The Examiner.

Provincial Parliament.

LEGISLATIVE COUNCIL.

THURSDAY, March 21.

On motion of Hon. Dr. Johnson, the Bill intituled "an Act for the punishment of persons for trespasses therein mentioned," was read a third time and passed.

On motion of Hon. Mr. Bagnall, the Bill intituled "an Act to give summary protection to persons employed in the publication of Parliamentary Papers," was read a third time and passed.

Hon. Mr. Ramsay moved the third reading the of Bill intituled "an Act to enable John Hunter to take the additional name of Duvar."

Hon. Mr. Anderson, in rising to second the motion, observed, that it was not an uncommon course, as he had just observed in the *Eastern Chronicle*, that a similar course was pursued in Halifax by changing the name of John Hymen to that of Joseph Pearson. The aforesaid Bill was then read a third time and passed.

FRIDAY, March 22nd.

Hon. Mr. Palmer, a member of Her Majesty's Executive Council, laid on the Table a message from His Excellency the Lieutenant Governor, of which the following is a copy:—

"The Lieutenant Governor transmits for the information of the Legislative Council copies of the following Despatches: No. 53, February 23, 1861, transmitting an order in Council specially confirming an Act of the Local Legislature; No. 54, February 23rd 1861, transmitting an order in Council, leaving 35 Acts of the Legislature to their operation; No. 55, Feb. 23rd, transmitting an order in Council, disallowing an Act of the Legislature for the better apprehension of certain offenders: Circular 5th Feb., enclosing a copy of a letter from Lord Elcho on the subject of National Rifle Association; Circular 31st January, announcing Peace with China.

The following Petitions were presented to the House by Hon. Mr. Palmer: a Petition of divers inhabitants of Lots 4 and 5, praying for the erection of Light Houses on the North and East Capes of this Island. His Honor, in presenting this Petition, spoke as follows—Reference is made in this Petition to former ones on the same subject; and I regret that there is not a better prospect of the prayer of the petition being granted. The Lieutenant Governor has been in communication with the Government of Canada on the subject; but no definite answer has yet been received. The people of Canada and New Brunswick have as much at stake as we have; and if the object prayed for in the Petition was accomplished, those Provinces would derive greater advantages from it than this Colony. The Americans would also derive great advantage from it; and I believe they would cheerfully bear a portion of the expenses; but I am certainly indisposed to see our small revenue bear the whole expense, when other Colonies would derive equal advantages.—The Petition was referred to the Special Committee on miscellaneous subjects.—A Petition of divers inhabitants of Charlottetown, praying that Kent Street School may be reopened. In presenting this Petition his Honor observed that, by the last Education Act two schools in Charlottetown were closed. But it appeared that notwithstanding the accommodation provided in the College, there was still room in that end of the Town for another Teacher. Referred to the Special Committee on Education.—A Petition of divers inhabitants of Charlottetown, (merchants and others) praying for a Bankrupt Law. Ordered, that the Petition do lie on the Table.

Hon. Col. SWABEY—The same objection to a Bankrupt Law which existed last year exists now. Last year in the House of Commons the Attorney General introduced a Bankrupt Law; but it was put off for the session. However, it was the first subject introduced this year; and any person wishing to draw up a Bankrupt Law here could not do better than to copy that Act. Though I have long been desirous that it should be the subject of legislation here; yet I think it would be prudent to submit to the inconvenience for another session.

A Petition of Catherine Moynagh, praying relief. Referred to the Special Committee on Paupers.

On motion, the House resolved itself into a Committee of the whole to take into further consideration a Bill intituled, "an Act to consolidate and amend the Act relating to Grand and Petit Jurors." Hon. Dr. Johnson in the Chair.

On the clause, previously amended, relating to the exemption of Engine and Firemen being read,

Hon. Mr. HUTCHINSON remarked that he was the first person who drew attention to this clause. There are, said his Honor, many persons exempted from serving as Jurors; and by exempting the Engine and Firemen, we greatly reduce the number of intelligent men who are liable to serve.

Hon. the PRESIDENT—My principal objections to the amendment are, that although Engine and Firemen have been exempted from serving as jurors for a considerable time, yet they have never asked, by Petition, to be allowed to serve; and I think that if they desired that privilege they would have asked for it. Those men are liable to be called upon at any hour, day or night, to serve as Firemen; and if we want to have them efficient as such, we should exempt them from serving as jurors. Another objection is, that complaints have been made that too many jurymen are chosen from Charlottetown, and if Firemen were eligible to serve, I am apprehensive that the objection would be increased. Besides, I consider that it would be derogatory to the dignity of the Court to leave it optional with the men whether they would serve or not. And suppose a fire should break out in Town when the Court is in the midst of a very interesting trial, and a number of the most efficient Firemen were on the jury, what would be the consequence?

Hon. Mr. PALMER—His Honor the President appears desirous of throwing cold water on the amendment which I proposed. But I cannot see any valid reason why Engine and Firemen should be exempted, if voluntarily inclined to serve. Though a fire would break out when a trial is going on, there are always substitutes or second officers at hand. And when we come to consider the advantages which would result from allowing them to serve, I think the objections are greatly overbalanced. His Honor the President also alludes to the probability of a larger number of jurors being taken from Charlottetown than from the country; but as far as my experience goes, I would prefer men from the country to serve as jurors on agricultural questions; they are away from their homes, and when in town they are more punctual in their attendance. I have been conducting cases when I would prefer farmers for jurymen. However, there are many intelligent men connected with the Fire Companies who would be willing to serve as jurymen; and I cannot see why their services should be lost.

