

the King, he could not say; but he would ask if they were to take an opinion to give an advantage to one class of men over another; for the titles should be investigated.

Hon. COL. SECRETARY said, the hon. member would never get any land purchased in that case. Where were they to be investigated? In the Courts of law here, they would decide against the hon. member's opinion; and should the decision be in favor of it, the proprietors would carry the matter to the old country; and the time that would be taken up would make an endless affair of it, and the whole bill had better be thrown out at once.

Mr. COOPER replied, before a Court of Escheat and inquiry. That was allowed in other countries; and what was the reason it was not here, he could not say. They ought to know whether there was a party of members in that Assembly—the representatives of the people—who were determined to have justice done to their constituents.

Hon. COL. SECRETARY said, that justice to his constituents, he believed was the desire of every hon. member, as well as of the hon. member himself. But the hon. member would not take the opinion of the Crown Law Officers, nor of Her Majesty's Government; but he would have an opinion of his own, that the original titles were forfeited. They knew that Her Majesty's Government had opposed violent interference with the original titles, and that the Government would not purchase land from parties who could not show good titles.

Mr. COOPER said, they had never had an opinion of Law Officers in the Island or in the old country on the subject. They should be willing to call the Crown Law Officers of England to give an opinion respecting the condition of the grants, and the titles; because it was done by the Crown Law Officer, when the Government took his opinion relative to the Worrell Estate.

Hon. COL. SECRETARY said, of course that officer was perfectly right, because he was not required to investigate the original grants; they were not specified in the Land Purchase Bill.

The Hon. SPEAKER said, they were reviving the old question of escheat; but brought before the House under a new name, and called a Court of Inquiries. He would ask the hon. member from King's County, Mr. Macintosh, one question, whether the conversation which took place in his own house between him, and James Dingwell and himself (Hon. Speaker) respecting the purchase of the Worrell Estate, was private or not.

Mr. MACINTOSH said, when the land question was under discussion last year, the Hon. Speaker knew that he had never broached what had passed in private. He regarded the conversation alluded to as private.

The Hon. SPEAKER said, he never felt at liberty to discuss publicly what had passed in private; and for that reason he had asked the question. Now, they had the revival of the old question of escheat; but it has been decided on in two sessions of the present House, and what was the use of agitating it now? Did he (Mr. Cooper) suppose that he could obtain a majority of the House to support him in that resolution. He might suppose it; but he (Hon. Speaker) did not believe he would. It was only another proof that he was an enthusiast in that subject; and he was disturbing the minds of the people of the country. It was ridiculous in the extreme; it was shameful. The hon. member (Mr. Cooper) knew that he could not carry the measure. They had heard over and over again the same opinion, and that party saying, they must have free land or a court of escheat. Many by that means were hoping for what would never be realized; but it was a miserable time for them. He was sorry that at the third session of the House that question had been brought up. At the opening of the session he thought the hon. member had taken counsel in time; in fact, he had repudiated the idea of escheat, and adopted some other mode of benefiting the country; but still he had returned to it again. He (the hon. Speaker) had not had an opportunity of speaking on this question; but his views were well known. That was the only way they could confer a benefit and boon on the people of the Island in relation to the land, was by inducing the proprietors to sell their lands to the tenantry; that was the only course. The bill before the committee was supposed to impose a tax on the country; but he did not suppose that the Government would run the country into debt to meet the amount that was required on that Bill. No; he trusted they would make a better bargain than they had done in the case of the Worrell estate—the most unfortunate estate in the Island. It had been the great obstacle, and had been made the principal argument by those who opposed the Land Bill; but he knew by experience, that when they purchased that property, they would get more trouble with it than would be an equivalent for what they would make by it. But to return to the amendment proposed to the Bill; he would repeat it, it was nonsensical in the extreme. A late speaker of the House, Dr. Jardine, had pronounced it a mere chimera; and he now, as an old man, pronounced it the same; and he believed the hon. member (Mr. Cooper) could not carry it in that House. The proprietors would not sell their lands to the Government, if they said, "we will question your titles."

Mr. YEO said, that in London he had purchased one Lot of land; and the titles had been examined and seen to be really good, before his son paid for it. Certainly if the Government bought land and paid for it, they would see that they had a good title to it. Let the Government search for records and see whether the titles were good before they purchased land. He did not consider that the members of the House were judges of such things.

