COLONIAL LEGISLATURE.

LEGISLATIVE COUNCIL.

Afternoon Session, April 27.

Committee on the landlord and tenant Bill resumed.

Hon. Attorney General: I intend, your honors, to offer a suspending clause to the Bill before you; not that I deem it indispensably necessary; but to prevent any misconstruction by parties outside, which might ensue from the course which His Excellency would necessarily pursue when called upon to give his assent to it. His Excellency would reserve the Bill for Her Majesty's assent, and I think it would be better adapted to the comprehension of those parties to have a suspending clause inserted in the usual way. In future the reservation of Bills for Her Majesty's assent will take place in a different form from hitherto, for by the new Royal Instructions which are now in force in this colony, and bear date 2nd November, 1861, it seems the Governor of this Colony is authorized, whenever a Bill requires to be reserved for Her Majesty's sanction, to adopt the form used in Canada; and whether the Act contains a suspending clause or not, if it is of that kind which comes within the Royal Instructions, it is reserved for the declaration of Her Majesty. Now, this Bill is one which affects the private rights of persons out of the Island; and it therefore comes within the Royal Instructions. The Bill has come here without any suspending clause, and no doubt the members of the House of Assembly considered it unnecessary under the new Royal Instructions, but I think it is better in this instance to follow the old style, in order to avoid any misapprehension. I do not do so because I anticipate any effective opposition to the Bill, but it would devolve more especially upon myself, being the first law officer in the Colony, to see that the Royal Instructions were fully complied with. I therefore move that the following clause be added to the Bill:—

"Nothing in this Act shall have any force or effect till Her Majesty's pleasure therein shall be known."

Agreed to.

The President then resumed the chair, and when the Bill was reported to the House the Hon. Mr. McDonald again brought forward his motion, to strike out "fifteen" and insert "ten." The House divided thereon:—

Contents.—Hon. Messrs. McDonald, Walker, Lord, and Dingwell,—4.

Non-Contents.—Hon. Messrs. Attorney General, Anderson, Ramsay, McLaren, Goff, Beer, and Henderson,—7.

Hon. Mr. Dingwell also brought forward his motion, to strike out all that related to the fishery reserves and quit rents, and it was lost by the same division.

The House then, on motion, resolved itself into a committee of the whole House to take into consideration the reasons given by the House of Assembly for disagreeing to the amendments made by the Council to the Bill relating to the fraudulent marking of merchandize.

Hon. Mr. Beer said there were only two courses for them to pursue; and he would rather give way and withdraw their amendments than lose the Bill.

Hon. Attorney General had no objection to withdraw their amendments. They had struck out a principal part of the Bill, and it was not likely to be called in question except where articles were sold at wholesale; and the vendor could protect himself by giving a written notice that he did not warrant the mark on an article to be genuine. A man might still import articles on which the marks were spurious, and he might tell his customers that he did not warrant them. There was a good deal of force in the reasons given by the House of Assembly, and the responsibility of any inconvenience that might result from the operation of the Bill would rest upon them. He thought it would be well to have a law of this kind, and therefore was not disposed to adhere to their amendments at the risk of losing the Bill.

Hon. Mr. Lord was of opinion that the Bill would be of no service, and it would occasion a great deal of inconvenience. A merchant might be obliged to give a written document for the smallest article. It would be necessary for a merchant to have a lot of printed forms ready to be signed. We did not require any such law here. It would not have been thought of but for a few men who wanted to keep up their popularity, and he would vote for adhering to their amendments. Were members of that House going to alter their opinions because the House of Assembly thought proper to make suggestions to them?

Hon. Mr. Ramsay was of opinion, when the Bill was before the House, that if the amendment was carried the Bill would be rendered useless. He was not inclined to adhere to their amendments.

Hon. Mr. McLaren observed that the amendments went to destroy the substance of the Bill; and as he considered it desirable to have a law of that kind in all the British North American Colonies, in order to protect the British manufacturer from injury, to which he would be liable by articles of merchandize being fraudulently marked, he was willing to withdraw their amendments.

Hon. the President said if their honors would refer to the journals they would find many instances of the kind, and sometimes two or three conferences were held on a Bill. It was no disparagement to their honors to give way when an amendment was likely to prevent a Bill from passing. He thought the Bill would be a great benefit to the country, and he would therefore be willing to withdraw their amendments rather than lose it.

