cumstances your committee recommend that measures be taken to cause T. H. Haviland, Esq., to refund the said several sums, amounting in the whole to £796 9s. 7d. into the Treasury of this Island, that the same may be disposed of for the benefit of all concerned, as the Legislature may direct—All which your committee respectfully submit.

ALLAN FRASER,
GEORGE COLES,
JOSEPH POPE.

Committee Room,
28th of April, 1851.

The above Report being again read, Mr. Palmer moved in amendment to the same, that all be left out and the following substituted:

"Whereas the Report of the committee upon the subject of the Fees of Office of the late Colonial Secretary, was concluded and signed on the 28th April last, but not laid before this House until the 12th of May instant, and it is intended that the Legislature shall be prorogued to-morrow, the 15th instant, *Resolved*, therefore, that as the late Colonial Secretary was not called before the said committee for examination on the subject referred to the said committee, and as their report contains charges gravely affecting his conduct in the discharge of the duties of his Office, it is just that a copy of the said Report be furnished to the said late Colonial Secretary by the Clerk of this House, and that he be allowed until the first day of the next Session of the Legislature to submit to the House any answer or observations he may be desirous of making respecting the matter of the said Report."

The House divided, when there appeared for the Amendment:—Messrs. Palmer, Yeo, Montgomery, Thornton, Haviland, Longworth, Douse and Wightman—8.

Against the Amendment:—Honorables G. Coles, E. Whelan, J. Jardine and W. W. Lord; Messrs. Clark, Davies, Laird, Flynn, Moonsy M'Neill, Fraser—11.

So it passed in the negative.

The question being then put, "Shall the Report of the Committee be agreed to?" the House again divided—

For the motion: Honorables G. Coles, E. Whelan, W. W. Lord and J. Jardine; Messrs. Fraser, Mooney, M'Neill, Laird, Flynn, Davies, Clark—11.

Against it: Messrs. Palmer, Longworth, Yeo, Haviland, Montgomery, Thornton, Douse, and Wightman—8.

So it was carried in the affirmative.

An Address to the Lieut. Governor was then submitted by Mr. Fraser, which, having undergone some amendment, was adopted as follows:

To His Excellency SIR ALEXANDER BANNERMAN, *Knight, Lieutenant Governor and Commander in Chief, in and over Her Majesty's Island Prince Edward, Chancellor, Vice-Admiral, and Ordinary of the same, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY;

The House of Assembly having had under their consideration, an Acoount of Fees taken and detained by the late Colonial Secretary, Mr Haviland, as Private Secretary's Fees—request that your Excellency will be pleased to order a copy of the Report adopted by the House of Assembly, to be furnished to the said Mr. Haviland; and further request that your Excellency will take such other measures respecting the same, as the justice of the case may seem to require.

DEBATE ON THE FOREGOING REPORT.

TUESDAY, MAY 13.

MORNING SITTING.

The Report having been referred to a committee of the whole House—Hon. Mr. Jardine in the chair—

Mr. FRASER moved that the Report be read, paragraph by paragraph.

