THE EXAMINER:

A Weekly Journal of Politics, Literature, and News.

"This is true Liberty, when Freeborn Men, having to advise the Public, may speak free."---Euripides.

Vol. XI. Charlottetown, Prince Edward Island, Monday, June 24, 1861. **New Series.---No. 25.**

Provincial Parliament.

HOUSE OF ASSEMBLY.

LEGISLATIVE COUNCIL ELECTIVE BILL.

(Continued from our last Examiner.)

After some further discussion, the question was put on the resolution moved by Mr. Davies, that Charlottetown be represented by one member in the Council, when there appeared.

For it—Mr. Davies, Hon. Speaker, McAulay, Laird, Haviland, Longworth, Gray, Yeo; Messrs. Owen, Holm, M'Neill, Beer, Montgomery, Ramsay—14.

Against it—Hons. Messrs. Wightman, Hensley, Kelly, Coles, Whelan, Thornton; Messrs. Conroy, Doyle, Sinclair, Cooper—10.

When the clause relating to the qualification of Councillors was read,

Hon. Mr THORNTON said this was another main feature of the Bill. When the members of this Hou[illegible] only required to have a qualification of £50 [illegible] were should not fix the qualification of mem[illegible] he thought they £500. When this Bill was [illegible] members to the Council at [illegible] first brought in, the qualification [illegible] at £700; which was too high, and £500, he thought was too high as well. In his opinion £300 would be sufficient, but he supposed it would be useless to propose this sum; he, however, was disposed to ask the Government to make the qualification lower than £500.

The clause was agreed to as read. When the section was read providing that it should not be in the power of the Governor to desolve the Council—

Mr. SINCLAIR said that before the question was put on this clause, he would like to hear it discussed. It might be that the Council when elected would consider themselves as much the embodiment of public opinion as this Branch of the Legislature, and some remedy should be provided in case of a lock. He thought if some important measure were brought forward by the House of Assembly, and rejected by the Council; and the House were dissolved, and a new election had, and the same measure were brought forward again by the House, again to be rejected by the Council, the Governor then should have power to dissolve the Council. He did not see any provision of this nature in the Canadian Bill; but he observed by a resolution passed in the Committee of the whole House in that Colony that the principle was approved of. He did not know the reason why it was not carried out in the Bill which was afterwards passed, but he thought the principle was a very good one.

Hon. Mr. HAVILAND was aware that the resolution referred to by the hon. member for Princetown had been carried in the Canadian House, but it was afterwards overruled, and the Act was passed without the clause. The question was discussed in the Imperial Parliament, and the unanimous opinion there was that it would never do to empower the Governor to dissolve the Council, as this would make it equal to another House of Assembly. If the amendment suggested by the hon. member for Princetown were introduced into the Bill, he (Mr. Haviland) would vote against it altogether.

The Committee then rose, progress was reported, and the House adjourned. D. LAIRD, Reporter.

SATURDAY, March 23.

Mr. BEER presented a Bill to prevent Congregations being disturbed in the performance of public worship, which was read a first time and ordered to be read a second time to-morrow.

Hon. Mr. HAVILAND, agreeably to notice, introduced a Bill for the protection of Copy right, which was read and ordered to be read a second time on Monday next.

The House now resumed the consideration of the Legislative Council Bill. The clause having been read which takes from the Crown the power of dissolving the Council, Mr. Sinclair moved in amendment—That the Crown shall not have power to dissolve the Legislative Council except in the event of a rejection by the said Legislative Council in two Sessions, if the measure which shall have passed the House of Assembly in the same two successive Sessions, and the said measure after its first rejection having been tested by a dissolution of the House of Assembly.

Mr. SINCLAIR supported his amendment on the ground that it was necessary to insure harmonious working between the lower and upper Chambers.

Hon. Mr. HAVILAND said he could not support the Bill if the amendment passed. He argued that it was admitted by statesmen in the Lords and Commons on both sides, that the Crown should have no power over the upper Chamber. Under the present system our parchment Lords could not be dissolved, but more gentlemen could be invited to take a seat at the Council Board. He could not imagine a crisis such as the hon. member anticipated would occur, as one half of the Councillors would go out every four years. They were placed in that position for two purposes, to check extreme views on the part of the people, and also to check any encroachments of the Crown or Ministry of the day on the rights of the people, so the Crown should not have any rod to hold over them. He was confident the Bill would be disallowed if it contained such a clause.

