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

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## Colonial Parliament.

### HOUSE OF ASSEMBLY.

#### DEBATE ON THE AWARD (continued.)

Hon. Mr. LONGWORTH—I congratulate the House on the unanimity of opinion which has, so far, characterized this discussion. Some difference of opinion, of course, exists, but the majority of giving effect to the Award will be affirmed by a large majority. This is a question which should not be regarded from a party point of view. It is our duty to give effect to the views of the Commissioners, and embody their opinion in local Acts of the Legislature. While I admit that the Despatch accompanying the Award intimates that the Secretary of State has objections to certain portions of it, I see no grounds for inferring that he will not give effect to it. It is not to be supposed that the Crown, which is the fountain of honor, and the trustee of the rights of the people, would not honorably discharge the obligations it has solemnly and publicly assumed. There is no reason to doubt that Her Majesty and her Colonial Minister were sincere when they pledged the Imperial Government to the settlement of the Land Question, and when we assented to and joined in the Commission, were we not bound to perform our part? Can we now refuse to fulfill the engagement we entered into on behalf of the people? The objections referred to by the Secretary of State are not intended to prevent this Legislature dealing effectually with the Award. In the Despatch accompanying the copy of the Report, his Grace refers to it in the following terms:—

"I am desirous, at the same time, to express my appreciation of the painstaking, able and impartial Report which the Commissioners have furnished, a Report which must derive additional weight from the unanimity of opinion which has characterized the investigation so completely, and has exhausted the materials for enquiry into the facts of the case. The difficulties which remain, are those which are inherent in the subject, and which have for a long course of years, baffled every attempt at solution."

This language indicates anything but a disapproval of the Award, and the allusion to the inherent difficulties, and the period during which they have baffled every attempt at solution, is not to be considered as the expression of the opinion that they will continue to do so for a longer. Again, his declining to hold out the prospect of an Imperial guarantee to a loan intimates that he will not sanction the Award, nor that we have not the power to confirm it. I regard it merely as the expression of his individual opinion, from which a successor in his office may differ, nor would it be binding on us in accepting the award. The concluding sentence of the Despatch in which the Secretary of State mentions the pleasure it would afford him if he should be in a position to offer fresh suggestions, shows that he was animated by a desire to assist in a settlement which should conciliate general favor. If the Legislature were not to take action on the Award, why was a copy of it sent out to be laid before us? It is not necessary or desirable that hon. members should go through the whole of the Award, for all its more prominent points were discussed on the debate on the Address in reply to the Lieutenant Governor's speech. The leader of the opposition complained that the Government, in not giving sufficient notice of the time of the Commissioners holding their Court, had prevented their obtaining evidence as speedily as they otherwise would have. The Commissioners may have thought that such was the case, but there had been no previous inter-communication on the subject between the Secretary of State or the Commissioners and the Government. It could not be expected that the Government, in a matter of complaint between landlord and tenant, would prepare a case in favor of the former to the damage of the latter, or vice versa. Such an idea is simply an absurdity. All that the Government could do was to give all parties an opportunity of making their statements before the Commissioners who required the opportunity of personal examination that they might be enabled to test the conflicting evidence, and form their opinions on the nature of the statements made before them. The truth was that the Commissioners did not give sufficient notice of the time at which they contemplated arriving here. The Government has no time in making known the period at which they would arrive. As their Award has now been submitted to us, can we, in courtesy to Her Majesty, or with a sense of what is due to ourselves, refuse to sanction it? It is true that the tenancy, as a whole, cannot be satisfied, and also that the proprietary body may think that the Commissioners have acted in prejudice of their interests, but the existence of those feelings affords a strong argument that the Award is a just and proper one. It is our duty to sanction the Award in its integrity—it would be improper and impolitic to mutilate its proportions. What details shall be its practical operation can be embodied in a separate Bill.

