

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, JUNE 8, 1857.

No. 49.

Colonial Legislature.

HOUSE OF ASSEMBLY.

MONDAY, March 30.

AFTERNOON SITTING.

REPORT ON TEACHERS' PETITIONS.

On motion of Mr. Perry, the House went into Committee of the whole on the report of the Special Committee on Teachers' Petitions. After some time spent in Committee, the Chairman adopted the report agreed to, with several amendments. It was then adopted by the House, and is as follows:—

Your Committee to whom were referred the several Petitions praying aid to Teachers who have not complied with all the provisions of the Education law, having examined the said Petitions, recommend that the several undermentioned persons be allowed as follows, viz:—

Leitia Muirhead,	£10 0 0
Archibald C. Bickford,	18 15 0
Thomas O'Brien, for one year, ending 2d September, 1856, and for four months, ending 5th March, 1857,	26 13 4
James Condon, Lot 30,	10 0 0
Dennis Carroll, for one year, ending April, 1857,	20 0 0
Duncan McDonald, for one year, ending March, 1857,	20 0 0
Matthew Reville, for one year, ending 29th July, 1857,	20 0 0
Murdoch McKenzie, for six months, ending 1st July, 1856,	12 0 0
Laughlin McPhee, for nine months, ending March, 1857,	15 0 0
John Campbell, for one month and twenty-six days, previous to his passing the Board of Education, in 1853,	5 0 0
Jane Green, for one year and five months,	18 0 0
Ann McLean, for one year,	15 0 0
Henry Lecky, for one year, when the Trustees shall have certified the same before the nearest magistrate,	20 0 0

Your Committee cannot recommend the prayer of the Petition of Patrick Connick, praying a grant of the sum of three pounds three shillings and nine-pence, for teaching twenty Saturdays, last year, more than he need have done.

Nor can they recommend the Petition of Josiah McLeod, praying for some remuneration for teaching six months at St. Eleanor's, for the year 1855.

Your Committee have had under their consideration two Petitions—one of Francis Baote, of Township No. 2, and the other of Thomas Mansfield—both praying for retiring allowances. Your Committee are not aware of any provision being made for retiring allowances to Teachers, and therefore they cannot recommend the prayer of the said Petitions.

Your Committee would recommend, that in future no Petition praying for an allowance to unlicensed Teachers be entertained by the House, unless it shall clearly appear that the inhabitants petitioning could not obtain a Teacher qualified according to law; and every such Teacher shall, within twenty days, notify his engagement, and furnish a copy of his agreement with the inhabitants, to the Board of Education.

Your Committee submit, that when the House is in Committee of Supply, a sum sufficient be appropriated and paid for the services herein set forth, agreeably to the foregoing recommendations.

FISHERY CONVENTION.

Hon. Mr. WHELAN, before the House adjourned, thought it advisable to direct the attention of the House to the papers laid before them this morning, respecting the concessions of the British Government to France, in Newfoundland. That matter had been brought to their consideration by a delegation sent to Nova Scotia, to awaken public opinion on the subject, in those Colonies. The inhabitants of Newfoundland very justly thought that they ought to feel as deeply interested in the Fisheries as themselves, and that was, no doubt, the case. The delegation had been very kindly received in Nova Scotia, both by the Government and the House of Assembly, and he believed that the action to be taken on the subject in that Province, would be highly favourable to Newfoundland. It then behoved them to follow the example of that Province, or, indeed, not to wait for it, but to manifest their sense of the importance which must attach to the question, by sympathising with the inhabitants of Newfoundland, in the spoliation which was intended to be practised on that Colony. If any Colony should take an interest in the affairs of Newfoundland, it was Prince Edward Island; because it had been for many years carrying on an active trade with that Province, and because a great portion of the fish brought to the Island, was from Labrador. If, then, they found that the right which they enjoyed, of taking fish in those places, were to be invaded by the Convention alluded to, he thought they ought to use all the means within their power to prevent such invasion. He held in his hand, a letter on this subject, from the Right Rev. Dr. Mullock, Roman Catholic Bishop of Newfoundland, and there were one or two paragraphs in it, in reference to the Convention, which he would read, and which, he thought, stated the character of the Convention in a clear manner. [He then read one from the letter.] Those were the expressions of the gentle alluded to, and he trusted he was not misrepresenting the matter. It would ill become the Legislature of Prince Edward Island, to treat with contempt the application made to them by the House of Assembly of Newfoundland. He moved that a Committee of seven members be appointed, to whom the documents in question should be referred, to inquire into the matter, and to report thereon, as its merits might seem to require.

