

be £600 per annum; and the question being put thereon, it was carried.

SALARY OF THE SUCCESSOR OF THE PRESENT MASTER OF THE ROLLS.—On coming to consider the salary of the successor in office of the present Master of the Rolls, whose salary is fixed by Statute at £500 per annum, the hon. Solicitor General rose and said he would move that the part of the clause, relating to the reduction of the salary of that functionary's official successor be struck out. He did so, because a salary of £500 a year was, he thought, the very lowest which this colony or any other, having a Legislature, could, with any regard to propriety, offer that functionary. The idea of procuring a competent, independent, impartial, Equity Judge for a less annual salary than £500, was excessively preposterous. £600 a year for the Chief Justice and £500 a year for an Assistant Judge, being together £1100 per annum, was an exceedingly low estimate for the maintenance of the Judicature of the colony. In other colonies, the revenues of which as compared with their expenditure, did not greatly exceed those of this Island. A Master of the Rolls was allowed as much as £800 per annum, an Assistant Judge £500 or £600, and the Chief Justice £800. The question ought not to be regarded as a party one; for the proper, the independent, the impartial administration of justice was of equal importance to all. And he would remind the House, that His Excellency, in his Message, does not admit of any interference with the salaries permanently fixed by Statute, and makes non-interference with such salaries necessary to his passing the Bill. If, the *et cetera*, they desired to see the Bill becoming law, it behoved them to pay proper deference to that intimation of His Excellency. But independently of all consideration of His Excellency's instructions on that head, he was at a loss to understand, how any reasonable man could expect that a lawyer of sufficient experience and capacity, combined with sufficient respectability of professional and private character, could be found willing to abandon his practice and emoluments at the bar, and accept of the office of Master of the Rolls, conjoined with that of Assistant Judge, for a less salary than £500 a year. He was but a man of low professional character and limited practice, whose professional income fell much short of £400 a year; and should the annual salary of Master of the Rolls and Assistant Judge be reduced to £400, the appointment might go a-begging, or the seat upon the bench be occupied by some Ninny, too deficient in abilities to earn a livelihood by his profession. Our practice, lives and properties might be dependent upon his decisions, and as a Chancery Judge, his judgments might involve the security or loss of property to the value of thousands and thousands of pounds. He hoped there would be found sufficient sense in the committee, to determine the propriety of appointing such a salary to the office, as might afford a reasonable hope of its being filled by a man of integrity and sufficient capacity; for all were equally concerned in the qualification of such a functionary.

Mr. COLES replied that, should the majority of the House consent to allow the additional £100, so earnestly sought for by the Hon. Solicitor General, he was afraid, that it would not be long before the honorable and learned member himself and his party, were found placing it on the Dr. side of the majority's account with the country; and quoting it against them as a proof of their want of economy. Although the Hon. Solicitor General seemed then to make very light of a salary of £400 a year; yet he (Mr. C.) would not be surprised should, it some day appear that the hon. member was well disposed to give the preference to such a certainty rather than continue dependent upon his chance practice at the Bar. That, however, mattered little to the people; their concern was—and the duty of their representatives was to see it—that no official salary should bear an undue proportion, either to the duties of the office, or to the public means. £400 was, in his opinion, quite sufficient, both as regarded the amount of official duty, and the public ability to defray the salary. The duties of the Master of the Rolls and Assistant Judge extended to the sittings

of the Supreme Court, and occasionally to the court of Chancery; and yet his salary was to be equal to that of other officials, whose duties required their daily attention and whose responsibilities were quite as great as those of that legal functionary. As to the fear expressed by the Hon. Sol. General, that no respectable member of the Prince Edward Island Bar would accept the appointment for so trifling a Salary as £400 a year; yet it might, perhaps, relieve the hon. and learned member from his anxiety and dread on that score, to be informed that there was no scarcity of lawyers in the neighbouring Provinces; and that should this Colony be at a loss for a Master of the Rolls, we might very easily procure one from New Brunswick, were the List of the members of the legal profession extends to between 150 and 200.

