was passed in this House with a suspending clause, thus admitting the right of the Home Government to confirm or reject it; and because the latter course was adopted by the Colonial Minister we are here asked by these resolutions to say that he has denied us our constitutional rights. I think it perfectly useless to pass such resolutions. It has been argued that Orange Lodges are recognized in Canada, and that their Grand Master has been presented at Court. This argument, however, is against those who have employed it, for Orange Lodges are not incorporated in Canada; and if they can exist and flourish there without Acts of Incorporation, Orangemen here have no right to complain. Should the Grand Master of this Island go to England and be treated differently from the Grand Master of Canada, they might say that they had been unfairly dealt with.

Hon. Mr. WHELAN.—Mr. Chairman: I wish to express my views on the subject before the Committee, not however with the vain idea that my statements will alter the opinion of any hon. member on the other side of the House. The resolutions introduced by the Hon. Col. Secretary are fallacious in the extreme; and I ask does the hon. member for one moment imagine that any good will result from bringing them before this Committee? They propose no remedy, they announce no Bill to take the place of the one so ignominiously rejected by the Secretary of State for the Colonies. What, then, do the supporters of these resolutions mean by introducing them here? Nothing that I can discover, except to make an exhibition of their pusillanimous rage. Bigotry, fanaticism, intolerance and hate were displayed in passing the Orange Bill; but it is a glorious consideration that these things cannot have their course — that no infringement will be allowed of those religious rights and privileges guaranteed under the British Crown. I ask, is it fair to prosecute this matter? Is it desirable in this or any other country



that one half of the population should be placed in violent opposition to the other half? Is it right that I, with my religious prejudices—and perhaps they are as worthy as those of the Hon. Colonial Secretary—should, by any legislative proceedings, be forced into a position of antagonism to many of my fellow-colonists? And all for what purpose? Is it fair that our prejudices should be excited, the one against the other, and for no other purpose than to keep one party in place and the other out? I charge it upon the Hon. Colonial Secretary, I charge it upon the Government, to answer if this whole agitation was got up for anything else than to keep themselves in power. These are my sentiments, and I believe they are the sentiments of a majority of the people of this Island. Every hon. member knows right well that Orange Lodges are not fostered in this Island to protect the liberties of the people, but solely to strengthen the interests of such persons as the hon. and learned member who initiated this measure. To protect Protestantism from the encroachments of Popery is said to be the object of Orangism. I defy any person to show that the rights of Protestants have been encroached upon.

Hon. Col. SECRETARY.—What about the Belfast massacres?

Hon. Mr. WHELAN.—I will come to that too. I ask was there any need of Orange Lodges in this Island from 1851 to 1859? During part of that period there was a Catholic Governor in the Colony, and there were two or three holding that faith in the Executive Council, so that had Roman Catholics an ardent desire to encroach upon Protestants they were then in a position to press their claims! but, I ask, did they ever, during that time, show any disposition, or make the slightest attempt, to encroach on the privileges which are the exclusive right of their Protestant fellow-subjects? I put this question to those who are striving to arouse the prejudices of the Roman Catholic portion of our population. Before the present Government came into power, before Orange Institutions were ever thought of in this Island, peace and harmony prevailed here to an extent which did credit to the tolerance of the people. The riots at Belfast, referred to by the hon. Colonial Secretary, and the hon. member for Murray Harbor, had nothing to do with religion; it was a contest between landlord and tenant, or perhaps rather a disturbance between Irishmen and Scotchmen. They cared probably very little more for religion than the Hon. Colonial Secretary himself, or it may be the hon. member for St. Peter's, (laughter); their great aim was to secure the election of their respective candidates, Mr. Douse and Mr. Little. I will now turn your attention, Mr. Chairman, to the resolutions submitted by the hon. member who takes the lead in this matter. They are drawn up with a great deal of caution, and at first appear somewhat plausible. The first resolution says, "that Orange Lodges are not forbidden by any law in force in Prince Edward Island." This is a truism, and why should we be called upon to assent to a statement known to almost every infant in the Colony? This resolution further tells us "that Orange Lodges, although they have existed in this Island for several years past, have not" "proved detrimental to the best interests of this Colony." Have they been in existence in this Colony for several years? This at least is certain, they were never taken notice of by the Legislature, until last year, when they attempted to be incorporated; and it was in a great measure owing to the forbearance of Roman Catholics that they ventured to become thus bold. Now, however, they have met with a rebuke; the Duke of Newcastle has put his veto upon the Orange Bill, and besides his rejection of the measure, we know that the Heir Apparent to the British Crown denounced the Orange Institution in a most emphatic manner, when he refused to walk under the arches erected by the Orangemen of Canada. I am amazed, therefore, at the hon. Colonial Secretary persisting in seeking legislative recognition for

an organization which has met with such a signal mark of Royal disapprobation.

Hon. Col. SECRETARY.—Neither the Prince of Wales nor the Duke of Newcastle expressed any opinion on Orangism in Canada, they merely refused to take any part in the intended procession. The Duke afterwards admitted that these processions were strictly legal in Canada.

Hon. Mr. WHELAN.—This is a mere quibble. Does the Hon. Col. Secretary mean to say that the Duke of Newcastle will not discountenance whatever is opposed to the Party Emblems' Act?

Hon. Col. SECRETARY.—Yes, in Ireland.

Hon. Mr. WHELAN.—I thank you for the hint. Why was it necessary to pass the Party Emblems' Act even in Ireland? What but that it was necessary to maintain peace in that afflicted country; peace endangered by the existence of Orange Lodges and their processions?—Orange Lodges are to be found here, and it is equally as desirable that peace should be maintained in this Colony as in Ireland. Lord Palmerston once said:—"Protestantism did not depend upon Orangism, and if it did, it scarcely deserved the consideration of Her Majesty's Government." If this were the view of so distinguished a statesman might we not safely arrive at the conclusion that Orange Lodges are in every point of view unnecessary, and in most of their features highly objectionable. I now come to the second resolution. It begins with a general statement which might be true of any Bill, but taken in connection with the Orange Bill, I say it leads to a false conclusion. Were the assertion made of almost any other measure I would give it my assent, but since it is affirmed in connection with a Bill to legalize an Institution which has caused an amount of bloodshed unknown, which has been denounced by the Colonial Minister, and by the Heir Apparent to the Crown, I must give it my determined opposition. The concluding sentiment of this resolution, namely, "that such laws be not repugnant to the laws and statutes of Great Britain," viewed in connection with the Bill in question, I hold to be directly false. This measure was repugnant to at least one of the laws of Great Britain, the Party Emblems' Act. The Hon. Colonial Secretary has said that this Act was only to prevent processions in Ireland of parties wearing distinctive badges. I take his own explanation, and ask if Orangism is not one of those societies which wear these badges? He cannot say no to this question, and consequently must admit that Orangism is discountenanced by law in Ireland. Any law to legalize it here then must be repugnant to the statute to which I have just referred. I maintain that Orangemen are disloyal, and those who encourage them are not well wishers to the state. Orange Lodges are discountenanced by all right thinking men; indeed I may say that they flourish only where ignorance and bigotry prevail.

The debate was then adjourned

FRIDAY, April 8

After some desultory discussion on certain errors in the Classified Accounts, the Debate on the Orange resolutions was resumed.

Hon. Mr. WHELAN.—At the time of adjournment yesterday I was giving my reasons for not supporting the resolutions before the Committee. The hon. Colonial Secretary had stated that the Belfast riots had given rise to the Orange Association in this Colony. I believe that the riots at Belfast had no more connexion with the Orange Institution than I have to do with the present war in China. It was a contest between the Liberal Candidate and the Conservative Candidate, the latter being a nominee

of the proprietors. I am well acquainted with the whole affair, for I was then a member of this House. The cause was not a spirit of violent antagonism between Roman Catholics and Protestants, but between tenant and landlord. But I will not take up the time of this hon. Committee by dwelling on points to which I have already adverted; nor need I refer to the toleration of the Roman Catholic Church. The third resolution is clearly and totally unsound. It says that the Bill in question was carried "by a large majority of this House." The majority was only three, not a very large one after all; and were it necessary to go into the matter so as to show how even this majority was obtained, the case might appear in a different aspect. The resolution also speaks of "the large numbers of Her Majesty's loyal subjects, who compose the Grand Orange Lodge of Prince Edward Island, and the Subordinate Lodges in connection therewith." We have no statistics before the House to show how many Lodges there are in the Colony, but I believe they are contemptibly few. I deny also that the Orange Institution is an "association for lawful purposes." I deny that secret societies, branded by Imperial statute, should receive even the "simple privileges of incorporation." Will the hon. member affirm that the Orange Association is as worthy as the Free Masons or the Sons of Temperance? If Ribbonism, or if the Fenian Brotherhood—which has been recently organized to resist the authority of Britain in Ireland—were to ask for an Act of incorporation, I can imagine the look of scorn with which the application would be received. But I contend that either of these societies have an equal right with Orangemen to apply to this House for incorporation. Believing that this agitation is only calculated to do injury to the country, and being strongly opposed to most of the sentiments contained in the resolutions submitted by the hon. Colonial Secretary, I have prepared an amendment which I will move when the House resumes.

Mr. HOWAT — I did not intend to speak on this question, but must rise to take exception to one remark made by the hon. member for St. Peter's, namely that Orange Lodges exist only where there is ignorance. I know to the contrary, for there are Associations of this kind among people who have as much information as perhaps the hon. member himself possesses. I also differ from him on other points. He appears to think that this Institution is only calculated to cause religious animosities. I cannot admit this, for we have had no breaches of the peace from such a cause in the Colony. What takes place in the old country I am not prepared to say. I contend there is no such ill-feeling here as we are led to believe. I was never in an Orange Lodge myself, but I know some of those said to be Orangemen, and they live on peaceable terms with their Roman Catholic neighbors. I believe it is a part of the constitution of their association that they are not to give offence unnecessarily to any person.

Mr. HOWLAN — I give the hon. member for Tryon credit for honesty, but, Mr. Chairman, he is much mistaken if he thinks Orangeism is not calculated to cause discord, mischief and bloodshed. Some hon. members seem to pride themselves in saying "I

am not an Orangeman," and still maintain that the thing is all right. We have the opinion, however, of a higher authority on this point, namely, the Duke of Newcastle. The hon. member for Tryon does not know what is taking place on the other side of the Atlantic; but all is right here. He must entertain the idea that the Anglo-saxon race is much superior in America to what it is on the other side of the Atlantic, if he thinks that the same feelings of Roman Catholics would not be irritated by the existence of Orange Lodges here as there. And to give the hon. member evidence on this point I may refer to the neighboring Province of New Brunswick. The esteem in which Orangeism is held in that Province is well known to the hon. member for Murray Harbor; for I heard a member of the New Brunswick Legislature saying to that gentleman that it was a shame for the Island House of Assembly to allow such a measure as the Orange Bill to be brought in. Some people appear to believe that the disturbances in Ireland in regard to Orangeism are caused by the peculiar atmosphere of my native country, and that the cool climate of these Provinces prevents any evil from occurring under similar provocation. Orangeism, however, has displayed itself in its true colors on this side the Atlantic, and in such a manner as ought to teach its advocates on this Island a salutary lesson. There have been scenes of bloodshed in the streets of St. John, which mark the real character of that iniquitous organization. I have nothing to say against any particular Orangeman, I will not speak harshly of any man, but I must affirm that the history of Orangeism from first to last has been traced in blood. A measure similar to the Bill rejected by His Grace the Duke of Newcastle was brought forward several years ago in the New Brunswick Legislature, and its introducer was justly scouted and treated with contempt and scorn. No one would bring forward a measure here which is an insult to Roman Catholics, except a scheming individual for political purposes. (Hear, from hon. Col. Sec.) It does not become one who is receiving the people's money, and money from 35,000 Roman Catholics, to treat the religion of those 35,000 with scorn.

The debate was then adjourned.

FRIDAY AFTERNOON, April 8.

Orange debate resumed.

Hon. Col. SECRETARY — I will not detain the House by any lengthy reply. My intention is to answer a few of the questions put by the hon. member from St. Peter's (hon. Mr. Whelan.) That hon. member enquired "where was the necessity for Orange Lodges from 1851 to 1859?" An Orange Lodge existed in this Island from 1851 to 1859. The immediate cause of the institution of Orange Lodges was the Belfast Riot, which occurred in 1847, and was occasioned by an attempt made by the Roman Catholics to return two members of their own faith, as representatives for a district, the electors of which were essentially Protestant. Orange Lodges had been of material service; they had prevented those violent contests between Papists and Protestants which previously were not uncommon in this Island. Before Orange Lodges were established it was no unusual thing to hear of Scotch Protestants

being way-laid and maltreated by Papists. Since Orange Lodges have been established, Protestants can travel through any part of the Island in safety; they are no longer in danger of molestation. I maintain, Sir, that to Orange Lodges may be attributed the peace which has existed in this Colony for several years past; and that, so far from these institutions having a tendency to disturb the peace, they are absolutely necessary to its maintenance. Were it not for the presence of Orangemen, who possess the physical power and the determination to maintain their privileges, and to keep down and punish Popish rowdyism, Irish Papists, excited and incited by their Priests, would doubtless commit in this Island those acts of violence which they perpetrate wherever they are found. The hon member (Hon Mr Whelan) has alleged that the Belfast Riot was attributable to the violent spirit of antagonism existing between landlord and tenant, and not to religious differences. The answer to this allegation is, that on one side were found none but Romanists, on the other none but Protestants. The declaration that the Act of incorporation passed last session "is repugnant to at least one law of Great Britain—the Party Emblems' Act"—is not correct. Orange Lodges are not even mentioned in the Party Emblems' Act. This was passed to prevent the exhibition in Ireland of any badge or emblem calculated to excite angry feelings and lead to a breach of the peace. It would restrain the Popish procession of the Host as well as a procession of Orangemen. It did not declare any society illegal, nor did it seek to suppress any in-door meeting. Orange processions are not illegal in the adjoining Province of Canada. For this statement I have the authority of His Grace the Duke of Newcastle, who, in a letter addressed to the Mayor of Kingston dated Sept. 5th, 1860, wrote as follows:—"I am well aware that such Party processions are not illegal in this country as they are in Ireland." And Sir, if Orange processions are not illegal in Canada, they are not illegal in this Island; and if Orange processions are not illegal, neither in Canada nor in Prince Edward Island, I presume Orange Institutions are not illegal. The hon member (Hon Mr Whelan) has alleged that Orange Lodges "flourish only where ignorance and bigotry prevail." I, Sir, have the honour to be returned to this House by a constituency among whom are many Orangemen; and notwithstanding, the hon member has been pleased to designate my constituents "Hottentots."

Hon. Mr. WHELAN.—Kamtschatkans.

