

LEGISLATIVE SUMMARY.

WEDNESDAY, April 9.

On motion of Mr Coles, the House was resolved into a Committee of the whole, on the Resolution touching the Pensions or Compensation, demanded by Her Majesty's Government, for the Colonial Secretary and the Attorney General, on their retirement from office. Mr. Pope declared that he would never consent to the adoption of any measure, by the operation of which, the people would be taxed to provide Pensions or Compensations, on retirement from Office, for individuals who had never been in the service of the People but who, whilst in place, had been the mere officers and instruments of the British Government. It was true that might appear to others, that they had no alternative, but either to make provision for the Pensions or Compensation in the way contemplated in the Resolution, or to refuse to pass a Revenue Bill and grant the Supplies; and that, to prevent it the great loss and inconvenience to the country, which would be consequent upon the latter course, it was their duty, at the present crisis, to yield to the pressure of circumstances, and, as a matter of expediency, to do that to which they were otherwise decidedly opposed. He, however, stood pledged to oppose the recognition of the justice of any demand for pensions or retirements to those Officers, for whom it was claimed by Her Majesty's Government, that would impose the slightest additional burthen upon the people; and to his pledge he would strictly adhere. And, although he claimed no right to dictate to others, he might be permitted to say, that he thought it would be much better to adopt the extreme course, to decline to pass a Revenue Bill and grant the supplies, unless a new Government should be appointed, having the confidence of the House—a right which no Government could pretend to deny them; for, in such a course, he was persuaded, they would be sustained by the voice of the people; and, although the immediate consequence might be, with reference to the introduction of the Responsible System, its further postponement for a short time, they would ultimately obtain the full concession of all that the people demanded. He would, therefore, as in conscience bound, oppose the Resolution.

Mr MONTGOMERY had no objection to a Tax upon Land in aid of the Civil List generally; but he was steadily opposed to the granting of Pensions; and for that reason he would vote against the Resolution.

The House being resumed, the Resolution was reported agreed to; and the hon. Speaker having put the question, "shall the report be received?" The House divided:

Yeas—Messrs. Coles, Whelan, Clark, Davies, Jardine, Beaton, Mooney, Flynn, McNeill, Lord, Laird, Fraser—12.

Nays—Honourables Mr. Palmer, and Thornton; Messrs. Longworth, Montgomery, Haviland, Douse, Pope, Warburton—8.

Mr WARBURTON.—The following note, addressed to the Reporter, by Mr Warburton, the Chairman of the Committee of the whole House on the Governor's Answer, in which the above Resolution was agreed to, will explain the reason of his name's appearing in the minority, in the above division.

Dear Sir;

Not being exactly aware of the Rules of the House, and being Chairman of the Committee on the Governor's Answer to the House on Responsible Government, I had not the opportunity of giving any reasons for voting against my own party on that occasion. The reason is simply this—I gave a pledge to my Constituents, to oppose pensions, because I thought a Pension List would prove injurious to the Colony; and also because I believed the parties claiming Pensions had no claim on the Colony. To these remarks I shall merely add that I believe the majority acted, as I would have done, had I not given the pledge which I did give to my Constituents.

I remain yours truly,

J. WARBURTON.

Mr Irving,

Reporter of H. A.

Wednesday evening, April 9, 1851.

On motion of Mr Coles, Messrs. Coles, Whelan, Jardine and Fraser were appointed

a committee to prepare an Address to His Excellency in accordance with the above Resolution.

Address to His Excellency on the subject of Pensions.—Mr Coles from the Committee appointed to prepare a draft Address to His Excellency, with reference to the Pensions demanded by Her Majesty's Government, reported a Draft Address, and the same having been committed to a Committee of the whole House, and been agreed to therein, was reported to the House as follows:

To His Excellency Sir ALEXANDER BANNERMAN, Knight, Lieutenant Governor, &c. &c. &c.

May it please Your Excellency;

The House of Assembly have had under their consideration your Excellency's Message of the 7th inst., in answer to the Assembly's Address wherein they expressed their views on the subject of Lord Grey's Despatch, of the 31st January, 1851, and pointed out the mode by which they purposed to comply with His Lordship's instructions to your Excellency.

They observe, with regret, that "the Lieutenant Governor has no discretionary authority to yield the conditions on which Responsible Government is to be conceded, and the Crown Revenues surrendered," and that the mode suggested by the House of Assembly would be insufficient to enable His Excellency to carry out either the letter or spirit of his instructions.

