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EDWARD WHELAN]

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

[EDITOR AND PUBLISHER.

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Colonial Legislature.

HOUSE OF ASSEMBLY.

TUESDAY, March 23rd, 1858.

FORENOON SESSION.

Mr. Pope from the committee to whom were referred the petition of inhabitants of Summerside and vicinity, and St. Eleanor's, praying for the passing of an Act to prevent the running at large of swine,—presented to the House a bill to that effect, which was read a first time and ordered to be read a second time to-morrow.

Mr. McGill from the special committee to report on petitions for the establishment of Post Offices, and all matters relating to the inland mail service, presented the House with a report, which, after being submitted to a committee of the whole House (Mr. Pope in the chair), and subjected to a short discussion—during which several amendments were proposed and adopted—was agreed to as amended, and is as follows:—

“Your committee to whom were referred several Petitions of inhabitants of different sections of the Island praying for the establishment of Post Offices, have to report—That having examined the various Petitions and applications referred to them, they submit the following recommendations:—

That a Post Office be established at or near Bryan's Cross, Lot 31.

That a Post Office be established at or near Fifteen Point, Township No. 15.

Your Committee cannot recommend the removal of the Post Office from McVenn's to the Cross Roads, Lot 47; but recommend that a Post Office be established at Red Point, Cross Roads, Lot 46.

Your Committee cannot recommend the establishment of a Post Office in Middleton District, Lot 27.

Your Committee cannot recommend the prayer of the Petitions for an increase of salary to Messrs. William Sterns, St. Peter's; W. Wilson, Bedouque; John Adams, Vernon River; Donald McLeod, Orwell, and John McDonald, Souris, Postmasters.”

The same committee were appointed to prepare an address to His Excellency, praying him to give effect to the same.

Mr. McGill presented to the House a return of the Post Master General, for the year ending 5th January, 1858. Laid on the table.

The Hon. Col. Secretary presented the report of the Acting Visitor of Schools (John McNeill, Esq.) for the past year. Laid on the table.

A message from the Legislative Council was received intimating that their Honors had passed the Bill “to make Bonds and other securities to the Crown binding on the Real Estate of Debtors,” without any amendment. Also, “an Act subjecting the Militia to the Mutiny Act and articles of War,” with certain amendments, which amendments were read a first time, and, under a suspension of the rule of the House, a second and third time, and passed.

The Hon. Col. Secretary, from the special committee to whom was referred the Message of His Excellency, of the 3rd March, 1858, with copies of despatches, to examine and report thereon, presented to the House a Bill to provide for the collection, in this Island, of the Cape Race Lighthouse Toll, which was read a first time, to be read a second time to-morrow. Adjourned for one hour.

WEDNESDAY, March 24th, 1858.

FORENOON SESSION.

The Bill to provide for the collection in this Island of the Cape Race Lighthouse Toll, read a second time and committed to a committee of the whole House—Mr. Perry in the chair.

The committee went through the Bill, without making any amendment thereto. House resumed, and Chairman reported accordingly. Bill engrossed.

The Bill to provide for the hearing and determination of causes in the Supreme Court in certain cases, was—after passing through the same forms as the above, with a like result—also engrossed.

The House then went into committee of the whole on the further consideration of the Road Scales. Hon. Col. Treasurer in the chair. After going through the various appropriations, and agreeing thereto, the House resumed, and the chairman reported accordingly, which report was received by the House.

The Bill to increase the rate of Interest on Treasury Warrants was read a second time and committed to a committee of the whole House. Mr. Perry in the chair. After some time spent therein the House resumed. The chairman reported the Bill agreed to without amendment. Bill engrossed.

The Hon. Col. Secretary moved that the engrossed Bill, relating to the Fishery Reserves of this Island be read a third time.

Mr. H. Haviland moved as an amendment, that the Bill be read this day three months.

The amendment was lost on the following division:—

YEAS—Messrs. H. Haviland, Pope, Yeo and Hon. Mr. Palmer—4.

NAYS—Hons. Col. Secretary, Whelan, Mooney, Wightman, Messrs. Laird, Macintosh, Muirhead, Cooper, Munro, Dingwell, Perry and Clark—12.

