definite conclusion would appear to have been arrived at with regard to it, during Earl Gray's continuance in office. It did not, however, receive the royal assent, and another Bill was subsequently passed under another title, with a view to accomplish the same purpose. This latter Bill, being strongly advocated by the official men of the Colony, as a Government measure, was finally sanctioned by the royal allowance; some slight amendment which did not affect the principle contended against, being suggested at the Colonial Office, and concurred in by the local Legislature.

The next measure of the Assembly was in the Session of 1852, to augment the then exsisting Land Tax, by an additional assessmeut on all Township Property, whereby wilderness land is now taxed at thirty-seven and a half per cent. higher rate than such as is under cultivation, being nine shillings and two pence on every hundred acres of waste and uncleared land throughout the Island, without distinction as to value, or capability of improvement—a measure, as your petitioners believe, having no precedent in the annals of British legislation; and a law was passed at the same time prohibiting rent which could by any possibility be made the subject of distress, from being sued for in the Courts for the recovery of Small Debts, although such Courts were previously open to suits for rent as for any other ordinary action for debt, within the jurisdiction of the same. But now before a summons for rent can issue from such Courts, the party applying for it must take and subscribe an oath that sufficient property cannot be found to countervail half a year's rent, by search made on the premises, within seven days previous to such application. And this restriction, your Petitioners beg leave to submit, amounts to almost total exclusion, and is at once repugnant to the laws of Great Britain and the common principles of even-handed justice.

These measures were made the subject of a Memorial and Remonstrance to Sir John Pakington, transmitted through the Lieut. Governor, and dated 23rd July, 1852, praying for their disallowance, on the grounds therein stated. But immediately after the change of Ministers in December, 1852, the Bills comprising such measures were returned to the Colony, having received Her Majesty's sanction.

That among the unusual privileges conferred on tenants by local statutes, Stock, if distrained for rent, cannot be sold between November and June, comprising six months of the year—the tenant being required to give a bond and security that such stock shall be forthcoming at the time when sale thereof can legally be effected; all hay and provender found on the premises being reserved for the use of the stock, and no stock can, under any circumstances, be removed to a greater distance than five miles from the premises, without the consent of the tenant. These restrictions, being in favor of tenants on Township lands alone, do not extend nor apply to the respective Towns and Royalties, and are adduced to shew, that large exemptions have already been granted to the tenantry of this Colony, some of which originated in favors shown to them by their landlords, which were afterwards made precedents for law; and it can neither be controverted nor denied that the condition of the tenantry of Prince Edward Island, as regards mildness of terms, freedom from taxes, and both length and security of tenure, greatly exceeds that of the same class in England, or indeed most other countries. Three farthings sterling per acre will cover the amount of land tax to which the tenant here is liable, and it appears from the records of the Supreme Court, that only six ejectments for non-payment of rent have taken place during the last four years, which does not argue much for the severity of landlords in a country where rents, in most cases, are very greatly in arrear.

That your Petitioners have been induced to make the foregoing statement in reference to two other Bills recently passed by the Legislature, and now awaiting Her Majesty's approval; one entitled "an Act to impose a rate or duty on the Rent Rolls of the Proprietors of certain rented Township lands in Prince Edward Island," &c., to which, in the first place, your Petitioners beg leave respectfully to call your Lordship's attention, and it will be at once apparent that the said Bill bears exclusively on a certain class of individuals, having vested interests in this Colony, and therefore founded on one of the worst principles of legislation, namely, that of imposing a burthensome duty on the ostensible income of a limited class, for the furtherance of objects, which if essential to the public service, ought to be provided for by equal and rational taxation. But a general income tax was never yet imposed, or even contemplated in Prince Edward Island, nor, as your Petitioners believe, in the neighbouring Provinces of Nova Scotia or New Brunswick; and apart from the unjust principle of partial taxation, your Petitioners contend that the unjust provisions of the Act are arbitrary and inquisitorial—the security required by it difficult to be complied with—and the penalties to be incurred under it needlessly severe, extending even to lunatics, idiots, and insane persons; and it can only be regarded as part of a plan for extinguishing the rights of Proprietors by means of an aggressive system of legislation, which, your Petitioners humbly conceive, bears more affinity, in the present instance, to a statute for the punishment of offenders, than to an Act for contributing towards raising a Revenue by fair and legitimate taxation.