The motion was unanimously agreed to, Hons. Messrs. Whelan, T. H. Haviland, Longworth and Lord, and Messrs. Cooper, Macdonald and Perry, were appointed the said Committee.

POWNAL STREET WHARF.

Hon. Mr. LONGWORTH called the attention of the House to the state of this wharf, which required to be repaired to a greater extent than the City Corporation could well provide for. There was a petition before the House from the Town Council, partly relating to it; and he thought that the petitioners had a claim for at least a part of the sum required to repair the wharf. He moved that so much of the petition as related to wharfs be referred to Committee of Supply.

Mr. MACDONALD said, he must oppose the motion of the hon. member, because if it should be referred to Supply, he would feel himself bound to give nothing for it. The House

had already given up to the City a part of the revenue, amounting to several hundred pounds, and last winter a very large sum had been appropriated to build a wharf in the City; but now a petition of the City Council came before the House for a larger grant, after so much had been given up to them, and after the large grant of last session. He thought the petition was one which no country member could support, and he for one would be decidedly opposed to it. One of the grounds on which the claims of the petitioners were founded, was the arrival of the steamer at the wharf. Still, when the wharfs were given up to the City, they knew that the steamer was to be there, and he thought that was not a good reason for the application.

Mr. T. HEATH HAVILAND would oppose the petition going to Supply. He had been under the impression, when the control of the wharfs was given up to the City Council, that they would make provision for repairing them; and he certainly thought if they had applied a portion of the money to wharfs which they had last summer expended on the roads, the wharfs would have been in a better condition now.

Hon. COL. SECRETARY thought the hon. member should not judge of the improvements on the roads before the work was done, as he presumed next year they would see them macadamized. As to the wharf, he must say it was in a very dilapidated condition when it was handed over to the City. Much of it required to be renewed; and repairs were also required on Queen-street wharf. He thought there should be no objections to grant a sum for the first mentioned wharf at least.

Mr. CLARK recollected that last year the City had obtained a sum of money for the wharf in question, on the motion of Hon. Mr. Longworth; and now he (Mr. Clark) would vote against the motion just made, because he believed the more the City Council obtained the more they would throw away. He did not think that, after giving them the control of the affairs of the City, they ought to be allowed to apply to the House, year after year, for money. Last year £2,000 or £3,000 had been appropriated to the City.

Hon. Mr. PALMER said, if they wished the City to have a fair start, they ought to give them something. They knew that the wharf in question had been going to ruin some years. Whether the money which had been applied to the roads had been imprudently expended or not, he thought complaints on that subject came with a very bad grace from country members, for the country derived, and would derive, more benefit from it than the town. Great improvements had last year been made on the roads near the city, which was a great advantage to the country people; and hon. members from the country should not forget that large grants were yearly made to the country districts; but while that was the case, they said that Charlottetown must provide for itself. Pownal-street wharf was one of those large undertakings by which the country was benefited, and it would be great injustice to throw the whole expense of it on the City Corporation, just at the commencement of its career.

Mr. COOPER believed the city might keep the wharfs in repair, if provision were made for it by the payment of rates and the establishment of tolls, as the country people were deriving benefit from the improvements made. Still he thought it as well to grant a small sum towards the proposed object, as to have tolls paid by the people.

Mr. MACINTOSH said, notwithstanding all that had been said about macadamized roads &c., he was not inclined to go with the motion. If the grants given to Charlottetown, were compared with those given to the country districts, he was sure they would surpass what a whole county received. He thought when they surrendered the control of the wharfs to the Town Council, they had done enough without being called upon to give anew towards the improvements thought necessary in the city.

Hon. Mr. LONGWORTH said the hon. member must remember that there was a large amount of revenue collected in Charlottetown, and that the wharf in question was more benefit to the country than many others, as boats and carts from the country paid no charge or toll at it, as Mr. Cooper had very justly said. The hon. member, Mr. Clark, had been quite under a mistake as to the grant to the wharf last year; for it was only to get back what had been paid into the treasury.