After a somewhat lengthy discussion on this point the question was put on the amendment, and lost on the following division.

Yeas—Mr. Sinclair, Mr. Doyle; Hons. Messrs. Coles and Kelly—4. Nays—Hons. Messrs. Haviland, Laird, M'Aulay, Longworth, Yeo, Hensley, Thornton; Messrs. Ramsay, Sutherland, Montgomery, Cooper, Owen, M'Neill, Beer, Davies, Howat, Conroy, Holm, J. Yeo—19.

The remaining clauses having been read and agreed to, the Speaker took the Chair and the Chairman reported the Bill agreed to with certain amendments.

Hon. Mr. THORNTON moved the Bill be referred back to Committee to be amended by striking out the part which gave to Charlottetown and Royalty a member in Council.

For Mr. Thornton's motion;—Hons. Messrs. Thornton, Coles, Kelly, Hensley; Messrs. Cooper, Sinclair, Sutherland, Doyle, Conroy, Howat—10. Against it;—Hons. Messrs. Haviland, M'Aulay, Yeo; Messrs. Owen, M'Neill, Ramsay, J. Yeo. Montgomery, Holm, Davies, Beer—11.

Mr. COOPER moved that it be referred back to Committee, to alter the mode of election, by inserting the amendment suggested in Committee. House divided on the question—3 voting for the motion, and 20 against it.

Mr. SINCLAIR moved that the Bill be referred back to Committee to have it amended by giving the Crown power to dissolve the Legislative Council. Division as in Committee.

The report of the Committee was then agreed to, and the Bill ordered to be engrossed.

Hon. Mr. LONGWORTH introduced a Bill to alter the time for holding one of the terms of the Supreme Court for King's County.

Mr. LONGWORTH said the Bill was presented in accordance with the suggestion of the Grand Jurors of the County, who proposed that the Court be held at an earlier period in the season, as it was very inconvenient to attend at the season of the year on which it was held, owing to the state of the roads, &c. They proposed that the Court be held in February, instead of the second Tuesday of March. Mr. Longworth was in favor of having the Court on such a time in February as would admit of the Legislature meeting immediately after, under which arrangement it would be necessary to adjourn the Legislature while the Georgetown Court was sitting.

The Bill was received and read, and the Tenth rule of the House suspended that it might be read a second time in the afternoon Sitting.

Hon. Mr. COLES presented a petition of D. S. Bentley, Teacher, stating that he had been appointed by the School Visitor to inspect six schools in 1850, and having done so at his own expense; he prayed for a grant of £2 to remunerate him, as the Visitor had refused him any compensation.

Mr. COLES moved that it lie on the table, and after a short discussion it was moved in amendment, that Mr. Coles have leave to withdraw this motion, the Teacher's remedy being elsewhere, which was carried.

Hon. Mr. HAVILAND presented a petition of Daniel Hastings Craig, New York, Alex. M'Kenzie, St. John's Newfoundland, and John Hunter, P. E. Island, praying to be incorporated as the "Gulf Express and Telegraph Company," which was received and read, and laid on the table. Mr. Haviland received leave to introduce a Bill to incorporate the said Company. The Bill was accordingly presented, read a first time, and referred to the Special Committee appointed to Report on private Bills.

MARRIED WOMEN'S BILL.

Hon. Mr. HENSLEY moved that the second order be read, that the Bill to consolidate and amend the laws relating to the conveyance of real estate [illegible] by married women during their coverture [illegible] then read [illegible] be read a second time. The Bill was [illegible] committed to a Committee of the whole House —Mr. [illegible] Sinclair in the Chair.

The Committee then went through the Bill and made some amendments, and the Speaker took the Chair and the Chairman reported accordingly. Adjourned for one hour.

AFTERNOON SITTING.—GEORGETOWN COURT BILL.

The Bill to change the time for the sitting of the Supreme Court in Georgetown was read a second time, and the House then went into Committee on the Bill, Mr. Owen in the Chair.

Hon. Mr. LONGWORTH said he presumed there would be no objection to the time being changed to the second Tuesday in February, as it was desirable there should be an interval between the sitting of the Court in Georgetown and in Charlottetown.

