living soul to care if I die," he added, drawing his breath hard, and speaking with a great effort.

"I shall be kicked out and buried like a dog, and nobody 'll think of it a day after—*only my wife*! Poor soul! she'll mourn and grieve; and if you'd only contrive, Mr. Wilson, to send this little pin to her. She gave it to me for a Christmas present, poor child! Give it to her, and tell her I loved her to the last. Will you? Will you?" he added earnestly.

"Yes, certainly; poor fellow!" said the old gentleman, taking the pin, with watery eyes and a melancholy quiver in his voice.

"Tell her one thing," it's my last wish, if she *can* get to Canada, to go there. No matter how kind her mistress is—no matter how much she loves her home; beg her not to go back—for slavery always ends in misery. Tell her to bring up our boy a free man, and then he wont' suffer as I have. Tell her this, Mr. Wilson, will you?"

"Yes, George, I'll tell her; but I trust you won't die. Take heart, you're a brave fellow. Trust in the Lord, George. I wish in my heart you were safe through, though—that's what I do."

"*Is* there a God to trust in?" said George, in such a tone of bitter despair as arrested the old gentleman's words. "Oh, I've seen things all my life, that have made me feel, that there can't be a God. You Christians don't know how these things look to us. There is a God for you, but is there any for us?"

"Oh, now, don't—don't, my boy!" said the old man, almost sobbing as he spoke; "don't feel so. There is—there is; clouds and darkness are round about Him, but righteousness and judgment are the habitation of His throne. There's a *God*, George—believe it; trust in Him, and I'm sure He'll help you. Everything will be set right—if not in this life, in another."

The real piety and benevolence of the simple old man invested him with a temporary dignity and authority as he spoke. George stopped his distracted walk up and down the room, stood thoughtfully a moment, and then said quietly—

"Thank you for saying that, my good friend; I'll *think of that*."

COLONIAL LEGISLATURE.

HOUSE OF ASSEMBLY.

Hon. Mr. COLES'S BILL to enable to GOVERNMENT to purchase the TOWNSHIP LANDS.

THURSDAY, March 3.