Hon. Mr. WHELAN—When will this Bill be brought in? Hon. Mr. LONGWORTH—Probably in a short time. Certainly this Session. If we incorporate them in the Bill adopting the Award, it may be objected to. The hon. leader of the Opposition wished to know whether the Award was obligatory on the proprietors, or only on those who had assented to the submission, and he referred to that portion of it wherein the Commissioners alluded to those who had not done so; but he should remember that the passage referred to is not authoritative, it is merely argumentative. That properly speaking, it forms no part of the actual Award. Their reasoning was only to correct, but we are not concerned upon to consider it. The Award clearly affects the properties of those who signed the submission, and when we consider the large quantities of land held by them and others who will consent to its terms, we should be pursuing a penny wise and pound foolish policy if we rejected a certain boon on account of foolishness of opinion on a matter of argument. A good deal has been said about the restoration of 1300 acres by a proprietor. That clause will not act upon the tenancy of absentee landlords, for it is absurd to suppose that they would wish to retain an acre of land in this Island. They would only be too happy to get rid of it altogether. I have no doubt that it was framed with a view to the cases of resident holders of comparatively small properties, widows or others, whose principal means of living were derived from their land property. It would be unwise to interfere with that right of reservation, and thus imperil the Award, merely on account of the peculiar circumstances of Lots 35 and 36, where the multiplicity of owners may prevent some of the tenancy purchasing under the Award. As to what fell from the hon. member, Mr. Wightman, on the subject of the Fishery Reserves, when he complained that it is a hardship on the general public to be compelled to part with an acre of the front of his farm, I can tell him that the plan devised by the Commissioners is preferable to the principle of the Bill introduced by the Government of which he was a member. That Bill proposed to vest the Reserves in the Government, and gave them the power of leasing them to whomsoever and on what terms they pleased. The Award declares that the tenant shall receive the value of the land so taken, and that value shall, in case of difference of opinion between him and the party requiring it for fishing purposes, be referred to arbitration. It is a boon to our fishing population without injury to the tenant. Taken altogether the Award will, I think, commend itself to the approval of the House as being the best the Commissioners could arrive at in view of the various subjects entrusted to their decision. It was impossible that they could do anything more general in the lands in the Award, and that being the case, arbitration was the only mode by which particular properties could be appraised without injustice to the tenant or proprietor. It has been objected that they had no power to delegate to others the duty of fixing the price of lands, but by their Commission they are authorized to enquire into and adjust the questions referred to them on "fair and equitable principles of arbitration." If this does not give them power to adopt the means of arbitration, I must greatly err in my construction of plain English words. I will detain the Committee no longer than by repeating the expression of my opinion, that, as men of honor, we are bound to give effect to the result of the Commission, to the organization of which we were consenting parties.

Hon. Mr. HENSLY—During the debate of this morning, the hon. member, Col. Gray, said that he would support any measure which he might deem beneficial, without reference to the particular party from which it might emanate. I trust that myself and other members of the House are actuated by the same motive. The question for our consideration is whether we are to confirm the Award or not. Before deciding, it may be as well to consider what it is that we are called upon to confirm. The Award contains matters not included in the resolutions which were passed—which were intended to form the basis on which the Commissioners were to take action;

