

The Examiner.

A WEEKLY JOURNAL OF POLITICS, LITERATURE AND NEWS.

EDWARD WHELAN]

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

[EDITOR AND PUBLISHER.

Vol. VI.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, MONDAY, JULY 6, 1857.

No. 53.

Colonial Legislature.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 1, 1857.

AFTERNOON SITTING.

THE LOAN BILL.

(Continued from Examiner of June 22.)

Mr. T. H. HAVILAND.—I am opposed to the principles of the Bill in question. I have always been opposed to it—upon the ground that it is not a self-sustaining measure. I would, however, commend the eloquence with which its principles are upheld; but they are based upon no solid foundation. When the answer to the Governor's Speech was being discussed, much was said about this measure giving general satisfaction—much was said about the turning state of the affairs of the Worrell Estate; but when we came to view the Public Accounts quite a different state of affairs becomes evident. When the Loan Bill was alluded to, it was characterized as one of the most important measures ever originated for the benefit of the country. And nothing could exceed the satisfactory condition in which the Land Purchase Bill placed the tenantry on the Worrell Estate! But lo! we find this now nothing more than a dream. Under the peculiar manner and spirit in which this debate has been carried on by the members of the Government, we have had nothing more than a series of contradictions. It becomes the hon. member, Mr. Lord, to reflect upon the minority of this House for discharging their duty in ferretting out, and bringing to light the numerous shortcomings of the Government. As to the threat he makes use of in enforcing his argument—that a handsome tax will be levied on the rent-rolls of the proprietors—it is simply ridiculous. We have heard a good deal of eloquence to-night, and certainly the hon. members on both sides of the House have done themselves credit by the very able manner in which they have advocated their several views of the subject. To my hon. and learned friend, Mr. Palmer, I must do the justice to say that he has delivered one of the best and ablest speeches I have ever had the pleasure to listen to from him. His arguments are based upon too solid a foundation to be shaken, and they have not been as yet, nor can they be answered by a single member of the Government. Before going into Committee, contrary to the rules of Parliament, the Hon. Col. Secretary more than once launched into a torrent of eloquence. He seemed to open the fire of the great guns then; but alas! they have dwindled down before Mr. Palmer's battery into volleys of musketry—and a mere rattling fire has been kept up. [Hon. Col. Secretary.—The hon. member should not forget that it is customary to speak but once on a resolution.] If I speak more than once, it is because such a rule seems to have been made on this resolution, I contend that hon. members on your (Hon. Col. Secretary) side of the House are out of order. The hon. member, Mr. Whelan, in alluding to the resolution said, that if it were passed it would defeat the Bill under consideration—that it was important to defeat the resolution. In fact all the hon. members at the opposite side of the House are at variance, in opinion, as to how it would affect the Bill under consideration—some of them said, if it were passed, the Bill would be annihilated, and therefore in accordance with their convictions. The hon. member on my right, Mr. Montgomery, tried to fish out your (Hon. Col. Secretary's) opinion on the subject; but you dexterously evaded the bait. But I will now give my opinion, and if I am wrong, you will be pleased to correct me: If the resolution were passed, the further consideration of it would be postponed until Saturday. Government would not surely be put in danger by such a course. It would merely suspend the action on the measure under consideration, but in no wise defeat it. Such a course, however, is rejected by the Hon. Col. Secretary, who is kind enough to state that after the Bill is passed, he will give us a Special Committee to investigate the Public Accounts. I am thankful to him for such consideration; but it cannot be done now—when a resolution is once lost it cannot be put again. If we had the privilege to have the Public Accounts properly before us, with a chance for their investigation, what a boon it would be to the minority. But, by a species of Governmental tyranny, we are denied that privilege—we are subjected to a denial, the parallel for which it would be in vain to look for. Let the majority search the records of Nova Scotia, Newfoundland, New Brunswick and Canada, for a precedent—but they will search in vain. Go to Russia, and even there we will meet with more liberal views from the Emperor than in the Government of this Island. My views on the principles of this Bill are well known, and no hon. member can say that I want to shrink from giving my vote independently. No, sir, instead of leaving the field, I will "take the bull by the horns." I have declared my sentiments, on this point. When the address in answer to the Governor's Speech was discussed I then declared I would not support the imposition of a tax upon industrious men to support the lazy. I likened it to a tax upon industry, and a premium upon idleness. The Hon. Mr. Whelan says, he has nothing to fear from an examination of the Public Accounts. Perhaps not. But I wish I had the snug income of £800 a year which he has got. Perhaps I would then be as anxious to shield off investigation as he is. He also says, if the resolution were carried, it would give the minority an undue advantage, which they are not entitled to. I can sympathise with the anxiety he manifests. When the Hon. Col. Secretary says, we ought to be ashamed to ask for an investigation, he forgot that we had a right to ask for such an investigation—may, to demand it. He first said they were before the House fifteen days, and then the fifteen days dwindled down into ten. But, sir, instead of having the Public Accounts laid before us at the beginning of the session, they did not come in for a month after the House met. This delay was not anticipated. We were led to believe, when the House met, we would not have to wait long for the Government measures—that the Attorney and Solicitor Generals would have them ready; but where are they? Echo answers, "Where?" About a week ago there was a call of the House, and every member was to be in his place, to hear the Despatches read in relation to this loan affair, and to say which way they would vote on the question. The hon. member, Mr. Cooper, labored under the impression that we were to have the money from the Home Government; but when the Despatch was read, which said as plainly as I say it—"We will pass the Bill for you, and grant the Loan; but you must pledge the revenue of your Island, before anything is paid"—he changed his mind, and I don't wonder at it. What could he do? He could not vote for such a measure, neither could he vote directly against it. What did he do? Why, he fell back on Escheat! The hon. member, Mr. Whelan, states that the minority wanted to see the Public Accounts before voting. I cannot answer for them; but for myself, I would say that I expected to see the Public Accounts from the very first. He also wonders why the minority show such determined opposition. If the hon. member studied the character of the British House of Commons, he would find that the duty of the opposition is to oppose the Government. He also stated his surprise that the Hon. Mr. Palmer should characterize the Bill as founded on class-legislation. [The hon. member was here interrupted; but resuming, said:] The hon. member wishes to lead me from the point—class-legislation; but it is not the first time. The Rent Roll and Tenant Compensation Act, was another species of the same "class-legislation," and it was supported; but its character distinctly denied. But the time gone by are not the times of now. Formerly the hon. member would deny the charge, that any Bill introduced by the majority into the House was a species of class-legislation; but now the tune is changed

