

break-water. All depended upon the sinews of war— money; and he thought the best way to begin would be to communicate with the Government of Nova Scotia upon the subject, endeavouring to impress upon them a just idea of the importance of such an arrangement, not only to P. E. Island, but to Nova Scotia, and if possible to engage them to use their influence with the Legislature of the Province, to procure a grant sufficient to ensure the erection of the wharf and break-water.

Hon. Mr. WIGHTMAN thought there would be something of an impropriety in prescribing the exact course which His Excellency should pursue for the attainment of the objects in question. It was, he thought, sufficient to request His Excellency to take action on the question, and leave him to adopt the course which he should deem the most expedient. The hon. gentlemen added, that he thought Pughwash fully as convenient as Tatamagouche, and was inclined to give it the preference, as there was there at all times a sufficient depth of water.

Mr. McDONALD would give the preference to Tatamagouche. He, however, was of opinion that it would be advisable to send Commissioners to examine the different harbours, that they might be able from examination and comparison to report which they thought the best.

Hon. Mr. MONTGOMERY.—It was said that the harbour was not safe. He thought it would be right to send over Commissioners according to the suggestion of the hon. member for Georgetown, and to await their report before any further action should be taken.

Other hon. members spoke to the Resolution, some preferring one harbour and others another; but all heartily concurred in the propriety of the proposition; and the question being put by the Hon. the Speaker, the Resolution was unanimously adopted.

The Hon. the Colonial Secretary, Hon. Mr. Warburton, and Hon. Mr. Lord were appointed a Committee to prepare an Address to His Excellency, in accordance with the Resolution.

FRENCH ACADIAN SCHOOL BOOKS.

Mr. Perry moved the following resolution:— Resolved, That a Committee be appointed to prepare an Address to His Excellency the Lieutenant Governor, praying His Excellency that a sum sufficient, out of the funds already provided for the purchase of School Books, be placed at the disposal of the Board of Education for the purchase of French Books for the use of the Acadian schools.

Ordered, That Mr. Perry, the Hon. the Colonial Treasurer, and Mr. Clark, do compose the said Committee.

BILL FOR BARRING ESTATES TAIL.

Mr. Haviland moved that the House go into Committee on the said Bill.

Hon. COLONIAL SECRETARY opposed the motion. He said that the Bill was altogether unnecessary, as an Act to the same effect had been in operation 9 years; and that it was wholly uncalled for, was the opinion of the authorities at home, as would appear from the tenor of a Despatch from Earl Grey to Sir Henry Huntley in reply to Col. Stewart's enquiry regarding that Act. A copy of that Despatch he held in his hand, and he would read it to the House. The hon. gentleman then read as follows:

“DOWNING STREET, 21st Nov., 1846.

“SIR,—I have received a letter from Lt. Colonel P. Stewart, dated 12th October, Charlottetown, Prince Edward Island, representing the grounds of complaint against an Act of the Legislature of that Island, entitled ‘an Act for barring Estates Tail,’ which he finds in operation in the Colony, although he states himself to have been unable to ascertain that the Law ever received the Royal Assent.

“You will acquaint Lt. Colonel Stewart, that, as the Act had not a suspending clause, it did not require, and could not properly have received any special or other confirmation. You will add that, according to the custom then prevailing in all similar cases, it appears to have been silently left to its operation, and that as the Act has been actually in force for twenty seven years, it would be impossible to disallow it at this time, even if it could be clearly established that it ought not to have been granted; such a law must have become the basis of many titles subsequently acquired on the faith of it. I, therefore, think it needless to enquire whether Colonel Stewart's objections to the Act are, in themselves, well founded; but I must guard against being supposed to acquiesce in them.

“I am, Sir, your most obedient servant,
(signed) “GREY.”