as an instance, those gentlemen recommend a loan under an Imperial guarantee that was not referred to in the resolutions. In fact, there are but three or four topics in the Award which were specified in the resolutions, the prominent objects of which were a remission of arrears of rents and the conversion of leasehold interests into freehold. The Commissioners have extended their enquiries into the subject of Escheat, the Quit Rents, and they have recommended a loan. It is true that their reference to the latter cannot be considered as forming a portion of the Award. They could not award that; they have merely recommended it, and this recommendation may influence a loan at some future time, when the policy of buying up the proprietary estates throughout the Island may be adopted by the Government. The action of the Commissioners on the subject of Escheat, being on a matter not submitted to them by our resolutions, it might be a question how far that would have any force even if we confirm it, as proposed, on the ground that the Commissioners exceeded their powers. We have beyond doubt a constitutional right to a Court of Escheat, and there was a period when the lands could have been re-vested in the Crown, without any Court being constituted on the part of the proprietors. But such has been the lapse of time, and so repeated and positive have been the declarations of the Imperial Government, that it appears useless now to agitate the question. The question of Escheat was nevertheless brought to the attention of the Commissioners by the counsel for the tenancy. In now, however, expressing an opinion on the question of Escheat, the Crown having no interest, I do not wish to do so without giving some of the grounds upon which I have arrived at that conclusion. In 1832 an address was sent to the King by the House of Assembly, praying for establishment of a Court of Escheat, and complaining of the non-settlement of the lands. In 1833 a reply was received in the shape of a despatch from Lord Goderich, refusing the establishment of a Court of Escheat, and suggesting that an inquiry even at that day (1833) into the question of settlement would be long and doubtful, and that the Government would not, therefore, consent to unsettle the minds of the House of Assembly thereupon passed resolutions expressing regret at such refusal, and voted an address with the view of altering Lord Goderich's decision. In 1834 a despatch from the Secretary of State, in which he expressed his unwillingness to take on himself the responsibility of an unfavorable determination of Her Majesty's Government to abide by the repeated decisions against a Court of Escheat. In 1840 the Lieut. Governor stated to the Legislature that he could "positively inform them that the refusal of Her Majesty's Government to entertain the question in any shape is final." I have thus stated my own views because I think that they may be of use to our constituents in taking the question into consideration. In view of the fixed and unalterable opinion of the Imperial Government on this question, and considering that several successive Secretaries of State have suggested a tax on the lands as an appropriate measure for the local Government to adopt, and that in accordance with such suggestions such a tax was imposed, and is still in force, I think I would be unwise to insist, by any means, on a Court of Escheat, unless Escheat were practicable at the present day. I am aware that it has been and may be said, that when we accepted the burden of the Civil List in 1851, all the existing rights of the Crown in this Island were ceded to the local Government. I recollect that the transaction was viewed as one of grace on the part of the Imperial authority, but we ourselves do not consider that the Crown still exercises supervising control over our legislative proceedings. Every Act we pass must be sent to the British Government for approval, and it would be unreasonable to suppose that, in the state of the question as I have detailed it, the Imperial authority would at the present time sanction a measure of the kind, if we ourselves do not assent to it. The Quit Rents have been commuted in New Brunswick and Nova Scotia, the then Secretary for the Colonies, the late Lord Goderich, in 1831 offered to commute those of this Island for a certain sum. I have always been of the opinion which I avowed before the Commissioners, that Lord Goderich's offer could only be regarded, not as a remission of the Quit Rents, but merely as a benefit conferred on that end, dependent, of course, on the acceptance of the terms on which it was made, and that any other view was untenable, and that I conceived that the opinion given by the Solicitor to the Treasury, Mr. Spearman, to the effect that the Quit Rents had been remitted, was erroneous. But the British Government acted upon the opinion of their law officer, and the Secretary of State having instructed the Commissioners to regard those rents as having been remitted, I consider it would be a matter of great difficulty to disturb the settlement so made. As the Land Tax, which was imposed in lieu of those rents, has been now for several years in operation, and as it is more productive of revenue than the charge which it probably not be revised. The question of the conversion of the leasehold into freehold at the year 1860 instead of 1858, I have said before, and now repeat, that the conversion of the leasehold into freehold at the year 1860 instead of 1858, is a matter of great importance, and that it might cover valuable mill sites, and argued as though such properties were leased at the same rent as other lands which had not such particular sources of value. I will admit that if the supposition he adopted be correct, the individuals in possession of mill sites, for which they pay but a shilling per acre, will probably avail themselves of the right of purchase in the terms of the Award. But I think he is wrong in that the lands comprising mill sites are generally let at rents proportionate to their value, and so we may consider that all the leased lands are on the same footing as regards the operation of the Award. Notwithstanding the objections which I have expressed to parts of the Award, I would support it generally, as I consider that while it may do some good, it can do no harm. The Secretary of State says that he has insuperable objections to that part of the Award which suggests arbitrations to settle the disputed value of leaseholds. I think that the Bill to be introduced in accordance with the resolutions before us should embody the provisions by which it is proposed that the arbitrations shall be conducted. It may be that such particulars incorporated in the Bill to be sent to England will obviate those otherwise "insuperable" objections, and I am well convinced that the country will be more satisfied by such a course than if they are to form part of a separate Act. This question forms so important a part of the Award, that ere we are asked to give our assent to it, it is but courteous that the Government should submit to us the details of the particular subject instead of getting our assent to the Award generally, and keeping the House and the country in ignorance of the mode by which it is intended to give practical effect to its most important part. On the subject of the reservation of fifteen hundred acres, it may be true that a non-resident proprietor may not care about retaining any land in the Island, but it is equally true that there are several proprietors resident in the Colony who may be differently minded, and I certainly think that on a matter of this nature the Government should have laid on the table an exposition of their policy. Suppose the Bill proposed, in affirmation of the Award, is sanctioned, and that the supplementary act should be disallowed, what becomes of all our action on the whole subject? It is for these reasons that I object to the course the Government has adopted. I think we should pass one Act in which the whole question should be disposed of, in the shape in which the matter is brought before us. I do not intend to oppose the resolution, not having the honour of a seat in this House when it pledged itself to the submission to reference, I feel that I am at liberty to act as my sense of duty to my constituents and my constituents shall dictate.