That if it were really intended by the Legislature to make due provision for an armed force in case of exigency, it would have been just and prudent, on their part, to restrict the appropriation of all sums arising from any tax or taxes imposed for that purpose, towards raising a fund for the object contemplated when needed. Property is already heavily taxed for the support of Education, and by the appropriations for the year ending 31st January, 1855, it appears that over a fifth part of the Revenue for that year was so applied; and when danger to the Colony is to be apprehended, it is but fair to presume that a due portion of the burthen of any provision requisite for its defence, will be willingly borne by every patriotic Colonist resident on the Island, and not thrown altogether on one particular class, who are already subjected to more than an equal share of taxation.

[illegible] observed that *the provisions of the Bill apply to the nominal rental, and not to the actual receipts of* the Proprietors of Township lands; though in many cases it may be found impossible to realize the former, and the attempt to do so would greatly distress a large number of tenants; for the heavy tax on wilderness property has obliged Porprietors to let lands without much discrimination as to the circumstances of the settlers, to whom they were nevertheless disposed to grant every indulgence that the nature of the case would permit, towards enabling them to overcome the difficulties inseparable from such occupancy, without capital to commence with.

That the next measure to which it becomes requisite respectfully to call your Lordship's attention, is entitled "An Act to secure compensatien to Tenants in Prince Edward Island, and thereby to promote the improvement of the soil." As regards this Bill much more might be urged than can possibly be brought within the compass of a statement of this nature, and your Petitioners believe that a proposed Tenants' Compensation Bill for Ireland has engrossed considerable attention in the British House of Commons, without any practicable results having yet been attained. But the principle of compensating a tenant, against whom it is requisite to bring an action of ejectment for non-payment of rent, or any other breach of covenant before the term of his lease expires, your Petitioners humbly submit, is liable to very grave objections, and contrary to the received opinions of weighty authorities, which might be adduced on the subject, and these objections will particularly hold when applied to a country where lands, when let, are constantly liable to be denuded of timber and firewood by the improvidence of settlers, though a sufficient growth of the latter is deemed an essential requisite to a farm in this country; and compensation for any improvements in the way of buildings, shipyards or otherwise, that might be made or erected on lands so stripped, must at all times form a complex and difficult matter for adjustment, by arbitration, with a due regard to the merits of the respective claims that may be urged under the Bill, and an impartial consideration of the actual value of such improvements, with a view to any increased rent the landlord may be able to obtain for them, if placed at his disposal. By the provisions of the Act, this can be decided by the award of two arbitrators; but your Petitioners, with a due submission, contend that a fairer way of arriving at it, would be by setting up the tenant's interest at auction, subject of course to the conditions of his lease, and the arrears of rent due under it, including all costs and charges lawfully incurred for the recovery of them; and then finding, by public sale, what such leasehold interest will bring, subject to the amount of claim.

And your Petitioners humbly beg leave to submit, that under the circumstances above mentioned, it is reasonable to expect that some barrier shall be opposed to measures of the Assembly, when such measures involve a departure from principles hitherto regarded as forming the basis of civil security, and it is moreover essential to the interests of landowners in this Colony that the intentions of Her Majesty's Home Government with respect to a series of encroachments on the rights of property, as recognized by the British constitution, should be clearly ascertained. This must obviously be regarded of the more importance, when the leaders of the local Government are chosen under a system amounting to universal suffrage, as granted to this Island by the extension of the elective franchise in 1853, which overbalances all property considerations in the scale of representative influence. And your Petitioners further beg leave to impress upon the consideration of Her Majesty's Government, the very slight prospect of permanent security afforded to subjects of Great Britain in a dependency of the Crown, where the qualification for a seat in either branch of the Legislature is such as at present exists in Prince Edward Island—a freehold or leasehold interest to the value of thirty-four pounds sterling being the qualification for a seat in the Assembly; or estimating such qualification at five per cent. yearly value, just thirty-four British shillings per annum. With reference to the Upper Branch of the Legislature, your Petitioners are uninformed of any recent instructions the Lieut. Governor may have received as regards filling up appointments to that Board. By the Royal Instructions given to a former Governor, and published here, the Legislative Councillors were to have been chosen from among "the principal freeholders, inhabitants of the Island;" but late appointments to that body would lead to the conclusion that a property qualification, if not altogether done away with, is at least not essential.