Although this Act had required ‘special or other confirmation,’ which, however, Earl Grey expressly says it did not, yet this very Despatch may be regarded as a ‘special confirmation,’ not only for the future, but the past;—not only from the date of the Despatch, but for the time antecedently elapsed from the passing of the Act to the date of the Despatch. It would not be advisable to legislate upon a Bill which has been so long in operation—a Bill, which must, in the course of twenty-seven years, (the period of time during which it has been in existence,) have become the basis of many titles. The Assistant Judge had stated to him that, in his opinion, a suspending clause to the Bill was altogether unnecessary, for the Bill was merely a carrying out of an Imperial Statute; and, by the Despatch which he had just read, it was quite clear the Secretary of State also held a suspending clause altogether unnecessary.

Mr. HAVILAND.—In endeavouring to carry the Bill which he had introduced, he had no private ends to serve; he was simply actuated by a desire to quiet Titles respecting the validity of which doubts existed in consequence of the Act in question not having received the Royal confirmation. Persons who held property which had passed to them under the operation of that Act, could not obtain as high a price for it as others could who possessed property of another species; and surely this was an evil which loudly called for redress. He thought the hon. Colonial Secretary must be mistaken with respect to the opinion which he said the Assistant Judge had given him touching the valid operation of the Act.

Hon. COLONIAL SECRETARY explained. He said the Assistant Judge told him that, in his opinion, the Bill did not require a suspending clause.

Hon. Mr. PALMER.—Doubts were entertained whether that Act was the law of the land; and those doubts seriously affected the value of much property in the Island. To dispel those doubts then, (especially as it was so easy to do so) was certainly a very obvious duty of the Legislature. The late Capt. Stewart, at one time Speaker of the House of Assembly, made enquiries at Home, of the highest authorities of the State, but could obtain no satisfactory information upon the subject; for then, as now, clouds and darkness seemed to rest upon it. If the Bill before the House go no farther than to inspire confidence in the Titles to property, acquired under the operation of the old Act, it will do much good. It will quiet Titles, and disturb none: whereas, if rejected, its rejection may increase those existing doubts, which, at present, detrimentally affect the value of so much property. It was said that that Act required no special or other confirmation; but they all know that every Act affecting real estate must receive the Royal allowance before it can become law.

Hon. COLONIAL SECRETARY.—As the Bill was merely a carrying out of an Imperial Statute, it required no suspending clause; and, consequently, it required no special or other confirmation, and was, therefore, silently left to its operation.

Mr. HAVILAND.—There was no Imperial Statute to that effect until thirty years after the passing of the Act of this Colony now in question.

House in Committee upon Mr. Haviland's Bill for barring Estates Tail.—Mr. McDonald in the chair:—

Hon. COLONIAL SECRETARY reiterated what he had maintained before the House went into Committee, namely, that the Act having no suspending clause, and not having been disallowed, was left to its silent operation, and so became as much the law of the land as any Act which had received the Royal confirmation.

Mr. HAVILAND, as before, said that all Acts affecting the rights of property positively required the Royal confirmation—without it, every such Act was a nullity.

Hon. COLONIAL SECRETARY.—Who were to be the Judges? If a Bill were sent Home, submitted to the Privy Council, and, having no suspending clause, silently allowed to go into operation, it unquestionably became the law of the land.

Mr. HAVILAND.—The Judges, in such a case, were the Judges of the Supreme Court. No Act which was passed contrary to the Constitution of the Colony could be the law of the land. Ministers of State had power to give a Constitution; but when given they could neither narrow, curtail, nor alter it: that could be done only by an Act of the Imperial Legislature.

Hon. COLONIAL SECRETARY.—If, as the hon. and learned member for Georgetown seemed to think, it was still necessary to adhere, both to the letter and spirit of the Royal Instructions, in which the Constitution of the Colony might be said to be expounded, then it would be necessary, before a Bill could be introduced into the Assembly, that notice of the intention to do so should be given, on three consecutive Sundays, in the English Episcopalian Church, and that, when sent Home, the Bill should be accompanied by a Certificate from the Clergyman of the Church that the Bill had been duly ‘proclaimed.’ Nay, further, if the Royal Instructions or Constitution were to be strictly adhered to, then liberty of conscience would be extended to all but Papists. Could anything be more absurd? Away with all such absurdities!

