THE EXAMINER:

A Weekly Journal of Politics, Literature, and News.

"This is true Liberty, when Freeborn Men, having to advise the Public, may speak free."—Euripides.

Vol. XIII. **Charlottetown, Prince Edward Island, Monday, May 11, 1863.** **New Series.—No. 18.**

COLONIAL LEGISLATURE.

COUNCIL CHAMBER,

SATURDAY AFTERNOON, April 11, (*continued.*)

Hon. Mr. HENDERSON.—I fully agree with what has been said with regard to our duty as standing apart from private interests. But while I do not pretend to a very extensive knowledge of banking affairs, yet I have a certain knowledge of the benefits to be derived from a well-conducted system of banking. Wherever banking corporations exist it is the duty of the Legislators to see that they are established on a firm and sound basis, and to prevent them from running to extremes. The want of such caution led to a great crash in a neighbouring country a few years ago. Let the Directors be as decided men of character as you please, yet, if they have a monopoly, a degree of independence will creep in, and there will not be that degree of accommodation afforded which the country requires. We are to keep our duty in view, and we should give the shareholders a fair share of our attention which is their due, according to their numbers and standing in the community. The very fact that the present Bank have applied for power to increase their capital is a proof that another is required. I am not yet prepared to say which way I will vote.

Hon. Mr. GOFF.—I have understood for some time past that the present Bank has failed to afford that accommodation which the public require. Whether that failure was owing to a want of means or to other causes, I am not prepared to say. Since the present Bank went into operation, trade has greatly increased, so that there is now room for another. I would be glad to see another go into operation, and I would be sorry to do anything that would discourage it; but at the same time, I do not know how we can refuse to grant the prayer of the petition of the shareholders of the present Bank, when they have asked for power to increase their capital. If they require an increase of their capital, for the purpose of enabling them to afford greater accommodation to the public, I certainly think we should not oppose the Bill. I understand they wish to increase their capital to the amount of £10,000.

Hon. Mr. McDONALD.—His honor is mistaken. Their present capital is £30,000, and they ask for power to double it.

Hon. Mr. GOFF.—I do not know what induced me, but I was under the impression that they only asked for an increase of £10,000; but if it is to double the capital, it indnces me to change my opinion. If it is to double the capital it would be likely to absorb the whole of the spare capital, and prevent the new Bank from going into operation. I am of opinion that another Bank would be a great accommodation to the public.

Hon. Mr. YEO.—I cannot see how this Bank would interfere with the other. We should let each Bank stand on its own merits.

Hon. Mr. LORD.—I do not believe in any one Bank absorbing the whole banking capital of the Colony. There is nothing like a little opposition. It is well known that it is a benefit to have two retail shops in a settlement. We are here to represent the benefits of the whole Island. I hope your honors will take time to consider the matter fully and take a proper view of the question, and I think you will agree with his honor the Attorney General that there is no necessity for the Bill this Session. If the matter were brought before an Annual meeting of the Directors, and the Bill applied for by them, the case would be different; but to shove it in just when a new Bank is in contemplation looks very suspicious.

Hon. Mr. GOFF.—It appears to me to be a violation of the present Act to apply for power to increase their capital without calling a general meeting of the shareholders. Had they applied after agreeing at a general meeting to do so, the case would be different, and I do not see how we could then refuse to pass this Bill.

Hon. Mr. RAMSAY.—I do not know that the present Bank has afforded the accommodation to the country which was expected. I cannot speak from personal knowledge as I never applied for any accommodation; but I have been informed that a man from the country, no matter what property he holds, or what security he offers, cannot get any accommodation without having his note endorsed by a person who resides in the city. If this is the case, the Bank is very little accommodation to the country. Many men, who have good properties in the country, have no acquaintances residing in the city, therefore the Bank cannot be any accommodation to them.

Hon. the PRESIDENT.—It is not for us to say who they shall accommodate or who they shall not. That must be left to the Directors themselves.