Hon. Col. SECRETARY.—I have yet to learn that in intelligence and in every other quality which combines to make men good citizens, they will not compare very favorably with the Popish electors in the District represented by that hon member. "Orangeism has been 'tabooed' in this Island and elsewhere by all except the most ignorant and bigoted," says the hon member for St Peter's. The head of this great organization is the Earl of Enniskillen—a Peer of the Realm. His Lordship is, I believe, a D. C. L. of Oxford and a Trustee of the British Museum, from which it may be inferred that the Grand Master does not belong to the class among which "ignorance and bigotry prevail." This Committee has been informed by the hon member that Orangemen are disloyal. Sir, I shall not answer

such a charge. The obligation of an Orangeman, which the hon member has so severely denounced, is not more worthy of his reprobation than "the Act of settlement," the "Bill of rights," or the "Coronation Oath" of Her Majesty the Queen. Popery and Protestantism are antagonistic principles; the growth of the former in the British Empire necessarily implies the decadence of the latter. The line of succession to the throne of these Realms was changed because the people of England had learned by experience that a government by Papists was prejudicial to their best interests. In all countries where Papists are the majority, government is virtually under the control of ecclesiastics, and wherever Bishops and Priests rule, ignorance, superstition and crime are found, while popular liberty is unknown. Witness Santiago with its Post Office for the correspondents of the Virgin. The hon member (Hon Mr Whelan) asserts that Ribbon-men, or members of the Fenian brotherhood have an equal right with Orangemen to apply to this House for incorporation. Sir, I deny the assertion. Ribbon-men and the Fenian Brothers are associated for disloyal and illegal purposes—Orangemen for loyal and legal objects. Members of Ribbon Lodges and of Fenian associations, if known in this Colony would be prosecuted by the Crown Law Officers. The avowed purpose of both these organizations is the overthrow of the rule of Protestant England. Allusion has been made to the "practices used by the Gov't Party at the Hustings to obtain their majority." At the last election Protestants stuck together and they carried the day. They knew that the struggle was for supremacy; that the question to be decided was, whether the Queen or the Pope should henceforth rule Prince Edward Island. The struggle for supremacy dates further back than the last election. The Romish Bishop before that election had publicly declared that he would be satisfied with nothing less than "a godless education" in the public schools, and Romish influence in this House had attempted to satisfy the Bishop. As proof, I would refer to the Journals of this House for 1858. In that year the Hon Mr Wightman, a liberal, introduced the following Resolution:—

"WHEREAS, While this House repudiates the principle of encroachment upon the religious opinions of any denomination, it considers that the most effectual evidence of the true spirit of Christian liberality will be afforded by allowing to each class of Christians the use of the copy of the Holy Scriptures in which it believes.

"And whereas the parties attending for instruction at the Central Academy and Normal School, belong to the Protestant and Catholic communions, and it is not inexpedient that the copies of the Holy Scriptures to which they respectively adhere should be read without note or comment to the parties belonging to each denomination respectively.

Be it therefore Resolved—"That the Board of Education should authorise the reading in the above institutions, of the Holy Scriptures, without note or comment, during school hours, in such versions and by such of the pupils and students whose parents or guardians may desire it."

This resolution, liberal as it was, was lost by the casting vote of the Speaker, a Roman Catholic. The members who voted against it were, Messrs. Coles, Warburton, Mooney, McGill, Clark, Muirhead, Cooper, MacIntosh, Dingwell, McDonald, Perry. Mr Palmer, the present Attorney General, had previously

moved a resolution to the following effect, which was also negatived by the same parties :—

“Resolved, That it is necessary to provide by law that the Holy Scriptures may be read and used by any scholar or scholars attending either the Central Academy or Normal School, in all cases where the parents or guardians of such scholars may require the same to be so used by them, while attending such Institutions respectively.”

“Liberal” as was Mr Wightman, he was a Scotchman and a Protestant, and had not forgotten the teaching of his youth. Had another Scotchman (Mr McGill) who as Chairman of the Committee gave his casting vote against these resolutions, shewn the same regard for the Bible as did Mr Wightman, the Bible would not have been excluded from the schools in 1853. It was this display of Romish policy which alarmed the country, and created a division of parties. In 1858, the electors of Prince Edward Island went to the Polls on the Bible Question. Roman Catholics who had been known as warm supporters of the Conservative party abandoned its ranks and joined the Romish party. Among those who then deserted their former associates was the hon member from Tignish (Mr Couroy). That gentleman, with an amount of candor highly creditable to him, declared publicly at St. Eleanor's that “as an Irishman and what I am, I must support Mr Coles,” meaning, I take it, Sir, that as he was an Irishman and a Roman Catholic he must sink every consideration and obey the Priest. Since 1858, the struggle has been strictly between Protestantism and Popery. Look at the composition of this House at the present time. The twelve hon members who occupy the opposition seats are the Representatives of Districts essentially Roman Catholic; no one of those gentlemen owes his election to Protestant voters, all are independent of Protestant support or opposition. While Protestants at the last election held together so did Papists. Protestant ministers took an active part in the elections, Popish Priests did the same. From Popish altars, electors were told how they should vote, and Popish newspapers proclaimed to the world that the Papist who should vote for a supporter of the Government would thereby degrade himself. Talk of the Orange organization. Sir, the Romish Church is an organization which for the efficiency in wielding the masses has never been equalled by the ingenuity of either men or devils. The hon member (Mr Whelan) has mentioned the “toleration” of the Roman Catholic Church. Sir, Papists know nothing of toleration. The Church of Rome never tolerates save when she cannot persecute. She even boasts of her intolerance. Our ancestors in England, subsequently to the Reformation, a period when they were not strangers to the principles of popular liberty, regarded Popish Priests as being so dangerous to the public safety, that they passed laws to provide for the hanging of these gentlemen, should they be found within certain districts. Times have altered, and the policy of the Imperial Government now is, to foster Romish Priests and Romish Institutions. But, Sir, though the policy of the Imperial Government has changed, the policy of the Church of Rome has not; her policy is unchangeable, and to foster Popery is but to place the frozen serpent near the fire. There is no use in concealing the fact. Sir, all who know what the principles of the

Church of Rome are, must be aware that Romish Ecclesiastics in the British Empire would to-morrow cast off their allegiance to our Queen, if doing so would promote the interests of their Church. About the time of the visit to this Island of His Royal Highness the Prince of Wales, a Popish Bishop from a rowdy district in Newfoundland, had the impudence, the daring insolence, to assemble in the Popish Chapel in this City a company of Irish Catholic Volunteers—men, Sir, who had taken the oath of allegiance to our Queen and bore her arms—and to express to these Volunteers the hope that the arms they bore would never be used “save in defence of their faith, their country and their Queen.”

Mr. WALKER.—The Irish Volunteers had not, at the time alluded to, taken the oath of allegiance. I, myself, administered that oath sometime afterwards.

Col. SECRETARY.—Well, Mr Chairman, I am glad to hear the hon member say that the men of the Volunteer company had not taken the oath of allegiance when they listened to this precious Bishop. Sir, the Queen's arms were not placed in the hands of Volunteers to be used in defence of Popery, their faith, but to defend the Throne of our Queen and the Protestant Constitution of the Realm. What have Orangemen done in this Island that they should be so denounced and reviled? Have they sought to interfere with the rights of their fellow subjects? Have they proved themselves bad neighbors? I think not Sir. They seek only to maintain Protestant supremacy in this Colony. They prefer the rule of our Queen to that of the Pope. Orange Lodges are odious to Popish priests. They are sad hindrances in the way of Popery, but that is no just reason for suppressing them. The hon member from Tignish (Mr Howlan) has alluded to the evils which Orangeism has inflicted in the City of St John, in the neighbouring Province of New Brunswick. On the occasion referred to, a Popish rabble thought proper to attack an Orange procession, the result was that those who made the attack got a good thrashing for their pains. The same gentleman has informed the House that when a Bill to incorporate the Orangemen of New Brunswick was introduced into the Legislature of that Province, it and its introducer were treated with contempt; that the gentleman who introduced the Bill in question was “scouted.” Sir, that gentleman certainly has been misinformed. The Bill in question was last introduced into the Legislature of New Brunswick in 1860, and was then lost by a majority of four.

Hon. Mr. COLES.—I do not wish the impression to go abroad that the Liberals endeavored to exclude the Bible from the schools. I contend that they allowed greater freedom in this particular than what is now conceded in the Act passed by the Conservatives. The teachers formerly were permitted to make comments on the portions of Scripture read, but this is not the case now. The agitation on the question arose without any just cause whatever. It is true that Bishop McDonald wrote a letter in which the unfortunate word “godless” was used; but when the matter was explained he withdrew the statement, and said he did not mean any offence.

Hon. Col. SECRETARY.—Did he withdraw the

declaration of the Council of Trent that the Scriptures should not be read by the people?

Hon. Mr. COLES.—I know nothing about the Council of Trent; but I am aware that Bishop McDonald allowed the Bible to be read in the Common Schools; he only objected to its use in the Central Academy and Normal School. In regard to Mr. Whitman's resolutions, it was all nonsense to suppose that people could be made to teach that in which they did not believe. If we had authorized the Roman Catholic version of the Bible to be read in the schools it would have set the whole country up in arms. There would have been two classes reading the Bible in each school, one on one side, and one on the other; and every scholar in this class asking his mate in the other what was wrong in his Bible? This would have been the state of affairs had this resolution passed, and still I am to be told because I voted against it, that I voted against the Bible in schools. The Liberals were in power 8 years, and never, I believe, was the Bible so generally read in the schools as during that period. We did not choose to legislate upon the subject, but left the matter with the Board of Education and the Government of the day.

Hon. Mr. LONGWORTH.—In answer to the remarks of the hon leader of the Opposition on the subject of the Bible in the schools, I may say the propriety of its use as a class book is generally admitted as laying the foundation of religious belief, and his Government wanted the moral courage to recognize its claims, and then yield to the pressure of their supporters. The present Government asserted its claims, and had our predecessors done so, they might have been in power to-day. It is a fallacy to say that it was better to leave the use of the Bible in schools to the discretion of the Government of the day, than to place its recognition on the Statute Book. In the former case, action on the subject would be left to the whim or caprice of the Government of the day, and the loss of the amendment moved in the session of 1858 by the present Attorney General, recognizing its use, hurled the hon member and his party from power.

Hon. Mr. COLES.—If the principle was so essential, why did not the previous Government, when the hon member's party were in power, carry it into practice?

Hon. Mr. LONGWORTH.—I was a young man at the time referred to, but I would have supported it.

Mr. BRECKEN.—I disapprove of the floor of this House being made the arena for controversy about creeds. It is not the place in which to find fault with any man's religion. Although in this debate hard things have been uttered by some members on both sides, I trust I shall be able to approach the subject without giving cause of personal offence to any. I could not help smiling while I listened to the declamation about Orangemen being bound to walk knee-deep in blood. That, forsooth, is to be considered as the object of the institution of the hon member, Dr. Kaye, than whom no man in the Island is more conspicuous for gentleness, kindness and charity. I have been amused at the warmth manifested by the hon leader of the Opposition and the hon member, Mr. Conroy. The latter was, last session, twitted with having said on the hustings that "as an Irishman and what he was, he was bound to support Mr Coles's Government." Previously he had been a staunch Conservative, and

opposed the leader of the Opposition when he brought in the measure for introducing the system of Responsible Government. I wish not to annoy that hon member when I say that he left his old political associates for reasons not of a political character. I do not approve of the style of many of the writings and speeches of the Hon. Col. Secy., for I respect every man's creed, and would never blame him for his religious belief; and no man can doubt the sincerity, in this respect, of the hon member for Tignish. When it is asked are Orangemen here different from those in Ireland? I reply by another question, do the Roman Catholics in both countries differ? The fact is, wherever the Roman Catholic Church is in the ascendant, she is conservative, and opposed to political innovation. The men who have earned the *sobriquet* of the Pope's Brass Band could be heard loudly declaiming in the Rotunda at Dublin against those who sought to enfranchise sunny Italy. When Garibaldi stood forth to give to Naples, a country than which none was ever more lavishly endowed by nature, her fitting place among the nations, did the Irish Catholics then shout for liberality to its down trodden people? Let the recollection of the celebrated Major O'Rielly's Brigade be the fitting response. While they proclaim themselves the ardent champions of liberty at home, they can lend their aid to prevent the oppressed Italians obtaining the rights and privileges they claim for themselves. In the House of Commons, Mr Hennessy and Sir George Bowyer urged the British Government to aid the gallant, noble and generous people of Poland in their struggle to the galling yoke of Russia; but they pursued a diametrically opposite course in the case of Italy, for in the latter country the power of the church was imperilled. While I deprecate all those politico-religious organizations as injurious to the country where they exist, it should be remembered that Roman Catholics act in concert, while Protestants are a rope of sand. Wherever the Protestant flag of Britain waves, the liberties of Roman Catholics are secure; but where the sceptre is held by a son of the Church, Protestants are not in the same position. It may suit Catholics to talk about bloodshed occurring under the Bill, but I ask where in this Island have Orangemen given cause for the shedding of blood? I recollect, when some seven years ago, the Government of the day dismissed from office the late worthy and respected Postmaster General, Mr Owen, a band of men were brought on to Queen's Square to repress free discussion. The hon member, Mr Whelan, was on the hustings, and about that time he wrote in his paper that any Catholic voting for a Protestant ought to be a marked man.

Hon. Mr. WHELAN.—I deny that I ever penned such a statement.

Mr. BRECKEN.—The hon member need not deny it. I saw it myself, and I ask him if he did not lend his support to bring the Irish together on the occasion to which I refer? I tell him, when he charges the Government and their supporters with having excited religious animosities, that he and his party are they who have raised the devil, and they now find that they cannot lay him. A short time ago, I read in the "Vindicator" a disgraceful attack on that venerable and distinguished Statesman, Lord Palmerston, in which he was referred to as a debauchee. The slanderer whose

base and groundless charge formed the text of the editorial discourse, had to abandon it, and the noble Premier was complimented by the learned Judge of the tribunal in which the slander was preferred. Notwithstanding all the professions of liberality put forth by the hon leader of the Opposition, intelligent Protestants look to acts not words, and that gentleman has forfeited the confidence of Protestants, and has to rely on a Roman Catholic constituency for his seat in this House.

Hon. Mr. COLES.—Not so. Lots 33 and 34 I have represented from the first, and they are still included in my district.

Mr. BRECKEN.—I charge the hon member with relying on Roman Catholic support and a rope of sand for his political position. The hon member from Cardigan, Hon. Mr. Thornton, late Speaker of this House, a few years since changed sides, and at this time not a member of the Catholic persuasion supports the Government. In view of this fact it is useless to complain of a combination against their party; it might as well be called the anti-Liberal association as the Orange. It is mere bunkum to see hon members seeking the honors of political martyrdom and talk of exclusion from office. How can any Government take into its confidence its opponents? The Government are not censurable for those gentlemen arraying themselves in combined opposition to them; there is not, and they know it, any disposition to tyrannize over them. Let the Catholics and the Hon. Col. Secy. lay aside their mutual animosities. I tell the hon leader of the Opposition that when he bid for the support of our religious denominations, he might naturally expect the opposition of the other. He, it was, who threw the apple of discord into the political arena, and bitter has been the fruit to him.