Other hon. members argued that the time proposed would interfere with the meeting of the Legislature.

Hon. Mr. COLES was opposed to making any change.

Hon. Mr. HAVILAND said he felt it to be his duty to comply in this instance with the wishes of the people in the County. Both political parties in the County desired a change. The Court seldom lasted longer than three days, but admitting it should prolong its sitting for a period of five or six days, the Legislature could meet on the Monday following—about the 20th of the same month. The Court in Queen's County met for 14 days, and 20 days afterward were allowed for the hearing of arguments, and by adding these days together it would be found that the interval between the sittings of the two Courts would be too short.

Hon. Mr. THORNTON advocated the proposed change, and said to refuse compliance to the wishes of the people would be almost tantamount to a denial of the justice to which they were entitled to seek by appealing to the Supreme Court. He argued too, that instead of retarding, the change would farther the business of the Legislature.

After several hon. members had spoken in favor of a change being made, and different days were proposed, and weeks, on which the Court should be held, the Blank in the Bill was filled up by inserting the second Tuesday in February which was agreed to without a division.

Mr. DOYLE then proposed that the time for the sitting of the Court in Prince County be on the second Tuesday in June instead of the first as at present, and spoke of the inconvenience to which parties were put in being obliged to attend at that season of the year.

Hon. Mr. HAVILAND inquired if the hon. member from Tignish had heard an expression of the sentiments of the people in the County, in reference to the change which he proposed.

Mr. DOYLE said he thought the people would be much pleased if the change was made, as it was a great inconvenience to leave home at that season, for at that time people were just finishing their Spring's work.

Hon. Mr. YEO, and the Hon. SPEAKER, spoke in favor of the time being altered, were it practicable.

Hon. Mr. LONGWORTH showed that the proposed change in the sitting of the Court in Prince County, if carried out, would disarrange the whole machinery of the Courts in all the Counties, especially in Queen's County, which was the most important of the three Counties. Under the circumstances he hoped the motion would not be pressed.

Hon. Mr. THORNTON opposed the motion as it was not brought before the House in a regular manner.

After a somewhat lengthy discussion, the question was put on Mr. Doyle's motion and carried on the following division.

Yeas—Hons. Messrs. Hensley, Coles, Laird, Yeo; Messrs, Conroy, Doyle, Sinclair, Sutherland, Cooper, Speaker, J. Yeo, Ramsay, Howat—13.

Nays—Hons. Messrs. Longworth, Thornton, Haviland, M'Aulay, Whightman; Messrs. Beer, Holm, Davies, Montgomery, M'Neill—10.

Hon. Mr. HAVILAND said if the proposed arrangement ever became the law of the land it would be the great detriment of Queen's County.

Hon. Mr. LONGWORTH showed the different manner in which the requisition from King's County, and the motion of the hon. member from Tignish was brought before the House, and endeavored to show that it was contrary to the rules of the House; and the subject having been debated for a considerable time, it was moved that the Speaker take the Chair, and that the Chairman report progress and ask leave to sit again—when motion passed.

Mr. BEER presented a petition of Bertram Moore and other Trustees of the Hillsborough District School, Charlottetown, in relation to a School liable to be closed under the 11th Section of the amended School Act, passed last Session, which was received and read, then laid on the table; also a petition of William C. Trowan, praying for a grant of £6 15s, to compensate him for the loss of rent and fuel supplied to the Kent District School, which was referred to Committee.

Hon. Mr. HAVILAND presented a memorandum of rules for the regulation of parcel posts. Referred to Committee.

Hon. Mr. LONGWORTH presented to the House a Bill prepared by the Committee appointed to prepare a Bill for incorporation of the Roman Catholic Bishop of Charlottetown. Referred to Special Committee.

Adjourned. J. D. GORDON, Reporter.

MONDAY, March 25.

The order of the day for the second reading of the Bill to prevent Congregations being disturbed during public worship was taken up.

Mr. BEER said that there was no law on the Island to prevent disturbance of this kind; and he was happy to think that there had been but few cases here which called for the passing of such a law. However, of late he understood there had been some disturbances in a place of worship at Stanhope, and appplication had been made to a Magistrate to suppress them, but he could find no law on the Statute book which would apply to the case. The Magistrates in this Island were not conversant with the laws of Britain, and therefore it was highly necessary that an Act should be passed here to prevent Congregations being disquieted during the performance of public worship. He would move that the Bill be read a second time.