Hon. Mr. McDONALD.—I think it should have been brought before the Legislature in a different way from this. The law says a general meeting of the shareholders shall be called before they agree to an extension of their capital; but that has not been done, and I think it is out of place to ask anything of the kind from this House now. It has been said that the persons who have signed the petition for this Bill hold a majority of the shares, and so they do, for the whole number of shares is 3000, of which the petitioners hold 1639; but there is one person's name to the petition who is on the other side of the Atlantic, and who holds 250 shares. The petition has been signed by his proxy on his behalf. I know the present Bank has been a benefit to the country; but it is a question whether it would be a benefit to the public to give them power to increase their capital at the present time. I do not see any force in the argument of his honor who spoke last respecting the Bank refusing to discount the notes of parties residing in the country, for it is necessary that they should be acquainted with the man, as they could not send their notes away through the country to be collected. It is very likely that if they are allowed to increase their capital they will absorb all the spare capital and prevent the new Bank from going into operation. (Attorney General.—Hear.) And as I believe another Bank would be a benefit to the country, I think I will be serving the public interests by opposing this Bill.

Hon. Mr. LORD.—If I thought it would be a benefit to the trade of the Colony, I would support the Bill, but I believe it would have a contrary effect, for it looks very much like giving a monopoly to one company, and if so it would be an injury to the country. Nor do I think the present Bank affords the accommodation that might be expected. There are many respectable farmers in the country who cannot get accommodation at it.

Hon. ATTORNEY GENERAL.—When the Act to incorporate the present Bank was passed £30,000 was all the capital they required, but now they want £30,000 more. They think that much can be got in the country, and they want to get the whole. If it were divided between the two Banks I think it would be a greater benefit to the country. If there is sufficient spare capital in the country now to establish a new Bank, we should throw every possible facility in the way in order to get it established; but if we pass this Bill, the present Bank would probably bid higher and get all the capital, and consequently the new Bank would not get on very prosperously. I think it will be better to leave it till next session.

Hon. Mr. DINGWELL.—I am not surprised at his honor from Port Hill supporting this Bill, as he is a large shareholder in the Bank, and of course he would like to keep the new Bank from going into operation; but I would be surprised to see any other member of this House voting for a measure that will be likely to prevent the new Bank from going into operation. They asked for this Bill after the new banking company asked for a charter.

Hon. the PRESIDENT.—I do not consider that they have attempted to undermine the new Bank. There is a Bill to incorporate the new Bank before the House, and I do not see how you can support the one and oppose the other. You might almost as well say that a man should put his money in one Bank and not in the other. Why should I not have liberty to put my money in any Bank I please?

Hon. Mr. ANDERSON.—I would be sorry to do anything to injure the new Bank, but we have no guarantee that it will go into operation. The present Bank has been a great accommodation to the country, and I would not do anything to cripple it.

Hon. Mr. HENDERSON.—Not having any connection with the Bank I can treat this question as an independent member, and I must say that I see some reason for hesitation about the matter. There is a preliminary condition in the Act which has not been complied with, and that goes to prove what has been already shown that they are not at a loss for capital. It is very remarkable that there should not be any movement made to increase the capital of this Bank till another is about to be established.

Hon. Mr. GOFF.—If the Bank, through inadverteney, allowed the time which was given them by the Act to increase their capital to expire, I do not think this House would take advantage of that circumstance; but the Act says there must be a general meeting of the shareholders before they decide upon increasing their stock; and if they had called a general meeting, and declared by a majority that it was necessary to increase their capital, I would have no reason to vote against this Bill. But as they have not done so, and as they have made this application at this particular time, I am disposed to allow the Bill to lie over till next session. It appears to me that their object is to thwart the new Bank.

Hon. the PRESIDENT.—I think his honor who spoke last has taken a wrong view of the Act. The clause which says they shall call a general meeting of the shareholders merely refers to the increase of their capital. It does not say they shall call a general meeting before they apply for this Bill. What would be the use to call a general meeting to increase their stock, when the time allowed them by the Act to do so had expired?

Hon. Mr. GOFF.—I fully understand the clause. It says that if it is considered necessary to increase their capital, a general meeting of the shareholders shall be called, and the majority shall direct that the capital shall be increased. But the time has expired; I dare say it was through neglect.

Hon. Attorney General submitted the following resolution:

Resolved, That the further consideration of the "Act to continue and amend the Act for the incorporation of the Bank of Prince Edward Island," be deferred till next session.

Hon. the President moved an amendment that the clause read be agreed to.

The Committee divided on the amendment:—

CONTENTS — Hon. the President, Hon. Messrs. Yeo and Anderson—3.

