The House in Committee on the petition of Thos. W. Dodd and others against the election of the Hon. Daniel Davies, as one of the members for Charlottetown. Hon. D. Davies on account of his relationship to the sitting member was excused from sitting on the Committee. Hon. Leader of the Government thought that the Committee, before going into an investigation of the matters set forth in the petition, should decide on the course to be pursued under the statute regulating the mode of holding elections. The Sheriff had no authority to strike off any votes but those of parties who had voted twice, or in the wrong polling division. It appeared that two votes had been erroneously recorded against Mr. Dodd, and the Sheriff had no power to alter the record. The law required him to add the special votes to those entered upon the Poll Books, with the exception of the above votes. He thought an investigation necessary, although the votes referred to had not been marked "objected," and no scrutiny was demanded by the sitting member, who naturally considered it unnecessary to do so, supposing himself to be duly elected. But it was important to consider the principles on which they should proceed, for if the House investigated these two votes which had not been objected to at the time required by law, the sitting member might object to every vote recorded for the petitioning candidate; and where would they fix a limit? Had these votes been properly recorded, Hon. Attorney General and Mr Dodd might have been returned, and Mr. Davies might, and probably would have demanded a scrutiny, which of course, he did not, having been returned as duly elected. Although no one would regret more than he to see his hon. friend lose his seat in that House, the principles of justice must be adhered to in the decision of the matter.

Hon. Attorney General concurred in the necessity of laying down the principle on which the investigation should be conducted. It appeared that of the special votes the Sheriff had refused to accept five, as not being agreeably to law. The votes of Frederick Harris and Elijah Purdy, jr., were, it is alleged, given for Messrs. Palmer and Dodd by mistake, entered as having been given for Mr. Davies. As to these two votes, it would be proper for the House to deal with them, because they were wrongly entered by the Poll Clerk; but he had doubts as to the right of the House to consider votes not objected to when given. Such a course would exceed the privilege of the candidate himself, who, on a scrutiny, can only investigate votes objected to, and so entered in the Poll Books. One of the Poll Clerks for Messrs. Palmer and Dodd, it appeared, had been here only three months, and his vote, not having been marked objected to, could not now be questioned. The Act 29 Vic., Cap. 10, Sec. 2, regulating the mode of giving special or scheduled votes, is very particular in prescribing the nature of the schedule to be subscribed by the voter. The schedule must contain the name of the voter, and place of residence, a true description of the property on which he claims to vote, its valuation, if held by lease or agreement for lease by parol or in writing, the annual rent and value of the property, and many other particulars. Some think the Sheriff is bound to receive any schedule, however defective. He did not agree in that opinion. Suppose that the scheduled qualification was the ownership of a vessel, or that the possession of 100 acres of land, without any other particulars, was inserted, the duty of the Sheriff would, in his (Hon. Attorney General's) opinion, be to decline to take such vote. There was a wide distinction between the case of an elector by his own act nullifying his vote, and that of his being disfranchized by the mistake or wrongful act of a public officer.

Hon. Mr. Sinclair had understood that the order of the day was to have been the petition against the return of Mr. John A. McDonald. As it appeared that the House would have to deal with dry points of law, it might be as well to adjourn until the counsel retained in the matter should return from Georgetown. In 1863, the House transferred to their proper column votes given by mistake.

Hon. Leader of the Government.—But they were objected to.

Hon. Mr. Wightman.—The question was whether the Sheriff had acted legally or otherwise with regard to the special votes. It was quite clear that the Hon. Attorney General had a large majority, and the transfer of the votes of Frederick Harris and Elijah Purdy, jr., from the sitting member to the petitioner, would leave the parties equal, and a nice question might then arise.

Hon. Mr. Callbeck said the special votes alluded to were recorded, whether formally correct or not he could not say.

Mr. Beer said it would appear that a vast difference existed between voters being disfranchized by the informality of others, and their having, by their own act, so filled up schedules as to disfranchize themselves.

Mr. Reilly was in favor of entering into an investigation of the whole Poll Book, if required, in order to do justice in the premises.

Mr. Munro concurred with the opinion of the hon. member who had just sat down. There could not be many votes entered in the wrong column on either sides.