The question on the main motion was then carried, the Bill read a third time and passed.

Hon. Mr. Wightman, reported that the committee on opening new roads waited on His Excellency with the address, who was pleased to say he would comply with the desire of the House.

A message was received from the Legislative Council intimating that their Honors had passed a bill entitled “An Act to continue a certain Act therein mentioned, relating to the Central Academy,” without any amendment.

The Bill to prevent the running at large of Swine in Summerside and vicinity, was read a second time, and committed to a committee of the whole House—Mr. Clark in the chair. When the House resumed, the chairman reported agreed to with several amendments. Bill engrossed.

Mr. Cooper presented to the House the following Address to His Excellency the Lieut. Governor.

“To His Excellency Sir DOMINICK DALY, Kt., 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:

We, the House of Assembly, bring under your Excellency's consideration the unsettled state of the Tenantry, and that they are very desirous that the land question, which has been so long pending, should be now settled; but the inhabitants, in general, disapprove of purchasing the landholders' claims with borrowed money, without an investigation of the titles; for it is publicly reported and generally believed, that the grants of the Townships are forfeited, and for some Townships there are no grants on record: therefore to purchase lands under such circumstances, might lead to acts of great injustice, and involve the Colony in debt, to give sums of money for lands to persons who have no right to receive it.

May it therefore please Your Excellency to establish a Court of Escheats, to investigate the titles of the Townships, as the most just and expeditious method of ascertaining the rights of parties, and of bringing the long agitated land question to a settlement.”

Mr. Cooper moved that Friday next, be the day appointed to consider the foregoing which was agreed to. Adjourned for one hour.

THURSDAY, March 25.

FORENOON SESSION.

The Bill relative to accidents at Summerside, and for the removal of nuisances from the streets thereof, was read a second time and committed to a committee of the whole House—Mr. McGill in the chair. House resumed. The chairman reported the Bill agreed to with several amendments. Bill engrossed.

A message was received from the Council, intimating that their Honors had appointed a committee to join a committee of the House to prepare an address to His Excellency the Lieut. Governor, requesting him to transmit the joint address of both Houses to the Queen, congratulating Her Majesty on the marriage of the Princess Royal to Prince Frederick William of Prussia.

The same committee, who prepared the address to Her Majesty on the part of the House, were appointed the said committee.

Hon. Mr. Longworth, from the special committee appointed to report on the petition of J. S. Richardson, presented to the House a Bill extending the jail limits to debtors in custody, or confined under process of the inferior courts, and to alter and amend the Act for the recovery of small debts. Read a first time, second reading to-morrow.

Hon. Col. Treasurer, from the committee of the whole House, on the further consideration of supply, reported nineteen resolutions, as follows:—

1. Resolved, That there be granted and paid to the Royal Agricultural Society, four hundred pounds, or as much thereof as will amount to two pounds for every pound paid by subscribers.

2. Resolved, That there be granted and paid to the Rev. Angus McDonald, Rector of St. Dunstan's College, the sum of seventy-five pounds, to purchase philosophical apparatus and maps for the use of that Institution.

3. Resolved, That the sum of twenty pounds be granted and paid to the Officers-bearers of the Mechanics' Institute in Charlottetown, in aid of the funds of that Institution.

4. Resolved, That the sum of five pounds be granted and paid to William Underhay, Esq., for the use of William Burk, an old public servant, who has become a cripple.

5. Resolved, That the sum of twenty pounds be granted towards the support of the Bog School.

6. Resolved, That the sum of twenty pounds be granted and paid to the Messrs. Mutart, towards reimbursing them for building three new boats, for conveying the mails and passengers.

7. Resolved, That there be granted and placed at the disposal of the Government, the sum of three hundred pounds, for the repairs of the Barracks and Fence; and also for the purchase of such articles as are necessary for the encouragement of a Volunteer Company, provided the Barracks and lands thereto attached are surrendered to this Government, until such time as they are required for the use of Her Majesty's troops when stationed again in this Colony.

