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Colonial Legislature.

HOUSE OF ASSEMBLY.

MONDAY, February 22, 1858.

CORPORATION MUNICIPALITIES BILL

Hon. the Treasurer rose for the purpose of presenting a petition of inhabitants of Kings and places adjacent, praying that the Legislature will not pass the Bill for the establishment of Municipal Authorities.

Hon. the TREASURER, with reference to the petition which he held in his hand, said he was free to admit that throughout the country there had sprung up a feeling inimical to the passage of the Board of Works and Municipalities Bills; but he imagined the popular hostility to those Bills, which had been manifested in different sections of the Island, in his own district, as well as in others, arose not so much from any radical defects or injurious tendencies of any of the provisions of the Bills, as to a misconception of their real nature and design—a misconception, on the part of many of the people, which had very dishonestly been taken advantage of, by the ever watchful and active political enemies of the Government, to excite, in the minds of those innocently misconceiving the nature, scope, and objects of the Bills, a perfect dread of those measures—particularly of the Municipalities Bill—as if they were fraught with the greatest evils which could be inflicted upon a country. By the Municipalities Bill, which was, through out, in perfect accordance with the grand principle on which the present constitution of the Colony was based, it was intended to give, to every man, in his own district or locality, an opportunity to carry out the principles of self-government, in everything relating to the management of local affairs. In fact the sum and substance of that Bill was to give the people, in their several districts, the entire control and management of their own local affairs. Laying no tax upon them, or imposing upon them any disabilities whatsoever, it left them to choose men from among themselves, to carry into execution whatever designs, of merely local application, a majority of them might agree upon, as likely to prove beneficial and conducive to their common weal. It gave them power to make by-laws to do a way, if they thought fit so to do, with Statute Labour, and to impose a tax, not exceeding 5s., or one very 100 acres, by means of which they might compel proprietors of wilderness lands to bear a share of their local burthens. All this, however, had been so strangely misunderstood by some, and so mischievously misrepresented by others, that many of the people had been induced to believe, that, if the Bill became law, no money would, in future, be appropriated to local purposes by the Legislature, and that the cost to themselves of carrying into effect the provisions of the Bill, would amount to 20s. or 30s. the 100 acres. By rejecting the measure, the people have refused the power of securing to themselves many local advantages, which it was not always in the power of the Legislature to confer upon them. In new settlements, the allowing of pigs to run at large was a great benefit to the inhabitants; but, from the inhabitants of old settlements, in which the lands were mostly under cultivation, and where the running at large of pigs would, generally speaking, be very injurious, petitions were sent up to the Legislature, praying for a prohibition of such liberty, as from St. Eleanors for instance. With respect to his own locality, he might mention also, as a case in point, that he had a bull—a finer animal of the kind was not in the country—which he had allowed to go at large for the benefit of the people of the settlement; but, so little was the benefit offered from being appreciated, that his neighbours kept inferior animals, on each side of him, to the manifest detriment of the settlement. Now he would observe, that the running at large of bulls, as well as of swine, might be petitioned against; and, while such prohibitions might be advantageous to some, they might be the reverse to others; but if the people were exercising self-government, in Corporate Municipalities, they could, without difficulty, arrange all such matters among themselves, as should be most for the general good. With respect to the Bill—which was, at present, he believed, misunderstood by many of the people, who, therefore, were opposed to its becoming law—he, individually, thought that it would be best to wait until a better understanding of the measure should prevail throughout the country—a time which would certainly arrive—when it might be again introduced, and carried through the Legislature with a certainty of its being acceptable to the people.