—now he admits it is a species of "class-legislation, and lays it down, in justification, that no Government can exist without class-legislation. Look at the principle, it is odious; and any Government which is intended to exist by class-legislation is not worthy the name of Government. Macaulay, in his history of the reign of William III., mentions an instance where a Bill was brought into Parliament to lay a tax on Jews, which after one reading was rejected. He thus characterises legislation of this kind:—"If any Legislature stoops so low as to put a burthen on one class, they are unworthy the name of Government." And to what end is the present Bill intended to apply? Not only to levy a tax on freeholders, but on leaseholders. Not only on townships, but on individuals. Not only on individuals, but on incomes. If the people are willing thus to sustain men who will vote away their money—if they sustain men who are rushing them headlong and blindly into destruction, like Sampson, they can only expect to bear the burthen, or have their rights crushed beneath the weight of taxation. But I do not believe they do. I do not believe they will run thus headlong into the abyss. The few who are in favor of this measure, labor under a mistaken notion. But the leaders in this movement have one darling object in view—one end to which their whole energies are directed. That is, the purchase of the Selkirk Estate. If, it was thought, the Earl of Selkirk would sell, we could then have a chance of additional field for speculation. How did they go to work? They stirred up the tenantry on that estate, and goaded them on by flattering hopes and promises to petition their landlord. It was a most indelicate piece of business thus to act. It was not right for them to go from place to place, and influence the minds of men against their landlords. But they thought the end justified the means—perhaps they quieted their conscience with the thought that they were working for the independence of the country. Perhaps they thought it would be better to have the Selkirk added to the Worrell Estate, to secure two representatives to their side of the House. But Government have repudiated their first doctrine, and now they acknowledge this measure to be a species of class-legislation, justifying it on the very new and disingenuous grounds, that no Government can exist without class-legislation! They tell us it is self-sustaining; but they may repudiate that assertion also, by-and-by, and justify themselves on other equally untenable grounds. It is, however, at present asserted that this measure will be self-sustaining; but I should like to know in what manner it is to be self-sustaining. I judge that the Government will find it rather hard to realize the sum of £15,000 per annum, interest on this loan. I am afraid that the revenue of this Colony would have to be converted into a sinking fund, which would be altogether sunk in a few years. The Hon. Mr. Whelan stated, that if the members of the Government do not express the views of their constituents, they can be sent about their business. But if, while in power, they saddled the country with a burthen, that would require the strength and labor of a Hercules to remove, is it then time to cry out against them—is it then an easy matter to remedy their faults? I think not. If we had a House of Assembly where the members of the Government were only so many drops in the bucket, instead of the bucket itself, then there would be some chance—some hope of justice; but as at present constituted, there is none. The members of the Government are tied down to each other, and the members of their party to them; therefore it is not surprising to see hon. members voting against their convictions. There is one member of the Government, whom I know in voting for this measure, has voted against his principles; but if he were in my boots, I am certain he would vote as I have voted. (Name?) I will not name him. Perhaps the time will come when we shall, many of us, find ourselves left out of the list of public representatives, and as for myself, the prophecy may apply to me as to others; but that consideration will have very little weight with me. I do not care whether I am to be sent back or not; but while I am here, I will protest with all my whole strength against such an outrageous measure. And, if this Bill be passed in this Assembly, the generations yet unborn, laboring and groaning under the disabilities this House placed them under, will curse it bitterly and with indignation.