The motion was agreed to, the Bill read, and afterwards referred to a Committee of the whole House, Mr. Holm in the chair. The Bill was agreed to in Committtee, and reported accordingly.

Hon. Mr. HAVILAND presented to the House a report of G. M. Rider and William Hubbard, Commissioners appointed to inspect the harbor of Cascumpec, with a view to the improvement of its navigation—laid on the table.

Mr. HOWAT from the Private Bill Committee reported that they had under their consideration a Bill to incorporate the Roman Catholic Bishop of Charlottetown in his diocese, and recommended that inasmuch as the fees upon private Bills relating to Church matters, had not heretofore uniformly been exacted by the House, that the said Bill be exempted from such fees.

On motion of Hon. Mr. HAVILAND, the elective Legislative Council Bill was read a third time.

Hon. Mr. HAVILAND then moved that the said Bill do now pass.

Hon. Mr. COLES moved in amendment that the Bill be refered back to the Committee of the whole House, for the purpose of amending the same by striking out all that relates to a member of Council for Charlottetown and the Common and Royalty thereof.

For the amendment—Hons. Messrs. Coles, Thornton, Hensley, Kelly, Wightman; Messrs. Cooper, Sinclair, Sutherland, Conroy, Howat—10.

Against it—Hon. Messrs. Haviland, Gray, Laird M'Aulay, Longworth; Messrs. Owen, M'Neill, Davies, Beer, Ramsay, Montgomery, Holm—12.

The original motion that the Bill do pass was then put and carried.

Hon. Mr. HAVILAND in rising to move the second reading of the Bill to incorporate the Roman Catholic Bishop of Charlottetown, remarked that he had only to say it was introduced in accordance with the prayer of the petition before the House in reference to the subject. It was, he understood, merely a transcript of one introduced into the Canadian Legislature for a similar object. The design of the Bill was to make the Bishop trustee of the property of the Roman Catholic Church in the Colony. He thought there could be no objection to the principle of the Bill, and would therefore move that it be read a second time.

The motion was agreed to, the Bill read, committed to a Committee of the whole House, and after a short time spent therein the Committee rose, and the Chairman reported progress.

Hon. Mr. Thornton presented a petition of certain Trustees of St. Andrew's College, setting forth that the said College has for several years past ceased to be kept as a college for the education of youth; that they have some funds and property belonging to the trust of the said College which they are desirous to be allowed by law to transfer to St. Dunstan's College, and praying the House to adopt such measures in the contemplated Act of incorporation of the latter institution, as will answer the purpose of the petitioners. —Referred to the Committee to whom was referred the petition of the Trustees of St. Dunstan's College.

The order of the day for the second reading of the Bill for the protection of Copyright was then read.

Hon. Mr. HAVILAND, in rising to move that the House go into the order of the day, said it never occurred to him that there was not a law for this purpose on our Statute Book until he was asked the other day by a literary gentleman where he would find the Act. It was necessary to have such a law here. For example, the copyright of Mr. Cundall's map of the Island—a map which was a credit to the Colony—ought to be protected; and the House did not know how soon a Macaulay might arise to write the History of the Island. Every person should be protected in the production of his pen.

The motion was agreed to, the Bill read, committed to Committee, and reported agreed to without an amendment.

House adjourned for one hour.

AFTERNOON SITTING.

Mr. Davies presented a petition of James Malony, the owner of a small house in Charlottetown which was destroyed by fire, praying compensation for said loss.

Hon. Mr. HAVILAND moved the second reading of the Bill to incorporate the Gulf Express and Telegraph Company. Some hon. members he said were afraid that the Bill would interfere with the rights and privileges granted by the Legislature to the Newfoundland Telegraph Company, but he had come to the conclusion that it would be bad policy to refuse to incorporate this new Company, as they purposed to relay the Telegraph Cable, and also to extend the line from Cape Traverse to Summerside and perhaps also to Cascumpec, which would cost about £900. He thought it would be sufficient to insert a clause in the Bill saying that nothing in it should be understood to interfere with the privileges granted to the other Company.

