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PRINCE EDWARD ISLAND ADVERTISER.

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CHARLOTTETOWN, SATURDAY, FEBRUARY 13, 1841.

[No. 185. 186

HOUSE OF ASSEMBLY.

WEDNESDAY, February 3, 1841.

Ordered, That Mr. Palmer and Mr. Thomson be added to the Committee appointed to prepare and bring in a Bill to continue and amend the Act for the encouragement of District and other Schools.

The Order of the Day, for the House in Committee, consider further the expediency of amending the Statute Labour and Road Compensation Acts, being read; the House accordingly resolved itself into the said Committee.

The House having resumed, Mr. Hudson, the Chairman, reported, that the Committee had come to the following Resolutions—

1. RESOLVED, That it is the opinion of this Committee, that it is expedient to amend the Statute Labour Acts, by making the labour more in proportion to property than it at present is.

2. RESOLVED, That it is the opinion of this Committee, that in order to render the duty of Statute Labour a more equal burthen upon all persons liable to perform the same, it is expedient that any alteration, in imposing an addition to the rates and quantity of labor, as now by law established, shall include cases of persons owning an additional number of Teams, beyond what are now subject to the performance Statute Labour.

Mr. Thomson moved, in amendment, that after the word "That," all be struck out, and the following substituted, "inasmuch as, owing to the amendment of the Statute Labour Act not being printed, nor in the hands of the Commissioners before the time by law limited for appointing Overseers; its operation was, in measure, rendered nugatory; but as in every case here the Act appears to have been fairly acted upon, such additional improvement has been the result, the House, therefore, considers it inexpedient to make any further amendment to the Statute Labour Act during the present Session."

The House divided on the motion of amendment. YEAS:—Messrs. Thomson, Hudson, Macneill, Yeo, Gorman, Hon. J. S. Macdonald, Messrs. Palmer, Maclean, Longworth, Clark.

NAYS:—Messrs. J. Dingwell, Macfarlane, Le Lacheur, Macintosh, Beck, Dalziel, Fraser, Rae, D. Macdonald, Montgomery.

So the amendment was carried.

Mr. Speaker, as Chairman of the Committee appointed to Session, for the purpose of corresponding during the Session with any one or more Members of the Imperial Parliament, presented to the House a printed copy of his Petition of last Session, to the British House of Commons, by which it appeared that the same had been presented.

After some routine business, the House adjourned.

THURSDAY, February 4.

Mr. Hudson, from the Committee of the whole House, reported the expediency of establishing certain rates to be charged for the use of the Stalls in Charlottetown Market, and reported, according to order, the Resolutions of the said Committee, which were again read at the Clerk's table, and are as follow:

1. RESOLVED, That it is the opinion of this Committee, that six of the Stalls in the Market House in Charlottetown, set up at Auction, at the upset price of Four Pounds per annum.

2. RESOLVED, That it is the opinion of this Committee, that the unlet Stalls in the Market House be let to any person, not resident in Charlottetown, by the Market Clerk, at the Shilling and Six Pence, for each and every Market day, the first applicant on such day.

The said Resolutions being again read, and the question of concurrence put thereon, the House divided:

YEAS:—Messrs. Fraser, Beck, D. Macdonald, Montgomery, Clark, Dalziel, Macintosh, Le Lacheur, Forbes, Gorman, Hudson, Yeo, J. Dingwell, Rae, W. Dingwell, NAYS:—Messrs. Gorman, Macfarlane, Longworth, Macneill, Maclean.

So they were carried in the affirmative.

The Bill for the appointment of Coroners in Prince Edward King's Counties, was, according to order, read a second time.

A motion being made, that the said Bill be now committed to a Committee of the whole House;

Mr. Fraser moved, in amendment to leave out the words "now," and at the end of the question to add the words "this day three months."

The House divided on the motion of amendment:

YEAS:—Messrs. Fraser, Maclean, Le Lacheur, Macintosh, Macneill, D. Macdonald, Macfarlane. NAYS:—Messrs. Hudson, Beck, W. Dingwell, Clark, Gorman, Yeo, Forbes, J. Dingwell, Montgomery, Longworth, Dalziel.

So it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

And then the House resolved itself into the said Committee.

Mr. Hudson, the Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Mr. Secretary Haviland, by His Excellency's command, delivered the following Message from the Lieutenant Governor.

