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EDWARD WHELAN]

This is true Liberty, when Free-born Men, having to advise the Public, may speak free.—EURIPIDES.

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HOUSE OF ASSEMBLY.

MONDAY, February 18.

ADDRESS IN ANSWER TO THE GOVERNOR'S SPEECH.

House then adjourned for one hour. Having met, on Monday, the first order of the day was read, and that the House go into Committee on the Address in answer to the Governor's Speech. Mr. Perry took the chair of the Committee.

Hon. Mr. WHELAN.—As Chairman of the Committee who prepared the Address now before you, I trust I will be allowed the privilege of offering a few remarks on the general tone and character of the Speech to which it purports to be an answer, before proceeding in the usual way to take the question of concurrence or non-concurrence on each paragraph of the Address. And permit me, Sir, in the first place, to observe that a more straightforward and unpretending Speech has seldom, if ever, been delivered to the Houses of Legislature in this Colony. It is certainly one that involves no difficulty in framing an answer to it, for it does not surprise us by the enunciation of many questions in the contemplation of the Government, nor requires at our hands any pledges in support of measures affecting the policy of the Administration. It nevertheless suggests, in a brief and explicit manner, a variety of the most important and interesting topics for our consideration; and I have no doubt they will command the most careful attention with both branches of the Legislature. The absence of a long array of Government measures is not to be regarded, I trust, as an indication that the Ministry have no work to bring before the Colonial Parliament. Although they have perfected many very useful measures, there is no doubt that the circumstances of the country will be every session demanding new ones; and such measures may be introduced and carried through the Legislature, without staking the existence of the Government on their adoption—not that there would be any ground for apprehension, if the Government did so stake their existence. But I am inclined to think that our deliberations are always more free, or at least have less appearance of constraint, when the questions which come before us are open questions, and not what are called Government ones.—With these remarks on the general character of the Speech, I beg leave to direct the attention of the Committee to several subjects which His Excellency has brought to our notice. The fluctuation in the revenue of the past year is alluded to, and His Excellency has justly observed that the decrease may be easily accounted for. The revenue for 1854 amounted to £46,000; that for 1855 reached £42,000, exhibiting a deficiency of only £4,000; and that deficiency is mainly attributed to the limited amount of importations in the spring of last year. In 1854 there was great activity in the shipbuilding trade—merchants speculated or traded extensively, and in the fall of that year so heavy were the importations made, that large stocks of goods remained on hand in the spring of 1855. This circumstance will account, as well for the large revenue in 1854, as for the falling off in the Import duties in 1855, which amounted to £2675 10s. 11d., which was principally in the first quarter of last year. Again, the reciprocity established last year with the United States helped to lessen the amount of revenue. Too much importance cannot be attached to that measure, for there is no doubt that an extension of our commercial relations with the great Republic in our neighbourhood will advance the material prosperity of the Colony; but it was only perfectly reasonable to expect that for a year or two at least the amount of revenue would be diminished by it; yet whatever losses will be sustained by the Treasury in this respect, must be a gain to the pockets of the people. Another circumstance which contributed in no small degree to lessen the amount of our Import duties for the past year was the scarcity of West India produce and liquors in the American and Colonial markets last fall, which rendered it impossible for our merchants to get their usual large supplies of those articles,—the price of, and demand for West India produce and spirits, being unprecedented, owing to the war in Europe. Well, then, there was a falling off of £229 10s. 5d. in the amount of Land Assessment collected, which is easily accounted for by the fact of the Worrell estate having fallen into the hands of the Government, and, therefore, ceased becoming exempt from the payment of the Assessment. There was likewise a decrease to the amount of £127 6s. 2d. in the sale of Crown lands, from that of the previous year, which was owing to the very large quantity of public lands thrown into the market by the purchase of the Worrell property. The miscellaneous items exhibiting a decrease show a falling off of £368 12s. Now as the revenue of the past year was only £4000 less than that of the previous year, there must have been a very considerable increase in some things. Well, there were £127 1s. 10d. more collected at the Post Office last year than during the previous year, which is somewhat indicative of the growing intelligence of the country, and the interest on bonds in the Treasury exceeded £134 15s. 8d. over that of 1854; while from the sale of public lands a sum of £2120 11s. 2d. was realised. His Excellency recommends a revision and consolidation of the revenue laws, with the view of checking illicit trade—not that illicit trade is carried on to a greater extent now than has been the case in previous years, but because the Acts on the Statute book, bearing on the collection of the revenue, have become so numerous from repeated amendments, that it is not without some difficulty a thorough knowledge of them can be acquired. In consolidating those Acts into one, it will be the duty of the Legislature to revise them, in the hope that smuggling, which prevails in every country to a greater or lesser extent, may be checked. With a sea coast so unguarded as ours is—while the neighboring Colonies are so easy of access, and while large bodies of American citizens can and do come, during the summer season, into our out-harbours, where revenue officers are not always at hand to watch their movements—it is folly to suppose that smuggling is not practised. We cannot hope that it will be completely put down, but still a careful revision of the laws may suggest some mode for lessening the evil.—With regard to that part of the Speech which makes allusion to the war, I shall not trouble the Committee with many lengthy observations. I think, however, we may safely assure His Excellency that we still watch with deep interest the varying aspects of the stupendous conflict in which Her Majesty's Government is engaged. About this time last year we evinced our sympathy with the sufferings of the many poor widows and orphans who had been thrown on the bounty of the British public through the calamities of war, by appropriating a very liberal sum towards their relief. The gallant exploits of the Army and Navy eminently justified such an expenditure of the public money. But what was the condition of that Army and Navy about this time last year? The Army especially was in the most hopelessly wretched condition—so dispirited—so shattered, so diminished in number by disease and want, rather than by the sword, that few persons, who could witness from a nearer point of view than ours the process of annihilation which was taking place—ever hoped or imagined that that Army would be ever capable of performing the deeds of valour which signalled their movements in the Crimea a few months later. It must have been a melancholy spectacle to witness a great Army—the most powerful, the most imposing that had left the shores of England during a period of forty years—so reduced and disorganised through neglect and incapacity on the part of those entrusted with its care, that its presence before Sebastopol was almost deemed a mockery. It was no wonder that the public mind in Britain was aroused, and the Government which tolerated such a state of things was made to feel the just resentment of the nation. The House of Commons at length ordered