After some desultory debate, the motion was carried on a division, 23 to 2—Messrs. Laird and Howat only voting against it.

Hon. Mr. COLES said he had put a question to the Government a few days ago in reference to the Blue Books, and had been informed that the Books for 1859 were not made up, on account of the Journals of the House for that year not being yet printed. He stated that there was no information in the Journals required for the Blue Books, but which might be obtained in the several public offices; and that he thought the Government would soon be getting a rap over the knuckles from the Home Government for not sending them to the Colonial Office in time for the authorities there to make up their annual statistics of the Colonies. He complained that he had been censured in 1859 because the Blue Books for 1858 were not prepared within two months after the close of the financial year, though the House had not met, and they were never commenced until August. He alluded to the Blue Books for that year, which had been prepared by Mr. Hazard after that gentleman had resigned the office of Colonial Secretary, and was therefore then no responsible party,—which Book contained a letter or despatch that was never submitted to the Government, in which were reflections against him (Mr. Coles) as Colonial Secretary, for not having the Book prepared in two months, still Mr. Haszard himself had taken five months to prepare it. The Book he (Mr. Coles) said, contained several incorrect statements, and he read extracts therefrom in reference to the Public lands, &c., and commented upon them as conveying false information. He also said that he thought of moving that the matter be referred to Committee of the whole House, but believed it was scarcely worth while.

Hon. Mr. Coles from the Committee appointed to ascertain and report to the House the number of writs issued for the recovery of arrears of rent, since the first of May last, presented to the House the report of the said Comittee, which was agreed to, and is as follows:

Your Committee appointed to enquire and report to the House the number of writs issued for the recovery of arrears of rent, since the first of May last, have to report that by the annexed return, from the Prothonotary's Office, there appears to have been Seventeen Writs for Rent issued, and Seventy-six common Processes by Proprietors; but Mr. Hodgson states that there is no record in his office whereby he can state the cause of action for the latter Processes.

A RETURN of Writs issued out of the Prothonotary's Office for Rent, from the 1st May, 1860, to 22d March, 1861.

PLAINTIFF.	DEFENDANT.	WRIT.
John A. Macdonald and others	Donald McInnis	Summary Process
Robert Bruce Stewart	William McVey	Bailable Writ
Same	Terence M'Carragher	Do.
Same	John Condon	Do.
Same	James Murray	Do.
A. E. C. Holland and Wife	David Pigot	Summary Process
Sir Samuel Cunard	Elisha Weatherbie	Do.
Same	John T. Wilson	Do.
Same	Patrick Carr	Do.
Same	Robert Caldwell	Do.
John Hodges Winsloe	Joseph Gotia	Do.
Same	James Gallant	Do.
Same	Isaac Whitlock	Do.
Same	William Mallet	Do.
Daniel Hodgson	Joseph Blaquier	Common Process
Same	Gilbert D. Doirant	Do.
Same	William Gallant	Do.

The following named Proprietors have issued Writs of Common Process against parties, but I have no record in my office whereby I can state the cause of action:—

Charles Forbes and others, Executors of Roderick M'Donald —two writs. Lady Cecily Georgiana Fane—seven writs. Lord Melville—two writs. Sir Samuel Cunard—five writs. John Archibald McDonald and others—twenty writs. John Archibald McDonald—eight writs. John Hodges Winsloe—ten writs. Rev. John McDonald—three writs. David Stewart Rennie—five writs. William Douse—twelve writs. Thomas Heath Haviland—two writs.

The following named Proprietors have not issued any Writs within the period above named:—

The Right Honorable Laurence Sullivan, Messrs. Palmer. the Reverend Doctor Wiggins, John Roche Bourke, William Cundall, James C. Pope, James Yeo, Miss Fanning, Harry B. Cumberland, Messrs. Montgomery.

D HODGSON.

Charlottetown, Prothonotary's Office, 22d March, 1861.

The said report was referred to the Committee of the whole House, when in consideration of the petitions on the table, in reference to distraints for arrears of rent.

House adjourned.

TUESDAY, March 26.

Messrs. Hensley and Conroy presented some petitions in reference to Light Houses on the North Cape and East Point.