Hon. Mr. BAGNALL—I expressed my opinion on a former occasion when this Bill was under discussion, and I am still of opinion that some difficulty will arise from leaving it optional with any class of men to serve as jurors. I think that whatever men are summoned should be compelled to serve; and therefore I will not support the amendment.

The question of concurrence was then put on the amendment, and the House divided:

Contents—Hons. Messrs. Palmer, Anderson, Gardiner, Goff, Ramsay, Simpson, Hutchinson—7

Non-Contents—Hon the President, Hons. Messrs. Swabey, Bagnall, Forgan, Walker—5

So it passed in the affirmative.

On motion, the House was resumed, and his Honor Dr. Johnson reported that the Committee had gone through the Bill, and agreed to the same with certain amendments.

Hon. Mr. Goff obtained leave of absence for one week.

House adjourned till Monday.

MONDAY, March 25th.

On motion of Hon. Mr. Hutchinson, the Bill intituled, "an Act to consolidate and amend the Act relating to Grand and Petit Jurors," was read the third time and passed.

According to previous arrangement, the House went this day in a body at 11½ o'clock to visit the Normal School; and having returned to the Council Chamber at one o'clock, the House was resumed.

A message from the House of Assembly, by Hon. Mr. Haviland, with a Bill, intituled, "an Act to alter the Constitution of the Legislative Council, by rendering the same Elective," to which they desire the concurrence of the Legislative Council.

The following Petitions were presented to the House, and the same were received and read.

By Hon. Mr. Anderson, a Petition of divers inhabitants of Minnegash and vicinity, praying for the establishment of a Post Office at the residence of Richard Costain. Referred to the Special Committee on miscellaneous subjects.

By Hon. Mr. Walker, a Petition of the Right Reverend Peter MacIntyre, the Very Rev. James MacDonald, and the Rev. Angus MacDonald, praying for an Act of Incorporation for Saint Dunstan's College. Ordered, that the said Petition do lie on the Table.

TUESDAY, March 26th.

Hon. Mr. Simpson, a member of Her Majesty's Executive Council of this Island, by command of His Excellency the Lieutenant Governor, laid on the Table a copy of the Estimates for the current year, and also the Warrant Book for the past year.

The following messages were received from the House of Assembly—By Mr. Beer, with a Bill intituled "an Act to prevent Congregations from being disturbed or disquieted during the performance of public worship."—By Hon. Mr. Hensley, with a Bill intituled "an Act to consolidate and amend the Laws relating to the conveyance of Real Estate by married women during their coverture."—By Hon. Mr. Haviland, with a Bill, intituled, "an Act for the protection of Copy Right." All which Bills were read the first time.

The following Petitions were presented to the House and the same were received and read; viz:

By Hon. Mr. Bagnall, a Petition of D. S. Bentley, Licenced Teacher, praying for remuneration for services rendered to John Arbuckle, Esq., School Visitor. After some considerable debate, on motion of Hon. Mr. Palmer, it was resolved that the prayer of the Petition be rejected, the remedy being elsewhere.

By Hon. Mr. Walker, a Petition of the Trustees of Saint Andrew's College, praying that certain funds, accruing from property belonging to Saint Andrew's College, may be transferred by law to the new Corporation of Saint Dunstan's College. Ordered, that the said Petition do lie on the Table.

By Hon. Mr. Anderson, a Petition of Caroline Campbell, Lot 17, praying for remuneration for three months teaching, which was withheld on account of not having the average attendance of scholars required by law.—Referred to the Special Committee on Education.—A Petition of Ewen Morrison, ferryman, Ellis River, praying for remuneration.—A Petition of Alexander McDonald, Lewis ferry, Lot 5. The two last named Petitions were referred to the Special Committee on miscellaneous subjects. House adjourned.

WEDNSEAY, March 27th.

The following Petitions were presented to the House and the same were received and read: By Hon. Col. Swabey, a Petition of Hillsborough District School, praying that the said school may not be closed.—By Hon. Mr. Anderson, a Petition of the Trustees of Lot 10 school. Both Petitions were referred to the Special Committee on Education.

By Hon. Mr. Anderson, a Petition of Patrick Stone, praying relief. Referred to the Special Committee on Paupers.

By Hon. Mr. Hutchinson, a Petition of certain inhabitants of the North River, head of the West River, and New Bedeque road, showing that a Tavern Licence had been withheld from James Traynor on account of the two nearest magistrates having refused to sign his certificate; and praying the Legislature to interfere in his behalf.—His Honor in presenting this Petition observed, that as the two nearest magistrates had refused to sign his certificate, there was no other course for him, but to apply to the Legislature.

Hon. Col. SWABEY—I am aware that a different course has been pursued. I knew a case where a man wishing to obtain licence passed the two nearest magistrates, and went to others at a greater distance who signed his certificate, and he got his Licence.

Hon. Mr. HUTCHINSON—My opinion is that if the two nearest magistrates, on being applied to, refuse to go and examine a man's premises; or, after examining, and finding them sufficient, shall refuse to sign his certificate, that the man should then be at liberty to go to the next nearest.