an investigation into the state of the Army in the Crimea. The facts, as first disclosed by the press, were made painfully apparent on enquiry, and so complete was the exposure of the Government, that even a Minister of the Crown—one of those who planned the campaign in Southern Europe—was obliged to fly before the storm of public indignation, confessing as he did so, that the state of the Army was "horrible and heart-rending in the extreme." But no sooner did Lord Palmerston succeed the Earl of Aberdeen in the direction of public affairs, than a new spirit was infused into the camp at Sebastopol—the rigours of winter, too, had given place to the soothing and balmy airs of spring, and ere the summer's sun had again given bloom and fragrance to the earth, the British Army, in conjunction with their noble allies of France and Sardinia, gave abundant proof that the old martial fire burnt as brightly in their breasts as it ever did. Indeed, with the exception of the disastrous attempt at the taking of the Redan, on the 18th June, every engagement with the Russians (and there were many) terminated in favour of the Allies; and the summer's work was gloriously crowned by the capture and destruction of Sebastopol in September. Since that event nearly every mail from Europe held out some promise of renewed negotiations for the restoration of peace. Peace is once more upon the lips of the Czar—peace is echoed by the German Cabinets, the ready and subservient tools of Russia; but if the Russian eagles still waved from the towers of Sebastopol—if the Allies had been vanquished or foiled—there would be no present speculations as to the prospects of peace.—Now, Sir, to descend from a great to a little subject, let us enquire what influence the war has had in relation to ourselves. His Excellency truly says that we are exempt from the sacrifices which it entails. Unlike our fellow subjects at home, we have no taxes to pay for the support of a vast naval and military force—it is not in the power of any Minister to call upon us for such support; but unfortunately, like every other part of the Empire, we feel the effects of the war in a crippled trade and generally restricted commercial transactions, and in the continuance of famine prices for many of the necessaries of life. We have been made also to feel the effects of the war in the withdrawal of the small detachments of troops formerly stationed in this garrison. Her Majesty's Government assured us that their withdrawal was necessary to the augmentation of the Crimean army; but sixty soldiers constituted a very small addition to the ranks of the besiegers. The other Provinces were not deprived of their military force, although the same reason would apply as strongly to them as to us. The numbers in garrison in the other provinces were no doubt diminished, but still respectable bodies of troops continued to be stationed there, while not a soldier was left with us. I do not regret the absence of the military from any apprehension for the internal peace of the Colony. Our population, we are all happy to know, possess too orderly, loyal and peaceable a disposition to require an armed force to maintain the supremacy of the law; but if our republican neighbors—who have such a fondness for filibustering, and who sometimes make an incontinent display of their physical force, as they did a short time since at Georgetown—were disposed to commit infractions of the law, a military force, no matter how small, might be of considerable service in bringing them to their senses. Her Majesty's Government having thought proper to deny us the same privilege in this respect as the other Colonies enjoy, we were thrown upon our own resources for the organization and maintenance of an armed force. A company of Newfoundland pensioners—whose services, in a military point of view, were specially recommended to us by the Duke of Newcastle—were enrolled here, and paid, for some months, out of the Island Treasury. But our revenue was too small to continue to support a military establishment, even on the most limited scale; and in order to meet the necessary outlay, a Bill was passed imposing a very moderate tax on the rent rolls of the land proprietors—they being a class deeply interested in the preservation of law and order, and contributing comparatively nothing towards the support of the institutions of the country, excepting