A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly, Copy of a Despatch from the Right Honourable Lord Russell, Her Majesty's Principal Secretary of State for the Colonial Department, accompanied by a Copy of a Despatch of this Island, drawn up by Mr. Holland, in October 1835, being the only information to be attained in answer to the application of the House of Assembly in the last Session, for a Copy of the Plan of the Island, as executed by Mr. Holland, and others, and for a Map or Plan of George-

Government House, 3d February, 1841.

Mr. Maclean presented to the House a Petition from the Shipowners and others, interested in Trade and Commerce in the Port of Charlottetown and the adjacent Harbours, and the same was received and read—setting forth—That Petitioners being aware of the many losses which have occurred, and the dangers to which Mariners

are exposed from the want of a Light House on Point Prim, and praying the House to take the subject into consideration; and, should it see fit, to use its influence with the Legislatures of the neighbouring Colonies, to urge upon them the necessity of contributing towards the erection and maintenance of so desirable an object.

Referred to the Committee of the whole House on the State of the Colony.

Mr. Forbes presented to the House a Petition of A. Mackenzie, styling himself Chairman of the Teachers' Association of Prince Edward Island, and the same was received and read—setting forth—That as they have been led to understand that the House is about to frame a new Law for the encouragement of Education, claiming leave to submit some suggestions, both as regards their own grievances as Teachers, and also such improvements as they conceive to be necessary for advancing the instruction of the rising generation.

Referred to the Committee appointed to prepare and bring in a Bill to continue and amend the Act for the encouragement and support of District and other Schools.

Then the House adjourned.

FRIDAY, February 5th.

Mr. Rae moved for the appointment of a Committee, to bring in a Bill for the relief of the American Loyalists and disbanded Troops in this Island;

Which was carried, and Messrs. Rae, Le Lacheur and Fraser appointed a Committee for that purpose.

Hon. J. S. Macdonald presented a Petition from the Inhabitants of Lot 20, praying an aid to improve a road leading from Graham's Road to Mill River, New London.—Laid on the Table.

According to the Order of the Day, the House went into Committee on the further consideration of the Coroners' Bill, namely, for the appointment of one each for King's and Prince Counties, there being at present only one for the whole Island. In the Committee a clause was introduced, allowing the present Coroner the sum of Thirty Pounds, as a compensation for the reduction in his emoluments, should the present Bill go into effect. The Bill contains a clause suspending its operation until the Royal assent be signified thereon.

On the House resuming, the Bill, as amended, was agreed to, on the following division:

YEAS:—Hon. J. S. Macdonald, Messrs. Palmer, Thomson, Clark, J. Dingwell, Hudson, Gorman, Montgomery, Beck, Yeo, Dalziel, Forbes, Longworth, W. Dingwell, Macfarlane, Macneill, Fraser, Le Lacheur, Macintosh, Montgomery, and the Speaker.

NAYS:—None.

STATE OF THE COLONY.

The House then resolved itself into a Committee of the whole, on the State of the Colony, Mr. Gorman in the Chair.

Mr. RAE, in introducing the first Resolution, said, that a new era had arrived; that which was so long a private matter has at last been declared a public question, and he trusted honorable members would give it their mature consideration.

The Resolution he had to propose was as follows:—

1. WHEREAS this House, in its last Session, passed a Bill to enable the Crown to purchase the Township Lands of this Island, and settle the Inhabitants: and whereas the Legislative Council have declared its opinion of the said Bill as follows:—That it is the opinion of this Committee, that any equitable arrangement, by voluntary sale on the part of the Proprietors, by which the Crown can be reinvested with the said Lands, so as to enable the Crown to sell the same at a reasonable rate to actual occupiers, would tend greatly to increase the settlement of this Colony, and advance its prosperity, and would be considered as a boon calling for the utmost extent of gratitude from its inhabitants: That although this Committee thus far recognize the principle of the Bill, they cannot concur in its details; and, in fact, they deem any enactment on the subject not only premature, but inexpedient and unnecessary, until the consent of the Crown and Proprietors to the measure contemplated by the said Bill shall be first obtained: And whereas the Right Honourable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, by a Despatch bearing date the 22d September, 1840, has declared, that "Although this question originates in motives of private interest, shared equally by Landlords and Tenants, it assumes, in effect, the character of a public question, and as such must be treated. It is Her Majesty's earnest desire, to remove every just cause of complaint in all parts of her dominions, and Her Majesty has been accordingly pleased to desire me to enter into communication with the resident Proprietors in this country, with a view to learn whether, by any further proposition on their part, means may be found to determine a question which has, for so long a period, agitated the Colony: And whereas the former offers of these Proprietary claimants to the Tenantry were most unreasonable; and as the whole conduct of the Association of these Claimants, styling themselves the Proprietary Association, has been most decidedly hostile to the interests of the Colony: therefore this Committee has no expectation that any proposition which said Association may make, in consequence of the communication to be held by the Secretary of State for the Colonies and said Association, will be such as the country could accept; but that such negotiation, on their part, will be industriously prolonged, with a view, by delay, to break the opposition to their tyrannical proceedings: THEREFORE,