Mr. HAVILAND.—The observations of the hon. Colonial Secretary were irrelevant to the question, and, in part, uncalled for, if not quite reprehensible. It was well known in British legislation, that if, owing to doubts arising from ambiguity of language, or other cause, the legality or validity of acts or deeds, under any Act of Parliament, became, or had become questionable, no difficulty was found in removing such ambiguity or doubts by any enactment: and not only was this the case in the Imperial Parliament of Great Britain, but in every Legislature derived from the Constitution of Great Britain.

Hon. COLONIAL SECRETARY.—If they were to be called upon to legislate respecting every Act, concerning the force or precise meaning of which some person or another entertained a doubt, they might legislate and legislate again upon every Act in the Statute Book;—such legislation would have no end.

Hon. Mr. PALMER.—The Royal Instructions expressly declared that no Act affecting real estate should be passed without a suspending clause; and the rule by which the Lords of the Privy Council were governed, with respect to such Bills, was, that if three years elapsed without any such Bills having been confirmed by the sign manual of Majesty, it should be held disallowed. That the Bill under consideration came within the scope of the spirit of that rule, no one could fairly deny; and if some lawyers held that, because the Act had not been especially confirmed, it ought to have been considered as disallowed, they were not without good grounds for doing so. The Constitution must, at all times, be adhered to: it cannot be adhered to but by an Act of the Imperial Parliament. With respect to instructions to Governors, it is otherwise: they may change with administrations, or the times, or be varied at will.

Hon. COLONIAL SECRETARY.—With respect to Bills having a suspending clause, it was true they did not become law, unless they received the Royal Assent; but that was not the case with regard to Bills having no suspending clause: and in New Brunswick, he believed, they had been contending that if Bills, having suspending clauses, were not disallowed within two years, they should be embodied into the law of the land.

Hon. Mr. WARBURTON.—The Bill was passed without a suspending clause; it was regularly transmitted Home; it was not disallowed, but silently allowed to go into operation as the law of the land; and he believed that all titles to property acquired under it were, therefore, strictly good and valid. If he thought otherwise, he would be to the full as anxious to further the passage of the Bill as the hon. and learned member who had introduced it.

After some further unimportant observations, the Bill was agreed to in Committee without any amendment, and the Speaker resumed the Chair. On a motion being made that the report of the Committee be now received, the Hon. Col. Secretary moved in amendment to the motion, that the report be received ‘this day three months.’ The House divided:

For the amendment—Hons. Messrs. Coles, Whelan, Wightman, Warburton, Mooney, Messrs. Muirhead, Dingwell, Perry, Clark, Munro—10.

Against it—Messrs. H. Haviland, Yeo, Cooper, McGill, Palmer, Montgomery, McDonald, Douse, Laird, McIntosh, Longworth, Lord—12.

The amendment was therefore negatived, and the Bill ordered to be engrossed.

THE ELECTION BILL.

The order of the day for the second reading of the Bill to increase the number of members to serve in the General Assembly, and to consolidate and amend the several laws relating to Elections, being read—

Hon. Mr. WHELAN moved that the House do go into the order of the day.

Hon. Mr. PALMER opposed the motion, and went into a review of some of the details of the Bill, renewing, in the course of his speech, most of the arguments and objections previously offered by that gentleman when the subject of the Bill was brought under the notice of the House. The hon. gentleman concluded by moving that the Bill be read a second time that day three months.

Messrs. Haviland, Cooper, Longworth, Douse and others, spoke in favour of Mr. Palmer's amendment. They were replied to by Messrs. Whelan, Coles, Mooney, Dingwell, Warburton, Lord, Wightman and Clark.

[Although furnished with the notes of the several speeches, it appears to us to be unnecessary to publish them at this late date, more especially as the principal arguments on both sides have been given in a previous discussion on the same subject.]

When the discussion ended, the House divided, as follows: For Mr. Palmer's amendment, that the Bill be read that day three months—Messrs. Palmer, Longworth, Montgomery, Douse, Yeo, H. Haviland, McDonald, Cooper, McIntosh, Laird—10.

Against the amendment—Messrs. Whelan, Warburton, Coles, Lord, Mooney, Wightman, Munro, Clark, Perry, McGill, Dingwell, Muirhead—12.