their proportion of the assessment for education. His Excellency informs us that that Act, together with the Act to secure compensation to tenants in cases of ejection, has been disallowed by the Queen, and we are told that the despatch of the Colonial Minister, conveying the reasons for the disallowance, will shortly be laid before us. It is to be regretted that we are not at present in possession of the correspondence; but as we know that the proprietors petitioned Her Majesty to disallow the Acts I have mentioned, there is no doubt that through the force of their representations the Acts were rejected. It is degrading and humiliating to the Colony that the proprietors—most of them, or many of them absentees, and quite irresponsible—should exercise so arbitrary an influence at the Colonial Office as to render nugatory the deliberate action of our Legislature. This is a species of despotism that strikes at the root of one of our most valued privileges—that of self-government. What good purpose can be served by our sitting here to frame laws for the regulation of our internal affairs, if a secret and irresponsible cabal of land proprietors can successfully interpose between us and the Sovereign? Legislation, in such a case, is only an expensive mockery, and we should be quite as well, if not far better, without it. That our proceedings, as a representative body, should be thus frustrated, is a melancholy proof of our weakness as a dependency of the Crown. The powerful Province of Canada is exempt from such an intolerable despotism,—even the far less powerful provinces of Nova Scotia and New Brunswick are happily free from an *imperium in imperio* like that exercised over us by a proprietary junta. Weak and insignificant as we may be, I trust we will not quietly submit to the indignity offered and the injustice done us, but that we may have spirit enough to address such a remonstrance to Her Majesty's Government and to the Imperial Parliament as will have the effect of securing to us unfettered action in all legislation that immediately concerns our domestic affairs, and thus enjoy, as far as a dependency of the Crown can, all the privileges of self-government in reality as well as in name.—I shall not make any observations on that part of the Speech relating to the sale of public lands, further than to say—that a report has been prepared by the Commissioner, and will, I presume, be shortly submitted by the Government, which exhibits, as I understand, the most satisfactory statement regarding the quantity of land sold—the amount realized—and the value of the land still in the possession of the Government.—But the next topic brought to our notice by His Excellency's Speech, is one on which the House possesses positive information, and regarding which it may not be out of place to offer a few remarks. The progress made under the free system of education has been so rapid and conspicuous, that the Lieut. Governor could scarcely fail to notice it, as a subject of general congratulation, on the occasion of the annual meeting of Parliament. His Excellency informs us, that there are at present 268 schools in operation, attended by 11,000 pupils. These figures exhibit an extraordinary increase over the numbers of schools and pupils under the old defective system. On reference to the School Visitors' reports, for the year previous to the introduction of the present free system, I find that there were only 126 schools in operation—not half the present number—and that during the periods of the year most favourable to a regular attendance of scholars, there were only 4735 pupils in attendance throughout the Island—very considerably less than half the number who now regularly attend our public schools. But it is only by a comparison with the resources and population of the other Provinces, and by reference to the provision made by them for the support of education, that the importance of our efforts in this direction can be fully appreciated. Nova Scotia, for example, has a population of about 300,000, and a revenue of £133,000. She pays for the support of education out of this large revenue only £16,250. New Brunswick has a population of about 200,000, though the Province is greater in area than that of Nova Scotia, but not near so densely settled; while her revenue amounts to the comparatively enormous sum of £203,000. The reason why the revenue of