Hon. Mr. COLES rose to move the first reading of his Bill intituled "An Act to enable the Government to purchase the Township Lands." In doing so, the hon. gentleman gave a very full and clear statement of the manner in which it was proposed to carry out the grand object of the Bill—the converting of leaseholders or tenants into freeholders. It was six years, he said, since he first introduced a Bill for the accomplishment of the great object which he had so much at heart, the elevating of the tenant-farmers of this Colony to the independent position of yeomen or freeholders. With respect to that Bill, the House had ordered it to be printed, and agreed that the further consideration of it should be allowed to stand over. At that time, the Debt of the Colony, as compared with its Revenue, seemed to interpose a very serious obstacle to the carrying out of the provisions of the Bill; and, until now, with the Colonial Debt reduced to a very insignificant amount, and the Revenue increased to an amount so great as could scarcely have been hoped for a few years ago, he had not, he confessed, so clearly seen his way for the accomplishment of the desired measure, as he could have wished to do. Another measure, ostensibly for the same object, had, it was true, been afterwards introduced; but it was of so sweeping and compulsory a character,—so compulsory, in fact, both as it respected proprietors and tenants,—that he really could not persuade himself that they who brought it forward had entertained any intention or expectation that it would pass the Legislature, They who introduced it being in the majority in the Assembly, it passed that House; but it was rejected by the Legislative Council. With respect to his own measures, however, he could conscientiously declare, that his intentions had been and were most sincere; and nothing could afford him more pleasure, in his public capacity, than to see them fully carried out; for their only object was the promotion of the general welfare. The hon. gentleman first explained, that he expected the House would lay a foundation whereon to proceed in carrying out the details of the measure, by granting the sum of £30,000 or £40,000 to be placed at the disposal of the Governor for the purchase of Township Lands. All parties, he believed, were agreed that, could such a measure be fairly carried out, it would be most beneficial to the general interests of the Colony. In the first place, it would tend to diminish the proprietary influence, which, unfortunately, had almost always been exerted with the Imperial Government against every measure for the general improvement of the Colony which had proceeded from its Legislature; such measures generally having had a tendency to affect the landed interest, as such measures of necessity would, but not injuriously, as the proprietors had very erroneously imagined. In the next place, it would generally inspire the tenantry with new hopes and fresh courage to prosecute their labours and extend their operations to the very utmost of their power, in order to free themselves from what was almost universally regarded in these Colonies as an odious and most oppressive burthen—the payment of rent; and to the least fortunate of that class of the community—them who had felt themselves literally, he might say, compelled to take farms on short leases of 20 or 40 years, it would afford a most desirable refuge. If the Government should succeed in purchasing, at first, from 80,000 to 90,000 acres of land, at 5s. stg., or 7s. 6d. currency, per acre, it would be in their power to sell the lands again so purchased at about £25 per 100 acres—a rate of sale so reasonable that scarcely a tenant would hesitate to sacrifice his last cow, if his circumstances made it necessary for him so to do, for the acquirement of a freehold at such a rate. If the conversion of leaseholders into freeholders could thus, by degrees, be accomplished, the change would be attended, throughout its progress, by the most desirable results, and would certainly afford sincere pleasure to every one who wished well to the Colony. It would bring abont an almost perfect union of interests, and completely exterminate the bad feeling which has too commonly existed between tenants, on the one hand, and proprietors or their agents, on the other, to the great detriment of the Colony at large. The Bill provides, if it go into law, that the Government, according to the extent of the funds with which they may be entrusted by the Legislature, shall purchase whatever lands, in the Colony, may be offered to them for sale by the proprietors; but not at a higher rate per acre than shall be fixed and determined by the Bill. By one clause it was provided that a Commissioner should be appointed, whose duty it would be, with proper assistance, to have the quality of all lands which should be tendered to the Government for sale, duly ascertained and certified, and then classified, according to the nature and qualities of the soil, and other natural advantages or disadvantages, in a Report to be laid before the Government for their information and guidance. It would also be his duty, not only to take Deeds and Conveyances from the venders of the lands, but also to give such instruments to the several purchasers thereof from the Government. His pay would be so regulated, as to bear a fair proportion to the amount of duty which he should actually perform: it might be a fixed salary, or a per centage. A small charge would be made for each Deed of Conveyance to a purchaser, and the same would be paid into the Treasury, to be placed to the credit of the fund; for it was intended that, as far as possible, the scheme should, in some measure, be made a self-sustaining one. When any proprietor should make a tender of sale to the Government, he would be required to send in to them a plan of the estate or estates so tendered, distinguishing the settled from the unsettled portions thereof, stating the number and names of the settlers, the terms of their leases, and indicating the location of each. It would then be the duty of the Commissioner to examine the lands so tendered for sale, and to classify the different portions of them according to their qualities and capabilities,—some parts of them would perhaps be valued at £25, some at £20, and perhaps others at £10, or even less, per 100 acres. And where the lands were settled, in reselling them to settlers, the price was in no case to exceed that sum, the annual interest of which would be equal to the annual rent paid by the settler under his lease. This regulation had special reference to such individuals as held lands under lease at 6d., 4d., or 3d. an acre, as not a few did, in different sections of the Island. Unless under such a regulation, the opportunity of becoming freeholders would offer them no immediate benefit. Where clear and valuable, but untenanted farms, occurred, and in all cases of mill-sites and valuable water privileges, it was proposed that these should be put up at public sale, after due notice thereof in the newspapers should have been given by the Government. And as it was not intended that, in buying out one set of large proprietors, another set should be allowed to rise up in their stead, the Bill provided that no individual should be allowed to purchase more than 300 acres from the Government; and, in buying from the proprietors, nothing less than 1000 acres was to be agreed for. The Bill also provided, with respect to the vendors of the lands, that they should be allowed when they preferred it, to give Deeds of the lands sold by them to the Government in exchange for Debentures. Purchasers from the Government were to be allowed to make good their purchase money by six instalments, the first to be made three or six months after completion of agreements to purchase. When, however, the occupants of lands purchased by the Government, should prefer holding them as tenants, they would be allowed to do so, for a time as yet undefined by the Bill; but, at the expiration of that period, they would be required to become purchasers. The inducements which the scheme held out would, he hoped, be found strong enough to induce all to purchase. The Commissioner of the Public Lands would be required to pay into the Treasury the moneys received by him on account of sales made by him, once every month, and as the fund, at first diminished by purchases, should, by