The amendment was therefore lost; the main motion was then put and carried, and the Bill was read a second time.

The Bill was then committed to a Committee of the whole House—Mr. Clark in the chair. Some desultory discussions occurred on several matters of detail, but nothing important was elicited. After being a short time in Committee, progress was reported, and the House adjourned.

Original Poetry.

[FOR THE EXAMINER.]

O'er mountains uprising Sol gilds the blue sky,
Night pales in his glance, and the starry lights die;
In blaze of his glory o'er earth he shines now,
No mist on his crest, and no cloud on his brow.

Fair is the morn, and softly whispers the breeze,
And sweet is the breath of the wilderness trees,
And glad some the lays of bird lands in the grove,
Warbling sweetly to Heav'n their lyrics of love.

The rippling rills ripple, singing low as they glide;
Bright rivers run laughing by the glade's sunny side;
The wild flowers smile, and the young grasses too,
Exulting with morn in her girle of dew.

The forests are gay in Spring verdure and sheen:
The fir, spruce and pine trees, eternally green,
Proud, sombre, sublime, as stern warders stand
'Round the wilderness fanes of their native land.

The youth of the year—the enchantments of spring—
The voices of morn, and the songs the birds sing—
Green fields and bright flowers, forest, rill, river, fane,
Touch the soul's harp of joy to life's spring time again.

Oh, who would erase the heart's memories of yore—
Rosy life's sunny morn no shadow came o'er;
Feeling's fervor and truth—love's spring time and glow,
Nature's pilgrim forgets not, never, O no.

June, 1856. WERAND.

THE EXAMINER.

CHARLOTTETOWN, JUNE 9, 1856.

THE FERRY.

A BRACE of fools, who respectively style themselves ‘a Farmer’ and ‘a Freeman,’ have lately exhibited in the *Islander* their very small wits, to show that Mr. John Roach Bourke ought to be allowed to do as he likes with the Charlottetown Ferry, and that the Government is tyrannical, unconstitutional and despotic when it presumes to interfere with that great man's cherished monopoly. The twaddle of those fellows about ‘tyranny,’ ‘slavery,’ ‘oppression’ and ‘freedom,’ is just such as half idiots or drunken men would use, and must therefore be dismissed without further notice.

There is one good joke in the letter signed ‘a Farmer,’ although the genius that scribbled it was evidently not aware that he perpetrated a joke. After praising Mr. Bourke up to the clouds for running a ferry boat, in which the passengers (mean set!) are allowed to keep their three-pences in their pockets—and working himself up into a towering passion against the Government—he emphatically declares that the people on the other side of the river are ‘determined to support’ Mr. Bourke so long as he runs his said ferry boat ‘free, gratis, for nothing.’ We have no doubt that such is the determination of certain people on the other side of the river. They will readily ‘support’ any man, in any cause or calling, on principles so economical to themselves. We could get a great deal of such ‘support’ for our paper from the same people, if we wanted it; but it is extremely difficult to subsist any enterprise on that kind of ‘support,’ and we should of course forego the honor of receiving it. We wish Mr. Bourke joy of his generous ‘supporters,’ and may their pockets never cease to know the jingle of pennies they are too mean to give for services rendered!

A great deal of nonsense has been printed in the *Islander* regarding the new regulations made by the Government for the Michin's Point Wharf. Mr. Bourke's foolish apologists contend that since the Ferry Wharfs have, by a recent Act, been placed under the care of the Corporation, the Executive have no power to interfere with them! What a set of ninnies! Did they ask of any person, who has sense and information enough to tell them, whether the Act 15 Vic., cap. 34, has been repealed, which authorises and requires regulations to be made from time to time? and that the late Act, defining the boundaries of the City, merely places the ferry wharfs and slips, for police purposes, under the care of the Corporation? If the Executive had no power to make regulations, and the ferry wharfs, as the fools pretend, can be used by any and every person, without let or hindrance, why does not Mr. Bourke continue to run his boat there? Answer me that, Master Brooks! The answer is, because the disappointed Ferryman knows that the Act 15 Vic., cap. 34, is in as full force as ever it was, and knows, moreover, that the Government are determined it must and shall be obeyed.