New Brunswick so much exceeds that of Nova Scotia, is owing to the peculiar nature of the business transacted in the former province. The lumbering business is its great staple, and the supplies of dutiable articles consumed in a tent where that business is carried on are far more extensive than would be requisite in any manufacturing establishment in the sister province, with the same number of hands employed. Now, I find that New Brunswick limits her expenditure for education to the insignificant sum of £9,435. Here then, we perceive that Nova Scotia pays nearly double as much for education as New Brunswick, while the latter has a revenue of £70,000 more than the former. But Prince Edward Island makes a larger appropriation for education than either of them, aye, or both put together, in proportion to her means and population. By the last census, the total number of our inhabitants was 71,000,—our revenue last year was £42,000, and our expenditure for education for the same year was £12,000, nearly one-fourth of the whole revenue of the Colony. Well, then, our population is about one-fourth that of Nova Scotia—our revenue about one-third, and we give for education only a little over £4000 or one-fourth less than she gives. New Brunswick has more than four times our revenue—has about three times our population, and we give for education nearly £3,000, or nearly one-third more than she gives! Now, have we not great reason to be proud that with regard to an institution so essential to our moral, social and material progress, as that of education, we are so immeasurably ahead of two very important—two great Provinces like Nova Scotia and New Brunswick—placed, as they are, in the highway of nations, between the Old World and the New?—Only one other topic in the Speech remains for me to notice, but it is certainly one to which our best attention should be given, as it concerns, as much as any other, the best interests of the country. His Excellency directs our attention to the necessity of making provision for keeping up a regular communication with the neighbouring Provinces. We do not require to be reminded of the importance of such a subject. Our farmers and merchants, and through them every class in the community, are deeply interested in the maintenance of a close, regular and constant inter-communication between us and the neighbouring Provinces of Nova Scotia and New Brunswick, and through them with more distant lands. It must be admitted that this service was very fairly attended to during the past season. The provision made for mail communication last Session was liberal, and the Government were fortunate in securing the services of a steamer that appeared, last year especially, to give such general satisfaction as the *Lady de Marchant* did. But still there was great room for improvement, and I sincerely trust that the appropriation to be made this Session for our Summer Mail Service will be on so generous a scale as may enable the Government to far transcend all previous efforts in the same direction. Let us give liberally for this service, if we be obliged to practise a close economy with regard to other matters of less importance; and so deeply sensible am I of the advantages which are sure to accrue to the Island generally from our taking an enlarged view of this subject, that as one member of the House, I will be ready to vote for the largest sum that may be proposed to keep up an efficient communication with the other Provinces. In connection with this topic, it may not be improper for me to mention, although I am not a member of the Government, that the Executive, as I understand, recently entered into an engagement with Col. Favor—an American gentleman of great enterprise and activity—for extending to this Colony the benefits of the admirable system of express communication which has for many years prevailed between New Brunswick and the United States, and by means of which our letters between the great Republic and Canada may be received and transmitted about three days sooner than they could be received or transmitted when entrusted to the ordinary mail routes. The sum stipulated to be paid, I understand, for our participation in this very valuable arrangement, is only £40 a year—a sum so insignificant, that if it had no other tendency than to make us better acquainted than we are at present with our republican neighbours, with whom our commercial relations are rapidly extending, it would be money well applied; and I feel assured that the Legislature will do the Government ample justice for dealing so promptly as they did with the proposition made to them by Col. Favor.—I now, Sir, beg to move that the Address before you be read in the usual way—paragraph by paragraph.