Hon. COL. SECRETARY.—The hon. member who has just sat down, accuses the Government of not being able to answer the arguments adduced by the Hon. Mr. Palmer. They certainly did not use so much humor in their reply as the hon. member who last spoke; but the hon. gentleman need not work himself up to such a frenzy because they did not bring so many arguments to bear against those of his friend. What arguments, however, they have used are good, sound and substantial. I do not blame the minority for raising such a hue and cry against the Government—that is their business. But I do blame them for making false statements—statements calculated to show the affairs of the Government in a wrong light. Still we could not expect any more from that side of the House. It has been their constant practice to vilify the Government—and practice, they say, makes perfect. The hon. member from Princetown, after giving an unfair statement of the affairs of the Public Lands, wound up with a statement that there was £5,000 or £6,000 due, and asks what is there to meet it—nothing but bonds. But bonds, he says are worth nothing. He may think so; but there are others who think different. Then this Bill is characterized as a species of "class legislation," and some of the hon. members of the minority are opposed to it on this ground, and the grounds that it will not be self-sustaining, and will impose a tax on the freeholder to benefit the leaseholder. But we say and are prepared to show that the principle is self-sustaining. What more then can the hon. members want? The hon. and learned member for Georgetown, Mr. T. H. Haviland, dwelt largely on the enormity of "class legislation," and even quoted from an historian to second his arguments. But I would ask that hon. and learned member if a system of "class legislation" was not carried out in England, when the Home Government purchased the slaves in the West Indies? Who were taxed for the carrying out of this scheme but the people? But you will, perhaps, say, look at the object of that measure! True, it was done to a humane end. But look in return at the object at which the present Bill aims? I must confess the resemblance did not strike me before; but I think there is a surprising likeness in both the measures. The Bill to emancipate the negroes, was a humane movement—this is also a humane movement. One had for its object the freeing of the slave from the authority of a cruel master—the other the emancipation of the tenants from the powers of an exacting landlord and a grasping agent. If such a measure as this can be considered a species of "class legislation," then it is one that we are willing to take the blame for supporting. It has been approved of by Her Majesty's Government, and that is well. It will be the means of making this Island a colony of independent men, and that is better. Besides, it is only an opinion, the mere result of supposition, that this measure will not be self-sustaining. The remarks of the hon. member for Charlottetown, (Mr. Palmer), have been, I think, fully answered by my hon. friend, Mr. Whelan. But there are one or two remarks with reference to the Worrell Estate, which I will briefly note. The Hon. Mr. Palmer accuses the Government of dishonesty, because they did not pay the balance of £3,000, said to be due on that Estate. Now, sir, the Government do not acknowledge that they owe any such amount on the estate. They are willing to give £2,000,