Hon. COL. SECRETARY said, the hon. member was quite mistaken. The Act that this Bill referred to, had a clause providing that the titles should be investigated. The investigation alluded to by the hon. member, Mr. Yeo, was different from that intended by the hon. member, Mr. Cooper. What the hon. member, Mr. Yeo meant, was to see that the deed was perfect.

Mr. COOPER said, there was a great debt of £100,000 sterling to be brought upon the Colony to purchase land; and if it was an error to purchase land formerly without investigating the titles, it would be so still. He repeated his opinion that it would be a piece of error and fraud for the Government to purchase any land without investigating the titles, and wish to have the purchasers of it duped instead of themselves. He did not think the House could go into the point respecting the opinion of Ministers; but let the Government get an opinion from the Law Officers of the Crown, and not from Ministers.

Mr. MACINTOSH said, as the Hon. Speaker had put a question to him, he would ask him one in return. He wished to know the difference between a court of inquiry and a court of escheat. He believed they were both the same; yet he wished to see if his opinion on the subject was not different from that of the Hon. Speaker. He (Mr. Macintosh) did not see how the Government would purchase those Townships which had no grants, without investigating the original grants.

Hon. Mr. PALMER said, the proposition of the hon. member for King's County, (Mr. Cooper) though perhaps not one which he would have suggested himself in a Bill of that nature, still he could not altogether agree with the opinion of some hon. members, that it was out of place or unconstitutional. He could not see that it required a separate Bill, as had been said it would; and it might as reasonably be ingrafted on the present Bill as brought in by a separate one.

If the hon. member (Mr. Cooper) still adhered to his opinion that the Government of this Island should not buy up any portion of land till they knew that its title had been investigated, then he (Mr. Palmer) said—though he did not wish to flatter the hon. member—that it was perfectly lawful for him to propose that it be ingrafted in the present Bill, and he saw nothing to prevent that from being done. If a proprietor were anxious to sell his land to the Government, who would give so much for it in the expectation of receiving a good title to it, but should they say, the title must be tried by a legal court, the proprietor might refuse to submit to that; yet if there were a proper court, he might submit to have such a trial. The long agitated question of the fishery reserves had been a long time kept from a legal tribunal, because it was supposed that such a trial would have serious effect upon the public; and various attempts had been made to bring in such a Bill as would settle that vexed question, but none had succeeded; yet all parties adhered to the idea that a Bill was necessary, and that the question could not be left to the courts of law. However, it was found by modern views and new opinions that it might be entrusted to a court of law; and so far as such trials had gone the crown had been successful. With just as much consistency might the titles of land be tried in a court of law; and the Government might some day find themselves in such a court; for the tenantry might become refractory on the Government as well as on the proprietors. It was only in the last number of the Royal Gazette, that he had seen notice given to persons in arrears, that they were required to pay the same forthwith, and that persons whose bonds and warrants were due, were required to pay the same. The House, then, found that the people were holding back,—that their debts were overdue. The House did not know the reason why they did so; but the people might come forward and say, "Mr. Commissioner of Crown Lands, you have no right to these lands, they belong to us." Whether the right was given up or not, they might raise a clamour about it; and so a clause of the nature proposed should be incorporated in the Bill before the committee. If a proprietor had every confidence in the security of his title, he would submit it to the investigation of a good trial. He ventured to say if one estate were tried as in the case of the fishery reserves, it might settle the matter.