Hon. Mr. WHELAN.—As the hon member has seen fit to allude to me as having instigated the Irish to attend at the so-called "Donnybrook fair" meeting, the inference is that I sought to create disturbance on that occasion.

Mr. BRECKEN.—I had heard that the hon member sent circulars through the country requesting their attendance.

Hon. Mr. WHELAN.—Such is not the case. I wrote in the newspaper under my control that the people should attend a discussion of public matters. It was owing to the supporters of the Government of that day that bloodshed did not ensue, for the slightest provocation given by the most rowdy mob ever seen in Charlottetown, led to Queen's Square by the leader of the present Government, would have led to the shedding of blood. As to the Catholics considering themselves martyrs, I, as one of that body, complain not of injustice, but I do, and have complained of the efforts made by the party in power to set Protestants and Catholics by the ears, for no other object than obtaining and retaining power. When the hon leader of the Opposition is charged with throwing the apple of religious discord, I ask those who make the assertion to adduce proof of it. I deny that the exclusion of the Bible from the public schools had ought to do with the organization of Orange Lodges, for it was as free under the late as under the present Government; and the public records show that it is unfair to charge an aggression upon the rights of

Protestants as being the cause of Orangeism in the Island. History shows that Orangeism tends to disturb the peace and to set man against man. And if it is so necessary to the maintenance of the present dynasty on the British Throne, that the Grand Master of the English Orangemen, the late Duke of Cumberland, could entertain the treasonable project of removing from that Throne the august Lady who has so long and worthily occupied it?

Hon. Col. SECRETARY.—The statement is untrue, and I ask the hon member to produce his proof.

Hon. Mr. WHELAN.—If I had time allowed me I could easily do so, for the proofs are to be found in the Journals of the House of Commons, in the report of a special Committee, and that report has never been gainsaid. The Roman Catholic Bishop of Newfoundland, Dr. Mullock, has been coarsely attacked by the hon Secy., because a body of Volunteers attended him to Chapel in Charlottetown. I know that His Lordship did not require or request their attendance, but had he done so and their compliance was improper, the Government were censurable for not having dissolved the company. The character of that distinguished prelate stands too high to require my vindication from any attacks made on it by the hon Secy, who had the modesty and good taste to ask if ever man or devil conceived such an organization as that of the Catholic Church? The hon member for Charlottetown, Mr. Brecken, with his eye "in a fine frenzy rolling," discoursed with unusual fluency concerning Italy and Poland; but I do not think his premises justify the conclusion at which he arrived. In Italy there are two Catholic powers in direct antagonism. In the case of Poland, the Emperor of the French, a Catholic ruler of a Catholic nation, next to Russia the most *puissant* on the Continent of Europe, sympathises with the people, yet there is no *banding* of Catholics against the schismatic Ruler of Russia, when by such a course he might free the Poles from Russian oppression. With these remarks, I shall move the following amendment to the resolutions:—

WHEREAS, This House admits the constitutional right of this Legislature to make and ordain such laws for the public peace, welfare and good government of this Island and of the people and inhabitants thereof as may be considered necessary, but as His Grace the Duke of Newcastle in his Despatch notifying His Excellency that he could not submit the Act incorporating the Orange Societies of this Island for Her Majesty's consent, for the reason that in his opinion such "institutions are calculated (if not actually intended) to embitter religious and political differences, and which must be detrimental to the best interests of any Colony in which they exist," therefore, Resolved, that our constitutional rights have not been interfered with by the rejection of said Bill, no similar Bill having been passed by the Parliament of Great Britain or by any of the Colonial Legislatures.

For the Resolutions.—Honbls. Col. Secretary, Col. Gray, Longworth, McAulay, J. C. Pope, D. Davies, Laird, Kaye, Messrs. Brecken, Duncan, McLennan, Haslam, Howatt, Montgomery, Green, 16.

For the Amendment.—Honbls. Whelan, Coles, Warburton, Henstley, Thornton, Beaton, Kelly, Messrs. Howian, Walker, Sinclair, Sutherland, Conroy, 12.

On motion of hon J. C. Pope, Resolved, That no new matter on which to frame a bill can be received after Monday the 18th inst.

Hon. J. Longworth introduced a Bill amending the Education Act, and the Prince of Wales' College Act.

Mr. Howian introduced a Bill regulating the inspection of pickled Fish. House adjourned.

SATURDAY, April 9.

Committee on despatches being resumed, no discussion took place on those which were read.

Hon. Col. SECRETARY.—Reported from Committee to examine precedents in connection with the Oyster Bill.

Hon. Col. GRAY as a member of the Executive submitted presentments from the Grand Juries of Queen's and King's Counties respectively. The Government had found it necessary to provide a turnkey for the Jail of the first named County, in consequence of the violent conduct of a party named Young, confined there, who had been convicted of arson, and who was either a dangerous lunatic, or was assuming that character for the purpose of removal to the Asylum, as affording greater facilities of escape. It could not be expected that the Jailer could attend to all the duties of his office for the fixed salary of £40, since a large portion of his previous income had been lost by the establishment of the lock-up in Charlottetown. With reference to the Jail of King's County, the Grand Jury represented that there were no means of separating male from female prisoners. To remedy this state of things, the Government proposed to devote the whole of the building at Georgetown at present used as a Court House and Jail, to the purposes of the latter, and erect a separate Court House.

AFTERNOON.

Hon. Mr. LONGWORTH in moving the 2nd reading of the Bill for establishing a Court of Marine Enquiry, stated that it had been recommended by a despatch similar to those on the same subject which had been transmitted to the neighboring Colonies, in which it was intended to introduce a uniform system of jurisdiction in the numerous instances wherein large quantities of wrecked property were sold, under a system which the Imperial Board of Trade disapproved of. The object of the Bill was to give power to the proposed Court to investigate the causes of wrecks, hear evidence and exercise its judgment on the evidence; and deprive, in cases of fraudulent loss of the vessel, the master and other guilty parties. The Act followed that adopted in Nova Scotia.

In Committee, Mr CONROY thought the Bill necessary for the protection of the honest master against whose character imputations were thrown out, and he had no Court of investigation to which to appeal. It was but right that the man who wilfully cast away his vessel should be deprived of his certificate.

Bill agreed to.

Mr. BRECKEN moved the reading of a Bill to extend the jurisdiction of the Charlottetown Police Court by giving it the power to award damages as well as punish criminally in cases of assault.

Hon. Mr. COLES moved that it be read this day three months. The Bill would confer on an Inferior Court greater powers than those exercised by the Supreme Court. A party could apply for damages in his separate action.

Hon. Mr. HENSLEY was opposed to the Bill as

unprecedented, and was in favor of parties awarding damages.

The Hon. Messrs. Davis, Longworth, Secy., and McAulay and Mr Haslam and Mr Duncan briefly supported the Bill as calculated to save time and expense.

The first motion was carried and the House went into Committee on the Bill, which was reported agreed to. Adjourned.

MONDAY, April 11.

Mr. McLENNAN called attention to the incorrect state of the Classified Accounts, as presented to the House, and desired to know what action should be taken.

Hon. Mr. DAVIES thought that they ought to be referred back to the Auditors.

Hon. Col. SECRETARY moved that the following Accounts furnished to the House this Session, viz: the Public Accounts as classified by the Auditors, and the Report and returns of the Controller of Customs, be withdrawn, in order that more correct accounts may be furnished.

Hon. Mr. COLES said it was important that the Accounts should be corrected; they went into the Appendix, and would only be looked to as they stood, for any motion passed would be in the body of the Journals. Besides, we had no time to rectify these matters in this House; they ought to be made right by the Government. But he could not consent to the documents going out of the House; let the Auditors prepare correct Returns, and submit them independently of those on the table. In course of time it might be denied that there were any errors in the Accounts that had been presented. The fact is we ought to have a responsible officer such as a Financial Secretary, to look after these matters.

Hon. Col. GRAY replied that if the hon member who had just sat down, had spoken in the same terms before of this matter, he could not have taken objection to his remarks. He first attempted to censure the Government, which was not proper, as we only could be responsible for the public officers, and not for the Auditors who reported to this House. He agreed with the hon member that the Accounts should be corrected, and he thought it better that they should not be taken from the House. He would move that the Hon. Col. Secretary have leave to withdraw his motion. With respect to a Financial Secretary, he believed it would be much more economical to have such an officer, than to continue the present system.

The motion was accordingly withdrawn.

Hon. Col. GRAY presented to the House a List of the Pupils attending Prince of Wales College, in the Session of 1864, and Lists of the Pupils attending the Charlottetown and Summerside Grammar Schools.

The Bill to provide for the establishment of a Marine Court of Enquiry, was read a third time and passed; also the Bill in addition to the Act to extend the criminal jurisdiction of the Police Court in the City of Charlottetown.

Mr. BROKEN presented a petition of Bernard MacMahon and others, inhabitants of the North side of the Hillsborough River, setting forth that their names had been signed to a petition presented to the House in 1862, without their consent, and praying the House, to cause Mr. Kelly to account to the House how he came possessed of said petition. He (Mr. B.) thought a fair opportunity ought to be given to Mr. Kelly to explain and bring proof in the matter, and he would therefore move that the petition be referred to a special Committee to examine the same and report thereon.

The motion was agreed to, and the Committee appointed; whereupon Hon. Mr. Kelly presented a counter petition, which was referred to the same Committee.

Hon. Mr. KELLY moved the House into the order of the day, viz, Committee of the whole on the consideration of the several petitions praying an amendment in the Act 17th Victoria, Cap 7, relating to steam communication on the Hillsborough and Elliot Rivers.

Hon. Mr. DAVIES said he could not support monopolies except in very extraordinary cases. They might be useful to start certain undertakings, but were in general injurious. They might be compared to bounties in old times. Perhaps it would be said unless we granted a monopoly of the steam navigation of the East and West Rivers, there would be no steamers put on them and he would rather give a grant to encourage them, than to grant a monopoly for a term of years.

Hon. Col. GRAY said the petitions prayed for what the Government always intended. All parties should have a fair scope to tender. The law required to be altered, as it provided that the communication should be every day, and this at present was not needed.

Hon. Mr. COLES thought it was necessary to have some regulations to the effect that the boat should leave the several stations at a certain time. He thought it was better to leave the matter in the hands of the Government, and would therefore move the following resolution:

Resolved, That the Act 17th Victoria, Chapter 7, authorizing the letting of contracts for the running of steamers on the Hillsborough and West Rivers, be amended so as to authorize the Government to advertise for tenders for the running of a boat or boats on either or both of said rivers, on such days as they—the Government—may think proper, with power to fix the points or places at which such boat or boats shall call on their respective routes.

Hon. Mr. HENSLEY rose to second the resolution. Unless a monopoly was given there would be no security to the public that a boat would run without indeed the Government thought proper to give a grant. Perhaps a monopoly of ten years was too long.

Hon. Col. GRAY thought that no person would build a boat, or send to Scotland for one, unless he had the monopoly of the route for at least ten years. The first few years would probably yield very little return, and no person could be expected to incur the risk without some such privilege. He was opposed to monopolies, but he thought one better in this case than giving a grant at present for the object.

Hon. Mr. LONGWORTH was interested in this question, as it was contemplated that the boat should run on the West as well as the East River. A monopoly was a thing that should not generally be granted; but in consideration of the advantage in this case, it would probably be desirable. There would be no safe guarantee for the investment of capital without some such privilege. With respect to the period, he thought ten years was short enough. In the case of the ferry between Halifax and Dartmouth, a monopoly of 50 years was given. This was too long; but no person could be expected to incur outlay, as in the case before the Committee, for a shorter period than ten years.

Hon. Mr. KELLY thought the resolution proposed would give satisfaction to all parties, he would therefore support it.

The resolution was agreed to, after which the House resumed and adjourned.

Monday Afternoon, April 11.

The amendments made by the Legislative Council to the Savings' Bank Bill were agreed to.

House went into Committee on the petitions relative to the shooting of wild fowl.

Hon. Mr. DAVIES.—They considered that the subject was one of importance, as was evidenced by the numbers and respectability of the names subscribed to the petitions. The petitions sought no exclusive rights, they merely asked that some measures should be adopted to prevent the expulsion of the birds from their usual haunts, which would be the result of the constant harrassing to which they were subjected. Last year thousands were destroyed in Richmond Bay.

Mr. McLENNAN said that finding that thousands of heads of game were last year exported, and that the Indians were being deprived of an important source of their livelihood, and that the petitions disclaimed all desire of excluding natives or foreigners from participating in the sport of shooting wild fowl, he thought the petitions should commend themselves to the favorable notice of the House.

Hon. Mr. HENSLEY.—There being no property in birds of passage, it would be strange to object to parties shooting them. Legislative action had frequently been interposed for the protection of birds attached to the soil, and if the intention of the advocates of the petitions is merely the prevention of the exportation, it would necessarily follow that any number of birds might be shot and allowed to rot.

Hon. Mr. McAULAY was of opinion that the Legislature should interpose. Great quantities of birds had been exported last year, and they had doubtless brought high prices, the benefit of which we lost. Unless we stopped the wholesale destruction of our resources, in a few years we would feel the consequences.

Hon. SPEAKER never saw an Act prohibiting the shooting and exportation of birds such as wild geese, brant, &c. He was at a loss to conceive how the people of the Island could be said to have lost the value of what they never owned. Game laws in Britain are applicable only to birds whose permanent home is there, such as pheasants, but not to migratory or birds of passage.

Hon. Mr. LAIRD was opposed to any legislation on the subject. If Americans made so much money by their shooting last year, our people could rival them next season.

After a short conversation, Hon Mr DAVIES seeing the opinion of the House was adverse to any action on the petitions, moved that the Speaker take the chair. Carried.

The House went into Committee on the presentment of the Queen's County Grand Jury.

The suggestions of the Jury on the subject of additional tribunals for the trial of criminals were unanimously disagreed to by the Committee as being attended with expense unnecessary to be incurred, the Supreme Court having time to transact the criminal, without obstructing the civil business.

The expediency of removing to the Asylum the prisoner Young, whose case was referred to on Saturday last by Hon. Col. Gray when he tabled the presentment, was discussed, all members who spoke agreeing that it was unjust to the unfortunate debtors to be confined in the same building with such a person who ought to be removed to the Lunatic Asylum where a strict watch could be kept



over him. The Jail was not the place in which he could be treated with a view to the restoration of his reason, and it was unfair that the Jailor should be charged with the custody of a mad man whose violence had imperilled his life.

To these remarks Hon. Col. Gray replied that members should bear in mind that the Government could not remove him to the Asylum until competent medical authority had pronounced him a Lunatic. The medical officers had declined to say that he was, and the Grand Jury in the presentment characterised him as a "a dangerous and savage convict." If medical authority pronounced him insane, he would be at once transferred to the Asylum. He was aware of the difficulty experienced by able medical men in determining whether a party was actually insane or only malingering.

After some discussion on the propriety of altering the times of holding the Terms of the Supreme Court, it was agreed that on account of the stronger state of the ice, Hilary Term should in future commence on the 2d instead of the 1st Tuesday in January, and the March Term in King's County on the 1st instead of the 2d Tuesday in that month.