Hon. Mr. LORD said, if the wharf were to be entirely at the disposal of the town corporation, he would not support the motion; but when it was found that the greatest part of the wharf was occupied by the steamer, and that the wharfage was much less on that account, he thought the country ought very properly to grant a sum at least sufficient to put it in good repair; yet he hoped this would be the last year that such a grant would be required. He thought the Government would provide for the landing of the steamer at the new wharf which was being built, as it was a great hindrance to vessels landing at Pownal Street Wharf. He thought it came with a very bad grace indeed from country members to oppose the grant; for the arrival of the steamer was an advantage to the country; and therefore they ought to allow a small grant to the wharf in question.

Mr. DINGWELL was opposed to the motion, and would advise the Town Council just to make use of the means they had within their own power. He did not think they were entitled to a special grant at all.

The House then divided on the motion as follows:—
Yeas—Hons. Messrs. Palmer, Col. Secretary, T. H. Haviland, Whelan and Lord, Messrs. Cooper, Yeo and Munro—9.

Nays—Hons. Col. Treasurer and Montgomery, Messrs. Macdonald, T. Heath Haviland, Dingwell, Clark, Laird Macintosh and Muirhead—10.

So the motion was lost.
Hon. Col. Secretary introduced a Bill to regulate Ferries, which was read a first time.
House adjourned.

R. LAIRD, Rep.

TUESDAY, March 31.

AFTERNOON SITTING.

Hon. Col. Secretary presented a Bill, providing that the sum of £200 sterling be paid to the New York, Newfoundland and London Telegraph Company, yearly, for the term of ten years, under certain conditions. Read a first time, and to be read again to-morrow.

The House went into the order of the day: the Bill in relation to Ferries and Minchin's Point Wharf, &c.

Hon. COL. SECRETARY explained that as there was nothing on the Statute Book regulating and fixing the Boundaries of Ferries, as was necessary, in order to prevent confusion and encroachment, and as it present exists in the other Colonies, this Act referred to the Boundaries of Ferries all over the Island, as the Boundaries of all ferries near each other should be properly defined. The other part of the Bill

referred to Minchin's Point Wharf, and the contemplated erection of a Ferry House on that side of the River.

[A good deal of discussion ensued, in the course of which it was objected by some hon. members that the regulations of the Act were of such a character, as even to preclude a private individual from taking a friend across a river in his boat, but upon explanation it was shown that the law could only effect those who ferried for hire, and as it was the duty of the government to protect the public contractors the present law did not more than afford them sufficient protection.]

The House then resolved itself into a Committee of the whole, Mr. Montgomery in the Chair.

[After some further discussion, and the adoption of several amendments:]

The House resumed. The Chairman reported the Bill agreed to with certain amendments, which amendments being read at the Clerk's Table, and agreed to, the report of the Committee was received by the House, and the said Bill as amended was ordered to be engrossed.

Mr. Clark, from the Special Committee appointed to report on every private Bill, and to whom was referred the petition praying to incorporate the Ministers and Trustees of the Free Church in Charlottetown, presented the House the Report of the said Committee; which Report being again read at the Clerk's Table, was agreed to by the House, and is as follows:—
"Your Committee appointed to examine and report upon private Bills, having under their consideration the Bill to incorporate the Ministers and Trustees of the Free Church Congregation in the City of Charlottetown, submit that the Bill is of a private nature, but inasmuch as the fees upon Bills of a similar nature have not heretofore been exacted,—Your Committee recommend that the said Bill be exempted from such charge."

Mr. Clark, from the same Committee to whom was referred the Bill in further amendment of an Act made and passed in the Sixteenth year of the reign of Her present Majesty, entitled "an Act to incorporate the Charlottetown Gas Light Company," to examine the same, and report thereon, presented to the House the Report of the said Committee; which report being read again at the Clerk's Table, was agreed to by the House, and is as follows:—

"Your Committee, appointed to examine and report upon all private Bills, having under their consideration the Bill in further amendment of "an Act to incorporate the Charlottetown Gas Light Company," submit that the Bill is of a private nature, and for the pecuniary benefit of the Company applying for it; your Committee therefore recommend that the fees be exacted."