Mr. COOPER.—He had conversed with many concerning the probable effects of the Municipalities Bill; and he had found, generally, that great apprehension was entertained of the expenses which the working out of its several provisions would entail upon each municipality. They perfectly well understood that, by the Bill, they would be enabled to choose their own officers, to carry into effect whatever local designs or measures they might agree upon, as likely to conduce to their common good; but they did not quite so well understand how such officers were to be paid, for discharging the duties imposed upon them, perhaps at a great expense of time and trouble on their part. They clearly saw that, in the appointment of such officers, would be involved the necessity of paying them for their official services; and the doing of that, in conjunction with their outlays which would be consequent upon the full working of the measure, would, they were afraid, impose upon them an expenditure of money which the municipalities would be unwilling, if not unable, to bear; and, therefore, they apprehended that, even should the Bill become law, it would, by some municipalities, be allowed to remain as a dead letter upon the Statute Book. The necessity for going before a magistrate, imposed upon those who should be appointed officers of the municipalities, as if thereby to have the authority conferred upon them by the people confirmed, was also objected to; as was likewise the necessity of laying their by-laws before the Government, for their allowance. In reply to some of their objections, he had said, that should the measure be again brought before the Legislature, and proper representations, by, or on behalf of, the people, be made concerning any details which were reasonably objected to by them, he thought it very likely that the Government would agree to make such modifications and alterations in the Bill, as might render the measure generally acceptable to them. The Corporation Municipalities and the Board of Works Bills were measures which, however, he should not feel himself at liberty to support, until he should be satisfied that they were required by the people.

Hon. COLONIAL SECRETARY.—The trouble of going before a magistrate, to be sworn into office, was certainly not a very great one; but it was one which was wisely imposed upon all appointed to the discharge of important or responsible public duties, even upon magistrates themselves, as well as upon others, who had, by provisions of law, to be sworn in by them, and ought not to be dispensed with. The necessity, imposed upon municipalities, by the Bill, of laying their by-laws before the Government, for their approval and sanction, was also a very necessary one; for it was not to be supposed that, in every municipality, there would be resident a competent lawyer, to whom the corporation could refer their by-laws, for the purpose of ascertaining whether or not they were in accordance with the general tenor and bearing of the laws of the Colony; and unless they were so, it was clear they ought not to be adopted. But, when their by-laws should be sent in to the Government, for their approval or sanction, the Government could refer them to the law-officers of the Colony; and, by their opinions, they might be governed as to the propriety of confirming or disallowing them. Nor was the necessity of supervision of the by-laws of Corporate Municipalities, an introduction of any new principle into the Bill intended to constitute them. The by-laws of the Corporation of Charlottetown, had, in like manner, to be submitted to the Government, for their confirmation or disallowance. Such objections as these with which he had just dealt, might well be accounted futile or

groundless. It was not exactly so, however, with respect to an another objection which had been made to the Bill as it at present stood. That objection was to the great extent of the municipalities, which were made co-equal with the electoral districts. It had been suggested, out of doors, perhaps very justly, that it would be better a municipality should be confined to two townships, than that it should comprise the whole of an electoral district. That, however, was only a matter of detail, and, on further legislative discussion, might have been altered. The Petition was then read by the Clerk.

Hon. F. LONGWORTH.—The Municipalities and Board of Works Bills had been introduced to the consideration of the Legislature in the Speech with which His Excellency opened the Session of 1857, and therefore it was clear that they were sanctioned by the Government. That the Government should now cease to urge the passage of those Bills, for the adoption of which, by the Legislature, as measures eminently calculated to benefit the country, they had once been so earnest, evinced but little stability of purpose on their part. It was certainly by no means creditable to them so easily to abandon and shelve measures which they had once lauded so highly; and to shelter themselves from the charge of vacillation, which might, much to their annoyance, be justly preferred against them, by attributing their abandonment of them to the misunderstanding of the Bills common throughout the country; and, as the Hon. Colonial Secretary had said, to the people's having therefore vetoed them. [Hon. Col. Secretary. I did not say that the people vetoed the Bills.] He had certainly said that, as the Bills were misunderstood by the people, it was not intended that they should now be brought forward again; but that he believed, their enactment would ultimately be called for by the people. The Municipalities Bill might be, and probably was, very well in principle; but that was not sufficient to satisfy the people, for they clearly saw that the working of it would increase, instead of lessening, the weight of the public burthens. They saw that, whilst all the general taxes would remain as before, they would have, in their several municipalities, to lay additional taxes upon themselves for the working of or the carrying out of the provisions of the Bill, should it become law. They knew very well that men could not be found to serve the public, in any official capacity, for nothing; and that if municipal officers were to be appointed, they would have to be paid by the people—that was by those who appointed them. The people had done wisely in opposing the intentions of the Government with respect to the Municipalities and Board of Works Bills; but the Government, he thought, had given them the go-by in a manner very discreditable to themselves. The hon. member for the first district of King's County (Mr. Cooper) had said that he had told persons, with whom he had spoken concerning the Municipalities Bill, that it was probable the Governor would agree to some alterations therein. [Not the Governor.] Well, it mattered not. He, however, was well pleased that the further prosecution of the Bills was abandoned. To say the least, they were by no means called for in the present state of the Colony.