Hon. COL. SECRETARY said, that was just like the logic of the hon. member last year; the speech was all to enable the hon. member (Mr. Cooper) to go on and deceive the people. The notice that the hon. member (Hon. Mr. Palmer) had read from the Royal Gazette, was only that the bonds were due, and that the parties were to come and pay them. Was that any very serious affair? But what was his (Mr. Palmer's) conclusion from it? Why, that the people might be dissatisfied with the Government, and that the grants might be disputed. That, however, was only the opinion of the hon. member, Mr. Palmer. That hon. member knew very well that the proposed amendment could not be carried, and if carried, it would defeat the Bill; yet he thought by supporting it, to be popular with some people; but the people of the Island knew the hon. gentleman too well for that. He said, he saw no reason why that clause should not be incorporated into the Bill; but this was not a Bill for regulating the purchase of land from the proprietors, but it was a Bill to extend the provisions of the Land Purchase Bill from £30,000, to £150,000, and it was not for the proprietors, but for the people, who provided the money. The other Bill provided for the investigation of the titles as far as the learned member for Charlottetown wished, who had given his opinion before, that the Legislature could not interfere with the original grants. It was all nonsense to think of interfering with them; no court here would entertain such an opinion. The hon. member, Mr. Cooper, had advised the tenantry to resist the claims of the proprietors, and if they succeeded, the proprietor would be bound to take the case into the Court. Some poor fellow did go into Court with such a case; but he lost it. The Judges took no notice at all of a failure in the conditions of original grants. As to the power of the House to incorporate the amendment into the Bill, no person disputed it. If there was a desire on the part of the majority to incorporate it in the Bill, they would do it; but the thing was altogether opposed to the principles of the Bill; and if incorporated in it, the Bill would be defeated.

Hon. Mr. PALMER said, the hon. member was not warranted in saying, that anything he had said when he last spoke, was to induce the people to think that he was favourable to a Court of Escheat. He never had heard him in that House or out of it, state any such thing; nor had he heard that he (Hon. Mr. Palmer) stated it was unconstitutional or illegal for the House to interfere with the original grants. His objections to a Court of Escheat, was the inexpediency of it. They knew that the Crown had a right to establish a Court of Escheat at any time it pleased; and owing to the great lapse of time and other circumstances, it would be inexpedient to do so. These were the grounds on which he had opposed a Court of Escheat; and he had never departed from them. Last year when the hon. member (Mr. Cooper) moved that the House go into committee on the land question, he had given his sentiments just as disinterestedly as he did now, and voted against his motion. But what he rose a few minutes ago to state was, that there was nothing unparliamentary in the proposition offered, or in the amendment of the hon. member for King's County (Mr. Cooper); but that he could not see why there should not be a court by which it could be carried out, and that it was nothing more than perfectly consistent in that the question should be settled in some form or other. Perhaps another mode might be adopted with less expense than the one proposed, namely, a trial by law, which would be just as good as one by a Court of Escheat. The hon. member for King's County was perfectly right when he said, that no Crown Law Officer had ever given his opinion on the subject. The Home Government could institute a Court of Escheat when they pleased. Those were the grounds on which he had risen to speak on the hon. member's (Mr. Cooper's) amendment, and not with the view of asserting to the country that he was favourable to the notion of Escheat, and that it might be granted now. That sense was put into his mouth by the Hon. Col. Secretary with the view of accusing him of a desire to deceive the country; but he deceived the country on any question as little as he (Hon. Col. Secretary) or his partisans did. The country might think of him as they pleased, but what he wanted was, that his words went forth to the country as he spoke them.

Hon. COL. SECRETARY declared that he had not perverted them. The hon. member did not say, he was opposed to escheat when he was on his legs before; but from what he stated on the notice in the paper, that the titles might be forfeited that might be inferred. He (Hon. Col. Secretary) thought the Escheat question had now been set at rest. There was no doubt that Her Majesty's Government could at any time establish a Court of Escheat; but they would at the same time know what they were going to bring into it—their own acts. But the hon. member went further when he was on his legs before; he said there was another reason to try the titles now on account of the decision on the fishery reserves. Now, they were given on a different footing altogether; and parties disputed whether their claim for them should be up bays and rivers. Some years ago, a case relating to the fishery reserves was brought into a court of law, and the decision was in favor of the Government. But this was a question of titles. Her Majesty's Government had said that the titles were good, and the land had been settled; and though some of the grants could not be found, yet Her Majesty's Government said, they were satisfied that they had been given. So it was no use to afford encouragement to go

on with a measure of escheat. If the hon. member (Mr. Cooper) thought proper to support it now, he (Hon. Col. Secretary) would not.