And your Petitioners deeply deplore that the public affairs of a small but valuable dependency should be entrusted to the management of deliberative bodies so constructed, without any limits being accurately defined for their guidance or restriction, in cases where the vested rights and immunities of a class of British subjects are placed so largely under their control; leaving your Petitioners no other hope of redress under such grievances, than an appeal to the justice and moderation of Her Majesty's Home Government.

And they therefore humbly pray that the Bills specified in the margin hereof,* may not be sanctioned by Her Majesty's Royal Allowance. And your Petitioners shall ever pray.

(Signed) ROBERT BRUCE STEWART,
CHARLES WRIGHT.

The Right Honorable LORD JOHN RUSSELL, &c. &c. &c.

* "An Act to impose a Rate or Duty on the Rent Rolls of the Proprietors of certain rented Township Lands in Prince Edward Island."
"An Act to secure Compensation to Tenants in Prince Edward Island, and thereby to promote the improvement of the Soil."

[COPY]. 4th June, 1855.

Petition and Remonstrance of certain Proprietors and Agents of Land in Prince Edward Island, to the Queen, against the Act to impose a rate upon Rent Rolls of Proprietors.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The Petition and Remonstrance of the undersigned Proprietors and Agents of Land in Prince Edward Island, most respectfully sheweth—

That in the last Session of the Provincial Parliament of the said Island, a Bill was passed, intituled "an Act to impose a rate or duty on the Rent Rolls of the Proprietors of certain rented Township Lands in Prince Edward Island, in order to defray the expenses of any armed force which may be required on account of the withdrawal of the troops, and for the further encouragement of Education," in which said Act is a clause restraining the operation thereof, until Her Majesty's assent shall have been first given thereto.

The undersigned humbly pray that your Majesty will be pleased to withhold the royal assent to the said Bill, for the following among other reasons.

That the real object of the Bill is not what it purports to be on the face of it. According to the preamble of the Bill, it is intended to provide a fund for the purpose of maintaining an armed force, in case the necessities of the Island should demand that such a force should be raised. For in reality it is one of a series of measures, the avowed purpose of which is to compel the owners of Township Lands to convey the same to the local Government of this Island, to be by it disposed of to the present tenantry in freehold, and to those usually termed "Squatters," who have taken and held possession without the consent of the owners.

The truth of this assertion is of easy proof. During the course of the Session, the long agitated question of Escheat came before the House of Assembly, and in a speech of the Hon. George Coles, Colonial Secretary and President of the Executive Council, delivered when the whole House was in Committee, the true intent of passing this, with the other Bills alluded to, is thus adverted to by the Hon. Colonial Secretary: "Believing that Escheat was impracticable, I have introduced and carried other measures for the benefit of the people, at the expense of the proprietors;" and subsequently in the same speech, he says: "I am satisfied that this House has it in its power to mitigate the hardships on the tenantry, arising from the original grants; that remedy is by taxing the lands of the proprietors; under that system, the proprietors will soon be glad to come in and offer their lands to the Government, under the Land Purchase Bill." And again—"I regret that the minds of the people are agitated on this question, (Escheat.) Had it not been for parties exciting them and holding out false hopes, every thing would have gone on quietly, and the Land Purchase Bill, the Education Act, and the proposed Bill for taxing the Rent Rolls of the Proprietors, would have had the effect of inducing a reasonable and equitable settlement of the tenantry."

What is meant by "reasonable and equitable settlement" in the mind of the speaker, it is impossible to say, unless it is that the proprietors are to forego all arrears of rent and dispose of their lands, either to the tenantry or to the local Government, at one-third of their value, that being the maximum in the Land Purchase Bill. That the Bill is founded upon the principle of class legislation, and that no sufficient cause has been, or can be shown, why the present proprietors of lands over five hundred acres, should be taxed for the purpose of raising and maintaining an armed force for the preservation of the Colony, in preference to the proprietors of smaller portions of land, and the owners of property generally in the Island.