Mr BRECKEN presented a Bill to incorporate the Grand and Subordinate Temples of the Independent Order of Good Templars of P. E. Island—read a first time.

#### TUESDAY, April 12.

Mr. BRECKEN moved the second reading of a Bill in addition to the Charlottetown Incorporation Act, the object of it being the creation of the office of Inspector of the weight of all flour imported into Charlottetown. He would prefer a general measure applicable to the whole Island, but the advanced period of the Session might prevent the Government entertaining it this year; but this being a partial measure, the experience of its operation might be a guide to the House in dealing with a general measure next Session. Last year about 45,000 barrels were imported into the Island, and in Nova Scotia where inspection was in force, no less than 11,000 barrels were deficient in weight.

Hon. Mr. COLES had no objection to the principle of the Bill, but the City Council had power to regulate the matter, under their charter.

House in Committee.

Hon. SPEAKER was not opposed to the principle of the Bill, but agreed with hon leader of the opposition that the Council had the necessary power already to give effect to their views by a bye-law, as they had done in the case of weighing beef. Be that as it might, there was no reason why a general measure should not be introduced. The people of the Island had for years past been grossly imposed on, by deficiencies in weight, and an Act of general application would enable the Government to appoint Inspectors at the out ports who should be responsible to them.

Mr. HOWAT was of the same opinion.

Hon. Mr. DAVIES.—The benefits of the Act would not be confined to Charlottetown, three-fourths of the flour imported into which place went to the country. A general Act would meet his approval.

Hon. Mr. LAIRD was of the same opinion.

Hon. SPEAKER trusted there would be a general Act providing for inspection of quality as well as quantity as in other Colonies. He was surprised at members of the Government supporting a measure of this nature which provided that all the proceeds should go into the City Treasury, while they admitted that three-fourths of the flour went to the country. The proceeds should go into the general revenue.

Mr. DUNCAN differed as to inspection of quality. In the State of New York, the weight was all that was ascertained by inspection. As to quality, below "superfine" there was no brand, and the purchaser was left to the exercise of his own judgment. He doubted if they could get competent inspectors of quality at the outports.

Hon. Mr. KELLY.—It was well known that the country people generally were not competent to judge of the quality.

Mr. CONROY.—Of the flour imported last year, a large proportion was unfit for human food. In the country parts the people were constrained to buy unwholesome flour.

Hon. Mr. POPE.—If the Bill were confined to Charlottetown, the result would be that the bad flour would be all sent to the country. Inspection of quality was as necessary as that of quantity. Flour had been often imported, the brand on the barrels of which might have been put on two years before when they represented the true quality of the article.

Hon. Mr. COLES.—It would be better to have a general Bill including inspection of quality and weight. It would be easy to find competent persons to test the quality. There would not be the same labor as with the inspection of fish, where barrels had to be opened and re-headed.

Hon. Mr. McAULAY.—The present Bill was defective. It was necessary to inspect quality as well as ascertain the weight, and if the Bill were not general in its operation, parties residing in the country would be compelled to come to Charlottetown to get flour, the quality of which they could rely on.

Progress was reported.

Mr. HOWLAN moved the House in Committee on law for the inspection of Pickled Fish. Such a measure had long been required. In 20 years the Island Fisheries had increased 300 per cent. In the neighboring Colonies Governmental inspection gave Governmental certificate of the value of the fish, and thus prevented a loss to which the exporters of Pickled Fish from the Island were often subjected. He then moved a resolution declaring the expediency of providing for the inspection of Pickled Fish for exportation, and another for the remuneration of Inspectors.

Both having been agreed to, Messrs. Howlan, Hensley and McLennan were appointed a Committee to prepare an Act in accordance.

Bill to revive and continue Act regulating Fisheries reported from Committee on expiring laws, and read first time.

Mr. HOWLAN reported Bill for Inspection of Pickled Fish—read 1st time.

Committee of whole on expediency of introducing Bill to alter the law relative to the time of shooting partridges.

Hon. Mr. DAVIES stated that at present the law allowed partridges to be killed between the first day of September and first May. The Bill proposed to prevent their being taken between the 1st January and 15th September.

Hon. SPEAKER was in favor of protecting partridges, although he had left wild geese to their fate. But he would suggest to the hon. member, Mr. Davies, the propriety of extending the close season to 1st October.

Hon. COL. SECRETARY—As there were no partridges on the Island, would suggest that the designation "tree grouse," be substituted, that being the proper name of the bird.

The resolution with the alternative appellation "tree grouse," was agreed to, and Messrs. Davies, Howat and Pope were appointed a committee to prepare a Bill in accordance with resolution.

House in committee on Mr. Robinson's Bill, for a patent for improvement in shipbuilding. Mr. Duncan complained that the only plan before the House was a representation of the midship section of a vessel with diagonal planking; the fore and aft sections should also be on the table.

Progress reported.

TUESDAY AFTERNOON, April 12.

Hon. Mr. LONGWORTH rose to move the House into Committee to take into consideration the Law relating to Education, including the Act establishing the Prince of Wales College, with the view of amending the same. It was thought that there should be some slight alterations in the Acts mentioned to enable scholars attending the Grammar School to have the benefit of the scholarships. It was also contemplated to place the Grammar School at Charlottetown under the control of the Trustees of the Prince of Wales College. Some amendment was also necessary in regard to the French Acadian Schools. But the nature of the contemplated amendments would be more fully explained in Committee.

The House went into Committee accordingly, when Mr Longworth submitted several resolutions; but it being thought expedient to defer the discussion thereon the House resumed.

Hon. Mr. DAVIES, from the special Committee for the purpose, presented a Bill relating to the shooting of Partridges.

House adjourned.

WEDNESDAY, April 13.

Hon. Colonial SECRETARY moved the House into Committee to take into consideration the expediency of enacting a law to prevent the taking of Oysters during the spawning season, and to make provision for granting certain localities in order to promote the re-production of the same.

In Committee the Hon Colonial Secretary briefly explained the object he had in view, and submitted the following resolution:—

"Resolved, That it is expedient to enact a law to prevent the taking of Oysters during the spawning season; and also to make

provision for granting certain localities within this Island, in order to promote the re-production of oysters."

Hon. Mr. COLES said he could not agree with the latter part of the resolution, and moved that all after the word "season" be struck out. It was proper to prevent taking them during the spawning season; but to grant certain localities for the purpose mentioned, would probably create bad feeling, by interfering with those who took mud from Oyster beds for manure.

Hon. Mr. LAIRD thought the proposed measure was not wanted by the people in the country. If the oyster beds were to be granted, persons would have to be appointed to look after them, and this would cost more than the gain would amount to.

Mr MONTGOMERY was opposed to a monopoly at all times. He wished to know to what extent the Bill would interfere with the taking up of mud for manure. Unless he was satisfied on this point, he would oppose the resolution.

The Colonial SECRETARY said it was intended to give free scope where there was mud useful for manure, whether oysters were there or not.

Hon. Mr. WARBURTON would like to see the fisheries protected, but he could not agree to a monopoly of any extent. There were oysters in the rivers in his neighborhood, but he understood it was not intended to give any monopoly on them.

Mr. SINCLAIR was also opposed to a monopoly. He thought the proposed measure would be very little benefit; for during the oyster spawning season, the people were too busy to fish them, and after that was over it would not be proper to prevent the fishery for home use. It might be well to prohibit their exportation till late in the season.

Hon. Mr. WARBURTON agreed with his colleague that it might be well to prevent their exportation during the summer months.

Mr. HOWAT said as the Hon. Col. Secretary had explained that the measure would not prevent the taking of mud for manure, and that it was not to give a general monopoly, he (Mr. H.) would not give it any decided opposition.

Hon. Mr. LONGWORTH said it appeared to be admitted on all sides that some measure should be enacted to protect the fishery in question. It was known that in certain rivers of the Colony once celebrated for oysters, scarcely one could now be found. He was therefore in favor of the resolution. He thought if the fishing was prohibited during the spawning season, and leases of certain localities were granted to encourage their re-production, but not so as to interfere with the operations of the farmer, benefit would result.

After some other hon members had expressed their views, the question was put on Mr. Coles' amendment, which was lost 13 to 7. The original resolution was then carried, and reported to the House.

The House was again moved into Committee on the Education question. The following are the resolutions

submitted to the Committee yesterday by Hon. Mr. Longworth:—

1. **RESOLVED**, That it is expedient that Students chosen by the Board of Education under the 13th Section of the Act of the 23rd Victoria, Chapter 17, for Scholarships in the Prince of Wales' College, should have the right of attending the Grammar School in each of the respective Counties to which they belong, at the Government expense, until they are qualified to matriculate or pass their examination for admission into the said College, the period for such attendance at the said respective Grammar Schools, not to exceed twelve months, and the time allowed by law, for such scholarships, commencing to run from the entry of such students at the said respective Grammar Schools—provided that any such student so chosen for a Scholarship, if his Parent or Guardian shall prefer it, may qualify himself at said respective Grammar Schools, or any other institution at his own expense, for examination and admission into the said College; the period allowed for the endowment of such scholarship in the last mentioned case, not commencing to run till such student's admission into the College.

2. **RESOLVED**, That it is expedient to place the Grammar School in Charlottetown, which has been established in the building used as the Prince of Wales' College, and in connection with that institution, under the control of the Trustees and Governors of the said College, instead of under that of the Board of Education; and that the Act of the 26th Victoria, Chapter 5, be amended in that respect.

3. **RESOLVED**, That the Government allowance to the master of the said Grammar School in Charlottetown, shall be £100 per annum; and further should any Students chosen for Scholarships in connection with the Prince of Wales' College, be entered at any Grammar School in this Island, at the Government expense preparatory to admission into the College, the Master of such Grammar School shall be entitled to receive out of the Treasury of this Island, a tuition fee for each of such students at the same rate as shall be receivable from the Parents of other Students in attendance at such Grammar Schools.

4. **RESOLVED**, That the tuition fees arising or accruing from the Grammar School in Charlottetown, shall be under the control of the Trustees and Governors of Prince of Wales' College, to be applied by them in supplementing the salary or Government allowance of the Master of the said Grammar School, to such extent as they may deem fit or necessary, and in procuring the services if need be, of a second Master or Usher in said Grammar School, and towards providing fuel, books, maps and other requisites for said School.

5. **WHEREAS** the School District on Township Number Twenty-four, known as the Anglo-Rustico District, is very populous, and in consequence thereof, one District School therein has been found insufficient to afford the means of Education to the large number of children therein; **RESOLVED**, **THHEREFORE**, that it is expedient especially to empower the Board of Education to divide or alter the said District in such manner, as they may deem fit and necessary to meet the circumstances of the case, and to establish a second or additional school therein; but the Teacher to be appointed to take charge of such additional school, to be a duly licensed Teacher, and he, as well as the Trustees of his School to be bound to conform in all respects, to the requirements of the Laws relating to Education.

6. **RESOLVED**, That in the case of any other School District in this Island similarly circumstanced with the Anglo-Rustico District as mentioned in the last preceding Resolution, the Board of Education shall have the like power to alter the same, and establish therein a second District School, upon the same terms, and subject to the same restrictions as in the said Resolution is set forth.

7. **RESOLVED**, That it is expedient to define more clearly, the person by whom the tuition fees due, and to become due and payable under the Act 33rd Victoria, Chapter 17, shall be collected and received.

8. **RESOLVED**, That the Board of Education shall have power to establish an additional District School in the Eastern Section of Charlottetown Royalty,—the salary of the Teacher to be at the usual rate.

Hon. Mr. LONGWORTH said it would be observed that the first resolution referred to students who had been chosen to scholarships. Under the operation of the present law it had been found im-

possible for some young men to attain a sufficient knowledge in the country to qualify for entering college, and thus might be debarred the advantages which a scholarship was intended to afford them. It was contemplated to remove such obstacles out of the way, and give those young men who had gained scholarships the privilege of attending the Grammar School free of expense, until such time as they were prepared to enter Prince of Wales College.

Hon. Mr. COLES maintained that the amendment proposed only proved the error into which the Government had fallen in founding a College with such high studies. Considering the high qualifications necessary to enter the College, there was too great a blank between it and the District Schools. Where were students to qualify for entering the Institution? District teachers were not required to teach Latin, and some other branches necessary, and to obtain a knowledge of these, the young man had to attend the Grammar School in order to qualify himself to enter College. It was found that the Professor of the College would not condescend to teach the elementary branches, and so an effort was made to put a teacher into the College for that purpose. This, however, would not do, and Grammar Schools were established. All this showed that a College was not the thing required. It might be convenient for those intending to study for lawyers or clergymen; but it cost the Colony about £800 a year, and the country at large was receiving no benefit from it. The Government had no right to connect the Grammar School in Charlottetown with the College; they did this without any authority, and now they were going to bring in by a side wind a measure to cover the deed. If the College was insufficiently equipped, let them put a third master in that institution; but let them not deprive the Town of a separate Grammar School.

Hon. Mr. LONGWORTH replied that the hon member could not have understood the resolution under consideration. The main reason for amending the Act was to allow parties having scholarships to attend the Grammar School free of expense, and also, as the number of scholars in that school was now upwards of 40, to provide for an increase of salary to the master, and also for the services of an assistant. The young man in charge of the school had given notice that he could not continue in the situation on his present salary. He had passed a very creditable examination before he received the appointment, and he (Mr. L.) understood he was giving very high satisfaction. There was no necessity to connect the Grammar School with the College; but as it was held in the same building, it was deemed advisable to place it under the control of the Trustees and Governors of that Institution. The hon leader of the Opposition appeared to think that students at almost all stages of advancement should be admitted to the College. This could not be the case in any college; Grammar Schools were preparatory to such in all countries.

Mr. BRECKEN remarked as this matter might be thought to affect his constituents he would say a few words. He thought great credit was due to the hon member for Queen's County for his zeal in this

question, and considered that he might very properly be denominated the Minister of Education. It could not be questioned that the Grammar School, though largely attended by pupils belonging to the Town, was an institution for the country. The Town then had no right to complain, though parties gaining scholarships should be allowed to attend the Grammar School, as the number could only be two from each County. It must be admitted, however, that others from the country had also a right to attend. With respect to the College, perhaps it might be correct that when established it was too far in advance for the Colony; it was, however, doing a good work. The Master of the Grammar School who was admitted by competent judges to be an excellent teacher, received his education at our College. Another student from it, who left the Colony and entered Dalhousie College, had also done credit to the Island Institution.

Two or three other hon members having briefly spoken on the subject, progress was reported, and the House adjourned.

WEDNESDAY AFTERNOON, April 13.

The Bill regulating the taking of Oysters having been reported from the special Committee was read first time.

Messrs. Haslam, Longworth and Kelly were appointed a Committee to bring in a Bill for the erection of additional Small Debt Courts.

The Bill to alter the times for shooting Partridges or Tree Grouse was committed and agreed to.

The Committee on the amendments to the Education Act was resumed. On the clause transferring the control of the Grammar School at Charlottetown to the Trustees of the Prince of Wales' College, some hon. members argued the two institutions should be kept distinct. It would be preferable to abolish the Normal School and thus provide an additional teacher to the Grammar School.