but no more. When the bargain was entered into, the Debenures were to be ready for signing and transfer on Saturday; but as the arrangements could not be made, it was postponed until Monday, but the deed of reconveyance was to be executed that day. I there met Mr. Fairbanks, who, in presence of the Attorney General, took a document out of his pocket, to show us how bad he had been used in the affair by his colleagues. I did not see the deeds signed, but the Attorney General says they were signed. In the deed it states how much is due by the Government. However, when Monday came they repudiated their acts, and there the matter rests. Is not Government justified in holding back until the affair is cleared up? I think they are. There has been something said about the books of the estate. When the estate was purchased, the books were handed over by T. Desbrisay, Esq., when it was found that some of them were missing. On applying to him, he replied that there were no other books of the kind in his possession. Another application was made, and he replied in writing that he had found one, which before escaped observation. When this book was examined, it was found to lead to another, still missing. Mr. Desbrisay was again applied to, when he said, after searching for some time, he found another box full of books, but still this box did not contain all, as there appears to be another ledger. How can the Government be expected to settle, when they have not got all the books. How do we know but, when the missing ledger is procured, that we may find hundreds of pounds paid in it, of which we have never received any account. When one of the parties was asked to explain why so much money had been collected, of which there was no account, he excused himself by saying these sums were collected by others. We are therefore apprehensive that there is yet some artful dodging going on of which we know nothing about. The hon. member, Mr. Palmer, said he would go for any measure that would benefit the whole Island—that if there was a certainty of all the Proprietors of lands being willing to sell, and a scheme for their purchase would be only self-sustaining, he would support it. But, sir, if after having a chance to dispose of their property, the proprietors still refuse to sell, I would be prepared to go for a Bill that would compel them to dispose of their lands to the Government. (Hear.) But there will be no need of that. The tenants will drive them to that alternative. The hon. member also gives the names of individuals, who, he says, will not part with their property. How does he know they will not sell? Is he authorised to make such a statement? There has been a favourable answer received to the petition of the tenants on the Selkirk Estate. There has also been a petition forwarded to the proprietor by the tenants on the Cunard property, and I suppose he will also sell to the Government. Mr. Yeo also says he will sell Sir George Seymour's property to the Government at one quarter the price he paid for it. The Government will take it on the terms he offers. (An hon. member—swamps included?) Yes; at his offer. For I know it is a choice bit of land; and the tenants would be rejoiced at the change. The hon. and learned member for Georgetown, is pleased to compare this Government to that of the Czar of Russia. It is a good thing we have a Czar. (Mr. T. Heath Haviland.—You are a greater tyrant than the Czar of Russia.) Yes, I am, because I do not cringe to your opinions and eat humble pie to you and your party. The hon. member makes use of some very curious arguments in support of the position he assumes. Among others he wonders why it is the revenue of the Colony will have to be pledged in behalf of this Loan. Does he think Her Majesty's Government so foolish as to loan us money on any other conditions. If we have to spend more than the revenue, to pay the interest on this loan we will have to look out for other means of raising taxes (Hear.) I perceive you understand me. I am in earnest. We should be in earnest in carrying out this measure—in our endeavours to purchase the Selkirk estate, and all the estates in the Island. The hon. member went on to intimate that it would be the means of pulling down the present Government, to pay so large an interest, for which the people must be taxed. We have heard the same arguments used against the Free Education Act. It was thought to be a measure that would create dissatisfaction and ruin the country; but it is still in operation, costs the country £13,000 per annum, and has it pulled down the Government? No; it has rather lifted them up. But the £100,000 seems to stun them altogether. "We shall never be able to pay the interest; not to speak of the principal?" I have explained, until I am tired, that no such sum will be drawn, perhaps the extent will be no more than £20,000 at one time. The hon. members may rest satisfied that this affair will not ruin, but rather be the greatest benefit to the country.