Mr. LONGWORTH said the Salary of a Judge should be such as to place him above the suspicion of being unduly influenced in his decisions; and for a less salary than £500 per annum, he did not think that any fully competent lawyer would consent to relinquish the emoluments of his professional practice. Sure he was that a less salary could not be regarded as any guarantee for integrity and independence in the exercise of judicial functions. It was indeed strange conduct for men to propose a reduction of a Judge's salary, so moderate as £500 currency, or £350 sterling per annum, and that when they must be very well aware, that his duties and responsibilities must be on the increase; but the wisdom or propriety of such a step was what they little regarded, so long as it would look well upon paper and help them to gull the people.

Mr. LAIRD thought the proposed salary of £400 was an ample remuneration for the services to be performed for it; and he would vote for no more.

Mr. FRASER said the extinction of the Court of Chancery was already contemplated in Nova Scotia, and he hoped the day was not far distant when it would be found advisable, and for the general good, to dispense with its existence in this Colony. Courts of chancery had long been proverbial for the evils of delay, and they ought rather to be named Courts of Procrastination, than Courts of Equity.

The question being then put, by the Chairman, on the motion of the Hon. Sol. General, "That relating to a reduction of Salary, as respects the official successor of the present Master of Rolls be struck out," it was lost: Messrs. Douse, Longworth and Haviland, only voting with the Hon. Solicitor General in favour of it.

Mr. COLES then moved, "That the blank left for the amount of annual salary be filled up with £400;" and the motion being carried, the blank was filled up accordingly.

COLONIAL SECRETARY AND CLERK OF THE EXECUTIVE COUNCIL.

Mr. LONGWORTH moved that the Offices of Colonial Secretary and Clerk of the Executive Council be combined, as in Nova Scotia, which, with respect to political movements, appeared to be the guiding Star of the Majority.

Mr. COLES replied that the duties of the two offices were incompatible. The Colonial Secretary was, if not necessarily, at least very properly, a Member of the Executive Council; whilst the clerk was the servant of that body. It was, therefore, very clear that the same individual could not, with propriety, act in both capacities. The combination proposed by the majority was that of the clerkships of the Executive and Legislative Councils.

Mr. POPE said it would not be prudent to combine the Offices of Colonial Secretary and Clerk of the Executive Council. The Colonial Secretary would have a seat at the Executive Board, and it would also be requisite that he should be a member of the Legislature; and his freedom of action in either capacity, ought not to be impeded by the obligations of servitude. It had always appeared to him very improper, that an Adviser of the Governor should be the Clerk of his Council, and have an individual interest in proceedings of that Body. But, independently of the consideration of that impropriety, he thought that it would be found the Colonial Secretary had quite enough to do,

without having imposed upon him the discharge of the duties of Clerk of the Executive Council.

The question being then put on Mr. Longworth's motion, it was lost; there being only six in favour of it; viz: Mr. Longworth, Mr. Douse, Mr. Haviland, Mr. Yeo, Mr. Montgomery, and the Hon. Sol. General.

SALARY OF THE COLONIAL SECRETARY AND ROAD CORRESPONDENT.

Mr. LORD said, that if the duties of Road Correspondent were to be discharged by the Colonial Secretary, and for the one salary, he would not think £450 too much, if not, he would not go for a larger salary than £400.

Mr. COLES explained that when Mr. Lord, in a former Session, expressed his determination to vote for no more than £400, he was not aware of the contemplated union of the two offices; not having been in his place when that intention was stated; but when he (Mr. Lord) agreed that £450 would not, in such a case, be too large a salary.

Hon. Mr. THORNTON thought, that if the duties of Road correspondent were to be combined with those of the Colonial Secretary, a salary of £450 a year would not be too much. The union of the two Offices would, no doubt, occasion a considerable increase in the amount of public duties, to the Colonial Secretary; but it would be a great saving of time and trouble to persons from the country, when they should be able to transact their road business in one office, without having to run backwards and forwards between two; and it would be nothing more than fair that the officer discharging the duties of the two departments, for the convenience of the public, should be adequately remunerated for the additional amount of public service performed by him, in consequence of the union of duties.

Mr. LORD said, that having thought over the question again, and taken into consideration, that the House had been forced to grant the pensions against their will, he would move that the duties of Road Correspondent should be performed by the Colonial Secretary; and that his salary for discharging the duties of both offices be £400.