8. Resolved, That the sum of fifty-four pounds sixteen shillings be granted and placed at the disposal of the Government, to pay the balance due for over-expenditure by Theophilus Stewart, Esq., one of the Indian Commissioners, for the relief of the Indians of this Colony.

9. Resolved, That the sum of seventeen pounds be granted and paid to Mr. John Hertz, of Charlottetown, inn-keeper, to reimburse him for the support and care of Alexander Banister, a foreign seaman, disabled from the effects of frozen limbs, and also to pay five pounds, part thereof, to Dr. Johnston, for his surgical and medical attendance.

10. Resolved, That the sum of one hundred and seventy-one pounds five shillings be granted and placed at the disposal of the Government, to be paid agreeably to the report of the committee of the House of As-embly on teachers' petitions.

11. Resolved, That the sum of twenty-five pounds be granted and paid as follows:—To the Postmaster at Georgetown, £10; to the Postmaster at Summerside, £10; to the Postmaster at Saint Eleanor's, £5; being for their services as Postmasters, over and above their per-centage, for the past year.

12. Resolved, That out of the amount voted for the expenses of the Legislature, there shall be paid to the Speaker the sum of sixty pounds, and thirty pounds to each of the Members, for their attendance during the session, together with their usual travelling charges.

13. Resolved, That the sum of ten pounds be granted and paid to James Easton, Teacher of the Georgetown Infant School.

14. Resolved, That the sum of twenty pounds be granted and paid to Dr. Jenkins, Librarian of the Legislative Library, for his services in preparing and superintending the printing of a new catalogue of the books in the Legislative Library.

15. Resolved, That two-thirds of the amount of judgment and of the taxed bill of costs be granted and paid to the Trustees of the Dunstaffnage School District, St. Peter's Road, to reimburse them for expenses incurred by them in defending an action in the Supreme Court.

16. Resolved, That the sum of three pounds fifteen shillings be granted and paid to John Macintosh, for carriage of extra mails for half a year.

17. Resolved, That the sum of four pounds eighteen shillings and three-pence be granted and paid to John Martin, Belfast, being the amount of fine and costs imposed on him for non-attendance as a juror at the Supreme Court, in the last July term, at which term he was absent from the Island, on a fishing voyage.

18. Resolved, That the sum of fifteen pounds be granted and placed at the disposal of the First Volunteer Guards of Militia, in consideration of their public services, and to enable them to meet the necessary contingent expenses of the Company.

19. Resolved, That the sum of twenty pounds be granted and paid to Messrs. R. Hyndman & Company, of the Charlottetown Exchange Rooms, towards reimbursing them in the expense of procuring the latest news from England, by telegraph from Halifax and New York, to be paid at the end of the year, provided the rooms be kept open until that time.

The question was put on the above resolutions, separately. No. 1 agreed to. On the 2d resolution being read, Mr. H. Haviland moved that the same be amended by striking out the word “seventy-five,” and inserting “fifty” in lieu thereof.

The amendment was negatived on the following division:—

AYES—Messrs. H. Haviland, Dingwell, Clark, Muirhead, Laird, Hons. Messrs. Longworth, Palmer, Montgomery and Wightman—9.

NAYS—Hon. Col. Secretary, Hon. Col. Treasurer, Hons. Messrs. Mooney and T. H. Haviland, Messrs. Pope, Cooper, Macintosh, McGill, Douse, Yeo, Munro and Perry—12.

The question was then put on the resolution, and carried on the following division:—

AYES—Hon. Col. Secretary, Hon. Col. Treasurer, Hons.

Messrs. T. H. Haviland and Mooney, Messrs. Perry, Munro, Yeo, Douse, McGill, Cooper, Macintosh and Clark—12.

NAYS—Hons. Messrs. Longworth, Palmer, Montgomery and Wightman, Messrs. H. Haviland, Dingwell, Muirhead, Laird and Pope—9.

The remaining resolutions, with the exception of the 19th or last, were then severally read and agreed to. On the question being put on the 19th resolution, the Hon. Col. Treasurer moved it be rejected, which motion was lost on the following division:—

AYES—Hon. Colonial Treasurer, Messrs. Muirhead and Perry—3.