The preamble of the Bill states that, "Whereas the proprietors of Township Lands in the said Island have leased a large portion thereof to tenants, from whom they derived large rents, and covenants are generally contained in the leases of such lands, that the tenants or occupiers thereof shall pay all taxes imposed or to be imposed on the lands so leased to them, whereby the proprietors evade the payment of said taxes. and the principal part thereof are paid by the tenantry; and whereas such lands have greatly increased in value from the industry of the tenants, and from the prosperity and progressive state of the Colony, independently of any outlay made by the proprietors of such lands."

That the rents are by no means excessive, the following statistics of the Colony will prove. By the Census of 1848, in the 67 Townships, there were 6,099 tenants holding under lease, written demises or agreements or without agreements; and of these 3,202 held under leases for 999 years; 440 from 999 to 100; 319 from 100 to 50 years, and 308 from 50 to 30 years, while the whole number of those holding for a less term than 30 years, is 109. Of the 6,099 tenants holding under either lease, written demise, agreement or without, 4,970 hold their lands at a rate nominally of one shilling sterling, but in reality owing to the One-ninth Bill, at a rate not exceeding nine-pence British sterling, the acre; 898 at rates varying from nine-pence to sixteen-pence British sterling, per acre; and 37 not exceeding two shillings British sterling, per acre, there being but 85 farms rented above that sum, and the tenants of these residing chiefly in the older and more densely settled Townships Lots 17, 19 and 48, and in all probability not payable to the original proprietors or their representatives.

When the landlord has parted with his interest in the soil for 999 years, he has virtually sold it from him and his heirs, for an annuity of about three pounds fifteen shillings, British sterling, the one hundred acres; and it is hardly to be expected that he should contribute towards its improvement, as let what will be the ultimate value either through the industry of the tenant, or the prosperity and progressive state of the Colony, he can receive no more than the stipulated rent or annuity of three pounds fifteen shillings the one hundred acres, or nine-pence the acre.

The fact of the tenants' lands having risen greatly in value, only tends to prove that they have had favourable terms of tenure, and that they, and not their landlords, ought to contribute most largely to the defence of the Island, as having the most valuable interest to defend.

That the arrangements for carrying out the provisions of the Bill are most inequitable, inasmuch as it taxes the gross rental without any inquiry as to what has been paid, and what has been in arrear; thereby compelling the proprietor to pay considerably more on his real income than the five per cent mentioned in the Bill, thus taxing the loss equally with the gain, a species of legislation without a parallel, it is to be hoped, in any country, however despotically ruled. And this is the more unjust, as it is well known that such has been the leniency of the landlords, that vast sums of money due for rent are in arrear, and that a continuing loss is annually suffered by the failure of the tenants to meet their engagements, so much so that if two-thirds of the yearly rent is regularly paid up, the proprietor or his agent may think himself fortunate.

That the line of distinction drawn between proprietors of five hundred acres, and those above that number, is an arbitrary one, and founded on no principle either of justice or equity, the proprietor of 500 acres being just as much bound to contribute to the defence of the Colony as one of 1,000 or 10,000, and can be attributed only to the determination already alluded to, as expressed by the leader of the Government, to compel the sales of Township Lands under the provisions of the Land Purchase Bill.

That it is assumed by the leader of the Government, the introducer and supporter of the Bill, that the tenantry of Prince Edward Island are a suffering and oppressed class, than which nothing can be more fallacious, nothing more opposite to fact. It has been already shown, that the great mass of the tenantry pay about nine-pence sterling per acre, and if all the taxes to which the land is liable be added to the rent, the charge per acre will not amount to ten-pence British sterling per acre; and no one can presume to call this a rack rent.