Mr. PALMER said the report was a very long one, and if hon. members intended to enter upon the reconsideration of it and to discuss it over again paragraph by paragraph, they had before them the prospect of a long and very serious enquiry. It was one, however, in which, if so undertaken, he had no intention to engage; because the enquiry could not possibly be made with any show of justice until after a copy of the Report should have been submitted to the party implicated; and he should have had ample time allowed him to go through the charges and prepare an answer to them. The statements contained in the Report were such that, could they be sustained as facts, not only would they subject the officer against whom they were made to a penalty of £700 or upwards, but they would stamp his character with indelible disgrace, as one who had been guilty of systematic malversation during the whole period of time that he was in office. If the House were determined to prosecute the inquiry in a judicial capacity they ought to do so with some semblance of justice. The Committee had had from the beginning of the session to prepare the Report, although it was completed a fortnight ago, it was brought before the House only last night, and with indecent haste the House was hurried into a committee upon it. It would certainly have been much more in accordance with fair play for the committee to have laid their report before the House as soon as it was completed, and to have caused the gentleman who was so severely censured in it to be furnished with a copy of it, and to have allowed him a fortnight, or at least a week, to examine it and prepare an answer to the House, should he on being allowed the opportunity, have thought proper to do so. The charges preferred in the Report were indeed of a most grave and serious character; and went to criminate the character of the gentleman against whom they were made, to a very serious extent, as to his conduct in the several offices which he had held. In the first place, the Report charges him with taking fees from the public, or from private individuals which were not allowed by law; and, secondly, with putting these fees into his own pocket instead of placing them in or paying them over at the public Treasury. In fact the Report was nothing less than a Bill of Indictment, and one, moreover, of a very unusual length; longer indeed than any which he remembered to have read; and might as to length, almost be compared to the late celebrated one against O'Connell. Now if there existed a wish to do justice, it would be evinced not only by a willingness but a desire to afford the accused ample time for his defence. It would be needless, because it would be untrue, to say that there had as yet been no opportunity to call upon the party implicated for any explanation or defence; for it was very well known that the Committee while completing their Report, or rather framing their charges, had never summoned him before them, either that he might know specifically what charges were publicly to be preferred against him, or that he might have an opportunity of affording any reasons or explanations in justification of the acts for which they purposed to condemn him. And yet, in the prosecution of justice in the common courts of law, so tender was the consideration for the accused, that, even after the most patient investigation and fairest trial, sentence was not pronounced upon the vilest criminal without his having been previously called upon to say whether he had any thing to advance in arrest of judgement. And such a course, common reason and common justice alike required the House to pursue with reference to the Report before the committee and the gentleman whose character was thereby impeached. A copy of the Report should be given to Mr. Haviland; he should be allowed time to examine it and prepare his answer to it; and on its being sent in to the House, both the Report and Answer might go forth to the public; and it would then be for the public to judge whether or not the House had substantiated the charge which they had preferred against Mr. Haviland; and whether or not that gentleman had successfully exonerated himself from the odium which the House had endeavoured to throw upon his character. To these observations and the moving of a Resolution in accordance with them, said the hon. and learned member, he would for the present confine himself. He was aware the House was on the verge of being prorogued, and that there might not be sufficient time before the close of the Session to allow Mr. Haviland to go throgh the Report and prepare and send in an Answer to it. Still, however that consideration could not fairly be brought to weigh against the propriety of the course which he recommended: since to reject his proposal on that account, would be for the House to take advantage of the wrong which they had already committed for the perpetration of still further injustice. To have dealt at all fairly by Mr. Haviland, the first step taken after the signing of the Report by the Committee who had prepared it, ought to have been the furnishing of Mr. Haviland with a copy of it; and now should he be furnished with one, and the Legislature be prorogued before he should have had time sufficient to enable him to prepare and send in an answer to the House, he ought to be allowed until the next Session to do so. The hon. and learned member then moved the following Resolution.

Resolved, that a copy of the Report of the committee now read be furnished to Mr. Haviland, the late Colonial Secretary, by the Clerk of this House, with a request, that he will furnish this House with any remarks or comments he may be desirous of making thereon, and that said Mr Haviland be allowed one week's time for that purpose, and in the event of the House being prorogued before the expiration of that period, that said Mr. Haviland be allowed time for that purpose until the first day of the next Session of the Legislature.