Hoping and trusting that beneficial results may accrue to the people from the action of the Commission, I am willing to support the resolution. And in stating this, I must express my earnest desire that the Bill to be introduced in accordance with the resolution before the Committee, may be so framed as to include all proprietors, as well as those who have not given in their adhesion to the arbitration, as those

who have. It is my own wish that such should be the case, and I am well aware that those whom I represent entertain very decided opinions of the same nature.

Hon. Mr. THORNTON—I cannot say that I approve of all parts of the Award; for instance, I do not think that the arbitration is likely to work well, but I am willing to take the chance of the Award as a whole, and it may be that, as the majority are in favor of the Award, the Secretary of State, in deference to the weight of unanimity of opinion, may withdraw the objections he has intimated. If the Award were mutilated by Government he would not support it. I shall, therefore, vote for the resolution.

Hon. Mr. COLLES—The members of the minority may consistently support the Award, if it is intended that it shall be carried out in its integrity, and the Commissioners having adopted the policy of the liberal party, with reference to the Loan, the Bill should give effect to it, and it is idle to say that the majority are doing so by merely accepting the Award without providing the machinery requisite for managing the details of the loan. If they do this it may be said that they are erring out the Award, and members of this side might justly support them; and unless there be a clause binding all the proprietors to assent to it, I cannot see how it is to benefit the tenancy. We see that the hon. member, Mr. Davies, argues that all are bound at present, while others express opinions directly the reverse. If the proposed Bill is framed in accordance with these suggestions I will support it, but otherwise I cannot. The liberal party have been in favor of a loan to enable the Government to purchase the lands, and are willing to support a measure to that effect; but no Government will be as favorably situated to purchase as previously to the Commission, and I am pretty confident that had Lord Selkirk been aware of the nature of this Award he would not have sold as cheaply as he did. I conclude by moving the following amendment:—

"Strike out all after the word 'introduce,' in the said Resolution, and insert the following in lieu thereof: 'and also a Bill to secure the interest on a loan of £100,000, as recommended by the Commission, and in their Report.'"

Mr. SINGLAI—I agree with those hon. members who say that we are not called upon at present to express any opinion as to whether the Award realizes the anticipations formed of it or not. It would be dishonorable in the House, in view of our previous action in the matter, to repudiate the award; yet although the Award is not in my opinion in accordance with the evidence adduced at the investigation, nor does it come up to our expectations, I certainly hope that the decision, if not amended, will be nearly so. With reference to the amendment proposed by the hon. member, Mr. Cole, I regret that I do not read the Award in the same light as he does; for while, as has been already shown, the reference to a loan is a suggestion in the report, it does not find a place in what must be considered the binding Award. The British Government has the option of guaranteeing a loan, and when they shall consent to do so, we can be prepared to give satisfactory security, but by the terms of the authoritative portion of the Award, we can demand the exercise of the right of arbitration, which is styled by the Commissioners the alternative remedy. This phrase shows that it was not contemplated that the loan and arbitration were to be simultaneously in operation, that we could only expect one or other. For my own part, I candidly avow my preference for the arbitration scheme; because if the loan of £100,000 were obtained under the Imperial guarantee, we could only use it under the provisions of the Land Purchase Act; and then the proprietors knowing that the Government were in funds, could and would, under that Act, ask what prices they pleased. It may appear to some minds that under the proposed plan of arbitration a proprietor would be forced to sell at a rate to be fixed by arbitrators, but it must be recollected that if we had the loan, we would have no arbitration; whereas, if we have no loan, we can claim the alternative remedy of arbitration, and can work out the principles of the Land Purchase Act afterwards; and I think it will be found that, after the more eligible portion of their tenants shall have purchased the freehold interests in their properties, the proprietors will be willing to sell the remaining parts of their estates to Government, under that Act, at a low price.