Hon. Mr. Anderson did not think the Bill was applicable to this country, and it would put merchants to a great deal of trouble.

Hon. Mr. Henderson said he had not spoken before because he wished to hear the opinions of those who were likely to feel the pinching of the boot; and after all he had heard, he was more fully convinced that he had done right in voting against the amendments; for he saw that if the Bill as amended became law, it would be of very little service, as the vital part of it would be destroyed. He did not wish to vote for any measure that would bear unjustly on the merchants; but, as his honor from Prince County (Mr. Lord) had said, they could take care of themselves, and he would expect that those who claimed to be such friends of the people would vote for withdrawing the amendments.

Hon. Mr. McDonald said he had fully expressed his opinion when the Bill was before the House, and the majority of their honors were then of opinion that the provisions of it were too stringent. He did not see the necessity for such a law here, though it might answer very well in the old country; neither did he see that the reasons given by the House of Assembly were sufficient to induce them to change their opinions. But it being a Government measure, and having been suggested by the authorities in Britain, he believed any objections they might urge would have very little effect.

Hon. Atty. Gen. said the Bill had been sent out from the Colonial Office with a desire to have a uniformity of law in all the Colonies on that subject, and it was only fair and honest that we should give aid to the laws of Britain as they did to ours.

Hon. Mr. Dingwell thought it would cause a great deal of trouble and expense to the merchants, and they would charge it upon the articles; so that instead of being a benefit it would be an injury.

Hon. Mr. Walker thought the Bill would have a very injurious effect, and only for the fact that it was a Government measure, he was sure it would not pass. It was said that the Bill was to protect the manufacturers, but they had not petitioned for it. He could not conceive the necessity for a Bill of that kind here, for every man importing goods would import the best he could. If he sold a bad article to a customer he would not call again. The leader of the Government wanted to know what the Legislative Council meant by sending the Bill back to the House of Assembly with such amendments; but he could tell the leader of the Government that he knew as much about the trade of the country as he did, and he could say that the Bill would have an injurious effect.

Hon. Mr. Beer moved that the Council do not adhere to their amendments.

Hon. Mr. McDonald moved, in amendment, that they do adhere to their amendments.

The House divided on the amendment:—

Contents.—Hon. Messrs. McDonald, Walker, Dingwell, Lord, and Anderson,—5.

Non-Contents.—Hon. Messrs. Atty. Gen. Ramsay, McLaren, Henderson, Goff, and Beer, —6.

Original motion agreed to.

A Bill relating to the settlement of the Winsloe Estate was read the second time, passed through committee and agreed to without any amendment.

On motion of the Hon. Mr. Atty. Gen., a Bill to alter the Act for the trial in a summary way, and to make certain provisions for the trial of appeals from inferior Courts to the superior Courts of Judicature, was read the second time, and the House went into committee thereon.

Hon. Mr. Anderson said he would like to know if summoning a jury for the trial of appeal cases, which the Bill would give power to do, would be likely to cost much more.

Hon. Atty. Gen. replied that expenses had been carefully guarded against.

Hon. Mr. Dingwell would feel satisfied if the Judge had power to call a Jury, but did not think that either party concerned should have that power. The party losing might be subjected to heavy costs, and therefore he thought it was a dangerous power to put into the hands of one party.

Hon. Mr. McDonald thought the principle was not a bad one. A matter of fact would be left to the Jury, but any question of the law would be left to the Judge. No person would object to leaving his case to a Jury if he thought there was a better chance of obtaining justice by that means.

Hon. Mr. Lord said, it would cost a good deal, and he did not see what was to be gained by it. He did not think there was any fault found with the decisions of the Judges.

Hon. Atty. Gen. said he had often heard the Judge remark that he wished he had power to refer the case to a Jury.

Hon. the President said it was not likely that the person who had gained a case in an inferior Court would ask for a Jury. The man who felt himself aggrieved would do so.

Hon. Mr. Anderson observed, that in some of the inferior courts in the other Provinces the magistrates had power to call a Jury in a case on any subject which they did not understand.

Hon. Mr. McDonald said that by the Bill the Judge or either of the parties would have the privilege of calling for a Jury, and the question was, whether it would not be better to confine it to the Judge alone. In nearly all cases the parties would like to have a Jury; but if it were left to the Judge alone to decide whether a Jury should be called, he, being a disinterested party, might be better able to determine whether or not it would be conducive to the ends of justice to have a Jury called.