Hon. COLONIAL SECRETARY.—The hon. member for Charlottetown had fallen into the very same mistake which had caused many out of doors to oppose the Bill; which was, that it would increase the public burthens of the people, in the shape of taxation. There could not possibly be a greater mistake with respect to the Bill than that; for, as it stood, it did not impose one penny in the shape of taxation upon the people. The hon. member had said the Bills were Government measures; and whilst, at the same time, stating that the people were opposed to them, he found very serious fault with the Government for not persisting in an attempt to carry them, in opposition to the people. His reason for finding fault with, and railing at the Government, on the present occasion, was certainly a very strange one. He (Hon. Colonial Secretary) could not see that a government could justly be blamed for desiring to frame their legislative measures in accordance with the wishes of the people; and most persons, he thought, would be inclined to say that that government which deferred to the wishes of the people, reasonably and calmly urged, must be a good government. The hon. member for Charlottetown had steadfastly opposed the Bills in their progress through the House, and therefore he ought to be well satisfied that the government did not now press them.

Mr. Laird presented three petitions against the Municipalities and the Board of Works Bills: the first from inhabitants of the North Section of the First Electoral District of Queen's County; the second from inhabitants of Township 23; and the third from Electors of the Second Electoral District of Queen's County.

Hon. Mr. WIGHTMAN.—He could not agree with the hon. member for Charlottetown (Hon. F. Longworth) that, because the measures had been recommended in His Excellency's Speech, it was the duty of the majority of the House to pass them when they found that their constituents were opposed to their becoming law. The Municipalities Bill was, so far as it went, the very essence of self-government: it put the management of their own local affairs immediately into the hands of the people; and, in fact, there could be no real self-government where such measures were not in operation. His hon. colleague (the Hon. the Speaker) and himself had called a public meeting at Murray Harbour, for the purpose of explaining to the people of that quarter the principles of the Municipalities Bill, and of shewing them how advantageously it might be made to work for the promotion of their local interests; but they found the minds of the majority of those who composed the meeting so pre-occupied by misconceptions and prejudices concerning the measure, that his hon. colleague and himself found it to be quite in vain to persevere in their endeavors to undeceive them, and impart to them just views concerning it. So sedulously and successfully had some individuals, who positively knew nothing of the real principles and intended mode of operation of the Bill, should it become law, laboured to prejudice the people against it, that they found the prevailing notion among those who attended the meeting, was, that the Bill, if it became law, would increase taxation. So grossly had they been deceived concerning it, that they positively believed the carrying of the measure into effect would necessitate a tax upon tenants and small freeholders, whilst large proprietors would be allowed to go scot free. Seeing that these ideas, and others equally erroneous and absurd, concerning the measure, had taken fast hold of their minds, we concluded that it was useless to persist in our attempts to undeceive them; and we, therefore, desisted and left them to express their opinions relative to the Bill, in accordance with their misconceptions of it. We in vain endeavored to convince the meeting of the great advantages which would result to the people from the operation of the Bill, through their having it wholly in their own power to regulate and direct their own local works; and in vain did we assure them that they would not be deprived of the assistance afforded for works of public utility by legislative grants; for they were, seemingly, determined not to be convinced how much they had been deceived concerning the nature and policy of the measure.

Mr. McINTOSH.—He had conversed with many who entertained very erroneous opinions concerning the real nature and principles of the Municipalities Bill. What such persons most apprehended, was the possibility—many of them believed the certainty of the necessity, which the operation of the Bill, should it become law, would lay the people under of submitting to the imposition of further taxation. He had honestly endeavored to shew those persons that the Bill imposed no taxes whatever, but, at the same time, it left it at their own option to tax themselves, or not, for local improvements or works which they might desire to effect. One thing, however, was quite certain, that, without the voluntary imposition of taxation, to a greater or less extent, the provisions of the Bill could not be carried out. Without suitable remuneration, men would not perform the duties which their appointment to municipal offices would impose upon them; and, to provide such remuneration, positive taxation would be necessary. Under all circumstances and under every view of the measure, it certainly appeared that