Mr. YEO.—There is one thing I would notice, and that is, the public lands have been in the hands of the Government for at least three years; they have sold two-thirds of the lands, and what have these sales brought in? I would ask is Lot 11 paying for itself? I do not know much about the affairs on the Worrell Estate; but in Lot 11, if the land is all sold, it will, I am thinking, at the end of ten years, be found that it is not paid for; that there is not a man in Lot 11 who can pay the instalments; and that the expenses attending its management will be found to exceed the receipts. I am sorry for the Commissioner of Crown Lands. I do not think he is so much to blame, having no Clerk to keep his accounts. He is poorly situated, and may have to answer for errors not his own.

Hon. COL. TREASURER.—I do not intend to speak on the Bill now before the House, but merely to notice a statement made by the hon. member who spoke last. He says that there is not a man on Lot 11 who can pay his instalments. I deny it. There are many that can not only pay their instalments, but have paid altogether for their lands. Why, it was only by the last post that the Commissioner received £25 from a man in Lot 11; but I won't tell the hon. member who it was that sent it.

Mr. MACINTOSH.—In regard to the reference made to the emancipation of slaves in the West Indies, by the Hon. Col. Secretary, I agree with the hon. member that it was both humane and charitable. It would be equally so if our slaves, the tenants, were released from their serfdom, who have even a better right than their masters to be free; but the proper way to proceed would be to put it to test who had a right to pay for their lands, and who had not. The system of taxing the freeholder to pay for the tenant's land is, in my opinion, the result that will follow this measure. If I thought otherwise, I would vote differently.

Hon. T. H. Haviland then moved that the Bill lay over till this day three months.
The House divided on the motion:
Yeas—Hons. T. H. Haviland, Palmer, Longworth, Montgomery, Messrs. T. H. Haviland, Yeo, McIntosh and Laird—8.

Nays—Hons. Colonial Secretary, Col. Treasurer, Lord, Whelan, Wightman, Mooney, Messrs. Macdonald, Munro, Perry, Clark, Muirhead, Dingwell and Cooper—13.
The original motion was then carried, without division.
The House then went into Committee of the whole on the Bill. Mr. Macdonald in the Chair. When,
On motion of Mr. Perry, the Chairman reported progress, and asked leave to sit again, which was granted.
Then the House adjourned. T. KIRWAN, Rep.

THURSDAY, April 2, 1857.

The Bill to incorporate the Free Church, Charlottetown, was read a third time and passed; also the Bill granting a yearly sum to the New York, Newfoundland, and London Telegraph Company.

Mr. T. HEATH HAVILAND introduced a Bill for better securing the liberty of the subject, and briefly explained its object. Under the present law, the only remedy for an individual confined in jail, was by applying one of the Judges of the Supreme Court praying that a writ of *habeas corpus* might be given to bring him up before one of the Judges of that Court, that they might inquire into the legality of the charges against him, that, however, was an expensive course, for the Sheriff was bound to bring the individual himself into Charlottetown, and the unfortunate person had to pay the expenses himself; where the Court might inquire into the matter just as easily without having the body of the prisoner before the Court at all. A case had lately come under his own observation of an unfortunate person in Prince County who had committed some misdemeanor, and though he obtained his liberty, yet it was at the cost of two or three sovereigns more than if the Bill now introduced had been the law of the land. An Act similar to the Bill in question, was in force, in New Brunswick, and it worked very well. Bill read a first time.
Adjourned for one hour. R. LAIRD, Reporter.

AFTERNOON SITTING.