An unusual increase of population, accompanied by a corresponding augmentation of wealth, may be safely taken as a criterion whereby to measure the advance of a people in the social scale. By the Census of 1827, published in the Appendix to the Journals of the House of Assembly, for the year 1828, the population of the Island was, 23,266; twenty-one years after, in 1848, (without any very material increase from immigration), it numbered 66,678; and during the same year, the amount of the Colonial Revenue rose from £5,456 16s. 11d., in 1827, to £25,264 1s. 9d., in 1848—in 1854 it has reached £46,033 11s. 6½d. The number of cultivated acres in 1827 amounted to 59,909, or about 2½ acres to each individual. In 1848 the number of acres of arable land was 215,389, or nearly 3½ acres to each individual, shewing not only an almost unexampled increase in population and public wealth, but an augmentation of private fixed capital to the amount of one acre in three and a half to each inhabitant, from the child in arms to the oldest inhabitant in the Colony. The same comparative increase in animal produce and stock of all descriptions, is to be derived from the same sources, all published by the order of the Legislature in the different Appendices to the Journals of the House of Assembly.

In the year 1847, when the people of the Island suffered most severely from the almost total loss of its principal crop—the potatoe—combined with unfavourable seasons for grain crops, when 731,575 bushels are returned as the produce of that year, while in the year 1841 the returns were 2,250,114 bushels, it might have been reasonably imagined that scenes of distress and suffering would have been enacted here, similar to those which took place in Ireland, but the contrary was the case.

The population of the Island is now computed at upwards of 80,000, and during the last year, 1854, it was found requisite to vote the trifling sum of £350 sterling only, for the benefit of about 260 individuals—about 3½ per 1,000.

A community whose poor do not amount to four in one thousand, and whose necessities are relieved by a grant of something less than thirty shillings sterling per head, cannot be said to even approximate to distress or poverty of any description. These facts are introduced for the purpose of showing that the present Administration has substituted the Bill in question, and other Bills of a like tendency, in order, through their operation, to work out a virtual Escheat.

That the proprietors should contribute towards defraying the expenses of any armed force for the protection of the Colony, no one will deny to be just and reasonable, and if all other classes were called upon by this or other Bills passed in the same Session, to contribute their reasonable quota, or submit to an income tax at the same rate, for the same purpose, there could be no just cause for complaint. But such is not the case. The owner of a house in Charlottetown, for which he receives a rent to the amount of fifty pounds per annum, is upon a par with the proprietor of one thousand acres of land at nine-pence, British sterling, the acre, the usual rent. In case of invasion, the house is liable to be shotted, shelled or burnt. Some of the town lots in Charlottetowu, without a single building upon them, are worth more than any one thousand acres of land in the hands of proprietors, whether leased or unleased; and these lots have acquired their present value solely from the "prosperity and progressive state of the Colony;" and yet these are suffered to go free, and an intimation of taxing them is not even whispered. It is submitted, that in a community of danger, each should bear the burthen of providing the means of averting or repelling it, according to the amount of his stake or interest.

Although it has been admitted, that in case of invasion, the proprietors are equally bound to contribute with others for the purposes of defence, yet there exists no such obligation upon them to contribute "towards the further encouragement of Education,"—the unleased, and consequently to the proprietors. unproductive lands, having been taxed for this purpose at about one-third over the rate of the productive lands of their tenants; nor is this all, as the proprietors are compelled to pay for land which will not for years, if ever, be productive.

The joining in one Bill, of two objects totally unconnected with each other, and which ought to have been made the subject of separate Bills, is a clear proof, that there is no immediate intention of raising any armed force, and that the mention of an armed force in the Bill is only for a cloak to the real object of the Legislature—a determination to harass the proprietors and render their property of less value.

That had the defence of the country been the true object of the Bill, it would have provided, that all sums arising therefrom should be religiously applied to that end, and formed into a fund for the express purpose of providing munitions of war, or in the construction of fortifications; and estimates of the cost would have been put forward, and the probable amount of the sum required, and the sources from whence the additional expense would have been to be defrayed,—nothing of which has been done, and the fact of any armed force being raised. is a measure that, when called for, must be met by a much more ample provision than what would be realized under the Bill in question.

That, by one of the clauses of the said Act, the tenants or occupiers of land are compelled to disclose to the receivers of the said tax the names of the proprietors or their Agents, the number of acres they hold, and the amount of rent received; but that no mention is made of whether the rent be in arrear, or whether it be paid; and by another clause, execution is to issue against the lands and tenements, though there may be a sufficiency of property in the tenants' hands to enable them to pay the rent.