Upon, therefore, a reconsideration of the position in which your Excellency is placed, and actuated by a desire to proceed with the performance of the public business, the House of Assembly have agreed to provide the full amount of compensation demanded for the Attorney General and Colonial Secretary on your Excellency's complying with the well understood wishes of the people of this Island, in reference to the reconstruction of your Excellency's Government.

The resolution of the House of Assembly, accompanying this Address, will inform your Excellency of the source whence they purpose to derive the necessary funds for the allowances contemplated to be given to the Attorney General and Colonial Secretary, and in aid of the Civil List Bill; in regard to that subject, the Assembly beg to direct your Excellency's attention to the Extract of a Dispatch from Her Majesty's Colonial Minister to the late Lieutenant Governor, dated "Downing Street, 12 November, 1847," in which His Lordship recommends the Local Legislature to "raise a larger proportion of the Colonial Revenue" by a tax upon Lands, as being "the best mode that could be adopted for providing for the necessary expenditure of the Colony."

Thus it will be perceived by your Excellency, that the House of Assembly are fully disposed to afford your Excellency an opportunity of complying with the long entertained and earnestly expressed wishes of the people of this Island in reference to Responsible Government, and that it will not be the fault of the Assembly if that system of Government be withheld from this Colony.

Mr Coles then moved that the Report be agreed to.

Hon. SOL. GENERAL moved that it be disagreed to. The question being put on the Hon. Solicitor general's motion, the House divided.

AYES—Honourables Mr Palmer and Mr Thornton, Messrs. Longworth, Montgomery, Haviland, Douse, Pope,—7

NAYS—Messrs. Coles, Warburton, Whelan, Clark, Davies, Beaton, Fraser, Flynn, Jardine, Lord, Mooney, Laird, McNeill—3.

The question being put on Mr Coles's

motion the House again divided—the division being as above. Yeas—13. Nays—7.

So the Address was agreed to; and the Committee who prepared the Address were appointed a Committee to wait upon His Excellency with the same.

FRIDAY, April 11.

Ejected Tenants' Compensation Bill.—Mr Coles rose to ask leave, in pursuance of a certain notice which he had given in the Order Book, to introduce a Tenants' Rights Bill. He believed a similar Bill had been introduced and carried through the Assembly in 1847; but, although he had taken some pains in searching for the Bill, he had not been able to lay his hands upon it; and he was inclined to believe it had been "buried" in some part of the Building. The Legislative Council had, he understood, said, with reference to the objects of that Bill, that instead of proceeding to a consideration of them, it would be better to wait until the effects of a similar measure for Ireland, then progressing through the House of Commons, should become apparent. The Bill which he was about to present contained such provisions for the protection and encouragement of agricultural tenant settlers, as, he thought, could not fail to meet the views of all who were really friends to the clearers of the wilderness and cultivators of the soil, whose labors were not only so highly conducive, but essentially necessary, to the prosperity of the Colony. At present, said the hon. member, the tenant farmer has not the smallest security or shadow of guarantee that he shall ever be compensated for the improvements which he may make upon his farm. He has, therefore, no encouragement to endeavor to erect, either a suitable and comfortable dwelling house for himself and family, or even sufficient out houses for the protection of his stock. Generally, settlers here from the old country, as well from some parts of Great Britain, as from Ireland, where, at very high, or rather very exorbitant rents, they had held and cultivated a few acres on tenures of two, three, or four years, were induced to think, by interested representations, made to them, either before leaving their native land, or immediately on their arrival here, that by obtaining large tracts of merely wilderness land, even although it might be, as it was in too many instances, on tenures of only twenty, thirty, or forty years, at what, as compared with the rack rents which they had paid in the old country, appeared to be the easiest and most encouraging terms, they were making a most desirable exchange from what had been little better to them than hopeless and unremunerative toil, to prospects of certain comfort and independence. But, by the experience of a few years, all their hopes of being able successfully and happily to overcome the difficulties which lay between them and the natural and laudable object of their pursuit, were, (as their eyes were gradually opened to the true nature of their position,) almost completely dissipated, and, in the end they found they were the victims of what had, in truth, been little less than a delusion, a mockery, and a snare. The little means which they might at first have possessed had rapidly disappeared in the purchasing of necessary farming implements, a small stock, and, at the first, in buying food which they could not raise. With much toil they had, in time, succeeded in clearing and bringing under cultivation a few acres; but all their exertions procured them little beyond a bare subsistence and the means of paying their rents; and, as they came more fully to understand the terms and conditions of their tenures, they clearly saw that should they, by unforeseen losses, such as the failure of crops, diminution of their stock by disease, accident, or through an insufficiency of fodder or food, or inability to prosecute the necessary labors of their farms, be unable to meet the demands of their landlords, and get into arrears of rent, they had, generally, the greatest reason to dread that they should eventually be ejected from their farms, and lose all the labor of years; for, however much the improvements made upon their farms might exceed the amount of their arrears of rent, for that excess or difference they would most unjustly be denied all compensation. It was easy to conceive how, under such discouraging circumstances, men's energies were repressed, and how, their prospects becoming darker and darker, their difficulties increased; and, in that case, by renewed or still greater exertions to