Hon. Mr. McEachen was anxious that justice be done to both parties. He saw no difficulty in arriving at an impartial conclusion on the subject.

Hon. Mr. Pope remarked that it was competent for the House to rectify any error in the Poll Clerk's Book, and referred to the precedent given in the year 1863. At the close of the discussion it was agreed that counsel be heard at the Bar of the House on behalf both of the petitioner and sitting member.

AFTERNOON SESSION.

At four o'clock the House waited on His Honor the Lieutenant Governor with the Address, and on their return, the Hon. the Speaker reported and read the following reply:—

Mr. Speaker and Gentlemen of the House of Assembly:

I thank you for your Address in reply to the Speech with which I opened the Session.

I am satisfied that you will devote your best care and attention to the work before you, and it is gratifying to me to be assured that you reciprocate my desire to co-operate with you for the public good.

Despatches.

The Hon. Leader of the Government delivered a message from His Honor the Lieut. Governor, transmitting copies of certain Despatches, which were read, and ordered to be laid on the table.

Privileges and Elections.

On motion of the Hon. Leader of the Government, the House resolved itself into a committee of the whole, on Privileges and Elections, to take into further consideration the allegations set forth in the petition of Thomas W. Dodd and others, against the return of the Hon. D. Davies, as a member of the House of Assembly, for Charlottetown and Royalty.

Hon. Mr. Perry in the Chair.

Hon. Attorney General said that the question before the committee was quite different from the two election cases which had previously come before them. One statement in reference to the matter was, that the votes of two of the electors, Frederick Harris and Elijah Purdy, junior, were recorded in the Poll Clerk's Book in favor of Brecken and Davies, while the clerk of one of the candidates had those votes recorded in favor of Brecken and Dodd. On Declaration Day, Mr. T. W. Dodd summoned those two electors to appear at the Sheriff's Court; but the Sheriff decided that he had no power to correct the Poll Book; the votes were, therefore, left as they were. If the Committee now took up those two votes for consideration, neither of which were marked objected on the Poll Book, either of the parties concerned could demand an investigation of every vote on the Poll Book. The candidate could then question the correctness of any vote, and so could the sitting member. He did not know that such a course would operate in favor of either of the parties, and as it would be an almost endless task, he did not think the committee should examine any vote not marked "objected" on the Poll Books.

Hon. Mr. McEachen thought that if those elector's votes were placed in the wrong column of the Poll Book by mistake of the Clerk, it would be unfair to deny them the privilege of having their votes set right.

Hon. Attorney General understood that if those votes were taken into consideration by the committee, and placed in other columns, Mr. Davies would take objection to some votes recorded in favor of Brecken and Dodd, which should have been recorded in favor of Brecken and Davies.

Hon. Leader of the Government.—If a scrutiny had been demanded by Mr. Dodd at the Sheriff's Court, that officer (the Sheriff) might have investigated those two votes, and upon sufficient proof that they were incorrectly recorded, might have placed them in the proper columns. If the committee now went into the consideration of those two votes, either party could ask an investigation of every vote entered on the Poll Books. This would be asking the Legislature to do what the parties themselves should have attended to, by demanding a scrutiny at the Sheriff's Court. If a scrutiny had been held, the Sheriff would have submitted a report, which the House would have taken up and considered. Before going into the question, the committee should decide on what principle they intended to act. He thought they should simply take up the special votes, and leave the Poll Books as they were; for if one vote not marked objected on those Books were allowed to be questioned, every vote on the Books could be questioned by either party in the same manner. In reference to the special votes, the Sheriff could only take account of the votes which had been properly brought before him. Some packages of special votes had reached the Sheriff from different parts, but not as the law directed. He thought those votes could all be taken up by the committee, and examined with the votes marked "objected" on the Poll Books, and that the other votes should be left as they were. The matter first to be decided was, what principle should be acted upon by the committee.

Mr. McNeill did not agree with the Hon. Attorney General in reference to those two votes, for as they were not marked "objected to" on the Poll Books, the Sheriff could not, if a scrutiny had been held, remove them to other columns. If the committee had clear evidence that those votes had been placed in the wrong columns of the Poll Books, they would be perfectly justified in placing them where they should have been. It was quite probable that there were no other votes entered incorrectly but those two. He could not see how the Sheriff could disfranchise those two men, and he did not think the committee would be justified in depriving them of their votes.