That in all Acts of Parliament hitherto passed, either in the Parent State or its Colonies, infants, married women, lunatics, idiots, or insane persons, have been considered as entitled to the special protection of the laws; whereas in this Bill they are specially excluded, and rendered liable, not only to the payment of the tax, but to all the fines, penalties and forfeituers imposed by it.

It may be objected that this Bill has received the sanction of both Houses of the Legislature. It is, however, submitted, that the members of the Legislative Council are not qualified, according to either the letter or spirit of the Royal Commission and Instructions; and that instead of being composed of the principal freeholders in the Island, the reverse is the fact; and that few, if any, come under that designation; but that some of them are tenants to proprietors; and without any real estate or adequate property, as contemplated by the Royal Instructions, and that those who do come under the description of persons as eligible for seats in that House, have voted and protested against its passing.

That the whole Bill is unconstitutional in principle, and unjust, harsh and oppressive in detail. That the allowing the royal assent to be given to it, will tend to lower the dignity of the Crown, and impair that confidence in its wisdom and justice, that has hitherto prevailed in the Colony.

The undersigned, therefore, most humbly pray that Your Majesty will be pleased to take the above Petition and Remonstrance into your most gracious consideration, and decline to give the Royal assent to the said Bill. And, as in duty bound, Your Majesty's Petitioners will ever pray, &c.

Charlottetown, Prince Edward Island,
4th June, 1855.

(Signed) ROBERT BRUCE STEWART,
Proprietor of Lots 30, 7, 10, 12, ½ of Lot 47, parts of Lots 46 & 47, Lennox Island.

R. RENNIE,
Agent for D. S. RENNIE, Proprietor of part of Lot 23.

D. HODGSON,
Proprietor of part of Lot 23.

M. FANNING,
By her Attorney, SAMUEL NELSON, owner of part of Lot 24.

C. PALMER,
For self & others, owners of ½ Lot 1.

JOHN R. BOURKE,
Owner of part of Township No. 36.

J., R. & GORDON THOMPSON,
Of Belfast, Ireland, owners of part of Township No. 26, by their Attorney, J. R. BOURKE.

Rev. J. McDONALD,
Chichester, England, owner of part of Township No. 37, by his Attorney J. R. BOURKE.

JOHN A. McDONALD,
For self & others, owners of part of Lots 35 & 36.

CHARLES WRIGHT,
Owner of Land on Townships Nos. 65 & 50.

P. McGOWAN,
On behalf of Sir J. HUNTER LITTLER, G. C. B., Owner of Lands on Townships Nos. 37 & 38.

ELLEN STEWART,
For self & sisters, owners of half of Lot 18.

HATTON H. STANFIELD,
Township No. 54, per his Attorney, G. W. DEBLOIS.

PETER D. STEWART,
[illegible] Owner [illegible] on Lot 18.

WM. DOUSE,
Agent for the Trustees of the late EARL OF SELKIRK, For parts of Township Lands.

WM. BOWLEY,
By WM. DOUSE, his Attorney, for part of Township No. 40.

JAMES MONTGOMERY,
For part of Townships 34, 50 & 59, by his Attorney WM. DOUSE.

[COPY.] 19th June, 1855

Petition and Remonstrance of certain Proprietors and Agents of Land in Prince Edward Island to the Queen, against the Act to secure Compensation to Tenants.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Petition and Remonstrance of the undersigned Proprietors and Agents of Land in Prince Edward Island, most respectfully sheweth—

That in the last Session of the Provincial Parliament of the said Island, a Bill was passed, intituled "an Act to secure Compensation to Tenants in Prince Edward Island, and thereby to promote the improvement of the Soil," in which said Bill is a clause restraining the operation thereof until Your Majesty's assent should have been first given thereto.

The undersigned humbly beg leave to submit, that the said Bill should not be allowed to become law, for the following, amongst other reasons.

Because the provisions of the Bill are utterly subversive of all acknowledged principles of law and equity; destructive