pay off their arrears of rent, and surround themselves, in commodious, and substantial dwelling houses, with the reasonable comforts of life, they sadly or sullenly, toiled on for a mere subsistence, under the most disheartening belief that, in spite of all they could do, the day of ejection and ruin would finally arrive. Surely all who were sincerely anxious to see the condition of the tenant farmer improved and the general prosperity of the Colony ensured, would see how necessary it was to give him a greater interest and a greater security in the improvements, effected by his skill and industry in the cultivation of his farm; and he (the hon. member) therefore, hoped that every real friend of the farmer, every advocate of agricultural interests, and every well wisher to the Colony at large, in the House, would support the Bill which he was about to submit; for he thought, it was so framed as to meet the views which, with respect to the question, must be entertained by every such individual in the Island. The hon. member then explained that by the provisions of his Bill, as they then stood, it was proposed to give, by law, to every tenant in arrears of rent who might be subject to, or threatened with, ejection, an opportunity to have the value of his improvements ascertained by fair arbitration; and, to that end, it provided that, when any tenant should be served with notice of ejection, he should be at liberty, within a limited time, to give notice to his landlord that he desired to have the value of his improvements ascertained by fair valuation, naming, in such notice, the individual whom he had chosen to act as an arbitrator on his behalf in the matter of valuation; that the landlord should, in like manner, be at liberty to appoint an arbitrator on his behalf; and, in the event of two arbitrators being so appointed, that they should, as is usual in cases of arbitration, be allowed, if necessary, to choose a third arbitrator or referee, to adjust the valuation between them, and award accordingly. And then, should it be found that the value of the improvements was greater than the arrears of rent, the proprietor, (should he still insist upon ejecting his tenant) would be required to pay the balance or difference to the tenant. But, should the case prove otherwise, and the arrears of rent exceed the value of the improvements; then, that the tenant should be allowed to continue in his tenancy, at an increased rent (the increase to be equal to the legal interest on the excess of the arrears of rent over the value of the improvements,) should he desire to do so on such terms. This provision was meant to apply only to short leases about to expire. It was also further provided, by the Bill, that, when the parties should have submitted the question to arbitration, and either party should be dissatisfied with the award, he should have the right of appeal to the Supreme Court. And again that in every case in which the proprietor should decline arbitration, if proposed by the tenant, and should sue him at law for his arrears of rent then, on the tenant's proving to the Court, that he had given the proprietor due notice of his readiness to refer the matter to arbitration, that it shall be the duty of the Court to nominate an arbitrator on behalf of the proprietor, and that the arbitration shall then be proceeded with, and the award made, as in the first place directed. The Bill had originated in a desire to protect the tenant from the proprietors pouncing down upon him and unjustly depriving him, by ejection, of fair compensation for his improvements, when they should be found to exceed in value the amount of his arrears of rent; but still, he hoped, it would appear that the several provisions of the Bill had been framed with a just regard to the rights of proprietors, and were intended to afford equal protection to both parties. The hon. member then stated, in further explanation of his Bill, that in cases of sub-letting, the subtenant was to have no claim upon the proprietor or original lessor for the erection of a dwelling house or any out buildings for his own use and convenience; but that compensation should be claimed only, when due, for improvements directly made in that way by the original lessee for his own immediate convenience and benefit and for the improvement of the farm. He also stated that it was not meant to apply to lease holders of ten or twelve acres, taken for the erection of stores or the production of stock.