Hon. Mr. SIMPSON—The law has virtually placed the power of granting Tavern Licence in the hands of the inhabitants of each School District. It also provides that the two nearest magistrates shall sign a certificate before any man can obtain Tavern Licence, which, in this case, it appears they refuse to do; therefore I consider that he has no right to get Licence.

Hon. Col. SWABEY—That shows the necessity of placing the mode of granting licence on an equal footing. This man, it appears, has been refused by the two nearest magistrates, who have the best opportunity of knowing whether such a house is required; and whether he is a proper person to keep it. I suppose they have done their duty.

Hon. Mr. SIMPSON—He had no right to apply for licence till he obtained the signatures of the two nearest magistrates.

Hon. Mr. ANDERSON—In the case referred to by his Honor Col. Swabey, the Colonial Secretary might not know that it was not the two nearest magistrates who had signed his certificate; but in this case it might be known.

Hon. Mr. BAGNALL—I think it is the duty of the two nearest magistrates; and it would be contrary to the spirit of the Act for magistrates from a distant part of the country to grant such a certificate.

Hon. Mr. JOHNSON—I consider the system of granting Tavern Licences destructive to the morals of the country; and I would like to see it abolished altogether.

Hon. Mr. RAMSAY—I believe it is the intention of the Act that the two *nearest* magistrates shall sign the certificate, and when they refuse to do so I think it is sufficient grounds for withholding the Licence.

Ordered, that the said Petition do lie on the Table.

On motion, the House resolved itself into a committee of the whole to take into consideration a Bill intituled "an Act to consolidate and amend an Act relating to the conveyance of Real Estate by married women during their coverture." Hon. Mr. Hutchinson in the Chair.

On motion of his Honor the President, the schedule referred to in this Act was amended by inserting "A. B., J. P., or otherwise," at the end thereof. The House was then resumed, and his Honor Mr. Hutchinson reported that the Committee had gone through the Bill, and agreed to the same with a certain amendment.

On motion, the House resolved itself into a Committee of the whole to take into consideration a Bill, intituled "an Act to prevent Congregations from being disturbed, or disquieted, during the performance of public worship." Hon. Dr. Johnson in the Chair.

His Honor the PRESIDENT observed that such an Act was necessary in every community; but it was due to the inhabitants of this City, and of the Island generally, to state, that they have such respect for the House of God that this Act has not been called for by any special occurrence; but yet it was well to have the Act, in case anything should arise in future to render it necessary.—On motion, the President took the Chair, and the Chairman reported the Bill agreed to without any amendment.

House in Committee on a Bill, intituled "an Act for the protection of Copy Right." Hon. Mr. Anderson in the Chair.

The Committee having gone through the Bill, the House was resumed, and the Chairman reported the Bill agreed to without any amendment.

Hon. Mr. Simpson obtained leave of absence till Tuesday next; and Hons. Messrs. Gardiner and Bagnall till Wednesday, 3rd April.

Hon. Mr. Simpson, a member of Her Majesty's Executive Council, by command of His Excellency the Lieutenant Governor, laid before the House the Accounts of the Commissioners of Public Lands; and also the Impost and Light Duty accounts for the past year.

THURSDAY, March 28th.

On motion of Hon. Dr. Johnson, the Bill, intituled "an Act to prevent Congregations from being disturbed or disquieted during the performance of public worship," was read the third time and passed.

On motion of Hon Col. Swabey, the Bill, intituled "an Act to consolidate and amend an Act relating to the conveyance of Real Estate by married women during their coverture," was read the third time and passed.

On motion of Hon. Mr Simpson, the Bill, intituled "an Act for the protection of Copy Right," was read the third time and passed.

Hon. Mr Ramsay presented a Petition of divers inhabitants of Lot One, praying for the erection of light houses on the North and East Capes of this Island.

Hon. Mr. SIMPSON on rising to move that the Petition be referred to the Special Committee on miscellaneous subjects, observed, that last year he had the honor of presenting a Petition praying for the same object; and while he admitted that it was very desirable, yet he was indisposed to allow our small Revenue to bear the whole expence, when the neighbouring Colonies would derive equal advantages. I am aware, said his Honor, that His Excellency the Lieutenant Governor has been in communication with the Governments of the neighboring Colonies on the subject, but no definite answer has yet been received.

House adjourned till Monday next.

HOUSE OF ASSEMBLY.

Continued from our last No.

Mr. DAVIES—There was every disposition on the part of the Committee on Public Accounts to act fairly; and no inclination to reflect upon any one without sufficient cause. Any person who looks at the Books of the Road Correspondent may see a number of Warrants are noted as being sold; but neither the name of the individual, nor the amount of the Warrant is mentioned—both of which, I think, I would have done. We did not bring any charge against the Secretary for defrauding the public. I am of opinion, however, he should have noted down the No. of the Warrant, and the name of the individual who received it. It can be shown from the Public Accounts the present Government has not run the Colony in debt.

Hon. Mr. COLES—My statement about the Road Correspondent has not been contradicted. The only excuse is, he did not keep his Books as another man would have done.