Hon. Mr. Anderson said it might happen that a man would appeal for the very purpose of having his case tried by a Jury, and the Judge might say that the case was so clear that a Jury was not requried. He would leave it to either party to call for a Jury if he thought proper to do so.

After some further desultory debate, the Hon. Mr. Dingwell moved an amendment, confining the power to the Judge or Judges to call a Jury, which was agreed to.

The House was then resumed, and the Bill reported agreed to with a certain amendment.

The Hon. the Attorney General presented a Bill in addition to the Act relating to the office of Surrogate and Judge of Probate of Wills and for granting letters of Administration, which was received and read a first time.

Adjourned till to-morrow at ten o'clock.

Thursday, April 28.

Hon. Attorney Gen. moved the second reading of a Bill to alter the time for holding certain terms of the Supreme Court, in the several Counties of this Island, and in doing so observed, that the Bill had been called forth by a suggestion made by the Grand Jury of Queen's County, during the last term. The Jury had submitted that it would be a great convenience to jurors and others, who had business at the Court, if the January term were postponed one week later, because at the time it was held the roads were generally very bad, and the ice almost impassable. He thought there was just cause to complain, for he had known parties to withdraw cases from the Court, on account of the difficulty of travelling at that time, and the insufficient state of the ice, and therefore he thought it would be better to have the meeting of the Court one week later. But the Bill also interfered with the terms in Prince and King's Counties, and he did not think there was so much necessity for altering the terms in those Counties. The Court was opened in Georgetown, by law, on the second Tuesday in March, and it was proposed to change it to the first Tuesday. This he thought quite uncalled for. He thought there was not much necessity for changing the June term at St. Eleanor's from the first to the second Tuesday, as proposed by the Bill. It was true that in some seasons it might interfere with farming operations to hold the Court in the first week in June, but it was impossible to fix any time which would not interfere with some of the avocations necessary for the employment of mankind. If it were altered from the first to the second Tuesday in June, it might relieve the inhabitants from one degree of difficulty and carry them into another. However, it rested more immediately, perhaps, with their honors who represented that County, to say whether the alteration should be made or not. As an individual, he had no particular interest in it. His interest was to have the time so arranged as to suit the convenience of the greatest number of suitors and jurors. At least his inconvenience would be small in comparison with theirs.

Hon. Mr. Ramsay thought it would be a very great benefit to the people of Prince County to have the term changed from the first to the second Tuesday in June. Every person acquainted with farming operations was aware that the first week in June was a very busy time with farmers in this country. And when it was taken into account that jurors were sometimes summoned from the North Cape and West Point, it would be seen that it must be a very serious inconvenience to them. His honor the Attorney General had said that it might entail inconvenience in some other way, but he could not see how it could do so. The time at which the court was held had been complained of for a long time, and as he thought a change was necessary, he would support the Bill.

Hon. Mr. Dingwell had not heard any complaints about the time the court was held in King's County, and he thought the people were satisfied with it; but as the House of Assembly had thought it was necessary to have the time changed, he would not oppose the Bill.

The Bill was then read the second time, and the House went into committee thereon.

Hon. Mr. McDonald did not see any reason for making the alteration in King's County. He had never heard that it would be more convenient to hold the court in the first week of March than the second. The change in the term in Queen's County, it appears, had been suggested by the Grand Jury, and he thought it was very proper to comply with it; but he saw no reason for altering the term in King's County,—and besides the first week in March was very often stormy, and there was a greater probability of having fine weather in the second week. He would therefore move that the part relating to King's County be struck out.

Hon. Mr. Beer observed that the present session of the legislature had been put off till after the court at Georgetown, and it was considered that it was too late a period for the legislature to meet. When they met before the court, they had sometimes to adjourn during the sitting of the court; and it was thought that by having the meeting of the court at an earlier period the difficulty might be obviated.

Hon. Mr. Dingwell thought that was part of the reason why the change was made; but the alteration of one week would not be sufficient if the Government studied the convenience of the country. He was sure their honors must see that persons coming fifty or a hundred miles to attend the meeting of the legislature, at that season of the year when the roads were almost impassable, must be a very great inconvenience. He made those remarks, not so much in reference to the Bill as to the time at which the legislature was summoned to meet, and he hoped such inconvenience would be avoided in future.