Mr. BEER—Sir, if any proof were required that the hon. member, Mr. Cole, wished and desired to prevent the Award becoming the law of the land, he would be found in the fact of his having introduced an amendment which he well knows would have that effect if this House were silly enough to adopt it. If the Bill to confirm the Award goes home clogged with anything of an extraneous nature, it will be sure to come out discolored. The Commission has not proposed to award a loan, and if they had, the Duke declares he cannot recommend it. Some hon. members say that the loan is the best part of the Award. The loan is not part of the Award, it is only a suggestion; and what would a loan be without the arbitration clause to compel the proprietors to sell when the tenant wished to purchase, and that at a fair valuation, not 20 years' purchase? If we had the loan without the arbitration clause, the Duke would not have introduced the great resolutions which he has adopted in certain parts of the Island against the Award, and have striven hard to impress the Colonial Office with the belief that we, as a colony, do not wish to adopt it. Viewing it in that light, I do not wonder at the receipt of the despatch now on the table. As I before stated, I take it as a mere feeler in order to gather the real sentiments of the representatives of the Island, and if we denounce it, there will be no more about it. Sir, I hesitate not to state my belief that, if the proprietors and the British Government were now to break faith with the tenancy of the Island, and, by some means, prevent the Award becoming the law of the land, after all that has taken place, the results will be most disastrous to the peace and prosperity of the Colony, and small blame to the tenancy if they resist, and if we denounce their rents, if such a gross act of injustice is practised upon them. Sir, I know not on how many occasions I have been asked by the tenancy whether I would advise the payment of their rents. I strongly advised them in 1850, when the Commissioners sat, to pay them their one year's rent, and again, in 1851 I gave the same advice to all who asked my opinion; but now, Sir, should the proprietors succeed in their attempt to strangle the Award of the Land Commissioners, and should the British Government break faith with the Colony, if they expect rents to be collected for the future, I think a regiment of soldiers will have to be stationed here to enforce their collection; but, Sir, I do not fear for the result. I believe that the Duke of Newcastle, if he gives his consent to the Award becoming the law of the land, after having himself stated that the investigation is so thorough and complete, "that it has exhausted the materials for enquiry into the facts of the case," and then to characterize the Award itself as being drawn with ability and impartiality. Sir, I do not think that if our Legislature now put on a bold front and unflinchingly hold the British Government and the proprietors to their bargain, we shall have the whole land question of the Island settled. Some objector will perhaps say, O, but the Award does not include the whole Island. Sir, if we get the present Award confirmed, it will be a platform on which to labour so that we may deal with other parts of the Colony, the 40 year leases, the 1500 acres, and those proprietors who have not as yet given their adhesion to the Land Commission. If we get the Award confirmed it will be a good and sure basis for future operations, it will be a lever with which to uproot the whole system of leasehold land tenure on the Island. Sorry should I be, Sir, to find myself in the position of any one who would have the hardihood to vote against the confirmation of this Award. I do not but the time will soon come when such an individual will be held in utter detestation. It is now or never with us, we have nothing else to fall back on. If the Award is not confirmed, the tenancy may make up their minds to resist in their present state to the end of their lives and their children after them; but if we hold on to the Award and agitate, if necessary, for its confirmation, we shall succeed, and the final result will be that in a few years at farthest the great body of the settlers on the Island will become contented freeholders. Oh! but, says an objector, see what an amount of arrears will have accumulated again in the meantime, which will have to be paid before he can get credit for any amount

at which his farm may be valued. To which I would reply, that a considerable number of the tenants have paid the accruing rent since the Commissioners were here; but when it shall appear that the tenant has not paid on account of the poverty of the soil, the failure of crops, or such circumstances over which the tenant had no control, I presume, that in such a case, the arbitrators would not overlook the amount of arrears a tenant was liable for, when they fix the amount at which he shall be entitled to obtain his freehold. According to the Award, the tenant will be enabled to claim an arbitration before he has paid his arrears, although he will have to pay them before he gets credit for his instalments. Sir, men are apt to speak as they wish. Now, Sir, we all know that the leaders of the Opposition have opposed this Land Commission in its every stage; their speeches made, editorials and communications published against it, are almost without number; their desire that it should prove a failure must be apparent to all.

Hon. Mr. WHELAN—I am sure I should be glad if any good resulted from the Land Commission. Mr. BEER—The hon. member must excuse me for saying that I cannot give him credit for sincerity; but I can assure the hon. member, that, from conversations I have had with the people, there are hundreds of those who have hitherto supported the opposition by their votes, who are now most anxious that the long vexed question should be settled, and are now willing to support the present Government in their endeavor to bring the whole matter to a final issue, and I very much doubt whether those who have said so much against it will have the moral courage to vote against it. Sir, we have laid siege to the citadel—our position is taken—we have the advantage ground—and our trenches are fast being pushed forward. True, the battlements are manned by the proprietors and their auxiliaries, the leaders of the liberals; they may keep us away for a short time, but we are sure of victory; soon will the ramparts be gained and the defenders have to beat an ignominious retreat; victory will be declared, and then will come down the old flag that has floated for the last 75 years with the motto "Leasehold Land Tenure," and in its place a new flag will be run up with the motto "Every tenant the privilege of becoming a freeholder at a fair valuation, payable in instalments." Then, Sir, the black storm so graphically described by the hon. member from Newcastle, will burst in fury on the devoted heads of those who have obstructed and endeavored to prevent the industrious hardworking, and still in many cases, poor, tenantry from obtaining the privileges to which they are all entitled.