the people would, at the present time at least, rather do without it. The Government, he believed, understood this; and they had very wisely concluded that, therefore, they would not be justified in again endeavoring, to carry either the Municipal or the Board of Works Bill, whilst the people were so decidedly opposed to them. Wise legislation should have for its object, not only the bettering of the people's condition, but the conciliation of their good will; and he thought that both these objects would be more easily attainable, were greater unanimity to prevail among their representatives in the Legislature. So long as the House of Assembly continued, as at present, divided into two parties, ever ready to oppose and assail each another, the progress of good legislation would be greatly retarded. For his own part, he sincerely wished that party asperities should cease, and that all could cordially unite in the devising and perfecting of such measures as might appear most likely, not only to benefit, but to satisfy the people. The two political parties, into which the Assembly is divided, have warred upon each other too long: it is now time for them to amalgamate; and, by something like unity of sentiment and purpose, to endeavor to confer substantial and lasting benefits upon the country.

Hon. Mr. MOONEY.—If the majority of the people were really as much opposed to the Municipalities Bill as set forth in the petitions sent up to the House against it, a great change had come over their minds. He himself had never been wedded to the measure, although convinced that, as conferring upon the people the immediate management and control of their own local affairs, it would be at once beneficial and acceptable to them. They, among the people, however, who were most decidedly opposed to it, were such as had been led astray, by busy and interested partisans, not only as to the real principles and scope of the measure, but also with respect to the intentions of the Government. Hon. members of the opposition seemed disposed to quarrel with His Excellency because he had not again recommended the prosecution of the two Bills which had seemed so obnoxious to them. That disposition of theirs, he could not exactly understand; for, he thought, they ought rather to have been satisfied with His Excellency's silence with respect to them; as they might have very well inferred from it that they would not again, at least in the present session, have to exert themselves in opposition to them. He thought the Municipalities Bill might have operated for the benefit of the people, in their several localities; but, as they seemed to have no desire for it; and as he had never been wedded to the measure; he was well contented that, for the present, it should be abandoned. He was not one of those who would seek to force, upon the people, any measure, concerning which they were of opinion, that the advantages which it was calculated to confer upon them, would be overbalanced by attendant disadvantages.

Mr. YEO.—No public meetings had been held in his place for the purpose of giving expression to popular sentiment concerning the Municipal and the Board of Works Bill; but he had frequently conversed with the people resident there concerning them, and had almost invariably found that their opinions, with reference to them, coincided with his own, which were from the first adverse to them. They clearly understood that, if the Municipalities Bill were to become law, and they were to agree to carry its provisions into effect, it would, in the first place, be necessary for them to erect a suitable building wherein to meet for the purpose of deliberating upon, and deciding concerning, the local affairs; for at present there is no public building in the district which could be made available for such a purpose. And, the expense of that erection provided for, they further perceived that, for the due working of the measure, it would further be necessary that they should annually tax themselves to pay the several municipal officers for their public services; and that, in fact, in which way soever they viewed it, it was beset with taxation. Such were the views of the people in his part of the country, concerning the Municipalities Bill; to which he had added his own opinion, that it appeared as if it were really the intention of the Government to keep the public revenue as much as possible within their own grasp, for their own individual benefit, and to leave the people to make such provision for the effecting of local improvements as, by immediate self-taxation, they might choose to make. He told them besides, however, that he did not think the Bill was to be brought forward again; and that, therefore, there was no occasion for any public expression of opinion against it, on their part; but that, if, on his coming to town, at the opening of the Legislature, he should find that it was to be re-introduced, he would daily apprise them of such intention of the Government; and they might then petition against it, if they thought it right to do so.