Hon. L. C. Owen said that when an elector went to give a special vote, there was no special candidate present, but the Returning Officer recorded the elector's qualification particular. When the Sheriff held his Court, it was lawful for the opposing candidate to object to any of those special votes which he considered incorrect. He thought it would be a dangerous thing for the committee to undertake to examine any vote not marked objected, for by so doing, either party could question any other vote, and there would thus be no end to the trouble.

Hon. Leader of the Goverlment did not not think the House would be justified in taking up the matter for consideration which should have been decided by a scrutiny held at the proper time. Perhaps the reason why a scrutiny had not been demanded was because the special votes had not been accepted by the Sheriff. The Committee could not give the petitioning candidate more than he asked for in the petition; but if those two votes were to be considered, the sitting condidate could demand an investigation of every vote on the Poll Books. The probability was, that instead of being the loser the latter would be the gainer by such a course. He thought the principle of interfering with any of the votes not marked "objected," was a wrong one.

Mr. McNeill thought that it a great hardship an elector should lose his vote because it happened to be placed in the wrong column by the Poll Clerk. The House was the only tribunal that could set the matter right, and therefore, should take it up and do justice to all parties.

Hon. Mr. Callbeck.—The Returning officer was the Deputy Sheriff, and if the blanks of the special votes were not properly filled in it was his omission. Before an elector gave his vote the blank should have first been filled up, ready for him to sign; if he recorded his vote without a signature, it was owing to the neglect of the Returning Officer, not to his own.

Hon. P. Sinclair said that in reference to the two votes, it was evident that the Returning Officer had announced the names and votes correctly, but they were incorrectly recorded. If the Committee were going to act in the present case as they had in the other cases which had been before them, he thought those two votes should be properly considered, and if found improperly recorded, they should be rectified. He thought the Sheriff had no right to strike off the scheduled votes; he should have given them as he found them, and have added them up with the others; he had no right to sit in judgment upon them. The candidate who had the majority of votes should have been declared elected, and the matter reported to the House.

Hon. Attorney General.—According to the hon. members argument, no matter how flagrant the error might have been in returning the special votes, the Sheriff was bound to take those votes and add them with the others. The statute said that every voter should state his qualifications to vote in the schedule. The right to vote by schedule was according to the Act, and to enjoy its advantages the voter was obliged to attend to the directions given him. According to the hon. members argument the Sheriff was bound to receive the schedules, whether bogus or not. He (Atty. General) thought the Sheriff had a right to exclude all schedule votes that had not been properly filled up according to the provisions of the Law. If Mr. Dodd had demanded a scrutiny at the Sheriff's Court, that officer could not have admitted those schedule votes, because they had not been properly returned to him; he could only have investigated those votes marked "objected" on the Poll Books.

Mr. Reilly thought the question was, whether the committee should examine those two votes or not. They appeared to be perfectly good, but were marked for the wrong candidate, and the only time when Mr. Dodd could have referred to the matter was when the Sheriff's Court was held. Where the electors rights had been interfered with, justice should be done to all parties, and he could not see how the Committee could escape the investigation of all the votes on the Poll Books if it were demanded.

Mr. Munro quite agreed with the statements which had been made by the hon. member for St. Peter's (Mr. Reilly). He could not see that the investigation of those two votes would compel the Committee, if asked, to consider all the votes on the Poll Books. The Committee were not obliged to consider any more votes than had been asked for in the petition, on the side of Mr. Dodd; as the sitting candidate might require an investigation of other votes. It had been stated the other evening that the Committee had the power to overlook informalities if wrong had been done to any of the electors, and that wherever an elector was deprived of his rights the Committee had the power to restore them, or to call a new election. In the two former cases the Committee had acted upon this principle, wherever no wrong was done the electors, they had the right to declare the two candidates who had a majority of votes were entitled to their seats in the House. Where a vote was placed in the wrong column of the Poll Books, it should be rectified. If there were twenty or thirty votes instead of two, entered incorrectly, the Committee would no doubt consider them of sufficient importance to enter into the matter.