Hon. Col. Secretary presented a petition from the acting Head master of the Central Academy, praying a grant to enable him to procure the instruments necessary to impart a practical knowledge of navigation and land surveying, which, after a short discussion was referred to Supply, Mr. Dingwell, who opposed the petition on the ground that it would not be a general good to the Island, being the only voter in the negative.

Hon. Col. Secretary also presented the School Inspector's Report for the past year, which was laid on the table.
The Bill for the better regulation of public ferries, &c., was read a third time, passed, and sent up to the Legislative Council.
Adjourned.

FRIDAY, April 3, 1857.

Mr. Clark presented the Custom House Report for Charlottetown and the various out-ports, &c., embodying the No. of tonnage built and launched, arrived and cleared, and the amount of goods and produce imported and exported, during the past year.

The House then went into Committee of the whole on the several Road Scales. Mr. Clark in the chair. After some time spent therein, the House resumed. The Chairman reported progress, and asked leave to sit again, which was granted.

SUPPLY.

The House resolved itself into a Committee of the whole on Supply. Hon. Col. Treasurer in the chair. The following sums were voted:—£25 16s 2d to reimburse Indian Commissioners, for supplies furnished the Indians last year, over and above the public grant for that year.
£7 to John Macintosh, Lot 14, for extra services as mail carrier.

£50 to procure instruments for pupils studying Navigation, and Land Surveying at the Central Academy.
£20 to the Bog School, Charlottetown.
£3 4s 9d to James Howatt, Crapaud, to reimburse him for duty paid on imported machinery.
£10 to Wm. Chappell, master of Bay Verte packet.

House resumed. Chairman reported progress, and asked leave to sit again, which was granted.

While in Committee of Supply, the Hon. Col. Secretary submitted a communication from Wm. Monk, Esq., master of the Normal School, suggesting the propriety of providing for that School a set of apparatus for experimenting in Agricultural Chemistry, and offering to devote part of his time to the elucidation of the said branch of knowledge. A resolution was moved, granting £60 for the purchase of said apparatus, which after a lengthy discussion, in which nearly all the hon. members present took part, was negatived on the following division:—Yeas, 9; Nays, 10.

A message was received from the Legislative Council, informing the House that their Honors had agreed to the Bill for an additional assistant in the Post Office, and to increase the salary of the present assistant, without making any amendment thereto.
Adjourned for one hour. T. KIRWAN, Reporter.

AFTERNOON SITTING.

The House resolved itself into Committee of Supply, when several resolutions were agreed to; after which progress was reported.

THE LOAN BILL.

On motion of the Hon. Col. Secretary, the House went into Committee of the whole on the further consideration of this Bill. Mr. Macdonald in the chair. After several clauses had been agreed without opposition—

Mr. COOPER said, before they went farther in the Bill, he would merely ask whether the titles of the land to be purchased were to be investigated; and as they had every reason to believe that the titles of the land which had been already bought by the Government, had not been investigated according to law, it was easy to make provision in the present Bill for that purpose. He wished to test the question, and moved the following as a principle upon which a clause might be founded.

"In cases where there is reason to believe that the conditions of the grants have not been performed, before the Government purchase any such lands, the grants shall be submitted to a court of competent jurisdiction to investigate the title."

The Hon. SPEAKER did not wish to prevent the hon. gentleman from putting that resolution or rather opinion before the committee; but it was a Bill that they were considering, and it ought to come in, in the shape of a clause as an amendment to the Bill.

Hon. COL. SECRETARY said, the hon. member knew that the original grants were settled; and the clause proposed went to say that if not settled, they should be investigated. That was no place to introduce the clause, which would require to be a short bill of itself, and might be the means of defeating the bill. The Home Government had again and again said that they were satisfied with them, and thought it unwise to entertain any measure that would affect the rights of the proprietors.

Mr. COOPER said, if they took the opinion of Her Majesty's Ministers of England, it was their opinion from the first that they should be investigated; but there appeared to be an act of treachery before those bills relating to the Land Purchase were passed. Whether it was the intention of ministers at first, or whether it was an intention to deceive