NON-CONTENTS — Hon. Messrs. Attorney General, McLaren, Ramsay, Henderson, Goff, Lord, McDonald, Walker, and Dingwell—9.

The amendment being lost, the question was put on the main motion, and it was agreed to without a division.

The President then resumed the chair, and the House adjourned.

MONDAY, April 13.

"A Bill to incorporate the Union Bank of Prince Edward Island" was read the second time, passed through committee and agreed to without any amendment.

Hon. Mr. GOFF presented a petition of certain inhabitants of Lot 62 and vicinity, praying for an Act to alter and amend the Act for the sale by license of spirituous liquors. This petition, said his honor, is very numerously and respectably signed; and I think your honors will see the necessity for some legislative action on the subject matter therein set forth.

Hon ATTORNEY GENERAL.—I think the improvements in the present License Act, which are suggested in the petition are well worthy of the consideration of the legislature, and I would be very glad to have them carried into law. Experience has shown me that such alterations are necessary in order to make the present law work as it was intended. The adoption of the suggestion contained in the petition, to make it compulsory on parties applying for a renewal of their license to obtain anew the consent of the majority of the inhabitants, would, in my opinion, be a very great improvement. Without that the provision of the present law which requires the consent of a majority of householders in a district before a license can be obtained, may be rendered useless; because a person may, by taking a little trouble, go from house to house and obtain the names of what may be considered a majority of the householders, and thus produce *prima facie* evidence that it is in reality what it is alleged to be. Perhaps not a month might elapse before those persons would change their minds, or other persons might settle in the district, and then a majority of the householders might not be in favour of having a tavern in that locality. I think the plan suggested by the petition, of calling a public meeting for the purpose of obtaining the consent of a majority of the inhabitants, would also be a wise and judicious provision. Notices of a meeting could be posted, and all who did not attend the meeting would be considered favourable to opening a tavern; and all who were present and were unfavourable would have an opportunity of stating their reasons for being so. I think it would be a very fair way and would not operate injuriously to any party. Cases have come under my own knowledge in which the present law has been glaringly violated. I do not know that such a Bill as is asked for by the petitioners could be originated in this House, but I hope it will not be overlooked by the other branch of the Legislature.

Hon. Mr. Goff moved that a special committee be appointed to report on the petition, to which the House agreed. Committee.—Hon. Messrs. Goff, Attorney General and Dingwell.

House adjourned.

TUESDAY, April 14.

Committee of privileges and elections resumed.

Hon. ATTORNEY GENERAL.—Mr. Chairman, the committee appear desirous to have this long and tedious matter brought to a termination. There is nothing, it appears to me, before the committee but to decide the result of the various votes that have been scrutinized, I think we have gone carefully through all the votes that have been taken up by the Sheriff, and upon which evidence was called and examined by him. There are a great many more votes objected to by each party, on which it manifestly appears that the Sheriff could not enter, for the good and sufficient reason that the time for the return of his writ had been out before he could do so; therefore, he was powerless. That was no fault of the Sheriff or of either the petitioning Candidate or of his honor the sitting member. In dealing therefore with the votes placed before us, we find that the total number polled for the petitioning candidate was 456. Of these 27 were scrutinized by the Sheriff as so many of the objected votes. The result as far as we have concluded, shows that 19 of these are insufficient in law, or otherwise illegally entered upon the poll books; therefore deducting these from the total number would leave 447. For his honor the sitting member, the total number polled was 490. Of these 57 were scrutinized by the Sheriff, 43 of which were found by this committee to be insufficient in law or illegally entered on the poll books, which would reduce the number for the sitting member to 447 also, thus placing the two parties on an equality of votes. These circumstances render it difficult for this committee to come to a decision which would prove beyond doubt to be just and equitable as regards the individuals affected by this petition. We see clearly that there are a great number of votes not scrutinized, and judging from experience, we may assume that there are bad votes yet remaining in proportion to those we have felt it our duty to strike off. Therefore it is impossible for us to say who has the greatest number of good votes. The idea is merely speculative. We cannot arrive at a conclusion unless we determine to carry on the scrutiny, and to take it up where the Sheriff closed; and it becomes a question, first, whether it is competent for this committee to do so, and if so, secondly whether it is expedient. If we decide that it is not competent, we may be compromising our own privileges and laying a stumbling block in the way of those who may come after us. I would be loath to debar ourselves from that right, and I would be equally loath to launch into it, for we know the vast amount of time that would be consumed, and the enormous expense that would be incurred, by bringing witnesses before this committee. I therefore think it is better to leave that question undecided till the time arrives when it will be absolutely necessary to decide it. In my opinion there is no other practicable course by which to arrive at justice, but for the two contending parties to appeal to their constituencies again. They now stand equally before us and I am disposed to consider them in the same light as if they stood equal before the Sheriff as sometimes happens. And viewing the matter in that way I am disposed to treat them in the same way as if a double return were made by the Sheriff. It is true that where the Sheriff makes a double return it is competent for the House to decide which of the two they will retain; but in that case it is assumed that all the electors have voted; here it has not been decided that the votes are all good. Some inconvenience has arisen from the novelty of the present law. It is the first time it has been acted upon, and many respectable persons have been at a loss to decide what is the meaning of the qualification clause; not that it is ambiguous, but because it is not properly understood. Many persons have no doubt voted who had not good votes, and many good votes have been withheld. But after the experience of the late election, they will be better able to decide who have good votes and who have not; and there will be a better chance for all parties to obtain fair and equal justice. I therefore think there is no other conclusion we can come to but to require a new election for that district. In order to test the opinion of the committee, I have drawn up the following resolution:—