Hon. Attorney General said that if those two votes were taken up nothing could prevent either candidate from objecting to any other vote on the Poll Books. There might not be many votes to which objection would be taken; and if the Committee went into the matter, the sitting candidate would have to be notified as to the course they intended to take, so as to allow him to prepare himself accordingly.

Hon. Mr. McEachen.—There was no better way to act upon the matter than for each hon. member to consider the case his own; no hon. member in that case would be slow in coming to a conclusion as to what course should be taken. He was as careful of his time as any hon. member of the Committee; but he did not think they should shrink going into an examination of all the votes if it was necessary.

Hon. Leader of the Government said that in looking over the proceedings of 1863, he found that there were four votes mis-recorded in the same way; they were not investigated by the Sheriff, but by the House. If the Sheriff could not investigate them, it was clear that it would have to be done by the House of Assembly.

The Speaker took the Chair and the Chairman reported progress and obtained leave to sit again.

House adjourned till ten o'clock to-morrow.

I. O.

TUESDAY, Feb. 28.

Impost Accounts.

Hon. the Speaker in the Chair.

Hon. Leader of the Government laid before the House the Impost and Light duty Accounts, the Warrant Book, Savings Bank Returns, and Despatches relating to the restrictions placed on American Fishermen last year.

House went into Committee on the Bill to continue certain Acts therein mentioned, which, being reported agreed to, Hon. Mr. Howlan presented a petition from the Trustees of Saint Andrew's College, asking to be empowered to sell the land and property of that institution to pay for land purchased near St. Dunstan's College, which, being received and read, was referred to a Committee to report thereon, by Bill or otherwise.

Hon. Leader of the Government introduced a Bill to extend the operations of the Savings Bank, which was read a first time, and ordered to be read a second time to-morrow.

Hon. Attorney General introduced a Bill to prohibit the exportation of arms, which was read a first time, and ordered to be read a second time to-morrow.

House adjourned until 3 o'clock. G.

Hon. Leader of the Government, by command, presented two messages from His Honor the Lieutenant Governor, one on the subject of the Fisheries, accompanied by copies of correspondence and other papers, the other a copy of the Imperial Naturalization Act of 1870, and forms of declaration to be made by parties seeking to avail themselves of it, scale of fees, &c.

Ordered to lie on the table.

The Committee on the Charlottetown Election was then resumed; Hon. Mr. Perry Chairman

Charles Palmer, Esquire, Counsel for the petitioning candidate, Thomas W. Dodd, Esq., was then heard at the Bar, in support of the petition.

After some time spent in Committee, the Speaker took the Chair, and the Chairman reported progress, and obtained leave to sit again.

House adjourned till ten o'clock to-morrow.

H.

WEDNESDAY, March 1.

Debate on Savings' Bank.

The House in Committee on the second reading of the Bill to extend the amount at present allowed to be deposited in the Savings Bank.

Mr. A. C. McDonald, Chairman.

Hon Leader of the Government.—I suppose there will be no opposition to this Bill. It is necessary to increase the amount beyond the present limit. The utility of the Institution is universally acknowledged. A reference to the subject was rendered necessary in the Speech of the Lieutenant Governor, in consequence of the Treasurer having notified His Honor that the amount fixed by law had been reached, and that, under its present constitution, it had been found necessary to refuse several deposits.

Hon. Mr. Perry.—I support this Bill, as I consider the operation of the Bank tends greatly to promote habits of industry and economy, and I am gratified to hear that it has been so generally used by the people that it has become necessary to give it further power.

Mr. Munro.—I regard the Savings Bank as a most laudable institution, and a public benefit to the Colony. That the deposits of small amounts should have now reached the limit allowed by law, speaks well for the usefulness of the institution, and the habits of the people. The accounts show that the operations of the Bank has, after paying its working expenses, placed four hundred pounds to the credit of the Government. While I shall gladly support the Bill before us, I hope the Government may be able to see the way clear to extend the benefits of Savings Banks to King's and Prince Counties, as it is their duty, and, I doubt not, their desire, to foster habits of industry and economy in all parts of the Island. The establishment of local Banks in the other Counties, or of branches of this one, would be a great benefit by the facilities of deposit of numerous small sums, which, in many instances at present, it is not deemed worth while to transmit to Charlottetown. The time has, in my opinion, arrived for the establishment of other local institutions in Prince and King's Counties—such as a Registry Office, a Money Order Office, and a Probate Court, although, perhaps, the last need not be immediately necessary.