means of such payments, be in some measure renewed, it might be employed in paying off Debentures. The five or six Townships constituting what was called Worrell's Estate, could now be purchased at a much lower rate, than they could have been when the first Land Purchase Bill was introduced six years ago; and, he believed, that, although, the proprietors at that time did not see that it would be for their interest to sell their lands at a reasonable valuation, many of them would gladly avail themselves of the opportunity which the Bill in question, if it became law, woule afford them of doing so. The Free Education Act, besides the especial general benefits which it would confer upon the rising generation, had already, there was reason to believe, effected such a change in the views of the proprietors, as would be very favourabld to the laudable aspirations of the tenantry, and tend greatly to facilitate the working of the Bill, should it become Law; for the proprietors, considering themselves much aggrieved by the tax imposed upon their wilderness lands by that Act, were beginning to feel a disposition to part with their estates on reasonable terms, to escape from the imposition which they felt to be so grievous, and of which they had so loudly complained; but, in his opinion, without any just cause. If the Bill became law, the Government woutd be enabled to treat with such of them as were willing to part with their lands at a fair valuation. The Colony might be said to be out of Debt; but, even if, in the effecting of the contemplated purchases of the proprietors' lands, a public debt, equal to that from which the Colony had just been relieved, should again be incurred, it would give no cause of complaint. Nay, even if, in carrying out the scheme, the Government should have to give something more for the lands, than they could again sell them at, with due regard to the general circumstances and ability of the people, and an actual loss should be the immediate consequence, it would occasion neither murmurs nor discontent; and the financial affairs of the Colony were, happily, in so prosperous a condition that they could easily sustain it. He held in his hand an abstract of every clause of the Bill; and it would be easy for him to go through them all; but, as the Bill had been a long time upon the table for the examination of hon. members, and as he might, therefore, fairly presume that all amongst them who felt that interest in the measure which its great object demanded, had made themselves thoroughly acquainted with its provisions, it would not, he thought, be necessary for him to take up the time of the House by much further explanation. With respect to the details of the measure, as contained in the draft of the Bill, it was due to the Government to say that they been the subject of much anxious consideration to them; but they were, by no means, so wedded to them, as to be unwilling to adopt whatever alterations in the details it might appear to the majority of the House would most effectually ensure the wise, honest, effectual, and economical working of the measure. The amount of the fund which he should wish to have created at one time, was from £30,000 to £40,000; and by the judicious expenditure of that amount, the Government, he thought, might be enabled to purchase from ten to twelve Townships. Operations beyond that were not actually contemplated by the provisions of the Bill; but it would be easy to provide that, when the Government had received payment for the lands sold by them, to the amount of £10,000, then they should proceed to invest that amount in new purchases from the proprietors if they would consent to sell at a fair price. The hon. gentleman again said that the Government were not, and neither was he himself strictly wedded to any one detail of the measure. All would be left open to fair discussion, and amendment, if it should be thought necessary. The Bill provides that 7s. 6d. currency shall be the maximum amount per acre to be paid by the Government for any lands which they shall purchase under the Bill; and, in the Bill which he formerly introduced for the same purpose, the maximum price was fixed, by the House, at 5s. stg., which was the same. It would not, he thought, be advisable to enable the Government to give a higher price per acre than 7s. 6d. currency, in any case. That price, however, it ought clearly to be understood, was not what, in all cases, the Government were to give, or what the proprietors would be justified, by the Bill, in expecting to receive. The Bill should provide that the Government should not, in any case, give a higher price than that, or whatever other sum the House should agree to make the maximum; but it would be the duty of the Government, when purchasing, to make the very best and most advantageous bargain they could effect, remembering that it was for the benefit of the people only that the measure had been devised and power given them to carry out its provisions. It might be that the present Government, even if greater latitude were given them, than he proposed to extend to them, would exercise sound discretion and rigid economy, in discharging the duties of the important trust which, by the Bill, would be reposed in them. Still it would be wise, how deserving soever of their confidence the House might consider the present Government, to put it out of their power to go far astray in the matter. But, besides, in determining that particular of the Bill, it ought to be borne in mind that the present Government might not last for ever, and that they might, before long, have to retire before obstructive influence, and resign their power into the hands of a proprietary administration, for the promotion of whose interests it might be determined by themselves that, in all cases, the highest price allowed by the Act should be given for all lands which they might purchase under it. In some cases of almost fully tenanted and improved Townships, in which proprietors might be disposed to sell, at a fair valuation, it was very true that the *maximum* price which he proposed would be too low; but, with respect to these, when a purchase of them, at their just value, should be found practicable by the Government, it would be easy for them to apply to the Legislature in its next Session for a Bill to empower them to effect the purchase of such estates, at whatsoever rate per acre the Assembly should think it right to give for them. In the majority of cases, however, he was inclined to think that proprietors would consider it to be greatly for their own interests to part with their lands, at rates even much below what he thought ought to be the *maximum* price per acre fixed by the Bill. When many of them began to consider (as they certainly would if the Bill became law,) the actual net returns to their own coffers from their estates, and took into account the large amounts derived from them, but intercepted by lawyers and agents, for their own especial use and benefit, besides the arrears of rent which were regularly increasing in amount, from year to year, without any prospect of their ever being liquidated, they would, he imagined, clearly perceive that they would not only secure a much more certain, but even a larger income in the shape of interest on the amount for which they might sell their lands, even although they obtained no more than 3s. an acre for them. The hon. gentleman then concluded by again observing how very much the people of these Colonies were opposed to the payment of rent; adding that non-resident proprietors, in many instances, he believed, owing to the unwillingness and inability of their tenants to pay their rents, as well as to the draw-backs to which he had just alluded, received little or nothing from their estates in this Colony. Before sitting down, the hon. gentleman also said, he had been told that, soon after his first Bill for the purchase of the Proprietors' lands had been before the Legislature, the gentleman in London who has the chief power to direct concerning the management of the Earl of Selkirk's estates in this Island, told a member of the Island Legislature that the actual returns from them were so small, that he would be very glad to treat for their sale, at a fair valuation, in the way contemplated by that Bill. He (hon. Mr. Coles) could not, however, vouch for the accuracy of his information.