Hon. COL. TREASURER.—He knew very well that the people had been greatly misinformed, both with regard to the real nature and principles of the Bill, and, at the same time, as respected the intentions of the Government. They had been told that if the Bill should become law, all the moneys which had been usually applied to the construction and the repairing of roads and bridges, would, under the direction of the Government, be appropriated to other purposes; and that they would have to tax themselves for the construction and repairs of such public works, as had formerly been provided for by legislative grants. That men, knowing better, could be found so dishonest as to make such false misrepresentations to the people concerning a legislative measure, was certainly surprising; but that so many should have allowed themselves to be deceived by their fabulous and ridiculous statements was still more so. The Bill gave the people the power to tax themselves for local purposes, without at all depriving them of the legislative grants which had been usually made in aid of such purposes; but it gave them besides, with respect to such grants, the power to apply the moneys as they should themselves think fit, not leaving it to be expended by Road Commissioners. That system had been found to be a very bad one; and many and strong representations had been made against it. Commissioners having large districts under their superintendance could not possibly be so well acquainted with every local want within their precincts, as always to be able to apply the moneys at their disposal aright; and neither could members of the Assembly be supposed to have such minute knowledge of the local improvements required throughout the Districts, severally represented by them, as always to be able to apportion and direct aright the application of such amounts of road-service money as fell to their several Districts; but, were all moneys intended for local improvements, whether raised by voluntary, taxation, or being legislative grants, to be at the immediate disposal of the people, not only would they be applied where most wanted, but be much more economically expended.

TUESDAY, Feb. 23, 1858.

CONDENSED DEBATE.

COLLECTION OF THE IMPOST REVENUE.

Hon. COLONIAL SECRETARY, by command of His Excellency the Lieutenant Governor, presented to the House the following Message:

D. DALY, Lieutenant Governor.

The Lieut. Governor deems it his duty to bring the system that has hitherto been in operation in this Island for the collection of the Impost Revenue, under the special notice of the House of Assembly, with a view to its revision.

Bonds at a long date, not bearing Interest, are deposited, in the Colonial Treasury, in payment of duties; whilst the money warrants, issued by the Government for the public service, and bearing Interest, are not convertible into money, except at a discount.

The manifest injustice thus inflicted on the holders of the Government securities does not end here, as the parties in whose hands the public revenue is permitted to remain, are enabled to avail themselves of the depreciated Government warrants, obtained at a discount, to meet their Bonds at the Treasury as they fall due, and frequently at a further sacri-

fice of the interests of the public creditor, when warrants, that have not been issued more than a few hours, are received as cash in the Treasury, and thus obtain precedence in liquidation, over those that may have been issued as many months, and still remain unconvertible.

The Lieut. Governor is far from desiring to restrict, in any degree, such encouragement as can properly be given, by the Legislature, to legitimate enterprise, in all its branches; but he trusts the House of Assembly will concur with him in regarding the importance of maintaining the public credit, and the integrity of the Government transactions, to be paramount to every other consideration, as vitally affecting the honor and interest of the Island.

Government House, Feb. 23, 1858.

Mr. H. HAVILAND.—The sending of such a Message to the House was certainly a most extraordinary proceeding on the part of the Queen's Representative; and was altogether unprecedented, either here, or elsewhere. If there was any thing particularly under the control of the House, it was undoubtedly the Colonial Revenue; and any interference with their special prerogative on that head, came with a very bad grace from His Excellency. It was for them, the Representatives of the people, to say how the Impost Revenue was to be collected, how secured, and how applied. Such a Message from the Lieut. Governor was of a most insidious character, and if the breach of their privileges, to which it certainly amounted, were acquiesced in by its reception, it might prove a precedent fatal to their independence with respect to the most important trust confided to them by the people. He was surprised that the Colonial Secretary, either as a representative of the people, or as the leader of the Government, or as the leader of the majority, as he loved to be styled, should undertake to bring down such a Message to the House. He ought to be ashamed of the position in which he had thereby placed himself. Was he afraid to propose an alteration in the system of collecting the Impost Revenue, in either capacity? Was he afraid to assume the responsibility of the recommendation, on account of the hostility which it might arouse against him, on the part of those who would naturally be opposed to it? It certainly seemed so; and that he timidly sought to make a breast plate for his defence of His Excellency's Message. What, did he suppose that the House would tamely surrender their privilege on so important a point, and traitorously submit to the authority and dictation thereof, of an individual from the old country, of a stranger in the Colony, thereby yielding up the most effective safeguard of the liberties of themselves and of the people? If the Government deemed it necessary or advisable that regulations for collecting and securing the Revenue, less indulgent to importers, should be made, let them come forward of themselves, in an honest and fearless manner, and, not meanly seeking to shelter themselves, behind a Message of His Excellency, from the responsibility, or the hostility to themselves which it might occasion, declare at once that such a change was necessary and that they were determined to introduce a Bill to that effect.