Hon. Leader of the Government.—This discussion is out of order. The Committee have to deal only with the Bill before us. The proper course for the hon. member to take, is when the Speaker is in the Chair, to introduce a Bill for the objects he advocates, and move it into Committee, when it can be discussed. It would be necessary to provide in Prince and King's Counties, for the safe keeping of the monies deposited. Here they are at once invested in the payment of warrants or employed in the general service of the country. If the hon. member will shew a feasible plan of carrying out his views, it shall receive my support.

Hon. Mr. Callbeck.—I quite agree with the Hon. Leader of the Government, that we should increase the amount at present limited by law. The Bank is at once a benefit to the public and to the Government. The saving of one per cent. on the interest account has over paid the working expenses, and the Government guarantee to depositors induces them to use the Bank more freely than they otherwise would.

Hon. Leader of the Government.—I propose that the blank in the Bill be filled in with £100,000.

Hon. Mr. Sinclair.—I have no objection to an addition to the present amount of deposits; but perhaps it is not necessary to increase it to so great an extent at one time. I give all credit to the hon. member from Georgetown for the remarks he has made, but he should remember that there is no safe place in Georgetown in which to keep the deposits. Prince County is better off in this respect, as there is a Bank at Summerside where, by some means, the business of a Savings' Bank might be transacted. The enlargement of the amount to be deposited in the present Bank in Charlottetown may have the effect of limiting operations of Savings' Banks in Prince and King's Counties.

Mr. Beer.—I am pleased to see that the Savings' Bank is in so flourishing a condition, and shall support the motion for £100 000.

Hon Mr. Perry.—I do not consider £100 000 too much. If the Bank, working on a small scale, has been productive of such advantages to the people and the Government, its operations on a more extended plan, may be presumed to be greater, and no harm can be done, if the limit proposed by the Hon. Leader of the Government is never reached.

Mr. McMillan.—I have no objection to the blank being filled with £100,000, but it is time to extend the usefulness of the Bank to the other Counties. In Summerside the Bank established there is safe enough as a place of deposit. At present it is a hardship and inconvenience to compel people to travel from Prince County to Charlottetown to deposit small sums in the Bank here. I see no reason why a branch of the present Savings' Bank should not be worked in connection with the Summerside Bank.

Hon Mr. Sinclair.—The branch would be under the control of the Government, and an assistant paid by salary could work it without difficulty, the facilities the Summeaside Bank possesses for exchanging monies would render the working of a branch easy.

The blank was then filled with £100 000, and the Bill agreed to without amendment.

Hon. Leader of the Government then moved the House into Committee on the Despatches and other papers relating to the Fisheries.

The Fishery Question. Speech of Hon. G. W. Howlan.

Mr. Beer, Chairman.