Mr. COOPER said, it was entirely unfair to have a Court of Escheat for two Townships in the Island; when the titles of the others were just as bad. When those townships had been escheated, further proceedings were delayed, in consequence of the parties engaged in them being interested in the matter. People of the same class and having land of similar quality, should be placed in the same position; but now there was a vast difference between them. What took place in the Island in reference to the land, was a disgrace to the Home Government; and he always thought, the Ministers aided it themselves, and wished to have it covered up; and that when they got Governors to come to the Island, and oppress the people of the Colony, they then thought they had power over the rights of the people. There was no such thing as Ministers giving a decision at law; they were no court; whenever a case came to a point of law, it was referred to a Court of Jurymen.

Hon. COL. SECRETARY said, still it was very simple in the Despatch of Her Majesty's Secretary of State, that he refused a Court of Escheat, and recommended purchase; he said:—

"Seeing, therefore, that the rights of the proprietors could not be sacrificed without manifest injustice, I feel that it will be my duty steadily to resist by all means in my power measures similar in their character to those which were recently under the consideration of Her Majesty's Government."

The hon. member (Mr. Cooper) had admitted on several occasions that escheat was not expected, and was glad that some other means could be employed in order to benefit the people. If he had adhered to that, and given attention to the purchase of lands, he might have been of great assistance in settling the minds of the people, and his advice would have been beneficial to them.

(To be continued.)

The Examiner.

CHARLOTTETOWN, P. E. I., JULY 6, 1857.

As the following article from the pen of an occasional contributor anticipates much that we intended to say on the subject of our public expenditure, we give it the most prominent place in our columns—premitting that we shall enlarge, as soon as an opportunity offers, upon several of the topics herein recalled to our notice.

PUBLIC EXPENDITURE UNDER THE PRESENT AND FORMER GOVERNMENTS.

TO THE EDITOR OF THE EXAMINER.

Sir,—Having, previous to the late election, seen a statement of the salaries recently published under the patronage of the Protector, I take the liberty of forwarding for publication a true statement of the salaries paid to the different officers under the Tory and Responsible system of Government, together with a few observations of my own on the state of affairs in 1848 and 1856. I shall leave the public to judge who is right, the Protector or your obedient servant,

FORMER SALARIES.		PRESENT SALARIES.	
Lieutenant Governor,	£141 6 0	Lieutenant Governor,	£0 0 0
Col. Secretary,	44 0 0	Colonial Secretary,	300 0 0
Do. Fees,	30 0 0	Assistant Secretary,	130 0 0
Do. as Clerk to Executive Council,	25 0 0	Private Secretary,	300 0 0
Do. as Clerk to Legislative Council,	145 0 0	Assistant Treasurer,	150 0 0
For indexing Journals,	30 0 0	Collector License & Navigation Laws,	300 0 0
Treasurer,	500 0 0	Assistant,	150 0 0
Collector of Impost,	500 0 0	Attorney General,	350 0 0
Do. as Clerk to High Courts,	200 0 0	Solicitor General,	400 0 0
Customs & Navigation Laws,	200 0 0	Surveyor General,	0 0 0
Att. General, including fees,	548 16 4	Chief Justice,	600 0 0
Chief Justice,	1150 0 0	Master of the Rolls,	500 0 0
Clerk of the Crown,	276 1 6	Clerk of the Crown,	150 0 0
Adjutant Gen. Militia,	75 0 0	Adjutant Gen. Militia,	100 0 0
Road Correspondent,	40 0 0	Road Correspondent,	25 0 0
Solicitor General,	22 3 4	Clerk to Executive and Legislative Councils,	150 0 0
		Do. paid by Council,	150 0 0
		Registrar,	150 0 0
		Assistant,	100 0 0
	£4718 7 2		£5755 0 0