Mr. CONROY—I may congratulate the hon. member for the City, Mr. Beer, on the fact that he does not represent a district of Prince County. From the high degree of intelligence displayed on all occasions by that hon. member, he would not, I presume, consent to represent such a constituency as that which sent me here. I have heard that the hon. member, during my absence, alluded to the people of my district as being a set of ignorant Frenchmen.

Mr. BEER explained that his remarks had reference to some meetings at which the people had been induced to act in ignorance of their true interests. He had not alluded to them as Frenchmen. Mr. CONROY—I have seen the explanatory letter of the hon. member which appeared in the *Advertiser*, and it does not improve the matter. I have also read the despatch of the Duke of Newcastle on the subject of the Legislative Council Bill. His Grace recommends that there should be no property qualification for a candidate for a seat in the Council, but recommends one for the electors, as he says that if the electors are ignorant, there is no fear that they will select a proper representative. Such being the fact, I congratulate the electors of Charlottetown on their choice of so intelligent a gentleman to represent them. I have carefully read over the Award of the Commissioners, and I am at a loss to know what service it will render to the tenancy. I believe that any one of the proprietors would, if asked by his tenantry in a hurry, give a good deal as those to be obtained by the Award, without all this trouble. It has been said that the loan forms no part of the Award, that it is only a recommendation, and if such be the fact I cannot see what benefit can be derived from it, as I consider that, if the loan cannot be procured, the Award is not worth having.

THURSDAY, March 25.

The Committee on the resolution on the subject of the Award of the Land Commissioners was resumed.

Hon. Mr. WHELAN—In rising to address the Committee, I must express my gratitude to the hon. member for the City, Mr. Beer, for having moved the adjournment last evening for, if progress had not then been reported, I should not have had an opportunity of preparing the amendment which I shall move. With reference to the preamble to the resolution introduced by the hon. leader of the Government in this House, I have no objection to any one of its several paragraphs, but to them I wish to put my amendment, which, like the postscript to a lady's letter, will, I think, be found to contain the pith of the subject. I move to strike out of the resolution all after the preamble, and to substitute the following:—

"But it does not appear to be the intention of the Secretary of State for the Colonies that the said copy of the Award should be made the basis of any legislation for the present, inasmuch as His Grace has not submitted the original or official copy, nor intimated any desire to have the printed copy confirmed by local legislation: And whereas, the Secretary has declared, in his Despatch of the 7th February, 1862, that one of the principal provisions in the Award, namely, that in reference to local arbitrations, is open to 'insuperable objections,' which he proposes to obviate by some 'fresh suggestions' at a future opportunity—thus manifesting his desire that legislation on the whole subject of the Award should be postponed: And whereas, the recommendation for a loan of £100,000, so earnestly urged by the Royal Commissioners, in order to buy out the claims of the proprietors, is not favorably entertained by the Colonial Minister; and the other principles of the Award being such as are only calculated to confirm proprietary claims without conferring any benefits on the tenancy:

"Therefore Resolved, That in the opinion of this Committee, no advantage would accrue from passing a Bill to confirm the Award of the Land Commission, until, at least, such time as the Colonial Minister shall have fully declared the views of the Imperial Government on the several questions submitted to them in the said Award, and when His Grace the Duke of Newcastle shall have furnished the 'fresh suggestions' promised by him."