RESOLVED, That it is the opinion of this Committee, that it is expedient to pass a Bill of the same tenor as that passed last year by this House for the Settlement of the Colony, in the hope that the Imperial Government will either accede to that, or by some other reasonable measure, decide satisfactorily this question.

Mr. THOMSON remarked, that the Resolution should lie on the table for some time, in order to afford members an opportunity of becoming acquainted with its subject matter. He said that he did not see the Resolution until just submitted, but he conceived that it was one of the fruitful productions of the mover.

Mr. SPEAKER said that the Resolution just submitted was quite plain and uncomplicated, as it was couched in terms similar to those set forth in the bill passed last session.

Mr. RAE thought it nothing but justice to himself, to say, that the Resolution was not one of his own fathering—no, it had the approval of many good members of the House—it was not the production of one alone—it was no pet measure. There is nothing complicated in the Resolution; the arguments narrated are known and declared facts. He was not going to defend all the matter set forth in last year's bill, as the best; he would have hon. members consider the whole matter maturely—it was one of great moment. Every one knew the fallibility of human nature—that from any number of fallible beings a perfect measure was not to be expected as a matter of certainty; but while thus exercising his own judgment on the work of many, and retaining still his own opinion of it, according to the lights which he then had, he ought in justice to remember, that his own judgment was fallible, and though he could not and ought not to try to remove from his mind the propensity to form a judgment more or less positive on every point, where any data for judgment were given, yet he ought not to persist with such pertinacity as to exclude or perpetually to oppose all results proceeding from the judgment of others. He hoped that every one desirous of seeing the question set at rest would go in the main with the leading measures of the Resolution.

Mr. PALMER said he confessed his curiosity was, for the last few days, very much excited, to find out what was the next plan to be adopted by members, to obtain their great end. He thought it unnecessary to describe the nature of the proceedings of last Session; but he conceived, that if the Committee had now disclosed all they intended—if the whole of their scheme for Session 1841 was now fully developed, their expectations were surely hopeless. This Resolution is grounded on a favourite construction put on a passage of the Despatch; but where are the hopes of success to be gleaned from this passage? He could see none. The Secretary of State says it is now a public question, and as such it must be treated. Why, it has been a public question for years past; it had been a public question as long as he (Mr. Palmer) could recollect its being agitated. It was a public question when first recognised by the Colonial Minister at home. [Here Mr. P. quoted the words of the Despatch of Lord John Russell, dated the 22d September last, recently sent down to the House.] Here then it is proved they are entering into a negotiation with the Proprietors. Have we any faith in the communication which the Colonial Minister, in his Despatch, tells us he is instructed to make to the Proprietors? Have we allowed sufficient time for that purpose? No, we have not. Is it reasonable to say whether or not they have followed up the course here promised? No, say we; we will take another course; we have no faith in this part of the Despatch. Is it fair, then, to take this course, before it is learned whether the Ministers have ever entered into this negotiation? If so, it seems very strange mode of procedure, on our part, for the adoption of such a Resolution is a virtual rejection of the Despatch. Yes, then, their answer we reject—to take a more wise course of our own. What is the new scheme? It is a new scheme, notwithstanding all the assurances given, and grand cure for the disease. This Bill, the rejected and abortive production of last Session, can be taken up again. Oh, Mr. Chairman! Oh, Mr. Chairman! Have their wits and expedients come to this miserable end? It puts me in mind of the story told of the two honest Dutchmen who, meeting to deliberate on a case of some little difficulty, after much grave deliberation given to the subject, one says to the other, "Vaut you think about it?" "Why, I think as you think, Sir." "Well, then, I think the same thing!" And so it is with hon. members—they must think as they thought last Session—and so on to the end of the chapter. But, oh! what a falling off is here! If nothing further can be devised than what is proposed by this Resolution, he said he would feel no need to trouble the Committee any further. Now, he (Mr. P.) was prepared to expect some grand, new, and entirely different scheme, for the redemption of the Colony—something bold and startling—such as borrowing money from the King of the French, to make freeholders of us all; or that of mortgaging the Island to our friends the Americans; or some such grand proposition, worthy of being originated by the House of Assembly of Prince Edward Island! If, indeed, this chosen passage of the Despatch is the only panacea for the country this year, their hopes from Ministers at home are small. The Despatch is couched in too cautious terms; it is too much in Downing-street language. He would withhold any further observations until he saw whether any further Resolution might be offered to the Committee.