Hon Mr. WHELAN, after referring to the fact of Warrants having been issued without the consent of the Legislature, said—I am not sorry this discussion has taken place; because, I trust it will prove a check on this or any other Government which may succeed it, and serve as a warning to them of the impropriety of paying away any portion of the public money contrary to law. If a Government can in this manner issue £2000, the principle is recognized, and £10,000, £20,000, or £30,000 may be issued in the same way. I said I was willing to forgive this error in the conduct of the Administration, inasmuch as it was done for the purpose of carrying out an object to which I lent my assistance. I said last Session, and even a few days ago—my hon. friend on the left (Mr. Coles) being strongly opposed to me,—that my policy was to give a frank and generous support to it. Last Session, when it was announced that the intention was to purchase the Selkirk Estate, my hon. friend said we should vote against it. No, said I; my intention is to vote for its purchase, for I am determined to carry out the policy we ourselves pursued in reference to the Worrell Estate and Lot 11. I said, if we had a right to purchase these properties, it could not be wrong to purchase the Selkirk Estate, Lot 54, or any other property. I was not actuated by party motives. I am aware prejudices have been attempted to be excited in Belfast, because I sometimes indulged in a little pleasantry at the expese of some persons in that locality, but I did not do so out of a spirit of malice or vindictiveness. I contend this principle should be recognized by myself, and every man holding positions similar to those which we occupy—that the moment I take my place here, I am not merely a representative of any particular District in this Island, but that I am sent here to represent the views, *feelings*, and wishes of the mass of the people; and, to do all I can, as an honest man, to further their interests. This I did in reference to the purchase of the Selkirk Estate. And the people in that locality should consider, that were it not for the conduct of the hon. the Leader of the Opposition, in bringing in a Bill for the purchase of the Worrell Estate, they would not be in the comfortable position to-day which they occupy. Where would they have been to-day had that Bill never been introduced? They have reason to congratulate themselves on its consummation. And who opposed the Land Purchase Bill?

Hon. Mr. HAVILAND—There was no division taken on it.

Hon. Mr. WHELAN—So far as I am concerned, I say I have done my duty, notwithstanding the insinuations thrown out to induce them to believe I am their political enemy, and that I have no sympathy in common with them and the other people of this Island. If the Hon. Col. Gray should bring forward a measure tending to confer still greater advantages upon them than the purchase of their properties, when that is not detrimental to other portions of the Island, I state frankly it shall have my most cordial support. We are told we should wait—that all schemes "pending the investigations of the Commissioners are visionary;" but the gallant Col. knows well that if it is *improper* to interfere with the proceedings of the Land Commission, he cannot forget that he and his colleagues were guilty of flagrant inconsistency in purchasing Lot 54. I trusted the Government would do the same for other parts of the Island as they had done for Belfast. But any man possessing even a spark of intelligence, may see we need not expect anything from the Land Commission. I am not likely to be mistaken in my views of that institution. Twelve months ago, I said if ever there was a sham, a delusion, and a cheat attempted to be perpetrated upon a free people, it is the institution of that Land Commission. It has no basis at present; and before it takes effect, it is said we must have an Act to give validity to its proceedings. Gentlemen of the Majority know that that Act is now virtually disallowed; and its disallowance, no doubt, has been procured through the unconstitutional interfence of proprietors here and in the old Country. If the Commissioners were to sit again next summer, for several months, you will be compelled to go through the same form again—for it is nothing more than a form—of passing an Act to give effect to any decision at which they may arrive. And if the Award be not favorable to the proprietors, who have showed what power they exercise at the Colonial Office, to bias the mind of the Secretary of State for the Colonies, and to come between us and the Home Government like a baleful shadow, you know their power right well. Can there be a doubt as to my conviction about the course pursued, that the whole scheme was a sham and a delusion. I am still further convinced of this inasmuch as when the Commissioners were sitting, it was announced in the Government organ that the only proprietors who would be bound by their decision would be those who subscribed to the Commission. These amounted to six, and one of them has since relinquished his claim, leaving five to be affected. What then, I ask, is to become of the people under the other thirty or forty proprietors of this Island, who *claim to be exempt from the* award the Commissioners may give? Yet, you say, "wait!" Is that the duty of this House? Should we fold our arms and see the bone and sinew of this Colony destroyed, their homes levelled, their hearth stones made desolate, tenants crammed into jails by land claimants, whose names "stink in the nostrils" of the whole community? Does this become our character as honest men, and trustworthy Representatives? Were we actuated by a sincere desire to promote the interests of the tenantry, we would act independently of any Award. Such a course might be more satisfactory in its results than our most sanguine expectations can form of any Award which may be given. As regards the financial state of the Colony, I shall not say much. When the Liberals came into power in 1851, the Public Debt was exceedingly large.

Hon. Mr. LONGWORTH—But you had two years revenue to spend.

Hon. Mr. WHELAN.—We had to make up for that in other respects. But allow me to ask if Treasury Warrants were at no discount from 1846 to 1851, when the Government was in the hands of a few particular friends—in the hands of men whose credit in this Colony and in England was so great, we were told, they could accomplish anything they desired? But "the men of yesterday are not the men of to-day." It is notorious Warrants were then at a great discount. It is true there was one solitary year, 1858, when, during a commercial crisis, they sold at a discount; but now small sums cannot be raised except in violation of the laws of the land. They well know they have increased the duties on many articles for which the hardy yeomanry of this Island, whose interests they pretend to have so much at heart, must pay.

Hon. Mr. LONGWORTH.—On Spirits and Wines.