Mr. DAVIES made some remarks in reply to the statements of the hon. Leader of the Opposition on the previous evening, in reference to the Blue Books. The principal complaint against Mr. Haszard appeared to be that he had found fault with his predecessor in office for not making up the Books within two months after the close of the financial year, while he himself had taken five months to prepare them. Though it might be five months from the time that Mr. Haszard commenced the Books until he completed them, this did not prove but the work could be done in two months. He (Mr. Davies) believed that the Books could be made up within two months after the close of the year, and said that it appeared to him there had always been too much delay in preparing them. He further said that the principal things in the Blue Book prepared by Mr. Haszard, to which objection had been taken by the hon. leader of the Opposition, were mere matters of opinion, and not statements which would affect the statistics of the Colony.

Hon. Mr. LONGWORTH moved the House into Committee to take into further consideration the report of the Commissioners for revising and reprinting the Laws of this Island. One or two resolutions were agreed to in Committee, which, with the resolutions formerly agreed to in the same Committee, were reported to the House, and severally put and carried. [The most important of these resolutions have been already published.]

TENANTS' PETITIONS.

The order of the day for the House in Committee on the consideration of the several petitions on the table, praying the House to take such action as will prevent distraints for rent and arrears of rent being made until the award of the Commissioners appointed on the Land Question shall be made known, was then read.

Hon. Mr. COLES.—In moving that the House go into the order of the day, said, I wish to make a few remarks on these petitions. There appears to be seven of them in all, four from King's County and three from Prince County, with an aggregate of about 1434 signatures. The petitions have all a similar prayer. [The hon. member here read the prayer of the petition from Lot 54, which was in substance as stated above.] Now, Mr. Speaker, this petition is no party affair at all. I have looked over it, and find that it is signed by tenants of both political parties—177 in all. It was presented by the hon. member, Col. Gray, and I regret that he did not recommend its prayer. I think it proper to show that this Land Question has been agitated by every House of Assembly in the Colony, and that since the year 1802 the people have been led to believe something would be done for the tenantry. It is no use for one party to say to the other—"You are agitating this question," for each has done the same thing. Some censure my friend on the left (Mr. Cooper) for the course which he has taken on this question; but I will show that long before he came to the Island the land agitation had commenced. In 1802 Governor Fanning stated in his Speech at the opening of the Legislature that he had received a Despatch authorising the passing of an Escheat Bill. He says:—"But in order to give effect to the measures which have been adopted by His Majesty's Ministers, it will be necessary that the Government here should be prepared to pursue, when circumstances shall render it advisable, the requisite and legal steps for effectually revesting in His Majesty such lands as may be liable to be escheated." This extract shows that there was agitation in respect to the Land Question at that day, and that the agitators were His Majesty's Ministers. There was a Bill passed in accordance with that despatch, and the Governor gave his assent to it in 1803. This was the first of this great agitation, which political parties are accused of keeping up; but, sir, every hon. member has to carry out the views of his constituents. Though that Escheat Bill passed here, it had the same influence to contend with as is now at work at the Colonial Office; the proprietors went to work like tigers, and notwithstanding it received the Royal assent—at least so it was thought—it was burked somewhere before it came out here. There was nothing more about the matter until 1805, when the following resolutions were passed by the House in Committee on the state of the Colony:—

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

"Resolved, That the Committee hath great reason to apprehend, and it appears to them, that such His Majesty's Royal allowance hath been withheld by means of unfounded representations of interested individuals in England, which the Assembly of this Island hath no opportunity of answering."