On motion of the Hon. Mr. COLES, the House then went into Committee on the Bill—the Hon. J. JARDINE in the Chair; and, after having sat some time therein, the House resumed, and the Chairman reported progress.

No opposition whatever was made to the Bill either before it was committed or after.

TUESDAY, March 1.

PURCHASE of a SITE whereon to erect a LIGHT HOUSE ON PANMURE ISLAND.—RIGHTS of the PEOPLE in the FISHERY RESERVES.

House in Committee on the Report of the Commissioners concerning the Light House on Panmure Island. Mr. YEO in the Chair.

Note—PANMURE ISLAND is the property of ARCHIBALD MACDONALD, Esquire;—that is, the right to the soil, according to the interpretation of the legal authorities at Home, is vested in him; but, the Island is, at the same time, a Fishery Reserve, for the benefit of the People of this Colony, and of British subjects in general. The Amount demanded by Mr. Macdonald for the Light-House Site—1 acre of ground—and the right of way, or a road thereto, of 34 or 35 feet in breadth and feet in length—about 1½ acre of ground, is, (as reported to the House by JOSEPH WIGHTMAN, Esq. one of the Commissioners appointed by the Government to select or detemine the Site,) £12 for the site, & £5 for clearing it; and for the Road £17—in all £33; or for the ground, independently of clearing the Site, £29 Island Currency.

A debate, in which the people at large will feel deeply interested, arose out of the consideration of the Report submitted by the hon. member Mr. WIGHTMAN, a Commissioner as above stated.

At the commencement of the discussion, the only question dealt with was what the propietor of the Island was fairly entitled to receive for the ground required by the Government, provided it was determined by the House that the Government should be empowered to purchase it. On this question,—

Mr. DAVIES said that, if the power to sell the ground were actually vested in Mr. Macdonald—which he (Mr. Davies) however denied, for the whole Island was a *Fishery Reserve*—the price asked was a very extravagnt one; but, when it was considered that it was made, by Mr. Macdonald, for what he had in reality no power to sell, it would, he thought, be scarcely possible sufficiently to admire the extreme modesty of the demand.