Several paragraphs were then read, and agreed to without amendment or discussion.

On the fifth paragraph being read, which refers to the state of the Revenue—

Mr. DOUSE said, it appeared from observations made by His Excellency, in his Speech, that some information had been communicated to him; and wished to know if such had any allusion to goods landed at Orwell Bay. He thought Mr. Coles or Mr. Wightman could answer the question.

COL. SECRETARY.—From information received from the officer in charge of Mr. Douse's district, it seemed impossible to collect any of the Revenue the year preceding the last. Some improvement, however, took place last year, when about £200 was collected. It was notorious that an American vessel had been seized and the penalty enforced. But there was a great necessity for consolidating the Revenue laws—they were scattered all over the Statute Book, from the very first to the last; and so numerous were they, that it would puzzle a Charlotetown Lawyer, as well as a Philadelphia one, to become acquainted with all their provisions.

Mr. DOUSE said—Government should make better appointments; proper officers had not been selected; persons living a long distance from the ports or harbours were not fit selections to fill such situations. In fact, there was no person to look after them, for the Government appeared to be careless whether their officers discharged their duties or not. No person could impute to him a desire to countenance illicit traffic. No matter who is appointed to office for the collection of the Revenue, he would support him; but as long as that abominable liquor, "white-eye," about which he had so often spoken in that House, is encouraged, it must inevitably lead to illicit traffic.

Hon. Mr. COLES.—Perhaps if the Government were to appoint as good officers for the collection and protection of the Revenue as Mr. Douse had nominated to be Road Commissioners, they would then arrive at the eminence of perfection.

Mr. COOPER said the law required revision, and ought to be consolidated and amended.

On the seventh paragraph being read, which relates to the disallowance of the Rent Roll and Compensation Bills, and a motion being made for its adoption—

Mr. COOPER said he could not assent to the paragraph just read until the correspondence alluded to was communicated to the House, which would shew why the Royal assent was withheld from the Bills referred to. The local Government must be in possession of the cause which the Home Government gave for withholding its sanction to the Bills. He would, therefore, move that the following paragraph be submitted in lieu of that in the Address:—

"As the Act of the last session to impose a tax upon the rent roll of proprietors, and the Act to secure compensation to tenants, has not received the royal assent, when the reasons assigned by Her Majesty's Government for such disallowance are communicated to us, they shall receive our deliberate consideration." This amendment was seconded by Mr. Laird.

Mr. HAVILAND said—that when the Address was introduced he was led to believe it would occasion no discussion, but finding that he judged erroneously, he would himself offer a few observations respecting it. The hon. mover of the address had stated that never before had there been a Speech at the opening of the Legislature so unpretending in its character as the one then under consideration. He (Mr. H.) believed that to be the case; and was inclined to think that those who prepared or advised the preparation of the Speech, had been somewhat influenced by the remark of an eminent man—"that words were given to conceal our ideas." The hon. mover of the Address applauded the Speech for its silence regarding what are called Government measures. In former years, before Responsible Government was established, that hon. member used to remind the House that one of the advantages of the new system would consist in this—that the twenty-four members of the House would be spared the trouble of putting their heads together, in order to devise what measures would be necessary to promote the prosperity of the Colony, as every thing of that kind would be announced in the opening Speech. But the hon. member had changed his opinion—had then laid down an entirely different rule for our guidance, thus affording another illustration of the truth of the remark—that "the men of yesterday are not the men of to-day." With respect to the admitted decrease in the amount of the revenue, he (Mr. H.) was at a loss for information on the subject, not having had recourse to the statistical knowledge within the reach of hon. members on the other side of the House.

[Mr. WHELAN.—The state of the revenue has been published some days since for general information.]