Mr. Longworth having seconded the Resolution,

Hon. Mr. COLES said the Report was nothing more than a mere statement of facts. It set forth that the late Colonial Secretary had taken and retained fees to the amount of upwards of £700, to which he was not entitled; and the fact was substantiated by unquestionable proofs. Having the facts so substantiated before them, it was indeed absurd to propose a postponement of the decision of the House in the matter, until they should have had the sanction and approval of that gentleman to authorize and warrant any further proceedings on their part with reference to the Report. It was now two years since the enquiry had been set on foot and the fact established that he had exacted fees for his own benefit to which he had no right whatever. Of that fact, and the proceedings of the Assembly with reference to it, he had been fully cognisant; but, although he had had ample time to prepare and lay before the Assembly any exculpatory explanation or statement which it was in his power to make, with reference to the charges against him before the House, he had made no attempt, either directly or indirectly, to exonerate himself, by the tender of any such explanation or statement; and to the course which he had all along pursued with reference to the investigation, it was quite clear in his (Hon. Mr. Coles's) opinion, that he could have been actuated by only the one or the other of two feelings;—either by a desire to manifest his contempt for, and disregard of, the proceedings of the House; or by the secret conviction, in his own mind, that the the charges exhibited against him were to well established to leave him any chance of being able to have them either set aside or disproved, by anything that it was possible for him to advance on his own behalf. And, whether the House might consider him to have been actuated, in his disregard of their proceedings, by the one or by the other of these feelings, in neither case could they determine that he was entitled to any further indulgence beyond what he had already experienced. He had had free access to to the Journals of the House, and had, no doubt, therein read the recorded decisions of the Assembly, with reference to his undue exaction of fees; and yet, either contemptuously or from a persuasion of his utter inability to clear himself, he had declined to petition the House to be heard in his own defence; so that the House, in now proceeding with the enquiry, with a view to their final decision of the question, were not, by any means, taking advantage of a wrong which they had already committed to perpetrate further injustice, as the hon. and learned member for Charlottetown wished to make it appear they were doing; but they were merely, in justice to the country, pursuing the only course, fairly left open to them, to procure a restitution, already too long delayed, of a considerable sum of money which, in the shape of fees, had been unjustly abstracted from the pockets of individuals and the public, for the benefit of an official whose salary for the discharge of all the duties of his appointments was liberally determined by the Legislature and fixed by statute. Setting aside all codsideration of the disregard manifested by Mr. Haviland for the proceedings or determination of the House, concerning his undue exaction of fees; his insulting deportment to the Committee who were appointed to prepare the Report, when they waited upon him, in his Office for information touching the mode in which business had been formerly transacted therein, and the fees which it had been usual to exact for the transacting of it, would have fully warranted his being compelled to appear at the bar of the House to apologise for the insult which he had offerred to three of its members, whilst engaged in the discharge of an important duty, imposed upon them by the authority of the House. The delay which had already occurred in bringing the enquiry to a close had been sufficiently taken advantage of, or rather abused, in the public prints, wherein the House had been tauntingly, dared time after time, to proceed with the inquiry, and the delay adduced as a proof of their inability to substantiate the charges which had been brought against the late Colonial Secretary. To do so, however they had been fully prepared from the first but circumstances and occurrences of greater moment had intervened and claimed the attention of the House to the exclusion of the enquiry from consideration for a time. The time, however, having arrived when the investigation could be fairly and fully prosecuted, it had again been taken up by the House; and the committee appointed to report concerning it, had, through the perseverance of their chairman, by whom the document had altogether been drawn up, been at length enabled to lay before the House a full and correct Report of the official malversation of the late Colonial Secretary; and now all that remained to be done by the House, with reference to it, was to go carefully and searchingly through it, paragraph by paragraph, as had been proposed; and, if every statement which it contained should be found correct and sustained by the evidence of facts, as he knew it would, for it was altogether based on facts, and free from supposition, it would then be the duty of the House to address his Excellency, the Lieutenant Governor, praying that the Government would call upon Mr. Haviland to refund the moneys which had been illegally and unjustly exacted by him; and, at that stage of the business, there would also be afforded him an opportunity to lay before the Government such an Answer to the charge preferred, on proof, against him by the Assembly, as circumstances might enable him to make. It would then, however, be no longer in his power to conceal those facts which so powerfully told against him in the Report; and of which, in the Document drawn up by himself, wherein all the fees and the emoluments of his offices should have been fully and particularly stated, he had made not the smallest mention. When he (Hon. Mr. Coles) had formerly stated in the House that the late Colonial Secretary had effected a change of seals, and introduced one which he used as a Private Seal in contradistinction from the Public Seal, after and from the time of the inquiry concerning his fees being first agitated, in order that by the use of that Private Seal he might, in the event of a thorough investigation on the subject of his fees, be able to afford something like a reason or pretext for his exaction of Private Fees, he (Hon. Mr. Coles) had been met with a direct denial of the fact, and been assailed as an asserter of untruths. To the positive denial of the fact, and the personal abuse with which his statement was then met, it would be remembered that he had merely replied, "Let his assertion and denial of it just then go for what they were worth; and, at a proper time, he would be prepared to prove that what he had asserted was, literally, and in point of fact, the truth." That time was now come, and by the documentary proofs attached to the Report, his assertion was fully substantiated