Hon. Mr. WHELAN. Yes; and on Tea. I say you demoralized this country by raising the duties on Spirits; for it has introduced an enormous amount of smuggling. In one place alone, Liquors, the duties on which amounted to £1200, have been smuggled during last year. This is an instance of your fine financial policy. You have increased the Public Debt three times, though you got the Government with £5,000 spare cash in the Treasury.

Hon. Mr. GRAY.—Mr. Chairman, we have heard the hon. member who has just spoken at full length before on this subject, and it is not my intention to dwell upon the question under discussion now, as my sentiments upon it were fully enunciated on Saturday. We had proceeded as far as the 7th paragraph, and were then brought back to the 4th in the Address. It occured to me, from an observation which fell from the hon. member in reference to the purchase of the Selkirk Estate and Lot 54, that he understood only £2000 had been issued in Warrants for the two Estates.

Hon. Mr. WHELAN.—Yes; and on that ground I withdrew my opposition to the paragraph under discussion, in the Address.

Hon. Mr. GRAY.—It was stated a few days ago, when then the hon. member was not in this place, that £2000 was required to complete the bargain about the Selkirk Estate; and also, that £2000 in Warrants were issued for the purchase of Lot 54, making in all £4000; but the hon. member spoke as if he fancied only £2000 were paid on the whole.

Hon. Messrs. COLES and WHELAN.—That is what we understood.

Hon. Col. GRAY.—I think the contrary was clearly stated by me: but the adage is true—None are so deaf as those who do not wish to hear. I stated that as £1958 of the Warrants had been redeemed, the amount outstanding was little more than £2000.

The Committee then rose and the Chairman reported progress.

Adjourned till 3 o'clock.

AFTERNOON SITTING.

Hon. Mr. COLES.—A short time before we adjourned, we learned the Government had issued Warrants for the purchase of Lot 54. Before proceeding further I may state, I give credit to the hon. Col. Gray for acquainting the minority with the fact, when he was doubtful about us being aware of it. I believe the hon. the Leader of the Government did so from the best of motives, knowing it would be better to give us the information then than to have the subject come up afterwards. On receiving that information, my views are completely changed in reference to the paragraph under consideration, in answer to a clause in the Speech of His Excellency. Had £2000 been authorised by this House, the minority would be justified in giving their assent to the issue of that amount; but, Sir, if they could not have purchased that property under the land Purchase Act, they had no right to take it upon themselves to issue £2000 in Warrants. There was no necessity for it. The Land Commission had been appointed, and their decision could not have been unfavorable to the inhabitants on that property. And there is another question. These Warrants were paid off; but I would like to know by what authority? Money cannot be paid for Warrants unless in regular rotation. Why then did the Government step aside and pay them before the proper time? I hold, then, that the Treasurer in this transaction violated the Laws of the Land. There must have been some favoritism. Upon this act, I hope the majority of this House will place their veto. What is one of our dearest rights? It is that Parliament holds the purse strings, and will not allow any Government to violate the Laws of the Land in this respect to such an extent as ours has done. True, there may be a necessity sometimes to do so, as in case of war, to spend a few pounds more than has been voted for such purposes; but what necessity was there in this case to purchase a Township of wilderness land? If one Government is allowed to do this, another may take the same liberty; and where is it to end? There was a little excuse for doing so in purchasing the Selkirk Estate. My hon. friend (Mr. Whelan) intended to have moved an amendment to the paragraph under discussion before, but I dissuaded him from doing so, saying, I did not wish to tie down the Government too closely; but from what has since transpired, in his absence, I move his amendment:—"We regret that your Excellency found it impossible to negotiate the Debentures which the Law authorised to be issued for the purchase of the Selkirk Estate, and that Treasury Warrants bearing a higher per centage were used for that purpose. We regret more particularly that such a course as this was pursued, especially as we have heard that Warrants were also issued for the purchase of Lot 54—a purchase which the House of Assembly did not authorise. The House of Assembly cannot help remarking that such a course as this, so contrary to law, and so subversive of the rights and privileges of Parliament, is extremely dangerous, and calculated to detroy confidence in the Government who adopt it."