Hon. Atty. Gen. said that with regard to Prince County he had heard occasional complaints, that the term of the Court interfered with the time of farmers putting in their seed; but he was of opinion that if they altered it they would get into other difficulties. He had no objection, however, to alter the term there, but he did not see any reason to alter the term in King's County. Unless there was some good cause assigned for it, they might conclude that it was very well as it was, and it was better to let well alone. The circumstance of the legislature having met so late in March, this year, was owing to the Government being anxious to obtain an opinion from Britain on the Land Question before they were called; but they could not make it a rule to have them to meet so late as the second week in March in future. Therefore to alter the term of the court from the second to the first Tuesday in March would make very little difference, as far as the meeting of the legislature was concerned. Besides, the weather in the first week in March was generally more stormy than in the second, and many aged persons who had business at the Court were unable to attend. He therefore thought it was better to leave the term as it was.

Hon. Mr. McDonald thought that if the legislature were to meet, as a rule, so late as they had done this year, it might interfere with the May term of the court in Charlottetown. He was of opinion that it would be better for the country to have the legislature to meet at an earlier period, and for that purpose it might be necessary to have the public accounts made up at the end of the year instead of the 31st of January, as at present.

Hon. Mr. Lord did not think the legislature would meet much before the first or second Tuesday in March, because the public accounts were increasing, and if the public officers had not sufficient time to make them up, they might be laid before the House in a worse state than they were this year. As it was, they were a considerable time in session before the accounts were laid before them.

Hon. the President said: If the legislature were to meet at an earlier period, they would have to increase their staff of public officers, particularly in the Excise department; and the first thing they would have to do would be to appoint a Financial Secretary. If they were to meet in February, they would have the business done before the public accounts were laid before them. He thought the roads were generally better in the first week in March than the second. He was decidedly in favor of altering the term in Prince County, and he did not see any objection to the Bill.

The question was then put on the motion to strike out all that related to King's County, and it passed in the affirmative.

House resumed,—Bill reported agreed to with an amendment.

On motion of the Hon. Atty. Gen., the Bill for settling differences between Landlords and Tenants, and to enable the tenants on certain Townships to purchase the fee-simple of their farms, was read a third time; and a motion being made, that the Bill do now pass, the House divided:—

Contents—Hon. Messrs. Atty. General, Anderson, McLaren Goff, Ramsay, Beer, and Henderson,—7.

Non-Contents—Hon. Messrs. Dingwell, McDonald, Walker, and Lord,—4.

So it passed in the affirmative.

On motion of the Hon. Atty. Gen., the Bill to continue for certain purposes the Land Assessment Act of the 11th Victoria, Chapter 7, and the several Acts in amendment thereof, and for other purposes therein mentioned, was read the second time and the House went into committee thereon.

Hon. Mr. Ramsay observed that the Government had been paying for land which was not to be found. A great deal of it was under water, and the Government were paying for advertising it from year to year. He believed too that some parties were evading the land tax. The Sheriff could not find it out, and he was obliged to sell by metes and bounds. He thought it was a pity the Bill did not go a little further, and authorize the Sheriff to sell the land and let the purchaser find it.

Hon. Attorney General said, he was not aware that the Bill contained a clause of that kind. He thought the object of it was merely to continue the present Acts till the remainder of the tax for the past year would be cound up. Every one of their honors must agree that it would be very desirable to ascertain the exact contents of each township, for it would be saving a great deal to the Government; but they might not so generally agree as to the mode to be adopted in order to do so. He thought that by the mode prescribed in the Bill more expense would be incurred than parties were aware of, and unless the exact amount of land were ascertained, the remedy would not be complete. And, even then, the Sheriff might have great difficulty in finding out what part of the township lands have been proclaimed for arrears of land tax. The clause provided that three commissioners should be appointed to ascertain the area of the several townships throughout the Island; but he thought it would be impossible for them to ascertain it by that means, for the townships were private property, and the owners might not permit the commissioners to pry into the area of their estates. And if they took it from the plans they would be likely to lead them astray. The plans filed in the office were few and very old and would afford very little information as to the area of the different townships. Then what were they to do? Were they to make a survey of the different estates? that would be a serious undertaking and would incur a great deal of expense. There were places where the lines of townships were in dispute, and how could the Commissioners ascertain where the proper boundaries where? They would be required to do that which had puzzled the Commissioners for establishing boundary lines for many years. And suppose they were to make an accurate survey of the townships, what were they to do with the Rivers and Bays? They would have to distinguish between land and water; where a wide river ran through a township, were they to conclude that was a part of the township or not? It appeared to him that they could not give a satisfactory return. He could very well imagine how the Commissioners could employ officers and run up an account of £400 or £500. A large amount had been expended to ascertain the quantity of land in the Worrell Estate, and yet it was not known to the present day. The vendors said it contained so many acres, and the Government said, no, it is so many less. He observed that the clause limited the amount of remuneration to the Commissioners to £50, but he did not think he would undertake it for £350; but he did not know what a surveyor might do.