Hon. Mr. PALMER observed that the sum asked was not, by any means, unreasonable; particularly as the ground to be relinquished was part of the most valuable portion of Mr. Macdonald's farm. He would recommend, however, to the hon. member for Belfast (Mr. Davies) to move that the purchase money should be paid out of the arrears of quit-rent, as soon as they were recovered; as he would surely have less objection to the awarding of a proper remuneration, to Mr. Macdonald, for the injury done to his farm, by the relinquishment, to the Government, of the site and road in question, when he (Mr. Davies) should be so fortunate as to accomplish the recovery of those very large and much coveted arrears.

MR. DAVIES thought the sympathy of the honorable and learned member for Charlottetown, with Mr. Macdonald, in this case, was very natural. He was also, he believed, in possession of some fishing reserves, any portion of which he would no donbt be very glad to sell for £12 or £17 per acre.

Hon. Mr. POPE ironically observed, that he was not at all surprised at the amount demanded for the site and road required; and he made no doubt, the whole project was greatly in favour with many of the people in and about Georgetown, each of them hoping, by means of it, to secure something for himself; just, as he well remembered, was the case in Belfast, when the Point Prim Light-house was about to be erected. At that time, among the people of Belfast, one wanted to sell land for the light-house site, another wanted to build the light-house, and a dozen or more wanted to take care of it; and so hot was the spirit of rivalry and contention which arose out of their several pretensions, that it had almost created a sort of civil war in the settlement. Seriously, however, how questionable soever Mr. Macdonald's right to sell might appear to some hon. members, he (Hon. Mr. Pope,) was positively of opinion that he was entitled to some remuneration for the relinquishment of his ground; the right to the soil, in this description of Fishery Reserves, being in the Proprietor; and he would therefore move the question of amount should be referred to the House when in Committee of Supply.

Note.—These remarks of the Hon. Mr. POPE were made on Monday (28th. Feb.), after Mr. WIGHTMAN'S Report had been presented to the House, and before the House went into Committee thereon. They are inserted here, together with some remarks which, on the same occasion, were made by other hon. members, for the sake of keeping the whole discussion together.—REP.

Hon. Mr. WARBURTON. He thought the sum demanded a very large one for the quantity of ground to be relinquished. Had he had any idea last session that so much would be demanded for a site, he would have opposed the erection of a Light-House altogether.

Mr. WIGHTMAN, as one of the Commissioners appointed by the Government to decide on the site for a Light House on Panmure Island, rose, and, addressing the Hon. Mr. Speaker said—When he went to the place, there to decide on the Site, last summer, he was satisfied, from the position of the place that it would not answer as a guide to vessels entering the important harbour of Georgetown; for on dark and stormy nights, in the fall of the year, when vessels approached the light, they would not know at what distance they were from the shoals, as the Island is surrounded with shoals; and, an extensive reef running out from Burn Point, when they were convenient to the Island of Boughton, they would either have to run up Cardigan River, which is not a safe harbour in a dark night, or otherwise in all probability to run for Georgetown. If the wind were blowing from the South East, and a heavy sea running, it would cause the reef to break in Burn Point; and then the vessel would be in a dangerous position. These considerations caused him to change his opinion concerning Boughton Island, and to give the preference to Panmure Island. And when the commissioners (he as one) examined Panmure Island the other day, he was then still more convinced that Panmure Island was the proper place, if the intended Light House was intended to serve as a guide to the harbour of Georgetown, to which vessels invariably ran on approaching Prince Edward Island from sea in stormy weather; and, in doing so, they ran to a place of safety, as the water is deep convenient to the shore; and immediately inside the Island, a vessel can come to anchor; or, by the Light, could be guided, in perfect safety, up the channel to Georgetown. The Hon. member then said, he had been taunted for changing his opinion as to the two Islands, but better to change in time, than be a means of causing vessels to run on shore. As for Mr. Macdonald's charge, [*See Statement at the head of this Report*] if Hon. gentlemen would consider the quantity of ground required, and that it was the most valuable part of Mr. Macdonald's farm, they would not, be thought, hesitate to pay the amount asked; for no owner or occupant of a farm would like to have the front of it taken away, which in the instance in question, would be the case. And, if some Hon. members thought that Mr. Macdonald had no right to the ground, because it was a portion of a fishery reserve, and that, therefore the Government might take possession of it, for the purpose for which it was intended, without his permission; such a course, if adopted, he could tell them, would involve the Government in a lawsuit, the costs of which would amount to more than the sum demanded. If a Light was to be established there, no time ought to be lost in completing a bargain for the site, and in causing the same to be cleared to an extent sufficient to allow the contractor to lay down his materials there on the snow, as he had given him (Mr. Wightman) to understand he wished to do so as soon as possible. He could not think that the House would determine the question in any other way, than by agreeing to allow Mr. Macdonald a fair compensation for his ground.