Mr. CLARK was not prepared to vote for more than £400, which he understood to be the salary previously agreed to by the majority.

Mr. COLES was surprised that the hon. member (Mr. Clark) could have so understood the intentions of the majority; for he (Mr. Coles) was sure, that it had been distinctly stated that the office of Road Correspondent should be connected with that of the Colonial Secretary, and that the salary for the performance of the united duties should be £450.

Mr. POPE ironically observed, that perhaps the best way would be to put the office up to tender; and give it to the lowest bidder. Surely hon. members were very well aware that the Colonial Secretary would have to employ a competent Clerk, to whom he would have to pay £100, £120 or £150 a year; for no competent and otherwise eligible individual could be expected to discharge the duties which would devolve upon him, as a Clerk of the Colonial Secretary, for less. Under the Responsible system, the Colonial Secretary would be required to have a seat in the Legislature; and as during its sittings he would be almost wholly occupied with his legislative duties, it was very clear, that the services of a Clerk, and a very competent one too, would be required in his Office. What then, should the Colonial Secretary's salary be fixed at £400, would be left him, as a remuneration for his services, and an income whereby to support himself in that degree of unqualified respectability which ought to be inseparable from an office so immediately connected with Her Majesty's Representative in the Colony? Such mistaken economical reductions or cutting down of salaries were actually degrading, and calculated to bring discredit on the Colony. It ought to be remembered that in fixing the salaries to Public Officers, hon. members were not voting for a party; for under the operation of the Responsible System, offices would not be patented either to individuals or party; but the holders of them would change with every great change of

public opinion concerning the Government. The respectability which ought to attach to any office, ought to be taken as a guide in determining the amount of salary.

Mr. DAVIES moved that, to Colonial Secretary, the words, "and Road Correspondent" be added; that there might be no room for misapprehension, as to the nature or extent of the duties to be performed for the salary to be attached to the Office of Colonial Secretary.

The question was then put on Mr. Lord's motion that the salary be £400 per annum, which was carried, 12 voting for it.

SALARY OF REGISTRAR AND KEEPER OF PLANS. On motion by Mr. COLES, the annual salary of this Officer was fixed at £200.

SALARY OF THE CLERK OF THE COUNCIL. On motion by Mr. COLES, it was agreed that to any person who shall hereafter be appointed Clerk of the Executive and Legislative Councils, there shall be paid the annual salary of £120.

The House then resumed.

THE EXAMINER.

Tuesday, May 13, 1851.

Mr. WHELAN's second Letter to his constituents will appear in our next issue.

We trust our readers will excuse the little delay which occurs in the issue of "The Examiner." We shall make amends for all this so soon as the Legislature be prorogued.

The Legislature will be prorogued by His Excellency the Lieut. Governor on Thursday next.

The steamer *Rose* brought the usual Mails from the colonies and the United States, on Sunday evening last. The papers furnished contain little or no intelligence.

THE LAND QUESTION.

We give below the Despatch from the Colonial Office, laid before the House of Assembly, during the past week, in reference to the "Land question," out of which the Obstructives have been busy in endeavouring to create for themselves a stock of political capital. It is a complete demolition of the monstrously absurd fabrication, that the House of Assembly are obliged to abandon the question of the Land tenure, in order to procure the introduction of Responsible Government. In this Despatch the Colonial Minister has certainly issued his fiat against Echeat; but upon that subject public opinion, in this Island, has long been at rest. Earl Grey does not, however, seek to prevent the Legislature or Government from entertaining any other question in reference to the Land. On the contrary, his Lordship invites our attention to the necessity of effecting some amicable arrangement between Landlord and Tenant, and recommends the Lieutenant Governor to give his "best assistance with a view to passing any legislative measures which may be required to complete such arrangement."

The Bill to lessen the expenses in cases of Distraint, and the Bill (commonly called the One-ninth Bill,) to fix the rate of Rents reserved in sterling, both of which have passed the two Branches of the Legislature, and will, we presume, receive His Excellency's assent,—are still stronger refutations of the silly false-