Hon. Mr. Anderson was of opinion that if parties, when they were paying their land tax, were compelled to state on what part or what division of the township the land for which they paid was situated, it would then be easy to ascertain where the land was for which the tax was not paid, and it would obviate the necessity for a survey.

House resumed—Bill reported agreed to.

Hon. Attorney General moved the second reading of a Bill to consolidate and amend the several laws imposing an assessment on all lands in this colony and for the encouragement of Education, and on doing so remarked that it made no alteration in, but was merely a consolidation of, the laws already in operation. There were several laws for that purpose and they had become very much complicated.

Bill read and committed.

Fifth section read.—

Hon. Mr. Ramsay observed that this clause referred to the same subject as the one they had been discussing in the Bill previously under consideration. It was impossible for the Sheriff to find the land for which the tax had not been paid. A great deal had been sold and not settled upon, particularly in the western part of the Island, which greatly increased the difficulty. He was aware that it cost the Government a great deal; a few years ago he was Sheriff of Prince County, and his deputy sent in his account, and instead of anything being realized from the sales, he brought the Government in debt. He was still of opinion that if the Sheriff were allowed to sell the land and let the purchasers find it, it would answer a better purpose.

Hon. Mr. Lord would like to know how the purchasers could find the land if the Sheriff could not do so. He believed that was the mode pursued a few years ago, but the Act was found not to work well and it was amended.

Hon. Mr. Anderson thought that if the old Act were revived it would work better than the one now in operation. The Sheriff could get a list of all who had paid tax, and he could sell all the land not included in that list. At present the Sheriff and Surveyor were at a great deal of trouble and expense, and they could not find out the land.

Hon. Atty. Gen. did not think it would be well to revert back to the old loose and inconvenient Act. He thought it was opposed to the principles of law to sell and buy land on an uncertainty. Formerly it was the custom for the Sheriff to sell a thousand acres of land for the tax, and when the purchaser asked him where it was, he would say, "Oh, it is on several townships. You must find it, and when you get it surveyed and bring me a description, I will give you a deed." He thought that mode was very objectionable. It was too much of a gambling transaction, and it was likely to lead to contention and breaches of the peace. He thought the law was far better as it was.

House resumed, and progress reported.

Adjourned till four o'clock, p. m.

Afternoon.

A message was brought from the House of Assembly, by the Hon. J. C. Pope, with a Bill intituled "An Act for raising a revenue."

The land assessment Bill was recommitted and reported agreed to.

On motion of the Hon. Mr. Beer, the Bill to alter the Act for the trial of actions in a summary way, and to make certain provisions for the trial of cases of appeal from inferior courts to the Supreme Court of Judicature, was read a third time and passed.

On motion of the Hon. Atty. Gen., the Bill for the settlement of the Winsloe Estate was read a third time and passed.

The Bill relating to the office of the Judge of Probate was read a second time, committed, and reported agreed to.

The House was then occupied in committee on the revenue Bill up to the hour of adjournment.

Friday, April 29.

The Bill to continue for certain purposes the Land Assessment Act, and the Bill to alter the time for holding certain terms of the Supreme Court, were severally read the third time and passed.

The Bill to continue certain Acts therein mentioned was read a second time, committed, and reported agreed to without any amendment.

On motion of the Hon. Attorney General, the Bill in addition to and in extension and amendment of the Act to authorize a cash account to be opened by the Governor in Council with the Bank of Prince Edward Island was read a second time, and committed to a committee of the whole House. After some time, the House was resumed and progress reported.

The Bill to provide for the payment of certain debentures was then read a second time and committed,—Hon. Attorney General in the chair.