The debate then assumed a much more important and interesting character; and turned altogether on the policy or impolicy, the propriety or impropriety, of recognizing, in Mr. Macdonald, any right to sell, or otherwise dispose of, any portion of a *Fishery Reserve*, although the right to the soil might be vested in him, in virtue of an original Grant from the Crown. Below, the Reporter has endeavored to give, in a condensed form, the opinions of every hon. member who spoke on the subject—having thrown all the observations of each speaker into the form of one condensed speech.

Mr. DAVIES took the lead in opposing Mr. Macdonald's pretensions to a right to sell any portion of a *Fishery Reserve*. The hon. member maintained that Panmure Island, being altogether a Fishery Reserve, the proprietor, although he had a full right to use and occupy it, and by use and occupation to turn it to his own advantage and behoof, so long as it was not required for the purposes of carrying on a fishery, could have no right to sell the land; as was quite evident from the terms of the original Grant: for, how could he sell and give a title to a peaceable use, occupation, and enjoyment of it, when, at any time, any number of British subjects were privileged to enter thereon, for the purpose of establishing a fishery? He (Mr. Macdonald) could not possibly sell or convey to another that which was not legally vested in himself. And, further, he (Mr. Davies) maintained that, in offering to purchase from Mr. Macdonald the ground required, by them, on Panmure Island, a Fishery Reserve, for the erection of a Light House and a road to it from the shore, the Government were offering to compromise the rights of the people. It was well known that many of the people who dwelt in the settlements on the coasts, in the immediate neighbourhood of Panmure Island, were professional fishermen, and supported themselves and their families by prosecuting that most valuable branch of industry and commerce. It was quite evident, then, that the Light House to be erected on Panmure Island was as much required for the good of those fishermen, as for the benefit of the general shipping and commercial interests, if not, indeed, more. If, then, the Light House was particularly required for the service of men prosecuting the fishing trade from that quarter of the Island, was it not quite clear that the ground required for the site and road were for fishing purposes, and for the direct benefit of a portion of our fishermen? It was: and he, therefore, held that the ground so required, being a part of a Fishery Reserve, it was as unjustifiable, on the part of the Government, to offer to purchase the ground in question, as it was for the present possessor thereof to demand a price for it when required for no other purpose than that for which it had been reserved to the people in the original Grant from the Crown—namely, for the purpose of facilitating the prosecution of the fisheries.

Hon. Mr. LORD.—He was very nearly of the same opinion as the hon. member for Belfast (Mr. Davies). It would, he thought, be the establishing of a very dangerous precedent, were the Government to consent to pay for any portion of a fishery reserve, for whatever purpose they might require it. Still, however, he would not wish to see any man dispossessed of any part of his farm, although that farm might be wholly a fishery reserve, without his being awarded some amount of compensation for his loss; but it was the Proprietors who should, in justice, compensate tenants for any loss they might sustain in such cases, although the duty of the Government was certainly to protect them as far as possible. Such compensation, however, he would like to see provided by some other means than one which would amount to a positive compromise of the rights of the people, and the acknowledgment and establishment of a right, in and to fishery reserves, which neither proprietors nor occupants were otherwise possessed of: and such a means, he thought, might easily be devised. Suppose, continued the hon. gentleman, a purchase of the ground to be made by the Government, and that they had given £34 or £35 for it, and that a party came forward and said, "We want this ground for the purpose of carrying on a Fishery,"—would not the Government be obliged to yield it to them? Certainly they would; for the right to occupy it, at any time, for fishing purposes, was in the people. That was his opinion. He did not hesitate to declare it; and he hoped it would go abroad. Still, however, although he denied that it would be proper for the Government to purchase any part or parts of Fishery Reserves, he acknowledged the full right of the Government to deal with those Reserves in every other way for the benefit of the people.