NAYS—Hon. Col. Secretary, Hons. Messrs. Montgomery, T. H. Haviland, Mooney and Wightman, Messrs. Douse, Yeo, Cooper, Pope, Munro, H. Haviland, McGill, Clark, Laird and Macintosh—15.

The resolution was then carried in the opposition, Hon. Col. Treasurer, Messrs. Muirhead and Perry, only voting against it.

Hon. Col. Treasurer, Messrs. Muirhead and Perry, were appointed a committee to bring in a Bill appropriating the Supplies granted to Her Majesty this session.

A message was received from the Council intimating that their Honors had passed a Bill, intitled “an Act relating to the mode of summoning Grand and Petit Jurors, to serve under special commission of Oyer and Terminer and General Jail Delivery; also, to make provisions to prevent the failure of justice on account of errors made in the return of Jury Panels, and for other purposes therein mentioned,” and to which they desired the concurrence of the House. Read a first time, to be read a second time this afternoon.

The House then resolved itself into a committee of the whole, to consider further of ways and means—Hon. Col. Treasurer in the chair.

The Hon. COL. SECRETARY rose and explained, that owing to various and well-grounded reasons, it hath been found necessary to depart from the credit system hitherto in vogue with respect to bonds; and that it had been found, by experience, that it would never do for the Government to be paying interest for its warrants, and at the same time receive no interest for a length of time on the money due. He would, therefore, submit the following resolutions:—

“Resolved, That the several rates and duties imposed and levied under the Act twentieth Victoria, chapter one, be continued from and after the first of May next.”

“Resolved, That the Act be amended so far as the time given for the payment of bonds, and that all bonds bear interest from the time they are given, and that there be a credit of three months for all sums over ten pounds and up to fifty pounds; and for all sums over fifty pounds, six months.”

[A long and animated discussion hereupon ensued, in the course of which Mr. Pope stated that he had, in December last, called on the Treasurer to ascertain when some bonds of his would become due; that, having received the information in a friendly manner, he departed, but found that immediately afterwards they were placed in the hands of the Attorney General for collection, and judgment entered against him. Mr. Pope insinuated that as there were many merchants in Charlottetown whose bonds were due before his (bonds to a much larger amount), he did not see why he should be singled out because he happened to differ from the Government. The Hon. Col. Secretary replied at some length, showing that Mr. Pope had not been singled out by the Government because of his opposition to it; but because it was found his securities were not good. He had been dealt with in the same manner as others had been, and had therefore no just grounds to complain. The debate between the hon. members was characterised (especially on the part of Mr. Pope) by frequent allusions to personal affairs, &c. Nearly all hon. members present took part in the debate.]

The House resumed. The chairman reported the resolutions agreed to. Upon the question being put from the chair, the first resolution was carried, but on the second one being read—

Mr. H. Haviland moved to amend it, by striking out the words, “that all bonds bear interest from the time they are given,” and insert, “no bonds shall bear interest until three months after date.” The House divided on the amendment, which was lost on the following vote:—

AYES—Messrs. H. Haviland, Yeo, Douse, Pope, McGill, Hons. Messrs. Montgomery, T. H. Haviland and Palmer—8.

NAYS—Hons. Col. Secretary, Col. Treasurer, Whelan, Wightman and Mooney, Messrs. Cooper, Macintosh, Muirhead, Clark, Dingwell, Munro and Perry—13.

The question being then put on the resolution, it was agreed to by the House, and the Hon. Col. Treasurer, Messrs. Perry and Muirhead appointed a committee to bring in a Bill pursuant to the said resolutions.

After the committee rose, the Hon. Col. Treasurer took occasion to observe that, with reference to the insinuations of Mr. Pope, he did not know at the time of any action being taken upon his bonds. Adjourned for one hour.

FRIDAY, March 26, 1858.

FORENOON SESSION.