I think no hon. member will dispute the truth of the facts I have alleged. It is certainly true that the printed report before us cannot be considered as an official copy of the Award; and it is equally true that His Grace the Duke of Newcastle is not intimated any desire that we should legislate upon it. It is equally indisputable that this despatch of the 7th February last expresses "insuperable objections" to the arbitration proposed by the Commissioners, and intimates his intention to offer "fresh suggestions" at some future time. It is also the fact that he repudiates the idea of a loan. Such being facts, patent to all, it is but right that we should meet the question fairly and openly. I am prepared to prove that my position is supported by the Commission themselves, but I will briefly review the whole of the circumstances connected with the Award. There are, I believe, some 40 individuals who may be called proprietors. How many of these consented to the Commission? But six names are recorded in favor of it, and of these, one, Mr. E. Canard's is to be considered identical with that of Sir Samuel Canard, while another, Lord Selkirk, has since sold his estate to the Government of this Island. So that we are satisfying ourselves by proclaiming that the bulk of the tenancy will receive great benefits from this Award which only affects the properties of five individuals. It has been said that others have assented or will do so, but we have no proof that such has been or will be the case, and mere rumour should not form the basis on which we are to proceed. The right of purchase at the rate of 20 years' rent, by instalments of £10, which the proprietor need not accept until all arrears are paid up, is so important a boon, that it has called forth any amount of eulogy from the members of the majority. Such are its prospective advantages—so great is the prosperity in store for the people, that we are gravely told that nothing can exceed their anxiety for the speedy confirmation of the Award by this House. In the great majority of cases the lands are not worth 20 years' purchase; and the Colonial Minister has "insuperable objections" to the arbitration scheme proposed to meet their particular circumstances. Are hon. members so stupid as to suppose that if we passed a Bill confirming the Award that it would be ratified by the Minister who has "insuperable objections" to the principal provision it contains, and who promises "fresh suggestions" on that particular part of it? And where, I ask, is the "boon" to the tenant under the clause reserving £1000 acres to the proprietor? It gives him the right of reserving such particular lands as he shall see fit; and we may

be sure he will exercise that right. The tenant may be willing to buy at 20 years' purchase; nay, he may offer any amount, but the landlord may refuse to sell at all; and the only result will be that the best class of the tenantry will be kept in bondage. The blash of shame should mantle the checks of those who would assert among the most ignorant that this is to operate beneficially. Again, we are to be told that the numerous tenants holding under leases of less than 40 years, are to be grateful to their representatives for sanctioning a measure which devotes them to slavery. If there is one class of our population more entitled to protection than another it is the tenants who have been induced to take short leases; and thus, in many cases, spend youth and manhood in making property, not for themselves and their children, but for their landlords. Am I expected to vote for such a class? If I stand aloof, I shall give my unflinching opposition. With reference to the loan, I did consider that some good might result from the Commission by obtaining it, but when I am told that that most important matter is to be eliminated from the Bill which it is proposed to introduce, I feel that the last plank in the tenancy's platform has been knocked from under their feet. Looking at this Award in all its features, I ask where are the advantages to the tenants? Let us be told that the remission of arrears is a great boon. Let us consider what benefit the people derive from that. The Award says that all arrears of rent up to 1st May, 1858, shall be remitted. When the Commissioners were about to leave the Island, they recommended that the tenants should pay the current year's rent pending the making of the Award. Hundreds complied with that recommendation; and will the people forget the degree of activity manifested by proprietors to secure by any and every means the purchase of those tenants who had complied with the law of the land, which I very much doubt—whether it should be to form a tolerably correct idea of the extent to which this remission has benefited the people. The greatness of the "boon" is shown by the beneficiaries themselves, for they tell us that the remission would occasion little or no loss to the landlords. When before the Commission, one proprietor stated his willingness to sell his land at 15s. per acre, being 25 per cent. less than the maximum price fixed by the Award. It was but a few days ago that one of my constituents arranged with the proprietor of Lot 55 for the purchase of 50 acres for £40, with reasonable time to pay for it. There is scarcely a landlord in the Island who would not give better terms for the purchase than those contained in the Award, which the only portions which can be considered as intended to benefit the tenants are those relating to the purchase of the lands and the remission of the arrears, and I have shown that they have been rendered practically worthless. The rest is for the benefit of the proprietors. Their titles are confirmed; the Quit Rents are remitted; the Fishery Reserves are given up to them. Are these "boons" to the tenancy? The proprietors may lay the flattering unction to their souls, that by assenting to the proposed Bill, those matters will be forever laid at rest, but our laws are not like those of the Medes and Persians. It will be quite competent for a subsequent Legislature to modify or repeal in toto any Bill we may pass on this or any other subject.