Hon. Mr. McAULAY would place the Queen's County Grammar School on the same footing as those of Kings' and Prince Counties, as to supervision. The students at a College are supposed to be more advanced than the pupils of a school.

Hon. Mr. LONGWORTH replied that it was desirable that the Grammar School in Charlottetown should be under the same supervision as the College. Both were kept in the same building, and the control of the Board of Education only extended to district schools.

Hon. Mr. WARBURTON thought that if the College and School were to be connected, it would be preferable to have the former alone. The Colony was not able to afford to pay at the rate they were now doing for the education of the sons of a few gentlemen in Charlottetown.

The resolution was carried on the following division:  
**YEAS**—McAulay, Green, Montgomery, Ramsay, Colonial Secretary, Yeo, Speaker, Gray, Haslam, Brecken, Longworth, Pope, Kaye and Duncan.

**NAYS**—Warburton, Conroy, Howlan, Sutherland, Coles.

The resolution authorizing the division of the first school district at Rustico into two school districts had been recommended by the Board of Education. The next would apply to Wheatley River and other districts similarly situated. Agreed to.

Mr. HOWLAN complained that the Report of the Visitor for the Western part of the Island was not correct as to Cascumpec. The school there was not registered, although application had been made to that effect.

Hon. Mr. LONGWORTH explained that the Board of Education found the same difficulty in that as in the Rustico and Wheatley River districts. It was intended by the Bill to remedy all similar inconveniences.

A resolution for the establishment of an additional school in the Eastern part of Charlottetown Royalty was agreed to, and Messrs. Longworth, Brecken and Laird were appointed a Committee to bring in a Bill in accordance with the resolutions.

The Charlottetown Flour Inspection Act was re-committed and agreed to, when the Committee rose.

In the House, Hon. Mr. POPE moved a Committee of the whole to take into consideration the propriety of introducing a General Act on the subject.

House in Committee.

Hon. Mr. POPE said that the matter having been fully discussed already, he would merely move that a special Committee be appointed to bring in such Bill.

Committee, Messrs. Pope, Duncan and Laird.  
 Bill read first time.

THURSDAY, April 14.

The Flour Inspection Bill was read a second time and committed.

Hon. Mr. COLES thought inspection would occasion unnecessary trouble, the ascertaining of the weight was all that was necessary.

Mr. MONTGOMERY thought the certainty to the purchaser that the article he had purchased was of the quality represented was of more importance than the difference of a few pounds in the weight of the barrel to a man who might have to travel twenty miles for it.

Bill agreed to.

The Partridge Act was read third time and passed.

The House went into Committee on the Bill for the inspection of Pickled Fish.

Mr. HOWLAN.—The object of the Bill was to place our fish on the same footing as those of the other Colonies. It would give them a character and save the expense of re-packing abroad. It would be necessary to have a Chief Inspector for each County, who should appoint his deputies.

Mr. MONTGOMERY objected that it would involve the appointment of a Chief Inspector in each County at a salary.

Mr. HOWLAN explained that the Chief Inspector would receive a portion of the fees of the deputies. The security to be given by the Chief Inspector he proposed to fix at £500, as it was a highly responsible office.

On motion of Mr. GREEN that sum was reduced to £300.

Progress reported.

The Bill to incorporate the Order of Good Templars of Sons of Temperance was read a second time and agreed to.

The House again resolved itself into Committee on the Bill to regulate the inspection of Pickled Fish.

After an animated discussion the Bill was agreed to with some amendments, and then reported back to the House. A motion being made that the Report of the Committee be now agreed to, Hon. J. C. POPE moved in amendment to leave out the word "now," and at the end of the question, insert "this day three months." The House then divided on the motion of amendment, as follows:—

*Yeas*—Hons. J. C. POPE, Dr. Kaye, R. McAulay; Messrs. Montgomery, Ramsay, Yeo, Howat, Brecken, Haslam—9.

*Nays*—Messrs. Howlan, Conroy, Sinclair; Hons. Messrs. Coles, Davies, Thornton, Kelly, Whelan, Warburton—9.

The numbers being even,

Hon. the SPEAKER said as he did not wish that a Bill should be disallowed by his vote, while it had yet another stage to pass through in this House, he would vote in favor of the Report of the Committee.

House adjourned.

FRIDAY, April 15.

Hon. J. C. POPE, a member of Her Majesty's Council, presented to the House the estimates of the expenditure of the Government for the current year.

Hon. Mr. WARBURTON having moved the House into Committee of the whole, to take into consideration the expediency of enacting a law to compel the Registration of Baptisms, said the object he had in view was to introduce a more stringent measure, as he had frequently observed that Baptisms were not registered as the law required. He had a case lately when a certificate of such registration would have been of service to him, but it could not be obtained. He thought there could be no objection to the measure which he proposed. He would even go as far as to say that there should be a registration of deaths, and also of births. There was a law to this effect in England. He then moved the following resolution:—

*Resolved*, That it is expedient to introduce a Bill to be intitled, "An Act in addition to the Act to require Clergymen and others authorized to solemnize marriages to return certificates thereof to the Surrogate of the Island, and to require Clergymen to keep a record of Baptisms under a penalty, to compel Clergymen, to register baptisms which have not been inserted in the books of registry, on payment of the ordinary fee of one shilling and six pence."

Mr. HOWAT was inclined to oppose the measure, owing to the late period of the Session at which it was brought up.

Hon. the SPEAKER was opposed to the Resolution, not altogether to its principle, but because it did not go far enough. He thought it would be much better to have a registration of births. This was the only effectual method, as some were not baptised until they were two, three, four, or twenty years of age; and some not at all. He held that it would be wise to adopt the registration of Births; an officer in each County would be sufficient for the purpose.

Hon. Mr. WARBURTON said he would have no objection to such a measure; and if some of the legal gentlemen would bring in a Bill to this effect, he would certainly give it his support.

Hon. Mr. COLES thought it was absolutely necessary to carry out the suggestion of the Hon. Speaker. People here were related to a great many in the Old Country, and a registration of births was frequently necessary to prove a right to property.

Owing to the advanced period of the session, hon members seemed indisposed to originate a more comprehensive measure, and the resolution, as submitted by Mr. Warburton, was agreed to.

Hon. Mr. HENSLEY presented a petition of the Minister and Church Wardens of St. Paul's Church, Charlottetown, praying the House to pass a Bill to facilitate the recovery of pew, and other rates in said Church—referred to a special Committee, who introduced a Bill in accordance therewith.

Hon. Mr. KELLY, from the Committee appointed last Session, to make inquiries respecting the proposed road through Alex. Hayden's farm on Lot 36, reported that they were unable to meet, and prayed that they be discharged, and another Committee appointed.

The Report was agreed to, and the Hon. F. Kelly, the Hon. J. Hensley, and the Hon. E. Thornton, appointed a Committee in accordance therewith.

Hon. Mr. WARBURTON directed the attention of the Government to the state of Ellis River Bridge, and the necessity of having it inspected, with the view of making repairs.

Hon. Mr. POPE replied that the Bridge in question would receive the consideration of the Government.

On motion of Mr. Brecken, the Bills, in addition to the Charlottetown Incorporation Act, and to incorporate the Independent Order of Good Templars of Prince Edward Island, were read a third time and passed.

The House again went into Committee on the Bill to enable John Robinson to obtain Letters Patent for the invention of a new mode of constructing ships and vessels. The Committee rose without reporting, and the Clerk was authorized to return the fees paid on the said Bill, to the solicitor or agent of the said John Robinson.

The House then went into Committee on the Oyster Bill—progress reported.

The Flour and Meal Inspection Bill (general) was read 3rd time and passed.

Hon. Mr. HENSLEY introduced a Bill facilitating the division of the estates of coparceners and joint tenants. Read first time.

Adjourned.

SATURDAY, April 16.

The Oyster Bill was re-committed and agreed to.

Hon. Mr. WARBURTON introduced a Bill for the registration of Marriages and Baptisms. Read first time.

Hon. Mr. HENSLEY'S Bill for facilitating the division of the Estates of Tenants in common and coparceners, was committed.

Hon. Mr. Hensley explained that at present a lawsuit was necessary to obtain the authority necessary to effect a partition. Under the Bill a party could apply to a Judge at Chambers, who would appoint a day for argument, and suspend, if he saw fit, further proceedings until the meeting of the Court.

Hon. SPEAKER gave the hon member great credit for his action on this subject. Some years ago he introduced a bill which simplified the proceedings in cases of this nature, but this was a further step in the right direction. In this Island parties often unite in the purchase of lands, and unless they agree to a division are obliged to apply to Chancery. In some instances where partition is desired, all the property would not pay the expenses of proceedings under the present system.

Bill agreed to.

Mr. BRECKEN as Chairman of special Committee, appointed to report on petitions of certain inhabitants of East River, relative to the manner in which signatures were said to be obtained to said petitions, applied to the House for instruction in the matter; after some remarks from the Hon. Col. Secretary and others relative to the impropriety of the question in dispute being any further entertained by the House, the said Committee was discharged.

Hon. J. HENSLEY submitted a Bill to facilitate the recovery of rates and assessments due St. Paul's Church, Charlottetown. Bill agreed to.

Mr. HASLAM submitted a Bill relative to the appointment of additional Small Debt Courts in certain localities of this Island; received and read.

House adjourned.

AFTERNOON.

The order of the day for the House in Committee of Supply having been read, on motion of Hon. J. C. Pope, the Estimates were referred to the said Committee, and the House resolved itself accordingly—Mr J. Yeo in the Chair.

Hon J. C. POPE moved a resolution granting £55 for the house rent of the principal Professor of Prince of Wales College. He said the grant was fully discussed last year, and the Professor was considered fully entitled to the sum, since he had been deprived of living in the College building.

Mr CONROY said he had objections to the grant, but as the subject was discussed last year he would not divide the House on it; still he thought that the item should be struck out of the Estimates.

Hon Col GRAY desired to know if this item were struck out, whether the House was prepared to grant £600 to purchase a

House, as there was no room in the College for the Professor's residence.

Hon Mr WARBURTON moved an amendment to the effect that whereas the expenditure of Prince of Wales College for each pupil at present amounts to upwards of £33, the further allowance of the amount named for rent of residence, would be an unwarrantable outlay of public money.

Hon Mr COLES complained that the Grammar School had been established in the College building, otherwise, with some other alterations, the Professor might have been enabled to reside in it. He also made a charge against the College itself, alleging that sectarian prayers were used there, and that attempts had been made to coerce Roman Catholic students to attend such prayers. He maintained that any prayer, except the Lord's Prayer, was a sectarian prayer.

Hon Col SECRETARY denied the charge that sectarian prayers were used in the College, and maintained that a general form of prayer was not necessarily a sectarian prayer. The fact that the Grammar School was established in the College, was an additional argument in favour of a grant for the Professor's house rent. It was cheaper to pay this small sum than to build either a new school or a new residence.

The main resolution was carried 16 to 9.

On the resolution being read granting a sum for carrying the summer Mails.

Hon Mr COLES said before that resolution was put he had a few observations to make. It was well known that Mr Boultonhouse had tendered to furnish a Steamer to carry the Mails for nearly half the sum that would be required under the proposed arrangement. Besides, though he did not wish to accuse hon members of selfishness, yet he understood that three or four members of the Government were interested in the Island Company, and might be supposed to look after their own interests. He contended, however, that it was the duty of the Government to see that the country was not saddled with £1000 a year more than the service would be performed for by Mr Boultonhouse. And another objection he had to the present contract was that any of the steamers could lie up three months to repair boilers if required, and so far as he could see might continue to draw the pay. Another point he would call attention to, was the insertion in the agreement of the times of leaving for ten years to come. He believed this provision was made to suit the contractors in the event of the Liberals coming into power. This was a matter which was never heretofore inserted in the steamboat contracts for this Island; and he thought that the parties ought to have had confidence in the Government of the day. It was argued that this Steamboat Company would be the means of keeping the money on the Island. But the £15,000 which he understood the new steamer was to cost, had been sent out of the Island to New Brunswick where she was built; whereas by Mr Boultonhouse's tender it would have been brought into the Island. Be this as it might, the poor people of this Colony, by the present contract, would be taxed about £15,000 more during the next ten years than they would if Mr Boultonhouse's tender had been accepted.

Hon Col GRAY remarked that the hon member who had just sat down had taken a wide range. By a resolution of this House at its last Session, the Government were authorized to procure steam communication, and the only offer, excepting the contract now before the House, was from a gentleman abroad for the sum of £3000, sterling. He therefore contended that the Government adopted a wise course in accepting the tender of Robert Robinson Hodge, the only party known to him in the matter. He (Col Gray) fully believed that Mr Boultonhouse did not intend to tender, as his proposal was so entirely different from what the Government required. The hon leader of the Opposition had complained that certain arrangements had been made which might be objectionable were the Liberals to come into power. To this he (Col G.) would reply that it was not necessary that they should come into power (Applause). He then spoke of the excellent accommodations of the new boat, and the advantages which would accrue to the Colony from increased facilities of communication with the neighboring Colonies and the Northern States.

Hon Col SECRETARY entered into an explanation of the differences of the Government with Mr Boultonhouse in regard

to the "Westmorland." It was well known that at one time she was in such a state that her fires were liable to be extinguished in any gale. It was necessary that she should be repaired, and receive proper certificates, the delay about which caused the difficulty with the Government. The contract under which she ran was so general, that her owner might employ another boat, or run a schooner, in case of repairs being required. The alterations in the present contract in this particular had been introduced by the Attorney General to obviate the difficulties under the former contract. One reason why Mr Boultenhouse's tender could not be entertained was that it was impossible for any one boat to make the trips which he proposed to do. And another objection was that the only security for the performance of the contract which he offered was a lien on an unbuilt boat.

Hon Mr COLES complained that Government had given double what Mr Boultenhouse asked. As to the "Westmorland," that gentleman produced a certificate from the Surveyor of Gulf Steamers. The Inspector in St. John recommended some additional work. Mr Boultenhouse intended to have the repairs done at Picton in the spring. As to his tender being a *dogus* one, it was not very likely he would risk his life by crossing the Straits in the winter season, unless he intended to enter into a valid and binding engagement. He believed that the new boat was a good one and got up in creditable style, but his objection was that a good boat might have been obtained for less money.

Hon Mr DAVIES expected the hon leader of the Opposition would have congratulated the Government on the good bargain they had made. The "Heather Bell" always beat the "Westmorland" in heavy weather. A "Hog Frame" had been put into her to prevent her hogging. The "Heather Bell" had put back but once.