The individual who signs his letter ‘a Freeman,’ but who, we suspect, would be the most villainous tyrant that ever trod the earth, if he had the power—pretends to know all about the tenders respectively sent to the Government by Messrs. Bourke and Welsh. We give below the statement as furnished to the *Islander* by Mister ‘Freeman.’

MR. BOURKE'S TENDER.

Passengers, each.....	3d.
Children under 10 years.....	1d.
Horse.....	4d.
Cow.....	4d.
Carriage.....	4d.
Cart and Load.....	9d.
Sheep and Calves, each.....	2d.
Luggage per cwt.....	1d.
Produce per bushel.....	4d.

MR. WELSH'S TENDER.

Passengers, each.....	3d.
Horse.....	5d.
Cow.....	5d.
Carriage.....	5d.
Cart and Load.....	9d.
Sheep and Calves, each.....	2d.
Luggage per cwt.....	1d.
Produce per bushel.....	4d.

Now let us hear what Mr. J. R. Bourke himself says upon the subject. He published a letter in the *Islander* of the 22d February last, on the subject of the ferry contract, and we find in that letter the following statement of Mr. W. C. Bourke's tender, which differs materially from the statement of ‘a Freeman.’

“For each adult.....

“ child under 10 years.....	1d.
“ horse or horned cattle.....	4d.
“ horse and carriage.....	9d.
“ horse and load to Market.....	9d.
“ hog, sheep and calf.....	2d.
Luggage per cwt.....	1d.
Grain per bushel.....	1d.

“February 6, 1856. WILLIAM C. BOURKE.”

Now, who tells the truth in this matter? The weight of probability evidently attaches to Mr. Bourke, for he gives no such garbled and untrue statement of Mr. Welsh's tender, as that which is given by ‘a Freeman.’ This writer entirely and wilfully omits two most important items in Mr. Welsh's

tender, namely, the ferrying of persons across the river on Sundays, without any charge, and the ferrying of funeral processions, at all times, without any charge. Mr. Bourke's tender was silent on these important subjects, and because it was so, a dishonest and spurious ‘Freeman’ wants to make it appear that Mr. Welsh's tender is equally silent on the same matters. Out upon the paltry deceiver! Does Mr. Bourke impose this degrading condition upon his non-paying three-penny supporters—that they must be always ready to propagate any falsehood, and suppress any fact?

We are told that Mr. Bourke does not ‘do the agreeable’ for the non-paying three-penny people by running his boat on Sundays, though he continues to evade the law by ferrying on week days. Why does he not oppose Mr. Welsh on Sundays? Because Mr. Welsh, by the terms of his contract, is bound to ferry free on Sundays, and Mr. Bourke therefore generously gives the contractor all his grand supporters. We can well imagine how every honest man, who has a soul above three-pence, frowns upon the slaves, as they take their seats in a boat whose owner they try to injure six days out of the seven.

NEW BRUNSWICK POLITICS.

We understand that His Excellency Governor Manners-Sutton has surrounded himself with new advisers—all of the Tory party, we believe—and that it was by their advice, and not on his own individual responsibility, he dissolved the Assembly of New Brunswick. The matter in dispute, then, between the Governor and the late Council, is narrowed up to this point: he wanted to dissolve the Assembly so as to elicit an expression of the public opinion on the Liquor Law—they thought and said a dissolution would be injurious to the public interests—he said, if they do not concur with him in the view he takes, he must seek other advisers who will, and straightway the old Ministry resign their places.

This is quite a constitutional course of proceeding on both sides. It is certainly a hazardous one for a Governor to take, and if the Liberals of New Brunswick succeed in regaining their majority, there is very little doubt that it will cost the Governor his office—for it is impossible that the persons whom he has lately discarded and who are the chiefs of the Liberal party, can ever cordially co-operate with His Excellency. Mr. Manners-Sutton, no doubt, well considered the step before he took it—with him is the responsibility,—he, as well as his present advisers, will have to pay the penalty of defeat, if defeat there be in store for them.