Hon. Mr. Beer: I am sorry that this Bill has been brought forward in the absence of His Honor from Prince County (Mr. Lord), who had made a charge against the Public Land's Office, or against the gentleman who at present holds the office of Commissioner of Public Lands, in a speech which his honor delivered here some time ago on the subject of the Public Accounts, and which has lately been published. When the Commissioner had read that speech of his honor, he felt rather annoyed about it, and he has handed me a voucher, from which it will be seen that there was no foundation for the attack which his honor made. These debentures were to be issued for the payment of the debt contracted in the purchase of the Worrell Estate ten years ago, and from which estate not £1000 have yet been realized to pay the first cost, nearly all the proceeds having been eaten up in the expenses of working the estate and the loss of land tax; and in making this calculation, the other estates purchased by the Government have been charged with their proportion of the expences of the Land Office. It will be seen by the disbursements of the last year that of the £2514 5s. 6d. expenditure, £1297 13s. 7d. (more than one half) is for expenses of the Worrell Estate alone; also, that the Selkirk, Stansfield, and Montgomery Estates combined, only cost £600 in expenditure, not one half of the cost of management of the Worrell Estate, although of larger extent. The expenses of Lot 11 were £156 7s. 1d.; of the Selkirk Estate, £357 6s. 6d.; of Lot 54, £196 19s. 1d.; and of the Montgomery Estate, £49 1s. 9d. On the Worrell Estate, with the exception of about £800, the whole amount of £20,650 still remains due, and to be paid to the holders of debentures for the purchase thereof this present year. Whereas, on three estates purchased by the present Government, the sum of £6570, over and above the expenditure, has been paid into the Treasury; leaving the balance due on the three estates a little over £8000,—that is, nearly one half of the purchase money has already been paid, while only from one to three years of the ten allowed by the Act have yet expired. So that the estates purchased by the present Government will not only be self-sustaining, but will actually leave a profit, while the Worrell Estate will be a dead loss to the country. The expenses of the Land Office are now about £200 less than they were during the time of the late Government, though the quantity of land to be managed is more than double.

Hon. Mr. Walker: There are no roads opened now.

Hon. Mr. Beer: Yes, there were twelve miles of roads opened last year. I am sorry that his honor who made that charge against the Land Office (Mr. Lord) is not present, for he would see what became of the money. However, the Government is bound to see those debentures paid, and there is no way of doing so but to authorize the issue of new debentures. The faith of the country is pledged to see them paid.

Hon. Mr. Dingwell: If his honor rose to correct a statement of a member of this House, I think he should have done so when he was present. It is not fair to insinuate that the statements of any hon. gentleman are not correct, when he is not in his place to defend them.

Hon. Mr. Beer: I did not say that his statements were not correct, nor anything of that sort; but I called attention to how the money was expended which he spoke about.

Hon. Mr. Dingwell: His honor said such and such was the case; now I want to know if the statements of his honor (Mr. Lord) were correct or not. Did he state the facts of the case?

Hon. Mr. Beer: His honor wanted to be enlightened,—he wanted to know how it was that the expenses of the Land Office were so large, and I have shown how it was.

Hon. Mr. Dingwell: Then I am to understand that his honor's statements were correct; and if so, I do not think that he should be taken by surprise. A charge should not be brought against him when he is not in his place. I am at a loss to know how the expences of the Land Office can be so great, and if they cannot be curtailed, I would advise the Government to sell the land as quickly as possible and close the office. It is said that the Selkirk Estate is self-sustaining, but it does not appear so from the advertisements in the *Royal Gazette*.

Hon. Mr. Beer: The figures show plainly that it will be self-sustaining.

Hon. Mr. Dingwell: Well, I am happy to hear that one measure which the Liberal Government introduced is successful.

Hon. Mr. Beer: If it had continued to be carried on as it was the first few years after it was passed, it would have ruined the whole country; but it has come into other hands, and it has been shown that it can be worked so as to be a great benefit to the colony. A very inexperienced hand may build a ship but cannot sail it.

Hon. Mr. Dingwell: If all the spars do not go overboard, the ship may clear the headlands; but she is in heavy weather, and I am afraid she will founder. Your honors have no reason to complain of the Liberal Government for introducing that measure. I would support any measure introduced by the present Government which I thought would be as much benefit to the people.