Hon Mr POPE said it would be more creditable to the hon leader of the Opposition if he would confine himself to facts. He had attempted to show that Mr Boultenhouse's offer was preferable to that which had been accepted. The truth was otherwise. The contract formerly entered into with Mr Boultenhouse left him at liberty to put a sailing vessel on the route in case of accident disabling the steamer, while the present contract required another steamer, and the only security that gentleman offered was a mortgage on the boat. Was that the kind of security which the Government ought to take? If Mr Boultenhouse would have done the same work and given as good security as the present contractors, he would not have objected to its acceptance. It was desirable to bring into and keep in the community as much money as possible, and a Company was formed, in which all who were so disposed might take shares. It might be that the hon member was desirous of a repetition of the affair of the "Fairy Queen." The "Westmorland" had not been fit for the route for some 2 or 3 years. The Government employed her last year, but it was only after she had been caulked from keel to gunwale. The "Heather Bell" had indeed put back to Summerside on one occasion, but it was at a time when the "Westmorland" did not put out.

Progress was reported, and the House adjourned.

MONDAY, April 18.

Hon. Col. GRAY submitted the joint address of the Legislative Council and House of Assembly of P. E. Island, congratulating Her Majesty the Queen that Her Royal Highness the Princess of Wales had given birth to a son—agreed to.

Hon. Col. GRAY then introduced a "Bill to settle the differences between tenants and landlords in this Island, and to enable tenants on certain Townships to obtain the fee simple of their farms." In submitting it he said: "This is a bill to secure certain indulgences and privileges to the tenantry. It will scarcely be necessary for me to advert to all the action which from time to time has been taken in our endeavors to bring about this desirable object. But there is one point upon which I will animadvert, which is the untruthful statement that I promised the tenants lands at any price they chose. Hon. members are now in

this House who know that when I first stood on the hustings in Belfast, I distinctly declared over and over again that "I would promise nothing." Yet as soon as ever I took my seat I brought forward Resolutions praying Her Majesty would allow the appointment of Commissioners to negotiate between landlords and tenants, and endeavor to affect some amicable arrangement; and I asked that the basis of this arrangement should be a large remission of arrears of rent in such cases as might be reasonably asked for, and also the right of purchase at a fair rate. My motives for bringing this forward I declared at the time. I knew the Imperial Government had liberally granted indulgences to the landlords, under the Original Grants, and had also remitted large arrears of quit rent. I therefore assumed that the advocates of the tenantry might fairly and reasonably be permitted to ask in return a boon from the landlords. The Commission was granted, and I will not refer to its proceedings, nor to the fact of three gentlemen in the highest social, political, and moral position in Nova Scotia and New Brunswick rendering such an Award. The fact is the Award has been inoperative and ineffective owing to the Commissioners exceeding their powers in deputing to others what they were required to do themselves. But, Sir, I maintain that the moral obligation remains the same. Under this belief delegates were sent home to sound the Imperial government, as to how far we might assume the proprietors would go. After obtaining every possible information, this bill has now been framed to carry out the two main points of my Resolutions, viz. the remission of arrears, and the right of purchase. Hon. members will see that great boons are here set forth, applicable to two classes of the tenants. 1st. Those whose circumstances will admit of their purchasing their freeholds. 2nd. Those whose circumstances not being such as would enable them to purchase, yet by the remission of a crushing load of arrears, amounting to £30, 50, £60, nay even to £100, and for the payment of which the Sheriff can sweep every horse, cow, pig—yes, the very beds in the houses, and lastly the farms themselves. I say by such a load being removed, every man will look forward with a bright heart to the future. The bill is framed to bind those proprietors who submitted the Commission; but if it meet the approval of the Imperial Government, I confidently expect that other proprietors will see that they are bound by every principle of justice, and I might say gratitude, for the favors they have themselves received from the Imperial Government, to give the same boon to their tenants.

The Bill was then received and read, and ordered to be read a second time on Wednesday next.

On motion of Hon. Col. Gray the House again resolved itself into Committee to resume the consideration of public Despatches.

[For debate on Union of the Colonies see p. 32.]

Hon. Mr. LONGWORTH reported from the Committee on Expiring Laws.

Hon. Mr. HENSLEY introduced a Bill to amend the Act now in force for the relief of insolvent Debtors. Also a Bill to facilitate proceedings in suits in the

Courts of Chancery, in cases where the Defendants, or any of them, shall be absent from this Island.

The Hon. Col. SECRETARY presented a petition of R. R. Hodgson and others, styling themselves the Prince Edward Island Steam Navigation Company, praying for an Act of Incorporation.

Adjourned.

TUESDAY, April 19.

The congratulatory address to the Prince of Wales on the occasion of the birth of a Prince was reported and agreed to.

The Fishery inspection Bill passed; as were the following: The Bill for partition of Estates and that for amending the Church of England Act.

The House went into Committee on the Bill to amend the Act for the relief of Insolvent Debtors by rendering it competent for one judge or one commissioner to grant the order for examination of an insolvent—agreed to.

The Act to revive and continue the Fishery Act was committed and agreed to without discussion.

Hon. Mr. HENSLEY moved 2nd reading of the Bill to amend the practice of the Court of Chancery, by allowing publications in the "Royal Gazette" of orders, &c., on defendants resident out of the Island to supersede personal service.

Hon. Mr. LONGWORTH approved highly of the Bill, which was more advantageous to defendants than to complainants on the ground of expense. It provided a notice of 3 months for debts in the Colonies; 6 months for those in Great Britain.

Committed and agreed to.

The Education Act amendment Bill was finally passed through Committee, and reported agreed to with some amendments.

On the question being put that the Report of the Committee be now received.

Hon. J. WARBURTON moved in amendment to leave out the word "now," and at the end of the question insert "this day three months."

The House divided on the motion of amendment as follows—:

*Yeas*—Hon. Messrs. Warburton, Coles, Whelan, Thornton, Kelly; Messrs. Conroy, Howlan, Sutherland—8.

*Nays*—Hon. Messrs. Longworth, Gray, Col. Secretary, Laird, Pope, Davies, Kaye, McAulay, Hensley; Messrs. Haslam, Montgomery, Ramsay, McLennan, Howat, Yeo, Duncan, Brecken, Green, Sinclair—19.

The main motion was carried on a similar division, the order of the *yeas* and *nays* being reversed.

The Bill to authorize the establishment of additional Small Debt Courts in this Island, having been read a second time, and the motion made that it be committed to Committee,

Hon. Mr. LAIRD moved in amendment that it be committed this day three months.

For the amendment—Hon. Messrs. Laird, Davies, Thornton, Coles, MacAulay; Messrs. Howat, Ramsay, Yeo, Conroy—9.

Against it—Messrs. Haslam, Sinclair, Green, Sutherland, Howlan, Brecken, Duncan, McLennan, Montgomery; Hon. Messrs. Kelly, Longworth, Whelan, Hensley, Warburton, Pope, Col. Secretary, Gray—17.

The main motion was then carried, the Bill committed, and reported agreed to with some amendments.

The House again resolved itself into Committee on the Bill in reference to the registration of Baptisms. It was agreed to without any discussion.

The Col SECRETARY, from the Committee for the purpose, presented a Bill to incorporate certain persons styling themselves the "Prince Edward Island Steam Navigation Company."

Hon. Mr. KELLY, from the Committee for the purpose, presented a Bill relating to steam communication between Charlottetown and certain parts of the Hillsborough and Elliot Rivers.

On motion of Hon. Mr. Laird, the Committee appointed last Session to report this Session, by Bill or otherwise, on a petition of the Grand Division of the Sons of Temperance of P. E. Island, praying the House to amend the laws for regulating the manufacture and sale of spirituous liquors, be discharged.

Adjourned.

WEDNESDAY, April 20.

The Bill to amend the Act now in force for the relief of Insolvent Debtors was read a third time and passed. Also the Bill to facilitate proceedings in suits in the Court of Chancery, in cases where the defendants, or any of them, shall be absent from this Island.

Mr. HASLAM moved that the Bill to authorize the establishment of certain additional Small Debt Courts in this Island, be now read the third time.

Hon. Mr. DAVIES moved in amendment that it be read this day three months.

The motion was lost 10 to 13, and the Bill accordingly read a third time and passed.

A Bill relating to the Fisheries of this Island, and the Education Act amendment Bill were read a third time and passed.

The House then spent some time in Committee of Supply, during which the resolution granting £7000 for roads, bridges and wharves, was agreed to.

On motion of Hon. Col. Gray, the Bill for settling differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the fee-simple of their farms, was then read a second time.

The Hon. Col. GRAY then moved, seconded by the Hon. J. LONGWORTH, that the said Bill be now committed to a Committee of the whole House.

Hon. Mr. COLES moved an amendment to the motion, seconded by the Hon. Mr. WARBURTON, that the House go into Committee on the Bill this day three months.



[A debate here arose on the Land Question which was continued for the remainder of the day. As this question was so fully discussed in previous debates of the Session, which have been pretty fully reported, the Reporters think it unnecessary here to publish matter which would be, in a great measure, a repetition of former arguments.]

Hon. Mr. COLES motion was lost on the following division:—

*Yeas*—Hon. Messrs. Coles, Warburton, Kelly, Thornton, Whelan, Hensley, Laird; Messrs. Walker, Sinclair, Howlan, Conroy, Sutherland—12.

*Nays*—Hon. Messrs. Gray, Longworth, MacAulay, Col. Secretary, Pope, Davies, Kaye; Messrs. Green, Montgomery, Ramsay, McLennan, Haslam, Brecken, Yeo, Howat, Duncan—16.

The main motion was then carried on a similar division, the order of the *yeas* and *nays* being reversed.

The House accordingly resolved itself into the said Committee, when progress was reported.

Adjourned.

#### THURSDAY, April 21st.

Several resolutions were reported from supply.

Hon. Mr. WARBURTON moved to amend the resolution containing the sum of £35 as rent for Professor Inglis' house, by deducting that sum from the said resolution.—Motion lost 7 to 12.

The Land Bill was again taken up in Committee, and reported agreed to with amendments. A motion that the report of the Committee be received this day three months was lost 10 to 14.

The House then spent some time in Committee on roads, bridges and wharves.

Some other unimportant matters having been disposed of, the House adjourned.

#### FRIDAY, April 22d.

The House again spent some time in Committee on matters relating to roads, bridges and wharves.

The Pauper scales were then taken up in Committee, and disposed of.

The Land Bill was read a third time and passed on the following division:—

*Yeas*—Hons. Col. Gray, Col. Secretary, MacAulay, Davies, Dr. Kaye, Longworth, Pope, Duncan, Green, McLennan, Brecken, Yeo, Haslam, Montgomery, Howat—15.

*Nays*—Hon. Messrs. Coles, Warburton, Thornton, Laird; Messrs. Conroy, Howlan, Walker, Sinclair—8.

The House in Committee then resumed consideration of Supply. The only resolution brought forward which elicited any discussion was that granting £1000 for the importation of farm stock.

Hon. J. C. POPE, who moved the resolution, said it was admitted on all hands that great advantages had accrued to this Island from the importation of improved stock, and it was deemed advisable that the sum of

£1000 should be expended for this object at the present time. It was contemplated that the stock should be imported during the ensuing season; and probably divided between the three Counties.

Hon. Mr. WARBURTON did not object to the amount, but thought that it should be expressly stated in the resolution that the stock was to be equally divided between the three Counties.

Hon. J. C. POPE said that it was the intention of the Government so to divide the stock.

Hon. Mr. WARBURTON thought it was necessary that this should be mentioned in the resolution, for when the last stud horse was imported, it was distinctly understood that his services were to be divided between the three Counties; but this was not carried out.

Mr. HOWAT was of the same opinion. When the horse referred to by the hon member was sold, he (Mr. H.) was astonished that no stipulations were made as to where the animal was to travel. So far, Prince County had derived no benefit from him.

Hon. Col. GRAY said the objections of the hon member were perfectly reasonable. The horse should not have been confined to one County. The hon Colonel then gave a statement of the cost of thorough bred animals in Britain, and showed that it would be more economical for this Colony to support a stock farm than to be occasionally importing such animals from the Mother Country. He wished that the Royal Agricultural Society were put into good working order. When he came to the Island a few years ago, far greater interest was taken in that institution than at present.

Hon. Mr. LAIRD remarked respecting the horse to which allusion had been made, that each of the Counties had an equal opportunity of purchasing him, and if he had been bought by a person residing in Queen's County, the other Counties could not complain. He (Mr. L.) understood that the owner of the horse still intended to travel him in both Prince and King's Counties.

Hon. Mr. POPE consented to alter the resolution so as to specify that the stock should be divided between the three Counties.

Hon. Mr. DAVIES contended that the stock farm should not have been allowed to go down. It was a great deal less expensive to raise than to import thorough bred stock. Besides great risk was incurred in importing stock; perhaps half of the stock now intended to be sent for, might perish on the passage to this country. No doubt the stock farm when in operation was a heavy expense, but probably this was because the person who had charge of it did not properly manage the business.

Hon. Mr. LONGWORTH partly agreed with the hon member for Charlottetown; but the expense of keeping up a model or stock farm was great, and the sum required for this purpose would go a considerable way towards the importation of thorough bred animals from Britain. It was no doubt desirable that the stock imported should be equally divided between the Counties; still there was a difficulty here unless an equal number of each kind of stock were ordered. Some satisfactory arrangement, however, might be effected.

He thought as railways were about being built in the neighbouring Provinces, and draft horses would there be required, that it would be well to include a Clydesdale horse among those to be imported. These were matters, however, which could be arranged by the Committee.

Hon. the SPEAKER said that as this was a matter of great importance, though one requiring money, he would speak in its favor. This was purely an agricultural country, and we should put forth every effort to improve our stock. With respect to the last horse imported, it was agreed that he should be sold in Charlottetown, and that the highest bidder should have him, no matter from what County he came. He (Mr Speaker) recollected being at the sale, and it was only the difference of a pound or two in the bids which prevented the horse from going to Prince County. No stipulation was made as to where the animal was to be kept. He, however, was willing to have it mentioned in the resolution that the stock now to be imported should be equally divided between the Counties. He was of opinion that the stock chiefly required at present in the Island was horses and sheep. Our horned cattle were already very good. Any person who had attended our Easter Market show for the last few years would be satisfied on this point.

The resolution was agreed to, and progress reported. Adjourned.

SATURDAY, April 23.

Several resolutions were reported from Supply and agreed to.

The House went into Committee on Ways and Means, and came to two resolutions.

The Bill for the Incorporation of the Prince Edward Island Steam Navigation Company, was read a third time and passed.

The House spent some time in Committee considering the expediency of amending the law authorizing the Lieut. Governor in Council to open a Cash account with the Bank of P. E. Island. A resolution was come to in favor of amending the same, and a Committee appointed to bring in a Bill for the purpose.

The Hillsborough and Elliot Rivers Steam communication Bill was read a second time and passed through Committee.

The House in Committee on the expediency of introducing a Bill to provide funds for the payment of certain Debentures issued under the authority of the Land Purchase Act of 1853, came to a resolution that a Law should be enacted to provide such funds by issuing debentures at 6 per cent interest.

The House in Committee on the report of the special Committee on Expiring Laws came to several resolutions, which were reported, and agreed to.

Adjourned.

MONDAY April 25.