How different has been the conduct of the Liberal Ministry of New Brunswick from that of the Tory Ministry of P. E. Island! Governor Manners-Sutton refused to take the advice of the former on the subject of a dissolution, and they promptly resigned their places. Governor Bannerman refused to take the advice of his Council on the same subject, and they not only held on to their places, but abused behind his back the officer with whom they every day transacted business, until the people routed so many Executive Councillors that there was not a sufficient number left to form a quorum, and resignation became absolutely necessary.

Hazard's Gazette a short time ago (May 30), in commenting on the dissolution of the New Brunswick Assembly, said, that Sir Alexander ‘was banished from civilized life to the Bahama Keys,’ for doing as Mr. Manners-Sutton has done. There is neither truth nor point in the assertion. Sir Alexander Bannerman received his appointment to the Bahama Government a considerable time before he dissolved the House—and he not only did not incur the displeasure of the home authorities for that act, but he received a despatch from the Duke of Newcastle leaving him to exercise his own discretion in the matter.

Admitting, for mere argument sake, what is not the fact, that the British Government was aware of the act of dissolution before they appointed Sir Alexander to the Bahamas—if they considered that act as one deserving punishment, they would give him no further employment of any kind, but ‘banish’ him into private life. Their mode of punishing Sir Alexander, however, was extremely funny—they remove him from a place where he had £1500 Sterling a year, and put him in one where he can draw £2000! We have a fancy for that kind of punishment. It is a new fact in modern history that the Bahamas are uncivilized; but Mr. Lawson says that such is the case, and it must be so. It is quite probable, however, that there is some John Lawson amongst the barbarians of the Bahamas, who entertains the same flattering opinion regarding this Island, and wonders now and then that a fat and portly gentleman like Sir Alexander ever escaped being dished up to appease the hungry cravings of some of the savages of P. E. Island.

ENGLISH MAIL.

The English Mail, brought over by the mail steamer *Lady de Marchant*, reached Charlottetown on Saturday forenoon, but the papers received furnish little or no news whatever. Active hostilities had been resumed between the Russians and the Circassians.

DISSATISFACTION IN THE BRITISH CAMP.

CAMP BEFORE SERAPOL, MAY 3.—At no period of my acquaintance with the British army have I ever known the officers to be in such a state of profound dissatisfaction as they are at present. The indecent haste with which the reductions were announced, the injustice of the order relating to horses, the mode in which the instructions have been conveyed to them, rankle in their hearts. Nothing else is talked of, or apparently thought of, by all classes of officers. The ink is not dry on the Treaty, the news of its ratification is not received, and yet the army is at once made the victim of the most pinching, niggardly, cold economy. Scarcely was the intelligence of peace known, ere the private soldiers were deprived of their extra 6d. a day. There was no respite even to the end of the month, or of the week. A number of most deserving non-commissioned officers—sergeants-major, troop-sergeants, &c.—have received commissions as Cornets in the Land Transport Corps; they have associated with commissioned officers, and have been put to expense in preparing for their rank. These men are to be ‘degraded’ to the ranks. But that is not all. The vacancies caused by their promotion were filled up by the senior sergeants, who became sergeants-major, and troop-sergeants, &c., and these men are pushed back to the rank they formerly held, and are deprived of their just promotion. As to the horse question, we shall absolutely leave behind us, if the present very absurd regulations are persisted in, many thousand mules and horses for the use of the Russians. The horse fair at Mackenzie Farm proved a most utter failure. The Russians are so sure of being able to provide themselves with horses for next to nothing, that they are in no hurry to bid till the time of departure draws nigh, and the screw is put upon the English. Some hundreds of officers went up to the fair, and there was a considerable attendance of Russian officers on the ground, but they came to look, and not to buy. Their largest offers ranged from £4 to £6. In one instance, however, £40 was given for a fine English mare. Horses and ponies were at a ruinous discount. Some mules and bat animals were sold for 5s. and 10s. a-piece. Some had cost probably, 50, and others 100 times as much. I know of three