Hon. Mr. WHELAN.—He was much opposed to the selection of a site for a Light House on Panmure Island; for he was persuaded that Boughton Island would afford a much more suitable one. But that opinion apart, what he then wished to observe was, that if what had been said by the hon. gentleman who had just sat down were made to apply at all, it would be impossible to obtain a suitable site for a Light House any where on P. E. Island; for the coasts all round it were Reserves, either in the Crown or in the People. He (Hon. Mr. Whelan) was persuaded that Mr. Macdonald had a right—and so would any other individual similarly circumstanced have—to ask compensation for the surrender of his rights; but the sum demanded for that surrender was extravagant. He had been privately told that on Boughton Island the ground required would have been given for £5.

Mr. MOONEY.—The question in debate was a double one. First it was—Have the Government a right to buy a Fishery Reserve, or any part of it? In the second place, it was—Has Mr. Macdonald any right to sell a Fishery Reserve, or any part of it? He (Mr. Mooney) would resolve the question in this way: if a man had offered to him for sale an article which he had reason to think was stolen, would he not, if he were either a prudent or an honest man, think it his duty, in the first place, to endeavour to ascertain whether the person offering the article for sale had come honestly by it, or not? Surely he would. Just so, then, he thought the Government ought to act with respect to the Reserve in question; and their proceedings to that end would determine all qnestions of a like nature for the future. The Government, he took it, were the people; and, in this case, as the Reserves were all made for the benefit of the people, it was the duty of the Government, in the name, and on behalf, of the people, to take possession of whatever portion of the Reserve in question was required for the use of the people, or that portion of them, in the neighbourhood of the Reserve, who were engaged in the fishing business. If their doing so were quietly acquiesced in by Mr. Macdonald, the question would, at once, be settled in favor of the Government or the people, and against Mr. Macdonald, as the proprietor; and, through him, probably against all other proprietors in like cases. If, on the contrary, Mr. Macdonald should resist the Government in their attempt to take possession of the ground so required by them, the question would have to be determined in a Court of Law; and such determination would rule all similar questions. He himself was fully persuaded that Mr. Macdonald had no right to demand any thing for the relinquishment of what was not his to withhold or retain; and, therefore, he would not consent to vote one farthing to him on account of the required site and road.