Hon. Col. GRAY.—It is not my intention, Mr. Chairman, to occupy the time of this House by again recapitulating what has been already clearly stated more than once. I was under the impression my explanation given on last Saturday morning was clearly understood by hon. members. In reference to the charges brought against the present Administration, I would ask, what is the Executive Government of this Island as now constituted, but a Committee chosen by the peoples' representatives to act in their absence? Now, the Government in their absence have acted, and in what respect have they established a bad precedent? I think it is a good—an excellent precedent; and long may the Government continue to establish such precedents, if by so doing they prevent a Township being sold to middle men for a few pounds. As I stated before, we saved £968 15s. out of the sum allowed us for the purchase of the Selkirk Estate. Are the people of this Island so rich that they consider it a bad precedent to set, to save this amount, and give it towards purchasing a Township to give to hard-working honest men? Five thousand acres of this Lot are very cheap at 10s. an acre. A gentleman of integrity now in Charlottetown would give considerable for the privilege of cutting the timber which grows on it. I wish we could get Mr. Sullivan to part with his on the same terms. Is the Government to be assailed with invective because the representatives of the majority, sent here by the people, choose to purchase a Township under the Land Purchase Act? His Excellency the Lieut. Governor is allowed from time to time to buy a Township, or two or three of them, according as the funds come in. If the Government had acted according to the law, as the hon. Leader of the Opposition said, they could have purchased Lot 54 at 5 per cent., payable in Debentures; but the gentleman who sold it to us, who would have required £2000, or £3000 on the Debentures; by paying in Warrants we saved £300, less £45. That is the bad precedent. As regards the Land Commission, my views were, that it would do us much good, as will appear, no doubt, when the Despatch of the Duke of Newcastle is received. I regret so much opposition has been offered to our endeavors to carry out this scheme. We have put no money in our pockets by it; and so long as I have the honor of retaining a seat in this Legislature, no one shall put a pound there. Is it not our glory to save? A respectable man told me a few days ago he was obliged to pay 10s. an acre for land on the Worrell Estate, when others on the Selkirk Estate were getting theirs for 6s. an acre. I cannot help it, I replied, it cost more. Land bought for 3s. an acre cannot be sold for less than 5s.; and even at that rate I solemnly declare we will no more than clear ourselves. I asked Mr. Perry when he was before the Commissioners at St. Eleanor's if land bought by the Government at 3s. an acre could be sold for less than 5s. an acre. I blame not the late Government for purchasing at the rate they did, as I believe they could not help it. The hon. Leader of the Opposition said, in case of war a Government may adopt such a course; but is it not better and more glorious to take it for the promotion of peace? Who brings war upon a land? If for phantom glory men bring distress to thousands of widows and orphans, it shall be my boast to say I desire to do good for the sake of peace. What more glorious than to bring happiness and contentment to our Island homes at the lowest possible rate! What, then, that has the heart of a man beating in him, say we have set a bad precedent?

Mr. COOPER—The hon. Leader of the Government seems to think the minority should have confidence in the present Administration, because they struck a good bargain without our consent, expecting to get it afterwards. In the first place we saw a deviation from the principles of Responsible Government; and, step by step, we see a deviation from law. If they go on thus there will soon be very little use in our coming here at all. If the consent of this Legislature was necessary in this case, they should have got it beforehand. After consent was given to purchase the Selkirk Estate, it was understood all the rest would be left in the hands of the Land Commissioners.

Hon. Mr. COLES—I have yet to learn the land on the Worrell Estate sells at 10s. an acre. If it does, the present Government have raised its price; for 6s. 8d. was the highest price paid for wilderness land on that Estate. The present Government may have raised it to make the late Government unpopular; so, the man referred to, need not have been told the Estate cost more money. £18,000 were paid down for it, leaving a balance of £6000 to be paid, and there was a reduction to be made for Fishery Reserves, ponds, &c, which lessened its price considerably: so, taking the whole Estate, it would not amount to more than 5s. an acre. I understand the Selkirk Estate cost more than £9000: but the littles taken off one and put on another make a great difference. It was stated there were 80,000 acres in the Worrell Estate when we purchased it. Since that period, however, new surveyors have been put on it, and now it appears there are only 60,000 acres. In this way it is easy to make out the Selkirk was purchased on more favorable terms than the Worrell Estate. It is well known, too, there was more oppression practised on the Worrell than on the Selkirk Estate; but anything will serve as an excuse for violating the law of the land. I have not yet heard one good reason assigned for purchasing Lot 54. A large part of it is a wilderness. Interest must be paid on the purchase money; and the Land Tax on it is lost. Now, look at the whole of the Worrell Estate. Look at St. Peter's Bay, with the beautiful farms on its margin. Where we got 12s. 6d an acre for a great part of this property, will the Government, I ask, get 12s. 6d. an acre for any of Lot 54? The excuse about middlemen will not do. If these stepped in pending the investigations of the Commissioners, the Commission might have taken that into consideration also, and learned them a salutary lesson. The Government, too, should have assisted in punishing men who would dare to interfere in such a manner. I give my support to the amendment, not out of opposition, but from principle. At some future period we may have a Government not as trustworthy as the present; and, if this principle can be carried out, it may be turned to a very bad account in this Colony. Another Government may give 10s. an acre to a friend, instead of 7s. 6d., as mentioned in the Act.

Hon. Mr. M'AULAY—I am not anxious to protract the business of the House in discussing matters of comparatively little importance; but I confess I do not include the amendment just proposed as a matter of this kind. There is one passage in the amendment to which I wish to advert before dwelling on that to which it more particularly refers, which is this:—"The House of Assembly cannot help remarking that such a course as this is contrary to law, &c." Now, I would like to know what law it is which prevents the issue of Warrants?

Hon. Mr. WHELAN—There was a law for issuing Debentures.

Hon. Mr. M'AULAY—It would appear, then, Mr. Chairman, that these are the same, which furnishes us with a specimen of their logic, and shows how fond they are of making a noise. If it is the Law of Parliament to which reference is intended to be made, then the sentence is not grammatical. To me it appears absurd, and will remain so, till more light be thrown upon it. So much for the consistency of the amendment; let us now come to its substance. The hon. gentleman on my right has expressed much sympathy for the tenantry; but, I have no reason to believe he is more inhuman than other men, nor have I reason to think he is a bit more human than those who speak less on that point. (Laughter.) When the cry "catch thief!" is heard, he runs away among the crowd and cries "catch thief!" too. Now, if the Warrants had been issued for any other purpose than the one for which they were issued, viz: to rescue tenants from the fangs of proprietary dominion, there would have been a justification for his amendment; but, if consistent to his principles, he would have said, "I feel grateful to the Government for rescuing tenants from the fangs of despotic landholders." He is aware a gentleman was about to purchase the property, but the Government stepped in and bought it for the exclusive purpose of protecting the people. For so doing he says—"Oh! cruel Government,—Why did you not allow the cruel proprietors to tear out the vitals of these tenants?" There are two reasons which prevent me from supporting the amendment;—1st, it is not properly worded; and 2dly, it censures the Government for performing an act of mercy.