Hon. the President: That portion of the ship relating to the Worrell Estate was left in such a condition by the late Government that the present Government have been unable to repair the damages, and the present Bill is brought in for that purpose. It is to authorize the Government to issue debentures to the amount of £20,000 to repair the damages, and therefore I do not think that favorite measure of the Liberals is going to be such a benefit to the country after all. But it is no use to mourn over those things. The late Government entered into the contract and the present Government must make it good. Any Government might fail in the same way, but every Government is bound to carry out the acts of their predecessors. It was the first speculation of the kind, and—even in mercantile transactions—one man may fail and another make a good business of it, and I hope it will be so in this case. I do not see any use in holding a large estate like that which will not pay the expense of managing it. It would be better to sell it at a very low figure, and then we would have the land tax, if nothing more.

Hon. Mr. Henderson: I do not see much use in discussing this Bill; but it is somewhat remarkable that the expences of the Land Office are £200 less now than they were when the Worrell Estate alone was to be managed, and it would show that the business in that office is conducted in a satisfactory manner. His honor from Bay Fortune (Mr. Dingwell) says he does not see much cause to complain, with regard to the Land Purchase Bill; but what I complain of is that so much time is consumed by one party retorting upon the other,—the late Government retorting upon the present, and sometimes affirming what is not fact. It is said, for example, that the present Government repudiate the Land Purchase Bill, which is not a fact. I would not take advantage of the late Government in regard to the Worrell Estate, if they would not turn round and retort upon the present Government in the manner which they do. And while I am honestly a supporter of the present Government, I would not support what I did not think was right. The present Government are charged with repudiating the Land Purchase Bill, but I have praised it. Yet if it is said that it will answer in all cases, I deny it; it will only be a benefit to the country when the proprietors are graciously pleased to sell. It will only extend as far as the proprietors will allow it to go. If it be affirmed that the present Government have repudiated the Land Purchase Act, surely their purchase of the Selkirk estate and the Montgomery estate cannot be called repudiation. Is it fair, then, that such things should be sent to the country as facts, when they are not? I think it would be far better for all parties to admit what is defective,—for each party to make allowance for their neighbors and their neighbors for them. But that is not the order of the day; it is rather to magnify each other's failures; and this remark is particularly applicable to the present opposition. Erroneous statements are sent forth to the country; they know best for what reason, but I know what those statements are calculated to do. They are not the friends of the country who send forth garbled and colored statements to rouse up the people. A cause that requires such spasmodic action to bolster it up is in greater danger than the ship referred to by one of your honors. As to that ship, I believe it only wants a pennyworth of tar to make it fit to weather the storm,—yes, and greater storms than any it has yet experienced!

Hon. Mr. Dingwell: Really his honor has made out a very good case, and he is capable of making a very plausible speech; but I think there is some depression upon his honor; there is not that fire in his speech which he usually exhibits. But why is there no reference made to any other but the Worrell Estate? There is not a word said about Lot 11. No, it does not suit your honors to say anything about that. What I meant to say was, that the late Government passed the Land Purchase Bill, and when the present Government came into power they could not do any better than follow out the principles which the Liberal Government established. If the purchase of the Worrell Estate was unfortunate, are we to put Lot 11 along with it, and say that it is unfortunate too? I believe there were more settlers made freeholders on that Lot by the Land Purchase Bill than will ever be made free by that famous Bill which has just been passed.

Hon. the President: His honor wishes to show that the present Government have been following the steps of the late Government, and why should they not do so, if their measures were good? But who opposed that measure when the present Government went to carry it out? I hope that when the Liberal Government comes into power again they will find some of the acts of the present Government which they will approve of.

Hon. Mr. Henderson: I did not charge any member of this House with saying that the present Government had repudiated the Land Purchase Bill; but yet such statements have been made, and if the party which I support required such misstatements of facts to bolster it up, I would turn my back upon it. I would resign my seat before a week. The present Government, instead of repudiating the Land Purchase Bill, have, by carrying it out, shown the honesty of their intentions to do all they can to relieve the tenantry. They have worked upon that Act even when their own scheme was in progress. They have done the same with regard to the Education Act, and who would do otherwise? One of my first promises to the people was, that whoever brought forward a good measure, I would support it, and I promise to do so now.