Mr. SPEAKER was sorry to see the hon. member who had just sat down so much in the dark as to the effect of this Despatch. We have received all that was required by our Address of last session. This Despatch is not only handed to us, but also to the Legislative Council, and is a sufficient answer to their Resolutions. Lord John Russell says to the Council, "I admit it is a question between landlord and tenant; but the matter has been left so long unsettled between you, that it has now become a public question; you need not mind the proprietors in England, for I am directed by the Queen to write to them to know whether they have any further proposals to make?" and his saying that he would write to proprietors resident in England, was, in effect, to say, that there was no necessity to write to the proprietors in the Island, who represent themselves in the Council, and who have already agreed to the principles of the Bill in their Resolutions.

Mr. THOMSON said, that the Bill of last session was the greatest humbug that could be passed. Let the Bill be founded on the same premises, but let it not be of the same tenor. For his part, he could not concur in anything that fell from the hon. gentleman (the Speaker).

Mr. RAE said, that nothing had been added that tended to shake the ground on which the Resolution was based. Reiterated had been their demands on the Home Department, for the redress of their grievances. Letter after letter came forth, as denials of redress—yes, plump denials. They said they could not interfere with private rights—could not step in as umpires between landlord and tenant—and that, as to the undischarged obligations by the proprietors to the Imperial Government, it was useless for the inhabitants to interfere, because they had no right to urge on the Government to prosecute for its own rights; and secondly, because, if they had such right, and the Government were to take the suggestion, they (the tenants) would be in no better case than before, as the Imperial Government would make them pay to it the same rents as they paid the proprietors; but now the Secretary for the Colonies acknowledges that the extent of the discontent, as affecting a whole Colony, and its continuance, must make it to be a public matter.

Mr. YEO observed, that he was surprised to see a Resolution of this kind brought into the House again. He fully expected, from what had passed last Session, never to hear any thing more about it. As regarded his part of the country, he would concur with the hon. chairman (Mr. Gorman) in stating, as he did last winter, that the people of Lot one were so poor, that if they had a cow, it was ten to one if they had a pair of moccasins. Mr. Yeo said further, that

when they were made to pay rent, then they began to be industrious and better off; and if they were not now asked for rent, they would return to their former state—worse than Indians. In 1824, rent was demanded of them, and they paid the same for three years. He believed that the greater number of them at that time might have been able to pay three times the amount; but since 1826, some of them have not paid a farthing's rent; and he thought they were not able to pay half a year's rent. Lot Two is similarly situated. Lot Three is owned by a number of absentee Proprietors. The occupants of Lots Four, Five, and Six, hold their lands as tenants, but for many years past have paid no rent. Now, finding that there is an Agent sent on those Lots to collect the rents, they are becoming more industrious, some of them in timber making, others in road making, and in a short time they will all be in comfortable circumstances again. Lot Seven is a fine Lot; many have purchased lands there, some are squatters; they also are becoming more industrious. Lot Eight is of little value, the most of the Lot is bad land. Lot Nine, the same as the previous Lot; there is very little good land on it. Lot Eleven, three fourths of this Lot is inferior land; but the tenants on it are just beginning to pay rent, equal to meet the taxes. Lot Twelve, more than three-fourths of this Lot are valueless. Lot Thirteen is a good Lot of land, except about 5 to 6000 acres. Lot Fourteen is mostly purchased by the inhabitants, who are well off. These are fourteen Lots, and are represented as being more than one-fifth part of the Island. In these Lots it appears that there are upwards of 100,000 acres of wilderness land, which is next to useless—a great inducement indeed to the Home Government to purchase these lands! Some hon. members blame the proprietors much for not taking the offer made them for the purchase of the land; but he never heard of a shilling being offered for the purchase; he was confident that if money were offered to the proprietors they would soon dispose of their lands.