The Despatches, &c., having been read—

Hon. Mr. Howlan.—Mr. Chairman, the importance of the subject to which these documents refer can scarcely be over-estimated, and the propriety, nay the necessity of an exhaustive discussion of it is requisite, in order that the deliberate opinion of the Legislature of the Island may go forth to the members of the Joint Commission, about to commence its sittings at Washington. Previously to the date of the Reciprocity Treaty, the law on the Statute Book, 6 Vic., Cap. 14, had for its object merely to give effect to the Convention of 1818. Commander Campbell, of H. M. S. *Devastation*, was appointed a Magistrate for the whole Island, that he might exercise the powers given by the Act, but his commission conferred upon him no jurisdiction outside the three mile limit, for the law only authorized magisterial interposition within that distance from our shores. After the abrogation of the Reciprocity Treaty the Colonies granted licenses to American vessels to fish in shore on payment at first of a fee of 50 cents per ton, increased the next year to a dollar, and subsequently to two dollars. This was done not for the purpose of raising a revenue, but for the assertion of our rights, and the very fact that such licenses were taken out is proof that those rights were acknowledged. All parties here are and have been desirous of maintaining friendly relations with the American people, but there is a party in the States which denies that such is the case, and believe that the Colonies will be forced into annexation if excluded from the American markets. In my opinion those who quote us as annexationists are the worst enemies we have towards procuring Reciprocity. I was in Washington last year endeavoring to procure a more liberal commercial intercourse, but I was told that the Colonists desired annexation, and that if our trade was hampered by restrictions, we would be willing to enter the Union. Well, Sir, I do not believe that the feeling of our people is in favor of annexation. No one possessing annexation principles could be elected in this Island. There may be a little feeling in favor of it in some parts of the Maritime Provinces and Canada, but far from sufficient to send a majority of annexationists to the Legislature. I am satisfied that our best interests are involved in the maintenance of friendly relations with the States. After we had exhausted all friendly means of bringing a closer commercial intercourse with that country, the Dominion Government asked us to assist them to protect the Fisheries, by fitting out and employing armed cruisers. We declined the overture, and then the British Admiralty issued orders, by which, after six months' notice, the system of licensing was to cease. We, as Colonists, were bound to submit to the authority of the Mother Country, and had no alternative but to follow in the course adopted by the Government of the Mother Country and the Dominion. Any other action on our part would have only led to trouble and confusion. I have heard it said that I was the cause of the troubles and difficulties which arose in consequence of the treatment American Fishermen received here last summer. As a member of the late Government, and up to this time my mouth has been sealed, as I was not at liberty to state what took place in Council on this or any other matter; but, Sir, the Minute of Council, which you have just read, is now before the country, and I think the people will award credit to the Government which drew it up. As I said before our true policy is to be on friendly and intimate terms with the Americans. I am in favor of allowing to land and transmit their fish, and obtain all the supplies they may require, but I am not disposed to give up our rights. The spirit of hospitality may induce you to welcome the stranger to our fireside, but you need not on that account allow him to take control of your house. By enforcing the law the British Government took away from the Americans no rights secured by Treaty, but merely put a stop to privileges allowed by courtsey. No doubt the northern section of the United States conceived harsh feelings against the Colonies during the Civil War. Blockade-runners were fitted out, and cargoes for the blockaded ports were put on board in Nova Scotia, New Brunswick, and at the ports of Montreal and Quebec, but not a solitary instance of the kind occurred here. The States have now adopted a policy toward us, based upon a sentiment of retaliation, but while I hope to see liberal trade relations renewed between that country and the dependencies of the Union, it cannot be expected that their tariff will bear as favorable to us as it was under the Reciprocity Treaty. They are now burdened with a war debt of eight hundred millions of dollars, which must be provided for, but a reduction of duty on some of our products may reasonably be expected. The duty of 25 cents per bushel on potatoes would not be, in fact, more prohibitory if it were raised to a dollar, and if the duty on oats and potatoes were reduced to 5 cents a bushel, a revenue would be received from them, and a trade in those articles could be carried on. Our ships would then be engaged in carrying oats to the States instead of England. Sir, commerce is like water, it will find its level, and if its natural channel be obstructed, will find other outlets. It is monstrous that in this 19th century two great and enlightened nations should have their trade fenced round by restrictions worthy of China or Japan, and I hope that we shall soon witness a settlement of this matter, which will prove mutually beneficial to ourselves and the people of the States.

Speech of the Hon. Mr. Callbeck.