I will now make a passing allusion to a personal matter. A charge has been frequently made against me, both in this House and elsewhere, that I am anxious to obstruct the settlement of the Land Question—that I have a personal interest in opposing a chronic disease in the public mind. I meet the imputation by asking what advantage would accrue to me from such a course? All my prospects are centered in the Island. My happiness and prosperity depend upon the prosperity of this my adopted home, and nothing is farther from my disposition than to do anything calculated to obstruct the development of its resources and the spread of kindly feelings among the different classes of its inhabitants. I have resided here nearly nineteen years, during eight of which I held a public office and the remaining eleven were spent in opposition to Government. Before I took office and after I left it, I was as happy and contented as during the period I spent in it. I have earned my bread by the discharge of my duty as a member of the society. The charge is based on the assumption that I am desirous of obtaining a public office, which is not my desire, and I see no reason why I may not seek, by legitimate means, to gratify it. I am not aware that my political opponents have a patent right to monopolize the public offices of honor or emolument. If the time shall arrive when the party I belong to shall come into power, I trust they and myself will never be in a position which would render us liable to the charge of tripping, prostration, or treachery, inconsistency, and that we will never give our opponents a chance of saying that we were playing into the hands of the proprietors while we professed to be acting for the benefit of the tenants. God knows their condition is hard enough without their being made the victims of deceit and trickery. The Government, as a class require the fostering care of a paternal Government, and deeply do I regret that they have not received from the present that consideration which their situation requires.

Mr. HOWAT—I must give the hon. member credit for consistency at least, for he has opposed the Commission from the time of its introduction to the resolutions which led to its formation. After the Commission arrived in this House, the *Advertiser* denounced the Commission as a mockery, and a snare, and he advised the people not to attend the Court. This had a certain effect on the minds of the people of the country, who did not consider themselves so wise as the editor of a newspaper. The consequence was that the attention was first was rather narrow, but it improved after the people had ascertained the extent of the powers of the Commission. Again, after the exposition given by Hon. Mr. Howe, the hon. member characterized the Award as useless and impracticable. The Opposition have but two courses open by which they can hope to return to power. One is to thwart every measure which may be beneficial to the country, the other, to support whatever may be injurious. The course of the hon. leader of the Opposition and the hon. member, Mr. Whelan, on this matter is just what might be expected. It is as natural for them to oppose any measure calculated to promote peace and prosperity as it is for a duck to swim. Yesterday the leader seemed inclined to go for the Bill, but he soon strayed to the right and to the left. The resolution introduced by the hon. leader in the Government in this House goes simply to confirm the Award, and, therefore, the question is, shall it be confirmed or not? But the first deviation of the hon. member was his desire to make it binding on all proprietors. He afterwards introduced a resolution for securing the interest on £100,000. It was evident to me that he did not wish that the Award should be confirmed. He appears, however, not to be in a position to lead the way of the minority. He has been told by some of the minority in pretty plain terms, that his resolutions will not receive their support. Having submitted the settlement of the Land Question to three competent referees, it is but right that we should confirm their decision. If we do otherwise, and repudiate the Award, in what position would we place ourselves with reference to the Imperial Government? We should be guilty of a breach of faith which the mother country would not countenance for half a dozen such Colonies as this. The Award is calculated to benefit the tenancy, notwithstanding the long speech of the hon. member, Mr. Whelan. He may think that he can make people believe that black is white, but it will not be a good deal of talk to make a man believe that a man owing £100 or £150 arrears of rent is not benefited by a remission of all but £18 or £20. He may say that the arbitration clause will do no good; but who will believe that no benefit will arise to the tenant from having three disinterested parties to fix the value of his farm? He may impute ignorance to the people of the country, but I can tell him that there are many people quite competent to act as arbitrators, and with whom his assertions will be regarded as worth less than nothing. I admit that there has been and still is a good deal of distress in the country, and I am heartily sorry that such is the case, but there are many tenants able to buy their farms who will avail themselves of the Award. Yesterday the hon. Mr. Yeo stated that Lot 16 would likely be in the market, and that it would probably be obtained on such terms as to allow of its being sold to tenants at a low rate. This shows the effect of the Commission. Proprietors will sell without arbitration, and the tenants will be settled without trouble. The hon. member's allusion to the subject of Quit Rents, as dealt with by the Commissioners, suggests the enquiry, when his party was in power, might they not have effected a similar concession of them? Now, when that party had not effected a similar concession, and when that party had attacked upon the Government. The Government is able to defend their own acts; but as one of their supporters, I can tell the hon. member that so far from seeking to coerce the proprietors, his party when in power supported their interests.