"*Resolved*, That it is the opinion of this Committee, after a careful investigation of the written Evidence taken on the Scrutiny before the Sheriff of King's County, and after hearing the Petitioning Candidate, William Stainford McGowan, Esq., in person, and also Counsel for His Honor the sitting member, before your Committee, that out of fifty-seven votes given for His Honor, and objected to by or on behalf of the said Petitioning Candidate and scrutinized by the said Sheriff, forty-three appear to be insufficient in law, or otherwise illegally entered on the poll book,—which last number deducted from four hundred and ninety, the total number polled for His Honor the sitting member, reduces his number of valid votes to four hundred and forty-seven. And your Committee find that out of twenty-seven votes given for the said Petitioner, and objected to by or on behalf of His Honor the sitting member, and scrutinized by the Sheriff, nineteen appear to be insufficient in law, or otherwise illegally entered on the poll book,—which last number deducted from four hundred and fifty-six, the total number polled for the petitioning candidate, reduces his number of valid votes to four hundred and forty-seven, your Committee thus finding the petitioning candidate and his Honor the sitting member to have an equal number of votes, reckoning for each the unobjected votes and those which by the scrutiny appear to your Committee sufficient in law. That independent of the votes so comprised in such equal numbers, there still appear by the poll books a large number of votes objected to, as well on behalf of the petitioning candidate as on behalf of his Honor the sitting member, but which were not scrutinized by the Sheriff in consequence of the time limited for the return of his writ having expired before he was enabled to scrutinize such last mentioned votes. That His Honor the sitting member hath applied to your Committee, and prayed that he may be permitted to bring evidence before your Committee, for the purpose of scrutinizing such of these votes as were objected to by him; but your Committee deem it expedient not to adopt such a course of proceeding; and that your Committee consider, under the peculiar circumstances of this case, that the return by the Sheriff of King's County, as far as relates to his Honor the sitting member, should be set aside and a new writ of election ordered for the return of one member for the Second Legislative Council District of King's County."

Hon. Mr. BEER.—I suppose, everything considered, it is best to support that resolution, and I intend to do so. A question might perhaps be brought up when the President is in the chair respecting some of the votes, but it would not be satisfactory to allow either his honor the sitting member or the petitioning candidate to retain the seat with only one or two of a majority. I will, therefore, support the resolution, hoping that we will not have a second edition of the same thing after the election.

The question was then put on the resolution, and it passed in the affirmative without a division.

Hon. ATTORNEY GENERAL.—I think it is necessary for us to give an expression of opinion relative to the expenses of this scrutiny—to show that there is nothing which would bring his honor the sitting member under the operation of the 10th section of the Act 18 Victoria, Cap. 17, and render him liable for the costs; for it is manifest that the scruting was fairly conducted before the Sheriff, and its premature termination was not the fault of either Candidate.

Hon. Mr. BEER—It should be understood that the petitioning candidate and the sitting member should be placed upon the same footing, as it appears that each had an equal right to the seat.