The Bill to incorporate the Ministers and Trustees of the Free Church of Charlottetown, being read a second time, the House resolved itself into a Committee of the Whole on the said Bill. Mr. T. H. Haviland in the Chair. After some time therein, the House resumed. The Chairman reported the Bill agreed to without amendment, which was adopted, and the said Bill ordered to be engrossed.

Then the House adjourned, until to-morrow.

WEDNESDAY, April 1, 1857.

REPORTS OF COMMITTEES, &c.

Hon. Mr. WIGHTMAN, from the committee appointed to prepare and report the draft of an address to His Excellency the Lieut. Governor, pursuant to the report—as adopted by the House—of the Special Committee on the petitions praying for the establishment of Post Offices, presented the draft of an address, which being again read, was agreed to, and is as follows:—

To His Excellency Sir Dominick Daly, Knight, Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

"The House of Assembly having had under consideration several Petitions praying for the establishment of additional Post Offices, and other matters connected with the Post Office department in this Colony, have agreed to a report on the same—an extract of which is herewith annexed,—the House respectfully request that your Excellency will be pleased to direct that the recommendations contained therein be carried into effect."

The address was engrossed, and the committee who prepared it, was appointed to wait on his Excellency with the same.

The Bill granting a yearly sum of money to the New York, Newfoundland and London Telegraph Company, having been read a second time, the House went into committee of the whole on the same. Hon. Mr. WIGHTMAN in the chair.

[This Bill gives the above Company the exclusive privilege of transmitting messages, by Telegraph, between this Island, and the neighboring Provinces, the United States, and, in the event of a cable being laid across the Atlantic, Europe, for ten years, instead of fifty, as prayed for in their memorial, and grants them £200 sterling instead of £300 sterling, asked for by them, during the continuance of the Act. After a short debate, in which Messrs. McDonald and McIntosh opposed the terms of the grant, saying that five years was a long enough period to give the Telegraph Company that monopoly which the present Bill would entitle them to. Mr. McDonald, was opposed to granting them £300 currency, and made a motion to the effect that it be reduced to £200 currency. The motion, however, being opposed by nearly all the hon. members present Mr. McDonald withdrew it. He then moved, that the period of the continuance of the Act be reduced to five years, which being put, was lost on a division of 4 yeas, to 13 nays.]

The Bill was then agreed to without amendment, read again at the Clerk's table, and ordered to be engrossed.

The report of the Special Committee on the applications from Princetown and Casumpec for Lock-up Houses or Jails, being taken up and again read by the Clerk, Hon. Mr. Montgomery moved the report be referred to supply.

[A discussion ensued. Messrs. McIntosh, Dingwell and Hons. Messrs. Mooney and Palmer, opposed the motion. And Hons. Messrs. Montgomery, Haviland, Col. Treasurer, Messrs. Clark, Perry and Yeo supported it. The motion was put and lost on a vote of 7 yeas to 13 nays.]

A message was received from the Legislative Council, acquainting the House that their Honors had agreed to the Bill to continue and amend the Free Education Act, without making any amendment thereto. Also, that they had passed a Bill to prevent fraud by Secret Bills of sale of goods and chattels, to which they desired the concurrence of the House of Assembly.

The latter Bill was then read a first time, and ordered to be read a second time to-morrow.

The House then resolved itself into a committee of the whole on supply. Hon. Col. Treasurer in the chair.

On motion of Mr. Perry the sum of £210 8s. 4d. was granted for the use of Teachers who have not complied with requirements of the Free Education Act.

The Hon. Col. Secretary moved that the sum of £150 be granted, for the erection of a Ferry House, at Southport, Charlottetown.

[The motion was opposed by Hons. Messrs. Lord, and Montgomery and Messrs. Haviland, McIntosh, Cooper, Laird, Perry and Dingwell and supported by Hons. Col. Secretary, Mr. Longworth, Palmer, the Speaker, Wightman, Mooney, and Mr. Munroe. The motion was, however, finally adopted on a vote of 11 yeas, against 9 nays.]

An amendment was offered, providing that £20 be granted for a shed at the above place, which was adopted— yeas, 14; nays, 6.

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

Adjourned for one hour. T. KIRWAN, Rep.

AFTERNOON SITTING.