Mr. HAVILAND.—It was remarked by the hon. mover of the Address, that the increase in the amount of receipts at the Post Office was to be attributed to the more general diffusion of knowledge; but that could not have occurred during the short period that has elapsed since the passing of the Free Education Act. For his part, however, he (Mr. H.) was inclined to attribute the increase alluded to, to the low rate of postages on letters, rather than to any other circumstance. With respect to the recommendation contained in His Excellency's Speech about consolidating the Revenue Laws, he (Mr. H.) fully admitted the necessity for that undertaking; but he would take leave to inform the Government, that they can never expect to have the revenue efficiently and honestly collected, until the Bonding system, in operation in Great Britain and other countries, be adopted here.—The hon. mover of the Address had alluded in strong terms to the disallowance of the Rent Roll and Compensation Bills; from which he (Mr. H.) inferred that the hon. member had also changed his opinion with regard to a great constitutional question; for when advocating the introduction of Responsible Government in former years, the country was told that one of its great advantages would consist in the adoption of every measure which the Legislature might think proper to pass, without regard to the interference of the Home Government; but it appeared to him (Mr. H.) that the constitution of the country was not yet settled, and he feared it would long remain so, especially if dependence had to be placed on the doctrines enunciated by the Queen's Printer. Much fault had been found with the proprietors of land for interfering to arrest the passage of the Rent Roll and Compensation Bills. He could not see why they should be censured for exercising a right so long and universally acknowledged, and so dear to us all, as the right to petition the Sovereign for the redress of any grievance, or the prevention of any wrong. The interests of the proprietors were seriously menaced by the Bills in question, and as they contained suspending clauses, and had therefore not become law, they (the proprietors) had just as good a right to oppose their passage, as any member of that House enjoyed, while the Bills were in progress there. Had the Bills been just in their principle, and affected the interests of all classes of the community alike, there would have been no ground for petition against them, and there is no doubt that they would have received the royal allowance.

Hon. COL. SECRETARY.—In reply to an observation from the opposite side of the House, as to the proprietors not being fairly represented in the Legislature, remarked, that he thought they were well represented, inasmuch as that one-third of the members of that House were either agents or proprietors themselves; and were especially well defended by the hon. member who had just sat down. Indeed some of those who had signed the remonstrances against the measures under consideration, occupied seats in that House. He denied that the measures were inequitable in their principle, for others as well as the proprietors would have to bear the burthen of supporting a military force, for which the Rent Roll Bill was especially passed. The sum to be raised under that Bill would be insufficient for the purpose contemplated, and the balance would, therefore, have to be taken from the revenue of the Island, which is raised by general taxation. The inhabitants of this country, he continued, contributed far more to the support of its various institutions than the proprietors did, who claimed ownership over the larger portion of the soil. What signified the small tax on their wilderness land for the support of education? If they wished to avoid that tax, they might easily do so by disposing of their lands. But no, there appeared to be a determination on their part not only not to sell their lands to the Government on reasonable terms, but to render, if possible, the Purchase Bill a nugatory measure, by selling their estate, or the best portions of them, to private speculators at lower prices than the Government would, perhaps, be willing to give. Of course those private speculators have an interest in representing the Government as either unwilling or unable to purchase; and it is to be regretted that the proprietors are so easily deceived by such representations. With reference to the amendment offered by the hon. member for the first district of King's County, (Mr. Cooper) he (the Colonial Secretary) could regard it in no other light than as an attempt at opposition to the Government. He professes to be actuated by a desire for information. Surely he is not in want of any information with regard to the Bills disallowed by Her Majesty's Government. He informed us some time ago in the newspapers that he knew they would be disallowed, and that he himself had voted for them for no other purpose than to bring his party into disgrace at the Colonial Office. Well, now, (continued the Col. Secretary) since the hon. member (Mr. Cooper) appeared to be influenced by such unworthy motives, and since he enjoyed so much power in England as to be able to drive Lord John Russell from office, it is quite reasonable to suppose that he also exercised his great influence with the Colonial Minister to defeat the measures which he had previously supported in that House; and is therefore desirous that no censure should be cast upon the proprietors with whom he co-operated.