Hon. Mr. LORD.—I do not agree with the last speaker. When the petitioning candidate has drawn the sitting member into the necessity of proving a number of his votes to be good, I think he should pay the expenses. It is true, both the petitioning candidate and the sitting member have come out equal, but the latter was drawn into the scrutiny by the former. As the petitioning candidate is so very anxious for Legislative honors, and as he has failed to prove his right to the seat, I think he should pay the expenses, if the Government do not pay them.

Hon. Mr. YEO.—I think the petitioning candidate has shown that he had good grounds to apply for a scrutiny. Now there is neither candidate in. One has as good a right to the seat as the other, and why should one be more liable for the expenses than the other?

Hon. Mr. DINGWELL.—I do not think it is the desire of the House that either candidate should suffer. I would object to having the expenses bear heavy on either.

Hon. ATTORNEY GENERAL.—I do not think it is the intention or desire of the House to adjudge the costs on either party. We should leave the matter just as it is. The law does not contemplate that we should pronounce any decision in the case. We merely wish to show that there is nothing in the conduct of his honor the sitting member which would bring the costs upon him. The candidates must make up their costs and get them the best way they can. If they can get them by a vote of the House of Assembly, I have no objections.

The House was then resumed, and the chairman reported that they had gone through the business to them referred and had come to the above resolution.

Hon. ATTORNEY GENERAL laid before the House the Estimates for the present year.

House adjourned.

TUESDAY AFTERNOON.

At four o'clock this day His Excellency George Dundas, Esquire, came to the Council Chamber, and, the House of Assembly having been summoned to the Bar, assented, in Her Majesty's name, to a Bill entituled, "an Act to incorporate the Marine Insurance Company of Prince Edward Island," and a Bill entituled "an Act relating to Steam Navigation with this Island."

House adjourned.

THURSDAY, April 16.

A message was brought from the House of Assembly by the Hon. Mr. Longworth, with a Bill to alter and amend an Act entituled "an Act to consolidate and amend the several laws relating to Education." The said Bill was read a first time, and ordered to be read a second time on Saturday next.

On motion of the Hon Mr. Beer, the Bill "to incorporate the Union Bank of Prince Edward Island" was read the third time and passed.

House adjourned.

FRIDAY, April 17

A message was brought from the House of Assembly by the Hon. Mr. Longworth, with a Bill "to amend the laws relating to Statute Labour, and to authorize the establishment of certain additional road Districts, and the appointment of Commissioners therefor."

House adjourned.

SATURDAY, April 18.

A Bill relating to Statute Labour was read the second time and committed to a Committee of the whole House. Hon. Mr. Beer in the chair.

Hon. Mr. LORD.—I have a decided objection to the establishment of any more road Districts. It will cost the country something more, and I do not think there is any necessity for it. Probably the Government party have some particular friends in those places, for whom they wish to create offices. I think it is a waste of public money. They are now putting a heavy duty on molasses, and other articles, and the money should not be squandered.

Hon. the PRESIDENT.—I think there is a very great necessity for an additional Road Commissioner for Lot 17. The roads in that Township are very public, and I see this Bill gives authority to the Commissioner to employ labourers to keep them in repair. It will not cost the country anything more, as I see the £10 allowed to the Commissioner comes out of the road appropriations. Persons are required on those roads continually to keep them in repair. I travelled the road to Summerside last fall, and it was almost impossible to get along. By employing men, and filling up the ruts in time, money will be saved, and the roads will be kept so that people can travel on them.

Hon. Mr. ANDERSON.—There is always a considerable sum appropriated for the roads near Charlottetown, and I do not find fault with that. Summerside is the capital of Prince County, and the roads there are almost impassable. Had the House of Assembly voted £100 more to keep them in repair I would have been better satisfied.

Hon. Mr. RAMSAY.—I consider this a very important clause. The Commissioner for Lot 17 will have more to do than any other in Prince County. I do not think there is such another road to be found in the Island, as that near Summerside, particularly in the fall of the year. It is a hard case when persons bringing their produce to market, after they have drawn it perhaps upwards of 20 miles, should get stuck within a mile and a half of Summerside. Persons who oppose this measure cannot have the interests of the farmers at heart.