Hon. Mr. Callbeck.—It is unnecessary for me to occupy the time of the committee by remarks of any length, as I fully coincide with the views of the hon. member who has just sat down. Some parties have complained of the action of the Government of the day for having invested Commander Campbell with the authority of a Justice of the Peace. But, Sir, it is to be presumed that an officer in command of one of Her Majesty's vessels of war occupies a situation which would justify any Colonial Government in conferring upon him magisterial powers, even without the production of his commission. It has been said by others that the Lieutenant Governor or Administrator of the Government, being *ex officio*, Vice Admiral, any officer of the Royal Navy should look to him for instructions. It is true that the Queen's Representative, for the time being is Vice Admiral of the Island, but that office merely authorizes him to act in our Court of Vice Admiralty, and confers no control over the national ships or their officers, the commanders of which receive their orders from the Vice Admiral or other Chief Naval Officer on the Station. I have always been sensible of the advantage we derived from allowing American Fishmen to land their fish in the Island and tranship them. But the opinion of the Law Officers was given to the effect that they could not legally do so, and that the practice had been mere matter of sufferance on the part of the local Government. That in short we as a matter of mere courtesy, had not enforced the law. That the infringement of the law would involve the liability of American fishing vessels to seizure, the legality or illegality of each instance of which must be decided by the Vice Admiralty Court of the Island. If that court decided that any vessel had been illegally seized it would be only just and equitable that the Government should make compensation to the parties aggrieved. As to what has been said in reference to the licensing of American Fishermen, it must be recollected that the system of granting those licenses was adopted by the several Provinces of the Dominion, and each granted such, as far as concerned the waters around its own shores. When the Imperial Government and that of the Dominion put an end to the system we had to do the same. The late Government, of which I was a member, felt that they were compelled to act as they did, although fully aware that the course they were compelled to adopt was prejudical to the interests of the Island. The Minute of Council which has been read shows that the late Government were fully sensible of their duty to foster the trade of the Colony with the Americans, and I am satisfied that no restriction policy which we can adopt will have the effect of inducing the American Government to change their present attitude. Our best and, I may say, only course is to manifest a desire to cultivate friendly relations with that Government, and to seek by that means a liberal measure of free trade or reciprocity, but while I say this I will add that I have no idea of giving up our rights, and bowing in humble submission to the behest of our neighbors.

Speech of the Hon. Mr. Brecken.

Hon. Attorney General.—The minute of the late Executive Council, I am happy to admit, is a very able one, and reflects credit upon the body which prepared it. I had been but a few weeks in office, when I had to conduct a case in the Vice Admiralty Court, in the matter of a vessel caught fishing within three miles of the shore. Now, Sir, by the Convention of 1818, they were not allowed to approach our shores within three marine miles, for the purpose of fishing, without liability to seizure. The minute very properly refers to the large amount of business carried on in connection with the fisheries in the Straits of Canso, but an Act of the Imperial Parliament was passed in the month of June following the execution of the Convention of 1818, to enable the British Government to carry out the conditions of the agreement entered into with the United States. I agree with the hon. member (Hon. Mr. Howlan) that the British Government and these Colonies are disposed to act toward the United States in a spirit of liberality, but the abolition of the Reciprocity Treaty of 1854, had the effect of stopping a business beneficial to all parties concerned in it. This was done in order to starve us into Annexation; but the Americans have found out their mistake, and the great trade between the Colonies and the States has been diverted into other channels. A liberal construction has been applied to that part of the Convention which referred to the mouths of harbors and bays, and the British naval officers were instructed to warn off trespassers. I believe that the Imperial Government, in issuing the orders they did for the strict enforcement of the terms of the Convention, acted at the instance of the Dominion Government, and the late Government of the Island should have been in possession of those orders, so that they might give notice to American fishermen intending to visit our shores. But, in few words, I may say that, as the Colonies are subject to Imperial control, I can only express my sincere hope that this vexed question may be settled by the Joint Commission at Washington; and while I admit that the principle on which the Convention of 1818 was based, is antiquated, yet I am not, on that account, willing to give up our rights without adequate return.

Speech of W. S. McNeill, Esq.

Mr. McNeill.—I admit that Britain has pursued a liberal policy in reference to the United States. The Convention of 1818, was merely a continuance of the Treaty of 1783, known in history as the Treaty of Paris, by which the then new Republic, was recognized by the British nation. The only difference was the insertion in the Convention of the clause relative to the three mile limit. The American Commissioners Franklin and Jay, understanding fully the value of fisheries in the Colonial waters, urged upon the British Commissioners the right of Americans to come into the Gulf to prosecute the business of fishing, and the representatives of Britain, ignorant of the importance of the interests involved, gave up what no other Government had ever conceded, and that at at time when the flag of their country floated victorious in all parts of the world. I do not think that the Treaty of 1783, was ever intended to exclude Americans from coming into our harbors for the purpose of obtaining provisions and other supplies—such a construction would convey a libel on civilization. By that treaty parties were allowed to enter into the different bays and harbors, and land and cure fish, if these places should be uninhabited; but, where settled, they could effect these objects by agreement with the inhabitants

Hon. Attorney General.—No.