THE LOAN BILL.

The first order of the day having been read, viz., the second reading of the Bill for raising monies to be applied to the purchase of Lands under Act 16 Vic., cap 18, intitled "An Act for the purchase of lands on behalf of the Government of Prince Edward Island, and to regulate the sale and management thereof, for other purposes therein mentioned."

Hon. COL. SECRETARY moved that the House go into the order of the day, which having been done, he said, in moving that the House take into consideration the subject before them, he might state that the Government, in accordance with an Address of the House of Assembly last Session to Her Majesty the Queen, felt it their duty to lay the Bill before the House for their approval. The Address last Session was carried by a majority of three in a small House, which was of course considered perhaps not a very large majority; but it was of sufficient importance in a small House to express the opinion of a large majority of the inhabitants of the Island, especially when it was taken into consideration that the Address had been for the benefit of those on township lands and not for the benefit of those in the towns, the members for which had, with one exception, all voted against the Address, not feeling that the interests of their constituents were involved in the matter. The Address contained one or two paragraphs which perhaps he might read; and it was founded on a Despatch of the Secretary of State in answer to a Bill passed by the House in reference to compelling proprietors to give compensation to their tenants, and to another Bill sent home containing provisions for the benefit of the tenantry. The Home Government refused their sanction to those Bills, and the disallowance of Her Majesty's Government to them was communicated by the Secretary of State, Mr. Labouchere, who commenced by saying:—

"Upon entering on the duties which Her Majesty has been pleased to confide to me, I could not avoid giving my most serious attention to the correspondence which has recently taken place with regard to two Acts of the Legislature of Prince Edward Island, to which Her Majesty's Government were unable to advise Her Majesty to give her assent.

"I have at the same time found it necessary to review the series of transactions, extending over a long period of years, which are marked by the continued efforts of a large portion of the resident inhabitants of the Island, either to abolish altogether, or materially to curtail the rights of the owners of landed property.

"I will not now repeat arguments which have been urged on various occasions by my predecessors; it will be sufficient for me to express my decided opinion, that whatever character may properly attach to the circumstances connected with the original grants, which have been often employed against the maintenance of the rights of the proprietors, they could not, with justice, be used to defeat the rights of the present owners who have acquired their property by inheritance, by family settlements, or for valuable consideration.

"Seeing, therefore, that the rights of the proprietors could not be sacrificed without manifest injustice I feel that it will be my duty steadily to resist by all means in my power measures similar in their character to those which were recently under the consideration of Her Majesty's Government.

"I desire, however, at the same time to assure you, that it was with much regret that Her Majesty's advisers felt themselves constrained to oppose the wishes of the people of Prince Edward Island, expressed through their representatives, and that it is my earnest wish to be spared the necessity of authoritative interference in regard to matters affecting the internal administration of their affairs.

"With regard to the main object which has been frequently proposed by a large portion of the inhabitants, namely, that some means may be provided, by which a tenant holding under a lease may arrive at the position of fee simple proprietor, I am anxious to facilitate such a change, provided that it be effected without injustice to the proprietors.

"There are but two ways in which such a change could be effected. The first is the usual and natural one of purchase and sale between the tenant and the owner; and no reason appears as yet to have been stated why, if the tenants offer to the landowners the full value of the right and interest of the landowner, sales and purchases cannot be effected. It would seem probable that at all events in the cases of non-resident owners, such fair offers would generally be accepted, and as the lands are usually let upon leases of extraordinary length, and at a small annual rent, there can, it would seem, be but few tenants who would not find the means of offering a fair price for buying up the annual rent of their holding.

"The other method would be that the Government of the Island should treat with such of the landowners as might be willing to sell, and that the State thus becoming possessed of the fee simple of such land as might thus be sold, should be enabled to afford greater facilities for converting the tenants into freeholders than the landlords themselves might feel an interest in doing.

"An arrangement of this kind could probably not be made without a loan to a considerable amount, to be raised by the Island Government, the interest thereof to be charged upon the revenues of the Island. But Her Majesty's Government would not be indisposed to take into consideration any plan of this kind which you might submit to them, showing in what way the interest of such loan could locally be provided for, and what arrangements would be proposed as to the manner of disposing of the lands of which the fee simple might so be bought up."