Mr. CLARK said that the hon. member who had just spoken, had, no doubt, given us a very famous descriptive account of the Western Townships of this Island. He (Mr. Yeo) admitted that all the people of Lot One were so poor that if they had a cow it was ten to one if they had a pair of moccasins until they were compelled to pay rent; then they became industrious. But if they were not asked for rent they would soon again become worse than Indians. This was a pretty compliment paid by the hon. member (Mr. Yeo) to his constituents. According to his mode of reasoning; if by paying £5 they became industrious in one year, surely by paying £10 they would become doubly so. But we know what we may expect from the hon. member. The question under debate is one of the deepest interest to the Colony. For his own part he was not now prepared to say whether to follow out the measure adopted last Session, either by an address or by bill, or both ways, would best answer our purpose. Let us pass a bill at any rate—It will only show that our opinion is the same as last Session.—There was ample time for the proprietors to make up their minds; but this was not their purpose—their object being to employ their minions here to circulate the idea, that a penal tax on wilderness land would be the only remedy likely to succeed. No doubt it is likely to succeed. It is stated in

we have received so much encouragement.

Hon. J. S. MACDONALD could not see on what the Resolution was grounded. The proposed bill was to be the same as that of last Session. He did not see where the despatch held out any encouragement on which to ground the bill. He said it was the duty of the House to wait till they heard the result of the Address of last Session. He, for his own part, dispaired of seeing free lands in the Colony. He thought the only remedy would be to have the rents lowered, and for that purpose would recommend petitioning Her Majesty. It was the object of the majority of the House to wrest the lands from the proprietors, without any remuneration. This Resolution, he considered, was too premature, as an answer to the Address had not yet been received.

Mr. SPEAKER would call the attention of the hon. member for Queen's County, to the Resolutions of the Council (which is partly composed of the proprietors themselves) where they declare that if the principle of the Land Bill was carried into effect, it would be of the highest importance to the Colony, and a boon to the people generally: Their main objections are, that the consent of the Crown and the proprietors in England should be first obtained. Now, when the Council are told that they have the permission of the Home Government to agree to the Bill, and that the Crown will take care of the proprietors in England, every reasonable objection on their part would be removed. The hon. gentleman cannot oppose this fairly, but by a side wind he proposes a compromise with the proprietors, in direct opposition to the expressed opinion of the landlords to the Home Government, thereby endeavouring to lead this House aside from the direct course into a changeable and vacillating policy, that of one proposal one year and a second proposal in another year, so that the Government should not know what we wanted, and treat us with the contempt we would deserve. But he hoped hon. members would see the necessity of following up the plan of last year, which is agreed to in principle by the Council, and to a certain extent recommended by the Crown.

The Hon. J. S. MACDONALD repeated, that there were no sufficient grounds to enable them to carry the Bill into effect.

Mr. D. MACDONALD said, he rose to answer what had fallen from the Hon. J. S. Macdonald, respecting the object of the majority of the Members of the House, which was not, as that Hon. Member would have it be; no, it was not their object to wrest the Lands out of the hands of the Proprietors without remunerating them. He then begged to refer the Hon. Member for Queen's County to the Bill past last Session, in which he would find that the Crown was authorized to purchase the Lands from the Proprietors, at whatever price might be laid on them.

Mr. LE LACHEUR said, that he had heard so much said on the subject, that he thought it would be a waste of time to make much comment upon what had fallen from hon. Members; however, he would briefly state his views on the subject. He said it was only the justice of the cause that had enabled us to succeed so far as we had; it was verifying the maxim, "that truth is powerful and will prevail." Had we been supporting a bad cause, as were the opposers of popular rights with the array of influence and power, combined with talent, such as had been sufficient to uphold a system of oppression and slavery, which, to this day continues to exist in this Colony, and which, if once blighted must soon be felt by the Proprietors, and more so by many of their base and traitorous agents. But are we the representatives of the people (the liberal majority of this House) to be called disturbers of the peace, and wholesale robbers, and to be called reason? Is it because we are seeking our long withheld rights? Now Lord John Russell has declared this question to be no longer a private one, between the Tenant and so called Landlord. It is at last declared a public one, and will be treated as such. Lord Goderich has also told us that if all the Lands as such. Lord Goderich has also told us that the Tenants would in no wise were to revert to the Crown, that the Government would be relieved by such a change; for the government would of course (to use a familiar phrase) step into the Proprietors' shoes; but such (he continued) is not the case, a brighter prospect opens to our view; and if we cautiously proceed, we must, we will soon see our labours crowned with success.

Mr. PALMER said, it was needless to comment much further on the course now about to be adopted by the majority of the House; who think they know correctly the meaning of Lord John Rus-

son's words.

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