Mr. McNeill.—I may be in error; that part of the treaty may only have had reference to Labrador. We should have no desire to extort privileges from the American Government. We have claims upon the Imperial Government, based on stronger grounds than those known as the Alabama Claims. The stoppage of our trade with the States is only a continuation of their Colonial policy, adopted in ignorance of our circumstances and the nature of our business, and, I believe, was inspired by the Dominion of Canada.

Resolution of the Hon. J. C. Pope.

Hon. Mr. Pope.—I do not see what we have to do with the question of the Alabama claims. This is an important matter, and it is in every way desirable that an expression of our opinion should be transmitted to the International High Commission at Washington. I will therefore move the following resolution:

"The Committee of the whole House having under consideration copy of a Despatch from Lieut. Governor Robinson to Earl Kimberly, Her Majesty's Principal Secretary of State for the Colonies,—No. 15, dated 22d Nov., 1871,—also a despatch from Earl Kimberly to Lieut. Governor Robinson, No. 39, dated Downing Street, 17th December, 1870, respecting the practice of admitting United States fishing vessels to enter in the ports of Prince Edward Island, together with extracts from Minutes of the Executive Council of this Island, dated 2d September last, and other documents upon the same subject, reports that they are gratified at the result of the appeal made by the late Government to the Secretary of State when American fishing vessels are admitted to entry in the ports of the Colony, and permitted to land and to tranship the fish from them, inasmuch as the exclusion of the said fishing vessels from the ports of this Island operated prejudicially upon its trade and commerce. The inhabitants of this Island generally, would therefore view with regret the re-imposing the prohibition which was imposed in the latter months of the past year. The Committee, however, express strong opinions against allowing such vessels the privilage of our inshore fisheries, without the United States granting us adequate trade concessions in return."

Speech of the Hon. Mr. Sinclair.

Hon. Mr. Sinclair.—I agree with the Hon. Leader of the Government that it is necessary that an expression of our opinion should go forth, more especially as the matter will be brought under the consideration of the able members of the Joint Commission at Washington. If that opinion should have the effect of gaining better terms for us, it would be a paramount duty on our part to transmit it. The Convention of 1818 was not intended to have so rigorous an application as it received last year, for at the time it was entered into the trade, so seriously affected by the stringent construction recently put upon it, did not exist. Such a law as that which has been referred to, as based on the Convention of 1818, would not be proposed in the present day. The intention of the British Government was to prevent smuggling; but now we are injured, and the Mother Country gains nothing. I agree in the loyal opinion of the Hon. E. Palmer, that the construction of the act would exclude an American fishing vessel from our ports, even if the crew were in a state of starvation. That was never intended by the parties to that agreement, but we have no power to alter a document of this nature, all we can do is to point out the position in which we are placed. That, I think, has been clearly and explicitly done by the Minute of Council. In supporting the resolution I will only add that if the British Government has allowed American fishermen to enter our ports and land and tranship their fish and purchase supplies, the sudden withdrawal of those privileges was a proceeding, of the hardship of which they may reasonably complain. Last summer they came to the Gulf as usual, partially supplied, supposing that they could pursue the course allowed for years, and obtain what they required from our people. And I repeat that it was unjust to the Americans and injurious to ourselves to prevent without notice, the continued enjoyments of the privileges so long enjoyed without objection from the British and Colonial Governments.

Hon. Mr. Howlan.—I must correct a statement of the hon. member from Rustico (Mr. McNeill). The Treaty of 1783 was superceded by the Convention of 1818, by which the Americans renounced all right to our inshore fisheries. While I agree that it would be wrong to enforce the restrictions of the Convention without notice to the Americans, I deny that such was the case. The British Minister at Washington notified the American Secretary of State that no new fishing licenses would be granted, and the United States Treasury Department notified all Custom House officers that former privileges no longer existed and ordered copies of the instructions to be furnished to parties when getting clearances for fishing voyages. Progress reported H.

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