Now, Sir, the obstruction alluded to in those resolutions to the interests of the Island has been felt in the Colony ever since until this day. To show that the agitation was kept up, I have but to state that in 1818 Governor Smith took it upon himself to escheat two Townships—15 and 55. The names of the jurors who sat on the escheat of Lot 55 were Charles Wright, Donald McKay, John Gardiner, Thomas Robinson, Paul Mabey, Nathan Davis, William Bremner, Ralph Thompson, William Hyde, William Farquharson, Thomas Sims, William Warren, John Howell. The jury on Lot 15 was Charles Wright, Benjamin Evans, Donald McKay, James Cantello, Henry McWilliams, Thomas Sims, Jabez Barnard, Paul Mabey, William Bremner, Thomas Robinson, Nathan Davis, John Howell, William Dockendorff. These were the juries that were summoned to escheat the two Lots referred to; but it appears that the proprietors again interfered, for Governor Smith received a rebuke for these proceedings. One of the Townships was escheated in February, and the other in August. It also appears that the proprietors, when they found that Governor Smith was going on with the escheat of the lands, petitioned for and obtained an indulgence, which is commonly called the indulgence of 1818. There was little more about the matter until the indulgence expired in 1828. For several years the question of titles remained as it was; but the quit rents were a subject of dispute, as the proprietors were continually applying for a remission of them. In fact the proprietors generally never did pay quit rents, though the tenants paid theirs. The question of Escheat was fully gone into during the Session of 1833; a series of resolutions were passed, and I will read the names of those who voted for them, as I wish to show that the tenantry have been kept in agitation since 1802 by men who were really desirous to get the Land Question settled. I will first read two of the resolutions:—

"Resolved, That it is the opinion of this Committee, that there are still large tracts of land liable to forfeiture in this Island; from which circumstance longer to delay the establishment of a Court of Escheat, similarly constituted with those in the neighbouring Provinces, can be regarded in no other light than a denial of justice to the Colony, and would inevitably tend to retard its settlement, cultivation, and general prosperity; and that were the Lands liable to escheat sold in small tracts to actual settlers, the consequences to the inhabitants would be lasting and beneficial.

"Resolved, That the establishment of a Court of Escheat in this Colony, so far from unsettling the minds of the inhabitants, would have a direct contrary tendency, as all classes would acquiesce in the justice and expediency of such a measure, exempt from any erroneous notion of deriving personal advantages therefrom, otherwise than would accrue to each individual settler from the general settlement and improvement of the Colony."

These resolutions were passed with only two dissenting voices, the members who voted against them being Mr. H. McDonald and Mr. Mr. Nelson. Those who supported the resolutions were, Dalrymple, Brecken (the father of the present Attorney General), Brenan, Willock, Pope (the father of the present Col. Secretary), Cooper (he appears to have been in good company), Hyndman, McNeill, Owen, A. McDonald, Green, and J. S. McDonald. Such persons taking up the question led the tenantry to believe that something was about to be done to ameliorate their condition. There was some difference of opinion, however, among those who supported the resolutions of 1833. Mr. Cooper thought the Escheat should be general; others considered it should be according to the indulgence of 1818. Mr. Cooper agitated his view of the question, and was sustained by the country. This brings the agitation down to 1838. [The hon. member referred to the quit rents, and maintained that Her Majesty's Government had not given up its claim to them as late as 1855.] To show you, Sir, the object of the quit rents, as well as the difference in the representatives of Belfast now from what they were some years ago, I will read a few extracts from the late Dr. McAulay's address to the electors in 1818:—

"For a course of years I have been honored with your suffrages. The fermentation arising from a heterogeneous combination of land jobbers, needy officers of Government, petty-fogging attornies, and plundering agents of Land Proprietors, hath been such for a half century that this Colony is still an infant. The necessitous Bankrupts and Gamblers of Ireland, England and Scotland have not been far from admittance to the Bench and Bar, and from their *address* they mislead their superiors in rank both here and at home. I have learned that convivial and travelling judges crammed their heads and bellies with politics and good cheer, while they left the spiders to peruse their law books upon their shelves, and permitted petty-fogging attornies to fleece the country. It is your interest now to consider what men you appoint to represent you in the House of Assembly.

"The collision of old tricks and late jarring interests hath produced 2s. per hundred acres of land quit rents to be laid out for the good of the Island. The quit rent can be made a spur to our agriculture and fisheries, which will redound more to the benefit of our parent country than to allow any pernicious men to swallow it up. * * * * Now we can say our property is not afloat, since the Prince Regent hath told gamblers and land speculators the terms upon which they stand. These are points, in my opinion, which we ought to consider, and avail ourselves of as early as possible; and if thwarted therein by superior interests, as a Province we ought constitutionally to show our wishes to be united to Nova Scotia. My friends will excuse me for such a general address, as during the reaping days I must remain at home."