The Bank Cash Account Bill was read a second time and committed. It was amended in Committee, at the suggestion of Hon Mr Coles, to empower the Government to open a similar account with other Banks besides the Bank of P. E. Island; and a clause was also inserted declaring that Warrants shall be issued under said Bill, only for the payment of amounts

authorized by any Appropriation Bill passed or to be passed by the Legislature.

The resolutions from the Committee of the whole House on Ways and Means were reported. When the question was put on the first of the said resolutions, Mr Howlan moved to amend the same by adding at the end thereof the following: "That the duty of 6d per ton, on salt, be struck out; and Tobacco be reduced to 4d.

For Mr Howlan's motion—Messrs Howlan, Sutherland, Walker; Hons Messrs Whelan, Coles, Kelly, Hensley, Warburton—8.

Against it—Hons Messrs Pope, McAulay, Kaye, Davies, Laird, Longworth, Col Secretary; Messrs McLennan, Green, Howat, Duncan, Brecken, Montgomery, Ramsay, Yeo, Haslam—16.

The House in Committee of Supply.

A debate took place on a Resolution granting £7 10s to the Trustees of St. James Church in this City for rent of Pew provided for His Excellency and family.

Hon. Mr. COLES objected to this grant, on the ground that by a Resolution of the House passed last Session no further grants of this nature were to be made for Pew Rent in any of the Churches. He then read the said Resolution which is to the effect that the sum of £72 voted to pay Pew rent in the respective Churches in this City for the use of members of the Legislature, be no longer appropriated for any such purpose. It was then, he said, understood we were to have no more cavilling or jealousy on this subject, as no future grants of this kind were to be made. This vote therefore was contrary to the Resolution of last Session on the subject, and should be rejected.

Hons. Hensley, Warburton and Kelly took a similar view of the subject, and considered the grant not in keeping with the resolution of last Session; contending that if a grant is voted one Church, others are in justice entitled to a similar appropriation.

Hon. Mr. SPEAKER also opposed the granting of any money to pay for pew rent in any of the churches. He was opposed to any state Church in the Colonies on principle, and would therefore vote against the grant. The House must keep within the resolution of last year while it remained on their journals.

Hons. Col. Gray, Longworth, and others contended that the Resolution of last Session was confined in its signification to the grant of £72, formerly allowed for pews in the respective churches for the use of the Legislature. This grant was abolished by that Resolution; but that it was clearly expressed and understood that His Excellency's pew rent be paid in the church of which he was a member; and that as the resolution of last Session was confined to members of the Legislature, it cannot be construed to include the Governor of the Colony; that inferential argument should not interfere with the right of the House to grant this vote of £7 10s to pay for His Excellency's pew rent. Nothing short of clearly expressed words to the contrary should deter hon members from giving their vote in favor of the Resolution now before the committee. After considerable debate on the subject, the Resolu-

tion in favor of the grant of £7 10s to pay for His Excellency's pew in St. James' Church was carried.

A vote for £300 for the Delegates on the Land Question was then proposed, on which a brief discussion took place.

Hon. Mr. COLES opposed it. Officers receiving salaries should not get more than their actual expenses.

Hon Col GRAY—The cost to every man in the Island would not exceed a farthing a day. The people would not complain, they had received a great boon. As to the ideas of the hon leader of the Opposition about the emoluments of public officers, he probably considered that for his sessional pay of £30 a member should be ready to run the blockade, or cross the Straits on the ice, or risk his life in any other way. The salaries are not adequate to the proper support of some of the public officers and their families.

Hon. Mr. WARBURTON, when in the late Government, had crossed late in the fall to Picton, and returned from Shediac in a small schooner, and he refunded £22, part of the assumed amount of his expenses, to the Treasury. He admitted that the salaries were low, but the present Government, when in opposition, declaimed against them as being too high.

After a few words from Messrs. Conroy and Howlan in opposition, and Messrs. Davies and McAulay in support of it, the resolution was carried on the following division:—

*Nays*—Thornton, Coles, Sutherland, Howlan, Conroy, Warburton, Hensley—7

*Ayes*—Davies, Kaye, Howat, Laird, Secretary, Duncan, Pope, Longworth, Haslam, McLennan, Ramsay, Montgomery, Green, and McAulay—14

TUESDAY, April 26.

The resolution for the £300 for the delegates being reported, was agreed to.

The Revenue Bill having been reported from Committee and read 1st time—

Hon Mr COLES.—It would be useless to say the dollar is worth 6s. while collectors levy the duties at 4s. or 4s. 6d. on amount of invoices.

Hon Mr POPE—As well to leave it as it was. Gold is the standard of value—at the present time one gold dollar is worth two in greenbacks.

Hon Mr DAVIES admitted the difficulty; by order of the Government the Collector last year ascertained the Bank rate for dollars.

Hon Col. SECRETARY—The United States paper dollar does not represent nominal value. On the Quebec Exchange the ratio of gold is published daily.

Hon Mr POPE—Formerly, the sovereign in the States was worth 4 dollars and 80 or 84 cents; now it is worth 8 dollars and 61 cents.

Hon Mr LONGWORTH—The Canadian Government had power to fix the value of American gold; he would recommend a clause giving similar power here; this would entail loss neither to the Revenue nor Importer.

Hon Mr POPE read a clause to that effect.

Hon SPEAKER—The proper remedy would be to take away from our Currency Act the fixed value of all foreign coins; the clause would be inconsistent with the Act.

It was decided that whether the rates were changed monthly or weekly, yet as the different Collectors would receive the Gazette each week, they should act on the rate last gazetted.

Progress reported.

The Bill for altering the time of holding certain Terms of the Supreme Court was read a third time and passed.

The Hon J. C. POPE, a member of Her Majesty's Executive Council, presented to the House, a Supplementary Estimate of the expenditure of the Government for the current year, namely, Pew in St. James' Church, for the use of His Excellency the Lieut. Governor, Seven Pounds.—Laid on the table.

Hon Mr COLES asked whether the Government had made any provision for the expense of the contested election in the Legislative Council last year.

Hon Col GRAY replied that the matter remained with the Hon Attorney General. If his report should warrant that it be paid by the Government, it might be paid next session, or hereafter. It was a question which required considerable investigation.

The Revenue Bill was read a second time and passed through Committee.

The Debentures Bill was taken up in Committee.

Hon Mr COLES objected to the preamble of the Bill. It was entirely too long. It set forth what was to be done with debentures in 1869. He thought this might be dispensed with.

Hon the SPEAKER was of the same opinion. He did not know what would take place in 1869, therefore he would vote against the preamble as it stood.

Hon Col SECRETARY, Hon Mr LONGWORTH, and Mr BRECKEN contended that the preamble might properly remain as it was, since it only specified the objects of the Bill; but they were willing that a part of it should be struck out, which was done, and the Bill reported agreed to with amendments.

The Land Assessment Act amendment Bill was read a third time and passed.

Adjourned.

WEDNESDAY, April 27.

Hon Col SECRETARY moved that the Bill in extension and amendment of the Act authorizing the Lieut. Governor and Council to open a Cash Account with the Bank of P. E. Island, be recommitted in order to strike out the clause in such Bill, which declares that Warrants shall be issued under such Bill, only for the payment of amounts authorized by any appropriation Bill passed or to be passed by the Legislature. This clause was not, he said, in the original Bill, and it would necessitate the Bank to examine in the case of each check to see whether the amount was in the Appropriation Bill or not.

Hon Mr COLES said he had no objection to striking out the clause; but he thought the Treasurer ought to be required to see that no warrants were issued except for those amounts authorized by the Appropriation Bill.

The motion was agreed to, and the Bill was accordingly recommitted.

In Committee, Hon Mr COLES further contended that the Treasurer should be held responsible for the warrants issued.

Mr BRECKEN, Hon Col SECRETARY, and Hon Col GRAY maintained that it was absurd to hold an officer responsible for warrants issued by the Government, whose servant he was.

The objectionable clause was struck out, and some other amendments made, and the Bill reported back to the House. On the question being put that the report of the Committee be received, the House divided:—

**Votes**—Hons Col Secretary, Coles, Thornton, Kaye, Laird, Longworth, Gray; Messrs Howat, Ramsay, Montgomery, Haslam—11.

**Yeas**—Hons Messrs McAulay, Hensley, Pope, Davies; Messrs Yao and Green.—6.

Hon Mr Longworth, from the Committee for the purpose, presented a Bill to continue and amend the Summerside Fire and Swine Acts.

Hon Col SECRETARY stated the cost of the legal opinion of Sir Hugh Cairns on the Award as given in London at £50 15s. sterling.

Hon. Col GRAY laid a copy of the opinion on the table.

Hon Mr POPE moved that the Committee of supply be resumed, and that a supplementary estimate of £7 10s for a Pew in St. James' Church for the use of the Lieut. Governor be referred to it.

Hon SPEAKER strongly objected to the course proposed; it was most irregular, and in direct violation of the Resolution of last Session, and he cited several authorities in support of his views.

The Committee was resumed.

Progress reported.

THURSDAY, April 28.

Hon Mr POPE moved a Resolution respecting the supplementary estimate that £7 be granted for the use of a pew in St. James' Church for the Lieut. Governor.

[The House sat with closed doors.]

When the doors were opened—

The Hon J C Pope moved, seconded by Mr Haslam, that the House do come to a Resolution as followeth:—

**Resolved**, That the motion to refer to Supply, the Supplementary Estimate asking for a grant of Seven pounds for a Pew in Saint James's Church, for the use of His Excellency the Lieutenant Governor, is not contrary to, nor an infringement of the Resolution of this House, come to last year, respecting the grant of seventy-two pounds to defray the expenses of Pews in the different Churches, for the accommodation of Members of the Legislature.

The House divided on the question.

**Yeas**—Hons J C Pope, J H Gray, Col Secretary, J Longworth, A Laird, D Kaye, D Davies, R McAulay; Messrs Montgomery, Green, McLennan, Haslam, Brecken, Duncan, Howat—15.

**Nays**—Hons G Coles, E Whelan, J Hensley, J Warburton, D Beaton, F Kelly, E Thornton; Messrs Conroy, Howlan, Sutherland, Walker, John Yeo—.

So it was carried in the affirmative, and

**Resolved**, accordingly.

Hon SPEAKER then addressed the House to the effect that in consequence of that division, and feeling that it implied a want of confidence in him on the part of those who voted in the majority, he could no longer, consistently with his own feelings of self-respect, hold the high office which had been conferred on him; he therefore returned the powers with which he had been entrusted to those who had delegated them to him.

Hon Mr COLES expressed his regret at the resignation of the Hon Speaker, and cordially thanked him, on behalf of the Opposition, for the courteous and impartial manner in which he had discharged the duties of his office. He then moved that the clerk do notify the Lieutenant Governor that the House was without a Speaker.—Motion agreed to.

AFTERNOON.

The Hon Col GRAY, a member of Her Majesty's Executive Council, addressing the Clerk, acquainted the House that he had it in command from His Excellency the Lieutenant Governor to state that it was His Excellency's wish that the House should proceed forthwith to the election of a Speaker.

Mr GREEN, addressing the Clerk, proposed the Hon Roderick McAulay, of Georgetown, to be their Speaker, which was seconded by the Hon Mr Laird.

There being no other member proposed, and no objection made, the Hon Mr McAulay was conducted from his seat by Mr Green and the Hon Mr Laird to the upper step of the Speaker's platform, standing on which he returned his humble acknowledgements to the House for the great honor they had been pleased to confer on him, by choosing them to be their Speaker. He then took the Chair.

The House was then summoned by His Excellency to the Council Chamber, where he was pleased to approve the choice of Speaker which they had made.

The House being returned, the Revenue Bill was read a third time and passed; as also the Bill to provide for the payment of certain Debentures, and the Bank Cash Account Bill.

Hon Mr LONGWORTH moved that the House go into the order of the day, viz, in Committee on the consideration of the several petitions laid on the table this Session, praying for an amendment of the law regulating the sale by license of spirituous liquors. It was well known that outside of Charlottetown it was necessary to get the signatures of the majority of the householders in a school-district before a tavern license could be obtained. The petitioners wished this privilege to be extended so as to enable householders to decide whether the license thus obtained, should be renewed or not at the expiration of the year. They desired that the persons procuring license should pass through the same ordeal every year. He deemed it advisable that the House should go into Committee on the matter, as then hon members would have an opportunity to express their views freely.

Hon Mr COLES said he did not think the reasons given by the hon member were sufficient to warrant this House in going into Committee on the petitions. Who would be at the expense of opening a respectable house, if he was liable to have his license taken from him at the end of the year? The license could be taken at any time from a person against whom there were charges; and the magistrates would not certify for a renewal of license to a man who kept a disorderly house. A poor hovel could be erected in a short time and at little expense; but such respectable houses as Bagnall's or Haslam's required considerable outlay. To grant the prayer of the petitioners would place it in the power of a few individuals in a school district, who might think that the Tavern keeper was making a little money, to close up his house. As the law stood, public houses were too scarce. There was none on the New Glasgow road from New London to Charlottetown. With regard to pint Licenses it was difficult to know what should be done with them. It was said a year or two ago that a quart was too much, and that the license ought to be for a pint. But now the petitioners wished to have a quart license again. Really there was no possibility of pleasing those Temperance people. (Laughter.) Now a pint was not enough and they must have a quart. It was also getting late in the Session, and there would scarcely be time to carry a Bill, on such a difficult matter, through all its stages.

Hon Mr POPE said it was necessary to take some action in the petitions as they were very numerous signed. It would be advisable, he thought, to go into Committee and consider the matter.

Hon Mr LONGWORTH remarked that the petitions were signed by several thousands, and the amendments prayed for were worthy of consideration. He would urge that the House go into Committee on them.

The motion was agreed to, and the House went into Committee accordingly, Mr Green in the chair. The petitions having been read,

Hon Mr HENSLEY said they all prayed pretty much for the same object, namely, that the signatures of the majority of the householders in a school district should be obtained, before a tavern license was renewed. Some of them, indeed, went a little further, and desired that these signatures should

be obtained at a public meeting of the inhabitants. There was also a prayer in some of the petitions that the pint license should be placed under the same restrictions as the tavern license. The petitions were very numerous, signed, and deserved consideration. Those who prayed that the signatures should be obtained at a public meeting had not stated their reasons for requiring that such a meeting should be called; but he presumed that their object was to have the matter of granting a license in the district discussed. He was not certain this would be the most advisable course. Meetings were not the best place to arrive at correct conclusions on all subjects. A person who was asked in his own house, with his children around him, to sign in favor of a tavern license, would be as apt to take a proper view of the case as amid the excitement of a public meeting.

Hon Mr DAVIES said that the License Act was amended two years ago, and he thought it had given general satisfaction. He did not think any benefit would result from giving effect to the suggestions of the petitioners, except it might be in regard to the pint licenses.

Hon Mr LAIRD thought that if pint licenses had to come under the same restrictions as tavern licenses, very few would be allowed to sell by the pint. The petitions might be respectfully signed, but other people ought to be permitted to enjoy their opinions as well as Temperance men.