Besides the above there is a sum of £550 paid for the management of the Government land, which cost the former owner of the Worrell Estate alone about £2,000 per annum. From the above statement it will be seen that the salaries, even were the above included, would not amount to near so much as was paid before Responsible Government was introduced. The ten-pence duty which was formerly collected on wine and spirits, and which belonged to the Imperial Government, but ceded to the Colony at the change of Government, amounting last year to over £3,000 sterling, would more than pay our present Civil List; and when the House refused the supplies in 1850 the Tory Government actually paid the Civil List out of this fund, thereby showing that the Assembly had no control whatever in the matter. Mr. Haviland, when Colonial Secretary, received, (independent of his pension as Naval Officer!!!) of £180 sterling per annum, and his fees as Master in Chancery, £850 currency yearly; and if we add to the £141 6s. paid during the same year to the Lieutenant Governor, it does not appear for what we have a sum total of £992 6s. paid for doing the work now performed by five individuals, who, in the aggregate, deducting £40 paid the late Road Correspondent, receive £880, being the exact amount received by Mr. Haviland alone, if we include the £30 paid for indexing the Journals, which is now done by the Clerk of the Council. A change in the road service was loudly called for. The office of Road Correspondent was formerly held by Mr. MacGowan, and it is notorious that poor people were often obliged to take goods from that gentleman in payment for their orders, or sell them at a discount of 20 per cent. for cash. £60 extra for this service has given general satisfaction; and road orders being paid in cash, the work is done at a cheaper rate, and a large saving to the country effected, besides four times the work is done now. The revenue in 1848 was only £17,792 6s. 1d., while that for the last year was £40,662 16s. 9d., consequently under the Tory Government a larger amount was paid to office-holders—not responsible to the people—for less than one-half the work done by men who hold office subject to their approval. The fees paid by the Colonial Secretary and Registrar in 1848 amounted to £222 17s. 2d.; in 1856 they amounted to £559 4s. 4d.—a sum little short of the present actual cost of the two offices. It may be said, as is often done by the Tory party, that the Queen's Printer gets £1,000 per annum salary. This, they well know, is not the fact. The charges are much lower than those made by Mr. Hazard when he was Queen's Printer. All intelligent persons know there is now much more printing to be done, even without taking into consideration the Customs and Post Office Blanks, (a large item in the expenditure) formerly paid for by the Imperial Government. The debt of the Colony in 1848—the year from which the above statement is made—amounted to £27,454 15s. 3d., while that of the present year is only £22,803 14s. 0d., against which there are ever 50,000 acres of land belonging to the Government, and about £10,000 due on land sales; in the same year less than £1,500 were paid for education, while in 1856 over £13,000 were paid under the Free Education Act. In the same year (1848) only £3,000 were voted for the Road Service; last year the sum paid was over £11,000, showing an increase in the Road and School Service of £19,500—a

sum nearly equal to the whole debt of the Colony, and actually paid into the pockets of the people. While making a statement respecting the amount paid to public officers, it may not be amiss to remind the public, that in order to subserve their own views, the Tory party in 1848 actually passed an Act to increase the Land Tax, for the special purpose of paying the Lieutenant Governor an additional salary of £500 per annum; and at the same time they were conspiring to deprive the Island of its constitution, as will appear by the following extract from Sir A. Bannerman's message to the Assembly, dated March 4, 1852:—

"The Lieutenant Governor has to acquaint the Assembly, that the Despatch alluded to was forwarded to the Secretary of State by his immediate predecessor, under the belief that it would be unwise to concede Responsible Government, unless accompanied with a measure to limit the Franchise to a closer assimilation to a right of voting exercised in the other North American Colonies, where it is confined to Freeholders alone, by limiting the country constituencies to freehold not less than 40s.; and Leaseholders, possessing 50 acres at an annual rent of 50s., twenty years occupation, and improvements thereon amounting to £300 currency; to raise the qualification of Members of the Assembly, and reduce their number to 19."

As an offset, the Liberal party gave Universal Suffrage—an increased Representation—Free Education—the One-ninth Bill, which secures the tenant against landlord caprices, besides many other measures of the greatest importance. It may be necessary, on another occasion, to show what was done by the Treasurer under the Tory administration—to say a little on the management of the Glebe Land Fund—and to give a general summary of offices held by the Family Compact. All, however, shall be taken from the records of the Assembly, and not garbled statements such as issue from the Protector and Islander offices, to deceive the people.

TO THE EDITOR OF THE EXAMINER.

Sir,—I noticed in the Islander of Friday last a communication signed "Echo," in which, as I conceive, most unwarrantable liberties are taken with my name. The paragraph in which reference is made to me is as follows:—

"Report says, that Barnard is hard at work trying to bring Lord out, hoping that he may help to put a few more such jobs in his way as that which Mr. Craith very justly found fault with, where a large sum of money drawn from the pockets of the town folk went into the hands of the disinterested Town Councillor, and very little done for it."