Here then we find that those quit rents were to be laid out for the benefit of the Colony, whereas the proprietors, with few exceptions, have never paid any. If the opposition of the proprietors continued, annexation to Nova Scotia was recommended. At the election in 1842 there was great excitement, as many thought that Cooper had gone too far. I myself went to the hustings entertaining this opinion, and thinking that something should be done to purchase the land from the proprietors. I was returned on this principle, and I endeavoured to carry it out until this Government came into power. I believe the country was never so quiet as during that time. But in comes the present Government, and they repudiate the Land Purchase Bill and Loan Bill at first altogether.

Hon. Mr. LONGWORTH.—No, no.

Hon. Mr. COLES.—Yes, but they did; even the Purchase Bill which they have since extended, was classed among the "visionary schemes" of the late Government. The country was led to believe that some great benefit was to be received from the Land Commission, and I hope the people will not be disappointed, though I think it will be some time before their expectations be realized. When the famous resolutions were introduced in reference to the Commission, the tenantry were given to understand that something would be done in eight months, but four times eight have since passed, and no relief has yet been afforded them. The first resolutions were repudiated by the Colonial Minister in his Despatch of the 21st March, 1860. After referring to his correspondence with Sir Samuel Cunard and other proprietors he says:

"The proprietors, it will be seen, do not think that the appointment of a Commission, in the manner proposed by the House of Assembly in their Address of the 9th of May last, would be the most desirable mode of proceeding, as the labors of such a Commission could only terminate in a Report, the conclusions of which would not be binding on any of the parties interested. They suggest, therefore, instead, that three Commissioners or Referees should be appointed—one by Her Majesty, one by the House of Assembly, and the third by the proprietors, and that they should be invested with power to hear and determine all the questions in dispute."

By "all the questions in dispute" as stated here, the country was led to believe that not only the original grants, but also the quit rents, and the loyalists' claims would be investigated and determined upon. I will now read what I consider the principal part of the Despatch.

"If the consent of all the parties can be obtained to this proposal, I believe that it may offer the means of bringing these long pending disputes to a determination. But it will be necessary before going further into the matter, to be assured that the Tenants will accept as binding the decision of the Commissioners, or the majority of them; and, as far as possible, that the Legislature of the Colony would concur in any measures which might be required to give validity to that decision."

Here the consent of *all* the parties—proprietors as well as tenants—is represented as necessary before the disputes can probably be brought to a determination; but the Duke of Newcastle appears to lay particular stress in regard to the Tenants' accepting as binding the decision of the Commissioners. The despatch goes on to say that—

"It would be very desirable also, that any Commissioner who might be named by the House of Assembly on behalf of the tenants, should go into the enquiry unfettered by any conditions such as were proposed in the Assembly last year. I have therefore, to request that you will ascertain and report to me whether the tenants of Prince Edward Island, or the House of Assembly, on their behalf, are prepared to agree to the proposed reference."

When the Royal Commissioners held their Court here last summer, I believe there was not a tenant on the Island who was not satisfied to leave all the matters in dispute in their hands; but the belief was that all the proprietors would be bound by the award of the Commission, and all the questions in dispute would be considered. But the Duke of Newcastle in his despatch of the 2d of January last, says, in reference to the Act to give effect to the award of the Commissioners, which he did not submit for Her Majesty's assent—

"It would be too sweeping if it were found that the referees promulgated decisions respecting lands belonging to persons who have not consented to the reference, or if they made awards respecting questions (like that of Escheat) which did not fall within the scope of the enquiry."

In the despatch to which I have already referred, he says that the Commissioners were to be unfettered, and were to take up *all* the questions in dispute; but here he says the question of escheat did not fall within the scope of their enquiry. Further on in the despatch the Duke remarks, "Nor do I see that any present legislation could be valuable, except such as may be based upon suggestions to be made by the Commission." Now, we have come to the point at last; this is just what I contend this House should do, and thus carry out the prayer of the petitions under consideration. Let us see then what was the recommendation of the Commissioners. Hon. Commissioner Gray in his Address at the close of the Court, after referring to the delay which would take place before the final decision of the Commissioners could be given, says:—

"In the meantime the Commissioners would enjoin upon all parties concerned mutual forbearance and moderation All may be assured that while the rights of property will be respected, the equities presented by honest labor and the trials of life will be fairly balanced. But in the meantime it would be a great misfortune to the Province if anything should occur to disturb the peace and harmony which ought to prev[ail]