Hon. Mr. DINGWELL.—I do not pretend to be acquainted with the locality, or to say whether another Commissioner should be appointed or not, but I think it is a step in the wrong direction. I was in hopes that the day was not far distant when we would not have more than two or three Commissioners for each County, and have them sufficiently paid to enable them to look after the roads properly. In most parts of the country the roads are going entirely out of repair, and I do not think it will effect any improvement to appoint more Commissioners. The Government should appoint better men. Many of them do not know how money should be expended, but there are some exceptions. Many persons are appointed Commissioners merely because they are strong political partizans. I do not blame one party more than the other, but the public interests suffer by the appointment of inefficient persons for Commissioners.

Hon. Mr. RAMSAY.—The inhabitants of Summerside had to raise upwards of £20 last fall in order to make their roads passable. I think it is very discreditable to have our roads in such a state as to render it necessary to do so.

Hon. Mr. LORD.—I did not refer particularly to Summerside. I have the interests of the farmers at heart as much as any of your honors. If I have made any money on this Island it has been through the farmers. What necessity is there for another Commissioner for Lot 65? What I find fault with is, that the country is involved in debt. Even with the additional duty, you will find that there will be a deficiency of five or six thousand pounds in the revenue this year. I do not speak because I would oppose a grant for Summerside. I would like to see their roads kept in good order, so that their gentlemen could walk along comfortably and keep his boots clean.

Hon. Mr. BEER.—I too, consider it a step in the wrong direction. If fewer Commissioners were appointed, and if they were each paid two or three hundred pounds a year, so that they could devote their whole time to looking after the roads, it would be very well; but we cannot do so at present. I do not see any objection to the appointment of two additional Commissioners when the representatives of those districts have consented to pay them out of the road money appropriated for those districts.

The first clause was then agreed to, and the second clause read.

Hon. the PRESIDENT.—The first part of this clause refers to Lot 65. That district appears to be considered too large. One man cannot attend to it for £10; and it has been thought advisable to divide it into two. I have travelled through the district. The roads are very extensive. There is only one district from the mouth of this harbour to Crapaud.

Hon. Mr. LORD.—I know all the roads in that district, but I blame the Government for allowing those little extra expenses to creep in. Probably there is some friend of the Government there for whom they want an office. I believe it is just a party step.

Hon. the PRESIDENT.—We should consider the clause before us on its own merits, and not say that it is a party step, or intended to give favour to partizans. We should leave the present Government to appoint whom they please, and let the next Government do so too. I think another Commissioner is required, for that district is very extensive and thickly settled. I do not see any reason to oppose this clause.

Hon. Mr. GOFF.—I believe economy is the order of the day, and though the people's representatives are to husband the means at their disposal, yet they should consider the wants of the people whom they represent. And I have no doubt but they have been guided by the wants of the people in this case—that their object is not to favour any friend or political partizan. I cannot see any reason to oppose this clause, and will there ore support it.

Hon. Mr. LORD.—If we are not to express an opinion, we might as well not come here at all. I cannot see that any more Road Commissioners are required.

Hon. Mr. HENDERSON.—I am frequently on the roads, and I have travelled through a part of the district under consideration. It is in the district which I represent; and though I would bestow the utmost of my care upon the roads, from one end of the Island to the other, yet I am entitled to pay particular attention to the part I represent. I would oppose any additional expense, unless I were well satisfied that it was really necessary. In speaking of officers, I do not know any class that require to be more energetic than the Road Commissioners, and I would like to be satisfied that the one to be appointed for the district under consideration would be "the right man in the right place." Without pretending to be more scrupulous than other members, I would vote against my brother if I thought he was not "the right man in the right place." We cannot expect a Road Commissioner to spend more time on the roads than his salary will warrant him in doing. I have been often struck with the attention paid to some districts compared to others, and I think the difference is owing, in a great measure, to want of energy in some of the Commissioners. I have been in some places where it was a shame to see the way in which the Statute Labour was done. There should be some means of ascertaining if the Commissioners had done their duty; for when one part of the road is neglected, it is an injustice to the whole community. I would guard against extravagant expenditure of the public money as much as any person; but being satisfied that this item is required, that it will be a general benefit, and that it is not designed as a bribe to partizanship, I will support the clause.

This and the two following clauses were agreed to.

The fifth clause, giving power to the Commissioner of Lot 17 to employ labourers on the road, was then read.