Hon. Mr. Ramsay: I do not see any use in saying so much about this Bill. The debt has been contracted, and I do not see any other way to pay it but to pass this Bill. I do not blame the Liberal Government for passing the Land Purchase Bill. The Worrell Estate was the first estate purchased, and they did not know how it would work. I think there must have been a good deal of mismanagement or extravagance in working that estate, but probably they would have managed the next estate better. The accounts will show that the Selkirk Estate, Lot 54, and Lot 11 are paying better.

Hon. Mr. Dingwell: I have no objection to passing the Bill; but there has been a great deal of reflection thrown on the managers of the Worrell Estate. When that estate was purchased, it had to be surveyed, new roads had to be opened, and an Office had to be created. All these were expenses which the present Government had not to incur.

Hon. Mr. McDonald: When I take up the report of the Commissioner of public lands, and carefully compare the figures with the statement of his honor from the second district of Queen's County (Mr. Beer), that "on the Worrell Estate, with the exception of about £800, the whole amount of £20,650 still remains due," I cannot reconcile them. The estate cost £23,500, and when we deduct the amount for land sold, it will leave a balance of £8630. To meet this, there are 5824 acres of land yet unsold. Therefore, I cannot see that there can be such a loss as has been said by some of your honors. I have no doubt but there may be some loss, but it was an experiment — it was the first land purchased by the Government, and the present Government have the experience derived from the working of that estate to guide them,—they could see where any mistakes were made by the late Government, and therefore they had a better opportunity of working the estates which they purchased in an advantageous manner. They were thus prevented from purchasing estates which would entail a loss upon the country — at least I hope the estates which they have bought will leave a balance to the credit of the Government, as his honor (Mr. Beer) said. But I believe the Bill before us is necessary to pay off the debt contracted: and trusting that the interest which will accrue on the debentures to be issued will be again returned from the parties purchasing land on that estate, I will support the measure.

Hon. the President: His honor from Bay Fortune (Mr. Dingwell) is very fond of comparing the present Government to a wrecked ship, among the breakers and the masts going overboard; but I see that the present Government have worked the ship of State, at least in this particular, with far less expense than the late Government did. I observe that the expenses of the Public Land Office, during the four years preceding the year 1859, amounted to the sum of £2,672, and during the first four years which the present Government held office, with the addition of 75,000 acres of land to manage, they amounted to £739 less. Now, this is enough to convince me that the present Government, which would appear from the statements of his honor to be among the breakers or among the rocks, with the spars carried away, have so far managed the ship of state that they have worked the Land Purchase Act with a saving to the country. I think this is so far in favor of the wrecked ship.

Hon. Attorney General: The whole of this debate has, I believe, been called forth by some remarks of his honor from the first district of Prince County (Mr. Lord), who is now absent, on the 16th of the present month; and those remarks of his honor were in answer to some observations of mine on the subject of returning the Public Accounts to the Auditors, for the purpose of correcting some errors. His honor, at that time, rather diverged from the subject, and spoke of the state of the Public Lands Office. He asked what had been done with the £2000 expended in the Land Office, and how was it that it costs 45 per cent. to collect money in that office? I think the question has already been very well answered, and it is unnecessary for me to go into it at length. His honor, no doubt, had the Public Accounts before him when he asked those questions, wherein the total receipts of the Land Office were carried out £5400, and the total disbursements £3514 5s. 6d., leaving a balance of about £2000; and this was the whole expense of managing the Government lands of the Colony during the last year. I regret that his honor is not present, for if he were he would find that the amount which was expended, [illegible] the £2514, £1297 is the expense of the Worrell Estate, and that the Selkirk, Stansfield, and Montgomery estates combined did not cost half the amount. [illegible] the report. I hope, satisfy his honor that the Land Purchase Bill, or the merits of it, as I am sure, [illegible] by the present Government either directly or indirectly. I recollect [illegible] the Government make a similar declaration [illegible] the present Government [illegible] a view to repudiate the principle of that Act. The Accounts only refer to expenses of the Land Office [illegible] less [illegible] vernment, [illegible] the loss is to be attributed to the liberals [illegible]

Progress was then reported, and the House adjourned till four o'clock, p. m.

AFTERNOON SESSION.

The Bill in addition to the Act relating to the Judge of Probate was read the third time and passed.

The Bill for raising a Revenue was recommitted and reported agreed to.

Adjourned till to-morrow at ten o'clock.