Hon. Mr. COLES—For 10 settlers.

Hon. Mr. M'AULAY—There are several there. We know it is a common occurrence with Governments to do some small acts not strictly within the *letter* of Law. After doing so, they come down to the popular branch of the Legislature and state what they have done; and if it be shown it was done for the benefit of the people, their approval is gained. The act of the Government in this instance, though it was without the *letter* of the law, was still consonant with its *spirit*. As they purchased it for the good of the people, I do not see how we can blame them.

Hon. Mr. LONGWORTH—Last year, Mr. Chairman, this House came nobly forward, and gave the Government full permission to purchase the Selkirk Estate: there were only two dissenting voices. Even the hon. member from the East Point acknowledged it was purchased on better terms than the escheat of a large portion of the land of this Island could have been obtained for. There was nothing like captious opposition offered by the Legislature last year. In a candid and praiseworthy manner the members of the Opposition extended their support to the Government side, with the solitary exceptions of the Leader of the Opposition and Mr. Cooper. These were the only two who occupied that unenviable position. Whether or not they will reap laurels by taking the stand which they did, remains to be seen. It was admitted on both sides that the Government would be remiss in its duty if they neglected to purchase the property on terms so advantageous. This was a great admission. Now, the Government, after purchasing that Estate, had an opportunity afforded them of buying another on nearly similar terms. This is the position which we occupied when the property of the assignees of Mr. Henry Winchester was offered for sale; and it was bought, as has been ably explained by the hon. Leader of the Government in this House, to afford a protection to the people who resided on that property. The Opposition admits we had power to purchase it, but say we overstepped the bounds in one particular. And what does it amount to?—That we issued securities bearing interest at 6 instead of 5 per cent. Now, we had no other alternative, as Debentures would not sell at a lower percentage. The only course which the Government could adopt was to issue Treasury Warrants, and thus prevent the intervention of middlemen, who, had the Government not acted as they did, would have stepped in and made a profit out of the property at the expense of the tenantry: under these circumstances we purchased. And what is the offence?—Why, the country is put to the enormous expense of paying £20 stg. per year extra, in order to enable the Government to secure this property for the people—that being the extra interest at one per cent. on £2000 stg. This is the grave offence for which we are arraigned at the bar of public opinion. The hon. Leader of the Opposition expressed a hope that the majority of the members would put their veto upon this act of the Government; but I hope the majority will manifest more regard for their own opinions than to be carried away by such suggestions. If the minority think the Government are influenced by corrupt motives, and have done this to aggrandize themselves—to benefit a few at the expense of the many—they may do as was suggested; but as no such charge can be urged against them, where is the enormity of their offence? I would not like to have such a power placed in my hands, said the hon. Leader of the Opposition; nor would I, Mr. Chairman, were we irresponsible. Such a power, if not used constitutionally, might be dangerous. But we assumed not the right as a right inherent in the Government—or would not have come down to this House in the consistent manner we have, and called upon the Legislature to sustain us. Mr. Cooper loses no opportunity which offers of attempting to bring odium on the Government. He appears to think our desire since the time we took the seals of office has been to fritter away the Constitution. In making these insinuations, I think he is not justified, especially when he professes to have the welfare of the people of Prince Edward Island at heart. Instead of making this groundless charge he ought to be prepared to yield any meed of praise to the present Administration to which it is entitled. Had his darling measure—a Court of Escheat—been established, would the Selkirk Estate have been thrown into the hands of the Crown at a lower price than that for which it has been purchased? No, Mr. Chairman, if a Court of Escheat were in operation at the present moment, and supposing for the sake of argument the Selkirk Estate were assailable in such a Court, it would cost more than the price paid for it to re-invest it in the Crown; or, in the language of the hon. member himself, to redeem the inhabitants on that property from "proprietary thraldom." Yet the hon. member rises and preaches to us about inconsistency—though it ill becomes him. At his time of life he should be able to draw a clear distinction between right and wrong. If we have done right, we should receive his approbation; if wrong, then we should be condemned. If what we have done is beneficial to the people, and calculated to advance their best interests, then I call upon the members of this Legislature to sustain us.

Mr. OWEN—The hon. the Leader of the Opposition stated there were no more than 10 settlers on Lot 54.

Hon. Mr COLES—According to the Census.

Mr. OWEN—There are 40, and these have short leases of 21 years—many of which are about to expire. (Hear.) I stated yesterday the Lot was as good as Township 53 or 55, which are fully settled, or any Lots on the Worrel Estate, with the exception of 38. The only conditions on which the agent would allow persons to settle on it were either to purchase or take a lease for 21 years. (Hear.) Now as long as people can get land on more favorable terms, they will not settle on farms with leases for that short period. I may state too, the land, with the exception of a block of Loyalist land, is nearly all opened up.