Hon. Mr. DINGWELL.—That clause gives more power to the Commissioner of Lot 17 than is exercised by any other on the Island.

Hon. the PRESIDENT.—It is to enable the Commissioner to hire men to fill up the ruts in the road. Two or three shillings spent in that way may save pounds.

Hon. Mr. HENDERSON.—If it were rightly attended to it would be the most saving principle. It would be acting in accordance with the good old proverb, "a stitch in time saves nine." I have known men to fill up the ruts and mend the roads near their own places, without any remuneration; and if all would do so, it would save a vast amount to the country. In Britain they have men stationed at certain distances to attend to the roads.

Hon. Mr. LORD.—What is the use to compare Prince Edward Island to Britain? There men are kept on the roads all the time to attend to them, and each parish is assessed to pay them. I would like to see a reasonable amount appropriated for Lot 17, but would not consent to place it in the power of the Commissioner to draw for what he wants.

Hon. the PRESIDENT.—The Commissioner cannot draw upon the Government. He can only get what is appropriated.

The question of concurrence was then put on the clause under consideration, and it passed in the affirmative.

The remaining clauses were agreed to without any discussion. The House was then resumed, and the Chairman reported the Bill agreed to, without any amendment.

The House then went into Committee of the whole on the Education Bill. Hon. Mr. Walker in the Chair.

First clause agreed to—second read.

Hon. Mr. LORD.—I understand that the difference between the Government allowance under this Act and that under the Act at present in operation, must be made up by the inhabitants of a district before they can get a teacher.

Hon. Mr. ANDERSON.—I think it should be left open, for some teachers might be willing to engage for the Government allowance. A young man who could not get a school elsewhere, might be willing to teach in the district where his father resides, for the Government allowance. After some experience there, he might get a school in another district. I do not see any reason why he should be prohibited from doing so.

Hon. Mr. BEER.—There is another clause in the Act which provides that a poor settlement may, by making application to the Board of Education, be allowed to engage a Teacher for the Government allowance.

Hon. Mr. LORD.—I think it is better to keep up the dignity of the Teachers. It is necessary that they should appear respectable. Without that clause the Teachers might be ground down to the bare Government allowance.

Hon. the PRESIDENT.—I think that clause is a very proper one. It is seldom we can get a Teacher for the amount now paid by the Government. In our district we pay £30. I do not consider the amount the Teachers get to be too much.

Hon. Mr. ANDERSON.—I do not think they get too much, but I would rather leave it open.

Hon. Mr. DINGWELL.—I think the school masters are capable of looking after their own interests. There is a great difference between Teachers. Some young men would teach for a great deal less than old experienced Teachers, and I cannot see any reason why such a clause should be introduced. I do not see why Teachers should be bound by the Legislature more than other classes of people. It should be left to the people to make the best bargain they could.

Hon Mr. GOFF.—I think this clause is a very necessary one. The respectability of the Teachers should be kept up, and some inducement should be held out to men of ability to come forward as teachers. I am glad to see that the Government have adopted that mode—that those who get the direct benefit of the Teacher's services should contribute something towards his salary. The people will take more interest in the schools. None of the public money has been so much abused as that expended for education. Many parents were so careless about sending their children to school, and the trustees, in many instances, were so careless, that the schools were left without fuel, and the children without books. Compelling the parents to contribute something directly towards the salary of the Teacher, will, in my opinion, effect an improvement in this respect. I might object to this clause if it were not that there is another clause which provides that a poor district may get a Teacher without the parents paying anything. I am glad that such a clause is in the Bill, but I would not make it binding on all districts. Some teachers get a considerable amount over the Government allowance now, and it is not likely that they will engage for less after this Bill becomes law than they did before.

Hon. Mr. RAMSAY.—The greatest objection I have to this clause is, that a certain amount must be made up by the people before the Teacher will get any part of the Government allowance, and at the same time the average daily attendance of scholars is raised. When the people are compelled to pay a part of the Teacher's salary, I think the average should be left as it was before.

Hon. the PRESIDENT.—Under the first free education Act, when the average attendance fell below a certain number, the Teacher got no part of the Government allowance; but now there is a deduction made. This is to urge the parties interested to keep up the average. I think it is a very necessary clause.