In reply to the above false and calumnious assertion, I beg to state that neither "a large" nor a small "sum of money" was ever "drawn from the pockets of the town folk" for my benefit, without the most ample service having been rendered for it. I have no recollection of Mr. M'Craith having found fault with any job done under my superintendence, unless it was the fitting up of an office for the use of the licensee of the Weighing Machine. This was done in the fall of last year, when the days were short, the weather broken, and it was almost impossible to procure workmen to do the work at the time it was required. From a desire to serve the City Government, but greatly to my own inconvenience, I consented to let two of my journeymen work a certain number of days at the fitting up of the office in question, at the same wages per diem as I myself had been paying them. The men worked constantly and faithfully while they were at the "job," but, from unforeseen and unavoidable drawbacks, a longer space of time was occupied in the completion of it than was at first contemplated. Now, I leave the public to judge how much of the money for the work went into my pocket. While my men were engaged upon it, their service was lost to me, at a time when that service was much required, and of the wages which they received not one penny accrued to my benefit.

I have, perhaps, taken more than due notice of such an unprincipled slander as the anonymous correspondent of the Islander. If he is not as much a coward as a slanderer, when he attacks me again I advise him to append his real name to his communication.

I remain, sir, yours truly,
Charlottetown, July 6, 1857. SILAS BARNARD.

New BRIDGES.—On Friday last the new Bridge over Wheatly River, at the Oyster Bed, was inspected and passed, in the presence of a large concourse of people. This is the third extensive bridge erected by the present Government, costing over one thousand pounds each, and they are all a credit to the Colony. The Wheatly River Bridge and Fyffe's Ferry Bridge are built of cedar, are both draw-bridges, and are over a thousand feet in length. They are situated in the district represented by the Hon. Col. Secretary, and in the construction of them he has given many important suggestions. The Soffris Bridge, one of the most important public works erected in King's County for many years, is likewise a draw-bridge, built on the same principle as the Queen's County bridges just referred to, and all three have been erected under the superintendence of Mr. John Doirant.

The Hon. Dr. Young.—This gentleman, who has been, for more than a week past, on a visit to New Brunswick, on business connected with our public affairs, returned on Saturday morning last, having accomplished the object of his mission. He came by express steamer to Summerside. While in Fredericton, Mr. Young visited the Legislative Chambers, and received a high compliment at the hands of the House of Assembly, then in Session. As soon as he made his appearance on the visitors' benches of the latter, the Hon. J. H. Gray called the attention of the House to the fact of his presence, and suggested, that as Mr. Young was President of the Legislative Council of a sister Colony, it was due to his position to invite him to a seat in the body of the House. This suggestion was promptly approved of on both sides of the House, and Mr. Young was then led into the House by Mr. Gray, introduced to the Speaker and all the members, and a seat set apart for him in the body of the House during his stay in Fredericton.

Our worthy contemporary of the Islander has a wonderful taste for the marvellous, in proof of which we give the following "o'er true tale" from his No. of Friday last. Indeed, it is not at all surprising to find the Islander retailing this little bit of news, for almost every issue of that paper contains "a whale of a story" about some thing or other:—

"A WHALE—OF A STORY.—A Whale, upwards of 60 feet long, lost its reckoning and got ashore on Hog Island, Richmond Bay, about ten days ago. The fortunate captors, it is said, have extracted from it about 400 gallons of oil, worth 5s. per gallon.

It is reported that as the men cut into the fish, they were alarmed by a strange jabbering in French, and that as daylight got entrance they discovered a fishing boat, and four men at the oars. One of the men who could speak a little English, stated that they belonged to French St. Peter's; that having made rather free with a jar of brandy, they all fell asleep in the boat; and that on awaking so thick a fog had settled in with the night they could not see each other, but concluded they had got amongst rocks as they found they could not handle their oars freely, and were waiting patiently until the fog and darkness should clear away.

The stranded whale and oil are certain facts, but, in our opinion, the boat needs confirmation, though it is quite as credible as an old witch-woman scudding about in the shape of a hare, with the untoward chance of being shot and eaten by her grandson. If true, the French Government will, no doubt, reward the liberators handsomely."