Hon. Mr. WHELAN—I intend to take a few minutes more, to assign reasons for supporting the amendment moved in my absence. You are aware it was my intention from the first to move that amendment; but thinking it was only £2000, which had been issued in Warrants in place of Debentures, I was willing to withdraw my opposition to the paragraph. I think, now, it would be flagrant injustice to call upon us to defend the Lieut. Governor and his advisers, in issuing Debentures for Lot 54 without the sanction of the Legislature. Much has been said about their zeal for the interests of the people, in preventing the intervention of middle men. According to the Census, there are only 10 tenants on the Lot, in all 40 settlers; and the law must be violated to save 40 people from the grasp of middle men. A far different object, I believe, was in view. We all heard, Sir, of the Emigration scheme of the friends of the Government. A colony of a certain desirable class was to be brought out, to settle, I think on that very Township. In this transaction they have been guilty of a grave political offence; and the means by which they sought to be absolved was by giving an explanation, which was done in the Speech of His Excellency. Who ever heard of anything so monstrous?—a Government committing this offence, pursuing a dangerous course, then seeking to be absolved for confessing their crime? It is a good Catholic doctrine; but I rather think we are not here in the character of Priests, to grant absolution because there has been a confession of sin. I for one do not aspire to that high office. I do not absolve them. An hon. member said the amendment was contrary to the laws of language. Will the hon. member point out the sentence in which this departure from these laws occurs?

Hon. Mr. M'AULAY—In these words—"The House of Assembly cannot help remarking that such a course as this, so contrary to law, &c." In the first place, it is not true; it is not contrary to any law to which you can refer; and so, must be contrary to the law of Language.

Hon. Mr. WHELAN—The hon. member does not now complain of the construction of the sentence, but of a fact involved. That the course of the Government was contrary to law, we have the testimony of the hon member from Queen's County.

Hon. Mr. LONGWORTH—We passed a law last year to extend the provisions of the Land Purchase Bill, which authorised us to issue Debentures for £10,000, bearing interest at 5 per cent.

Hon Mr. WHELAN—But, Sir, they did not do that; they issued them at 6 per cent.

Hon. Mr. M'AULAY—And where is the law to prevent them?

Hon. Mr. WHELAN—It is contrary to that law.

Hon. Mr. M'AULAY—But that law says nothing on the subject.

Hon. Mr. WHELAN—It was at least contrary to its spirit to issue Warrants at 6 per cent.

Hon. Mr. M'AULAY—The law to which the hon. member refers gives special power to issue Debentures for a certain amount.

Hon. Mr. WHELAN—But they issued Treasury Warrants at a higher per centage than Debentures; and no man will say they acted according to the spirit of the statute in giving 6 instead of 5 per cent. The hon. member may cavil, but he cannot get over the fact that they committed a great political offence, pursued a dangerous course, and one which cannot be justified.

Hon. Mr. COLES—I was a little amused at the hon. member from Queen's County in saying it was unconstitutional to pass a law to prevent proprietors from distraining for rent pending the investigations of the Land Commissioners, and now saying they acted contrary to law to benefit a few tenants. When coming to these halls, I met many of his constituents, who had writs in their pockets from the proprietor, to appear at Georgetown, tho' their rent was not due till the first of March. If the hon. member would turn his attention to these suffering tenants, instead of endeavoring to benefit ten or fifteen tenants on Lot 54 who would not thank him, I think it would be much better. When these people petition this Legislature for protection against their Landlords, they are told it would be unconstitutional to grant their petition. But now to hear him and his hon. colleagues, you would think they are the only friends the tenants have. This may do for the proprietors, but I question if it will satisfy the tenantry of this Island.

Hon. Col. GRAY—Mr. Chairman, I believe the hon. member who has just sat down is not so ignorant of the laws of this Island as he professes to be, for he must know it would be a gross violation of the constitution to pass a law to prevent the payment of rents. The people of this country may be hood-winked a little longer by such speeches, but let them remember the instructions of Her Majesty to His Excellency the Lieut. Governor on this head are positive. It has been said we have called upon hon. members of this Committee to sustain us in a breach of our local law—but I deny the charge. I have so much confidence in the gentleman who administers the Government of this Island, that I believe he would not imperil his position by interfering with Her Majesty's instructions in sending a Bill of this nature home without a suspending clause. A Bill to *prevent distraining for rent must have such a clause* before it would receive Her Majesty's assent. I served Her Majesty twenty-three years at the risk of my life in many a field, and I will not adhere to Her if she violates the rights of Magna Charta. Even Her Majesty's coronation oath binds Her not to interfere with the Courts of Judicature; nor with the rights of property between man and man. To attempt to carry out the object proposed would be likely to result in establishing Martial Law in this Island. The idea is preposterous. The hon. member knows as well as I do—and he should know much better, for he has had a seat in this Legislature many years, I only two—it could never be carried out. I know my rights as a freeman, and the power of my Sovereign. Her Majesty has frequently declared through the Secretary of State she will not interfere with the rights of property. Let the people read Lord Durham's instructions on this point, and not allow themselves to be deluded by supposing it is in the power of this Legislature to pass an Act; or that, if passed there would be a tithe of a chance of its receiving the Royal assent. What have I to gain from the love of proprietors or tenants? I do my duty, and in doing it lean to the side of mercy; but I would be sorry to induce hopes in any poor man, which there is no prospect of ever being realized.

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