Hon. ATTORNEY GENERAL.—I think this clause is indispensable. It is one of the main alterations in the Bill to compell the inhabitants of each district to pay £15 of the Teachers' salary. I do not think it will operate with disadvantage either to the Teachers or to the public. It is leaving it to the inhabitants to say whether they will tax themselves or not. We know there will be objections made by narrow-minded people, and where they can get a cheap teacher they will take him upon that score alone. If left open, I fear it would operate injuriously on the best interests of this Colony. As to raising the average, I think that is necessary too. It has been shown that the present Act has been greatly evaded. Schools have existed, and got grants, where the average was not kept up. I have heard of such instances, and am satisfied that it is the case. Therefore, I think it is necessary to increase the average. In case of the average falling short, it is left just as it was before.

Hon. Mr. HENDERSON.—I have had some experience as a school Trustee, and I am prepared to support the clause in its compulsory shape. The Act would be evaded if it were otherwise. The old Act was a great improvement when it enabled the Trustees to make up any deficiency in the Teacher's salary by the average falling below the required standard. I have seen an individual captious, and saying he would withdraw his children and break up the school, when we were, in a manner, depending upon him; but I told him that I had as much influence with the Board of Education as he had, and he would not succeed. The state of our finances is compelling us to make a change, and I believe the schoolmasters will be found as patriotic as any class on the Island. They will be willing to take a share of the difficulty. Therefore, while we have it in our power, I would support the Teachers in their standing in society. I will support the clause, but I would be better satisfied if I saw the bearing of the other clauses referred to.

Hon. Mr. ANDERSON.—I think that clause will bear hard upon the poorer classes. There might be two or three wealthy persons in a district, and all the rest very poor.

Hon. the PRESIDENT.—I would like to ask his honor how we could regulate all those cases that might arise? It must be left to the people themselves. It is not likely that the Trustees would compel a poor person to pay who was not able. Nor do I think that two thirds of a district would take advantage of the other third. We cannot make provision in an Act for every case that may arise.

Hon. Mr. HENDERSON.—It was a defect in the former Act that while it made it imperative on the district to make up any deficiency in the Teacher's salary, arising from the non-attendance of scholars, it did not enable the Trustees to assess the culpable parties.

House resumed, and progress reported.

A message was brought from the House of Assembly by the Hon. Mr. Hensley, with a Bill "to incorporate sundry persons by the name of the President and Directors of the Farmers' Bank at Rustico."

House again in Committee on the Education Bill.

Hon. Mr. GOFF.—I wish to bring to the notice of your honors that there is a great deal of litigation in the Small Debt Courts occasioned by persons being sued for non-payment of assessment; and I would like the Act to allow the Court to apportion costs. A case came under my knowledge a few days ago where a poor widow was brought before the Court. I think the Act should give power to the Court to free a person of costs who is unable to pay.

Hon. the PRESIDENT.—Any Trustees who would sue a poor widow for non-payment of assessment for building a school house can have but little feeling for the poor. We cannot make provision for individual cases in an Act.

Hon. ATTORNEY GENERAL.—As his honor the President has said, it would be difficult to meet individual cases in legislation. We can only legislate for classes. If you attempt to individualize you will get into greater difficulties. By this Act there is a discretionary power placed in the hands of the Trustees. If you attempt to say in the Bill that widows, or persons who have been reduced by misfortune, be excepted, it may have a contrary effect to that you desire, and exempt those you do not intend.

Clause agreed to—fifth clause read,

Hon. Mr. GOFF.—I see a difficulty in the working of that scale. Some are unable to send their children to school in the winter for want of proper clothing, and in the summer some want their children to assist in their farming operations. Others are stubborn, and will not send their children to school. The man who is conscientious in sending his children to school is not exempt from the amount to be made up.

Hon. Mr. HENDERSON.—I consider that clause highly objectionable. One man may have two or three children, and another six or seven. One sends his children to school conscientiously, and the other does not. When the assessment is to be made up, each has to pay the same amount of the deficiency. That is not fair. I think an amendment is necessary.

Hon. Mr. GOFF.—I am aware of the hardship, but I cannot propose any amendment, for I cannot see where we would draw a distinction. I would like to reach the obstinate man, but I am afraid if we attempt to do so we would oppress the poor.

Hon. Mr. HENDERSON.—I think a clause may be so framed as to reach the obstinate man who will not do justice to himself or the public, without oppressing the poor.