Hon. COLONIAL SECRETARY.—A more frothy, windy and babbling declamation, than that which the hon. and learned member had just delivered, he had never heard. He had always given him credit for good sense, discernment, and moderation till now; but were he to judge of him by the obtuse, bombastic, and intemperate remarks which he had just made, he would at once conclude that he had suddenly been divested of every thing like sound judgment, discernment, and moderation. There was not a word on His Excellency's Message in which he (Hon. Colonial Secretary) did not fully concur, and of which he would not most willingly, if it were necessary, assume the full responsibility. The Lieutenant Governor had not by his Message dictated to the House in any way whatever. He had merely brought under their notice the injurious manner in which the present system of collecting the Impost Duties affected the public credit, and, in so doing, had expressed a hope that the House would concur with him in regarding the importance of maintaining the public credit, and the integrity of the Government transactions, to be paramount to every other consideration. It was impossible for a message to be conceived in a spirit less arbitrary, or conveyed in language, less assuming, and less dictatorial. His Excellency, confining himself to the most brief explication possible of the evils which arose from the present system of collecting and securing the Impost Duties, presumed not, either to dictate in what manner they ought to be collected or secured, or even to suggest by the most distant hint, what alterations might be made in the law affecting those particulars. No statement intimating the necessity of a change, could be more explicit, less authoritative, or even more respectfully. As to the Colonial Secretary's being in the majority, to which the hon. and learned member had thought proper to advert, in what he meant to be an ironical, if not a doubting, manner, he had had, even in the present session, evidence enough to convince him that he was so indeed, and in a large majority too. However, if he really entertained a doubt, as to whether the Colonial Secretary was in a majority or not, he would advise him, to put it to the test by moving that the Message be not received: the result would effectually dispel his doubts. To seem to dispute or question an evident fact was merely ridiculous; but to speak of the Lieutenant Governor, Her Majesty's representative, who was, in himself, a branch of the Legislature, as an individual from the old country, as a stranger in the Colony, was, to say the least of it, highly improper and indecorous; nay, altogether indefensible. With even less impropriety might members of the Assembly, recently elected to it, be called strangers, than the personage representing Her Majesty in the Colony, and filling her place in the Legislature.

Mr. COOPER.—In the newspapers, he had seen it stated, that individuals, who had moneys to pay into the Treasury, in the shape of impost duties, had bought up Treasury Warrants at various, but considerable rates of discount; and then paid the same into the Treasury, as cash, in liquidation of their duties. This, it was very clear, was a practice which directly tended to diminish the money in the Treasury, or keep it at so low an ebb, as to render it difficult for the Government to keep faith with public creditors. This state of things, and the evils consequent upon it, were pretty clearly set forth in the Message of His Excellency; and, when they had become known to the Administrator of the Government, he could not see that he was to be held deserving of censure for bringing the subject directly under the consideration of the House of Assembly; with whom alone it rested to devise a remedy. The system which, in its operation, had thus given one class of men an unfair advantage over another class, ought certainly to be revised by the Assembly, with a view to amendment; and that necessity, he took it, was all that was intimated by the Message of His Excellency.

Mr. H. HAVILAND.—He had never expected to hear the great apostle of Eschate,—him who had clamoured so loudly and so long for the establishment of the rights of the people, and the redress of their wrongs, whether real or imaginary,—raise his voice in defence of a direct invasion of their rights; for such he (Mr. H.) held the Message of the Lieut. Governor to be, as it amounted to nothing less than a breach of the privileges of the representatives of the people. I, continued the hon. and learned member, speak as independently as any member of this House can speak; and I care not if, after the close of this session, my voice as a member of the Assembly, be never heard in this chamber again. For the ten years during which I have had the honor of a seat in the Assembly, I have never compromised my independence: I have never, on any account, truckled to any man, or to any body of men. I have sought no favors; I have craved no appointment. I care not for office; and I hold my independence too dearly, to part with it for a paltry salary of £300 or £400 a year. I say that, if the Government contemplated the introduc-