Hon. Mr. COLES rose and said, the discussion had taken such a turn that. in the position which he had the honor to occupy, it had, he thought, become his duty to endeavour to make such a statement, concerning the question of the Fishery Reserves, as might serve clearly to shew the people the only ground which he conceived the Government could occupy in dealing with the Fishery Reserves. The hon. gentleman then proceeded to review the whole question, from its origin throughout its progress up to the present time. In doing so, the hon. gentleman stated that there are two kinds of Reserves: in the one, the right to the soil is vested in the Proprietors, reserving for the use and occupation of the people, when prosecuting the fisheries, 500 feet from high-water mark. In the other class, the right to the soil is in the Crown, the right of the people being a liberty, under Licence from the Government, to occupy them for the purposes of free fisheries. When, some years ago, the Assembly of the day were anxious to establish the rights of the people to these Reserves, the Government being opposed to the views entertained by the Assembly, at least in their full extent, it was determined to refer the question home to the Imperial Government; and Sir Henry V. Huntley, who was then the Governor, accordingly submitted, by a Despatch, addressed to the Colonial Minister, a statement of the question as it then stood here, together with authentic copies of the two kinds of Grants—of one wherein the right of the soil of the Reserves is in the Crown; and also of one wherein that right is reserved to the Grantee. These Grants were submitted to the Crown Law Officers, and their decision was—that, in all cases of Grants wherein 500 feet from high-water mark, on the coast, are saved and reserved "for the disposal of the Crown, to erect stages and other necessary buildings," the *soil* is reserved; but in all, wherein the reservation is of "a liberty to all Her Majesty's subjects to carry on a free fishery within the distance of 500 feet from high-water mark" the *soil* is *not* reserved. And with respect to the distance to which the term "coast" ought to be considered as extending, the opinion of the Crown Law Officers is, "that generally it must be taken to apply to those places in which the sea ebbs and flows, and that it would extend, therefore, to those portions of the Bays, Harbours, and Rivers, in which there was an ebb and flow of the sea;" and "that where the Grants were of the whole of the Islands, the Reservation would apoear to apply to the whole extent of the Coasts round the Islands that were granted and in the Grants of which this Reservation occurs." The hon. gentleman read the whole of the Despatches, the Queries submitted to the Crown Lawyers, and their opinions concerning them; and then proceeded thus: Now the hon. members (Hon. Mr. Lord, Mr. Davies, and Mr. Mooney) who objected to the Government's being authorised to buy Mr. Macdonald's rights in and to the ground required for a Light House, were, he believed, fully disposed to agree in the opinion of the Crown Law Officers, which gave the people a modified title to the Reserves to the fullest extent of coast to which they had ever been claimed—that was to all those portions of the Bays, Harbours, and Rivers, in which there was an ebb and flow of the sea, and to the whole extent of the coasts around the Islands. He would, therefore, take leave to remind those hon. members that, whilst they claimed for the people all the advantages which could be derived to them from that portion of the opinion of the legal authorities, they would not be at liberty to reject that which said the fee-simple of the land was in the proprietors. The Hon. Mr. Lord had said they must be cautious, and take care lest by their proceedings they should lay down grounds of serious litigation at a future period. He (Hon. Mr. Coles) said so too, and so he wished both the Assembly and the Government to act. The The Government of the day, in 1844, it appeared, were not satisfied with the legal opinions first given; and a second application was made, for a further opinion from the Crown Law Officers. This opinion was obtained, and it fully coincided with the first. He, therefore, thought the wisest course for both the Assembly and the Government to pursue, would be one in accordance with the opinion twice given. According to that opinion, the right to the soil, in the one case, was in the Proprietors; but, in the other, wherein the soil is reserved to the Crown, the fee-simple is now in the Government of the Colony, for the people; for by the Civil List Bill of 1851, all the rights of the Crown in and to such Reserves, as well as in and to all other Crown Lands in the Colony, have been surrendered to the people. Where the fee-simple of the Reserve was in the proprietor, the Government could no more be justified in seizing upon a portion thereof, for the erection of a Light House, than they could be defended for so taking possession of a part of a man's estate or farm which was not a Reserve at all. But the case was very different when any portion of a Reserve was wanted for the purpose of carrying on a fishery: then the fishermen could lawfully take possession. And, with respect to such portions of any Reserves, wherein the right to the soil was in the Crown, as had been sold by the Proprietors, it would eventually be found that they (the Proprietors) themselves would have to suffer for the illegality of such sales; and so also, if it should appear that, with respect to any Reserves, wherein the Reservation was of a liberty to all Her Majesty's subjects to carry on a free fishery within the distance of 500 feet from high-water mark, Proprietors had sold and conveyed any portions thereof, without saving and making the said Reservation, the damage would in the end fall upon themselves. It had been said, by the Hon. Mr. Lord, that such was the liberty given to British subjects, in virtue of the Reservation, that, if a Light House were erected, and British fishermen should require the site, for their own fishing purposes, they could not be prevented from tearing it down and taking possession of the ground on which it had stood. To that observation he would only reply, that as there were two or three miles of Reserve all round the Island, it was highly improbable that so foolish an act would ever occur. If Mr. Macdonald should refuse to give up the ground wanted as a site for a Light House, the Government could not compel him, unless there were here, as in England, a law by which, when any land, held by a private individual, is wanted by the Government, for public purposes, he (the proprietor) can be obliged, if he refuse to sell at a reasonable rate, to surrender the land at a valuation put upon it by sworn Commissioners, acting as appraisers of the value. Such a law ought to be in existence here; but, as that was not the case, all they could do, in the matter under consideration, would be to allow a just and equitable amount for the ground required. It would not answer to delay the completion of the purchase until such a law as he had spoken of could be