Mr HOWLAN said he was not in favor of one part of the prayer of the petitioners, namely, that in regard to holding public meetings. Parties, however, were often induced to sign their names to papers without a very good understanding of their object, and about the first thing they heard would be that a tavern was opened in the district; and once opened the license could be renewed without the householders assent. This was a feature in the present law which he considered objectionable.

Mr HOWAT was going to submit a short resolution. The Session was becoming advanced, and this was a very difficult question. He did not know where Temperance men were inclined to stop with these petitions; he believed nothing would satisfy them short of total prohibition. He would not assert that they were wrong in this movement, but was the country prepared to carry out the prayer of these petitions? We ought to have time to consider the matter. The resolution which he had to propose was as follows:—

**Resolved**, That a Special Committee be appointed to report by Bill or otherwise at the next Session of the Legislature, on the Petitions praying for amendments to the present License Act.

Hon Mr LONGWORTH said it was true that the License law had been frequently before the House, and often amended; but that it did not give satisfaction was evident from the very large number who had signed the petitions before the Committee. The petitioners all agreed on this point, namely, the desirability of requiring parties before they renewed their license to obtain the sanction of the majority of householders in the district, just in the same manner as at first. Some of the petitions advocated the holding of public meetings, where the subject of consenting to the license might be discussed; but they were not agreed on this point. He thought from the respectable number of signatures to the petition the matter should not be delayed. It would not take long to pass a short Bill through the House. He would therefore submit the following amendment to Mr Howat's resolution:—

The Hon. J. Longworth moved, to amend the same by leaving out all after the word "Resolved" and substituting the following: "That it is desirable further to amend the Laws regulating the sale by License of Spirituous Liquors, by vesting a power in the Executive Government, to annul or vacate any existing Tavern License, at the instance or request of a majority of the Householders, resident in the School District in which the Tavern complained of shall be situate, provided such request be signified by Petition to the Executive Government, signed by a clear majority of such Householders, and verified by an affidavit of some credible person or persons as to the genuineness of the signatures attached to such Petition.

After a few of the hon members had expressed their views, the question was put, and Mr Howat's motion carried 14 to 6.

When the House resumed, and the question was about being put on Mr Howat's resolution, Hon Mr Longworth again submitted his amendment, and the House divided:

**Yeas**—Hons Longworth, Gray; Messrs Green, McLennan, Montgomery, Yeo, Haslam—7.

**Nays**—Hons Messrs Davies, Coles, Col Secretary, Pope, Laird, Kaye, Kelly, Whelan, Warburton, Haviland, Hensley; Messrs Duncan, Brecken, Howat, Conroy—15.

So the amendment was lost; and Mr Howat's resolution afterwards carried without a division. Committee appointed, Mr Howat, Hon J. Hensley, and Hon D. Davies.

Adjourned.

FRIDAY, April 29.

Hon. J. C. POPE moved that the House do now resolve itself into a Committee of the whole House to consider further of a Supply—agreed to.

Hon. J. C. POPE then moved that the Supplementary Estimate laid on the table on Tuesday last, viz, "Pew in St. James' Church, for use of His Excellency the Lieut. Governor, £7," be referred to the said Committee.

The House divided on the question.

**Yeas**—Hons. J. C. Pope, Davies, Kaye, Laird, Longworth, Gray; Messrs. Green, Howat, Montgomery, Yeo, Haslam, McLennan—12.

**Nays**—Hons. G. Coles, Warburton, Hensley, Kelly, Haviland, Thornton, Beaton; Messrs. Walker and Conroy—9.

Then the House resolved itself into said Committee.

Hon. J. C. POPE moved a resolution granting £7 to defray the expenses of a Pew in St. James' Church for the use of His Excellency the Lieut. Governor.

Hon. Mr. COLES said he must vote against that resolution again, particularly when he considered that it had unfortunately cost the House the loss of its former worthy Speaker. Though the Leader of the Government was under the impression that this vote was not excluded by the resolution of last Session, yet as it was not in the Estimates at first, it would have been better to have let the matter pass. He did not say that there was no position in which a Government could be placed that they should not force the Speaker to give way; but in this case though the Leader of the Government had dropped the supplementary estimate it would not have necessitated his resignation. He (Mr. C.) would oppose the resolution in every stage, and he would warn the Government to be prepared. Had the Opposition forces been in their places this morning the estimate would not have gone into Supply.

Hon. Col. GRAY understood the hon leader of the Opposition to say that the late Speaker's refusal to put the motion on this estimate would, though allowed to pass, not have necessitated a resignation of the Government. True, the estimate was overlooked in those first brought down, but the Government did not know how many such estimates might be required before the Session was over. A bridge might be carried away, or something else turn up, which might require action on the part of the Government. With respect to the resolution before the Committee, the matter had already been discussed. The resolution of last Session applied to members of the Legislature; and he (Col. G.) still entertained the opinion which he had before expressed that His Excellency was not a member of the Legislature. When the question of pews was before the

House last Session, a trustee of St. James' Church was seated behind him, and he also understood that the resolution only applied to members of the Legislature.

Hon. Mr. COLES said the best way to understand the matter was to go back to the speeches of hon members in former years. He read an extract from Hon Mr Haviland's speech in 1863, which he said showed that the late Speaker's desire was to do away with legislative grants for Church pews in every form; and he (Mr C.) contended that this was the intention of hon members—except it might be the hon leader of the Government—in passing the resolution of last Session.

Hon. Mr. HAVILAND.—Mr. Chairman, —If this matter be painful to other parties, it must be much more so to me, as it was the reason of my vacating the Speaker's chair. I was not aware that this subject was to be brought up again, and I think that probably under all the circumstances it would have been best to have passed it over now in silence. But the more I consider this matter the more firmly do I believe that I was right, and the more proud do I feel of my position. Sir, I would never retain a position where I would be bound to pay obedience to the dictatorial commands of any Government. A speech which I made in this House several years ago has just been read, and though I had forgotten it, it still expresses my present views. The more, however, that I look at the resolution of last Session, the more clearly am I satisfied that it bears out the interpretation which I put upon it, and that as Speaker I was bound to carry it out as a rule of this House. All this difficulty appears to have arisen because a trustee of St. James' Church happened to be sitting on the red benches when the resolution was brought forward, and happened to view it as not interfering with the grant for His Excellency's pew in that Church. To please this trustee we are now forced to submit to dictation. The majority of this House have carried this matter against me, and have voted in opposition to me; but, Sir, I believe my star will be in the ascendant when theirs is sunk for ever in darkness. All this difficulty might have been avoided had they only given 24 hours' notice; but no, they were bound to sacrifice me and get a Speaker more pliant and obedient. They went into caucus to plot my overthrow, for not one of them ever came to me to say, "Haviland is there any way that this difficulty can be got over." Even a blood relation of my own voted against me. And when the question came up yesterday, instead of moving the House into a Committee of privilege, and allowing me an opportunity of defending myself, they left me in the chair. I have not had fair play. But, Sir, I knew that my days as Speaker were numbered, ever since I had the boldness to speak and vote against a Government measure relating to the currency. When I was speaking on that question the hon leader of the Government looked as black as thunder. Other Government questions I also opposed, and now I have been sacrificed; but I feel that I occupy a prouder position to-day than I ever did during all my past political career.

Mr. BRECKEN.—The hon member who has just sat down has spoken feelingly on this subject, and were it not that he has made allusion to me I would have allowed his remarks to pass in silence. I have no doubt felt deeply on this subject, because I look upon him as

a brother. But, Sir, though he had been my brother, or even my father, I would have voted as I did yesterday. I heard him give his decision, and it made an impression on my mind; but when I heard him say that if the question was moved he would not put it from the chair, I thought he went a little too far. In regard to the merits of the question itself I must say that it admits of argument, that because a vote of £72 was to be done away with, no part of it ought to be brought up again. It seems fair, however, that the Lieut. Governor should have a pew in St. James' Church. Members only were mentioned in the resolution, and if His Excellency is allowed a pew in the Episcopal Church, why not one also in the Church of Scotland?

Hon. Mr. COLES.—The pew in the Episcopal Church was given to him.

Mr. BRECKEN.—Then in the name of justice, and for the sake of peace let it be taken from him. Sir, I take it to be the duty of the Speaker to give his opinion on any question of dispute; but when it is decided against him, to submit to the vote of the House. I felt yesterday so strongly in this matter that I wished I had never entered political life, and had it not been for the respectable constituency which I represent, I would gladly have retired therefrom. But I say here to-day that if this question had to be gone over again, I would do as I did before. I feel that the constitution of this House must be upheld, and the wish of the majority carried into effect.

Messrs. Duncan, Longworth, Davies, and Pope also spoke in favor of the resolution, and in defence of the course which the majority had adopted.

Messrs. Conroy, Hensley, Warburton and Howlan spoke against the grant, and contended that the resolution of last Session was intended to put an end to all such votes for the future. They also defended the course pursued by the late Speaker, and expressed their regret that the House should lose his able and impartial services in the chair.

When the question was put on the resolution there appeared for it—Hons J. C. Pope, Gray, Kaye, Davies, Longworth, Laird, Col. Secretary; Messrs. Green, Duncan, Howat, Brecken, McLennan, Montgomery, Haslam—14.

Against it—Hons Coles, Beaton, Hensley, Warburton, Haviland; Messrs Walker, Yeo, Conroy, Howlan—9.

Progress was reported.

An engrossed Bill from the Council relative to the office of Surrogate and Judge of Probate was taken up. After some debate thereon, in which it was objected that being a Money Bill it ought to have originated in the House, Hon Mr Haviland moved that it be read this day three months—carried unanimously.

Some other Bills having been read a second time, the House adjourned.

SATURDAY, APRIL 30.

The report of the Committee on public accounts was agreed to. It being generally admitted that the system of allowing the different Collectors to deduct their commissions would be advantageously superseded

by their receiving warrants for the amounts respectively due them, from a financial Secretary, an officer who might be appointed with benefit to the Colony.

Hon. Mr. POPE moved that the Resolution of the Committee on supply relative to pew rent be now received.

Hon. G. COLES moved an amendment that it be received this day three months.

For the amendment:—Hons. Coles, Hensley, Haviland, Warburton, Thornton, Beaton, Messrs. Conroy, Howlan, Walker—9

For the Resolution:—Hons. Col. Gray, Col. Sec., J. C. Pope, Longworth, Laird, Kaye, Davies; Messrs. Green, McLennan, Duncan, Haslam, Howat, Montgomery—13. The Speaker then took the Chair, and the Resolution was carried on the same division reversed.

The Bill relating to summary and appeal cases from the Inferior to the Supreme Court was read a third time and passed.

The hon. Legislative Council by message informed the House that the Bill to consolidate and amend the Land Assessment Act, and also the Act to raise a Revenue, had received the assent of that hon. body.

Hon. Mr. HAVILAND called the attention of the House to a question of privilege, and said that the bills just alluded to should have been brought down to the House by the Clerk; he said he was led to make this request because there were, he believed, some hon. members of the Legislative Council who were disposed to infringe upon the liberties of this House.

Hon. J. LONGWORTH also said that the Bills alluded to should be submitted by message from Council; said Acts were then submitted to the House by the Clerk of the Legislative Council.

A message from his Excellency the Lieut. Governor was received, commanding the attendance of the House at the Bar of the Council Chamber, where his Excellency was pleased to give his assent to the Act for raising a revenue.

House in Committee resumed the consideration of the Appropriation Bill.

Hon. G. COLES moved that the sum of £7, appropriated for the payment of His Excellency's pew rent in St. James' Church, be struck out of the bill, which motion was lost on a division of 13 against 6.

Mr. HOWLAN moved that the sum of £300, appropriated to Messrs Palmer and Pope, as Delegates to England on the subject of the Land Commission, be struck out of the bill, which motion was lost on the following division:—

*Yeas*—Howlan, Coles, Beaton, Conroy, Walker, Hensley—6.

*Nays*—Col. Gray, Colonial Secretary, Brecken, Haslam, Green, Montgomery, McLennan, J. C. Pope, Yeo, Laird, Howat, Kaye, Davies, Longworth, Haviland—15.

On motion of the Col. SECRETARY, a Committee was appointed to determine what vouchers relative to the public accounts should be published in the

Journals of the House. This motion elicited a discussion upon the necessity of having a Financial Secretary for the Colony, whose duty it would be to prepare the public accounts.

On motion of Mr. BRECKEN, a Committee was appointed to prepare an address thanking His Excellency the Lieut. Governor for the various despatches, messages and correspondence submitted by His Excellency for the information of this House.

The Appropriation Bill was read a third time and passed.

Mr. BRECKEN, as Chairman of Committee, reported a draft address in accordance with the Resolution of the House, acknowledging the indebtedness of the House to His Excellency in submitting for their information despatches, messages, and correspondence relating to the interests of the Colony. Said address was agreed to.

House adjourned.

MONDAY, May 2d.

Hon. Col. GRAY presented to the House a despatch received this day from the Secretary of State announcing that Her Majesty the Queen was pleased to confirm the Act to incorporate the Farmer's Bank of Rustico.

A Bill to enable John Robinson of Liverpool, England, to obtain letters patent, was read a third time and passed.

Hon. Col. SECRETARY informed the House that he had corresponded with the honorable the Speaker of the House of Commons, on the subject of obtaining for the use of our Legislature the Journals of the Imperial Parliament, and said he was glad to inform the House that the said Journals were kindly offered. He would therefore suggest the propriety of making provision for having them bound.

Hon. J. HENSLEY asked the Government by whose authority had the Mail Steamer been despatched yesterday (Sunday) for the English Mail to Cape Tormentine? He admitted that cases might arise in which perhaps necessity might require work to be performed on the Sabbath day, but in this case it was no work of necessity. The steamer might as well have been sent this morning as yesterday; what was the use of having a statute requiring the due observance of the Lord's Day, if those in the Government employ did not observe it? He was sure, he said, that the members of the Government, when they considered the matter, were as anxious as he was to enforce the strict observance of the Sabbath, but he felt it incumbent upon him to ask by what authority the mail steamer had yesterday (Sabbath) been despatched to Cape Tormentine.

Hon. leader of the Government replied and said, that all matters connected with the mails and postal arrangements were under the charge of the Postmaster General's department. Passengers and mails were delayed and kept on the other side because of the floating ice in the Straits. The steamer had made several attempts during the past week to get to Pictou but could not succeed. Information by telegraph

was received that the American and Colonial mails were forwarded to Cape Tormentine; and also that a number of passengers for this Island had arrived there, and were doubtless anxious to proceed on to the end of their journey; and further, had not the mails been here this morning in time to be forwarded to the different country post offices, a whole week's delay, in many cases, would have been the consequence. He therefore had no hesitation in saying that under all these circumstances the Postmaster General considered he had acted for the best in this matter.

Mr. McLENNAN, Chairman of the Contingent Fund Committee, submitted the report of that Committee which was read and agreed to.

A few minutes before 5 o'clock His Excellency the Lieutenant Governor came down to the Council Chamber, and by message commanded the attendance of the House of Assembly at the Bar of the Council Chamber where he gave his assent to upwards of 30 Bills, which had passed both branches of the Legislature, and then closed the Session.