The Hon. Col. Treasurer, from the committee appointed to prepare and bring in an Appropriation Bill for the service of the year of our Lord One Thousand Eight Hundred and Fifty-eight, which was read a first time, and, under suspension of the rule of the House, was read a second time and committed to a committee of the whole House. Mr. Perry in the chair. After some time spent therein, the House resumed. The chairman reported the Bill agreed to without amendment. Bill engrossed.

The Bill extending the Jail limits to debtors in custody, &c., was read a second time and committed to a committee of the whole House—Mr. Pope in the chair. After a short but unimportant discussion, the House resumed, the chairman reported progress, and asked leave to sit again, which was granted. Adjourned for one hour.

SATURDAY, March 27, 1858.

FORENOON SESSION.

The Appropriation Bill for 1858, was read a third time and passed.

Hon. Mr. Mooney, as chairman of the special committee to whom was referred all petitions relating to paupers, &c., reported that the committee had come to several resolutions, which were referred to the House in committee of the whole—Mr. Perry in the chair. After some time spent therein, the House resumed. The chairman reported the adoption of twenty-five resolutions, which were agreed to by the House.

Hon. Mr. Palmer, from the committee appointed to bring in a Bill to regulate the bankruptcy and relief of honest but unfortunate debtors, submitted a Bill to that purpose, which was read a first time, &c., ordered to be read a second time on Monday next. Adjourned for one hour.

MONDAY, March 29, 1858.

FORENOON SESSION.

Hon. Mr. Whelan, from the committee appointed to report upon the petitions of various Merchants, Agriculturists, and

others, relative to extension of the Bank of P. E. Island, charter, submitted the following resolution, which was read a first time:—

Resolved, That it is expedient and necessary to alter and amend the Act 18 Vic., cap. 10, incorporating the Bank of Prince Edward Island, so as to authorise the Directors of said Bank, in times of general prostration of business, and when there is a scarcity of money, to suspend specie payments for a longer period than three months, in any one year, and not exceeding six months, should such protracted suspension be deemed absolutely necessary by the Directors; and also to empower and authorize the said Directors to receive, at their Banking House, Treasury Warrants and other Government securities, for the amount stated on the face of them severally to the extent of at least five thousand pounds, and the amount so received and deposited in their vaults, to represent an equal amount of the precious metals.

The Hon. Mr. Whelan then endeavoured to obtain the leave of the House to have one of the Indian commissioners (Theophilus Stewart Esq.) heard in his defence, relative to the over expenditure of his share of the last year's appropriation for the relief of the Indians. But this was, after a short discussion, over-ruled, on the ground that the commissioner had ample opportunity of being heard before the committee on Public Accounts.

The Bill to amend the City Corporation Act, was on motion of Hon. Mr. Wightman, discharged, to be read this day three months.

A message was received from the Legislative Council, informing the House that their Honors had passed the following Bills, viz:—

“An Act to prevent fraud by secret bills of sale of personal chattels.”

“An Act relating to the office of Surrogate, and for other purposes.” To which they desired the concurrence of the House.

“An Act to provide for the hearing and determination of causes in the Supreme Court in certain cases,” with an amendment, to which they desired the concurrence of the House.

“An Act to provide for the collection in this Island of the Cape Race Light House Toll.”

“An Act relating to the Fishery Reserves in this Island,” without any amendment.

The amendment to the Bill, “to provide for the hearing &c., of causes in the Supreme Court in certain cases,” which was in the title of the Bill, viz:—After the word “cases” to insert “where Judges are interested or otherwise”—was read a first time, and a second and third time, under suspension of the rule, and passed.

The “Act relating to the office of Surrogate, and for other purposes” was read a first time, and ordered to be read a second time to-morrow.

The “Act for preventing fraud by secret Bills of sale of personal chattels,” was read a first time. Second reading to-morrow.

The Hon. Col. Secretary, moved that the engrossed Bill entitled “An Act to alter and amend the mode of electing the Mayor and Councilman of the City of Charlottetown,” be now read a third time.

The Hon. Mr. Palmer moved, in amendment, that the Bill be read this day three months, which was lost on the following division:—

AYES—Hons. Messrs. Palmer, Longworth, Montgomery and Wightman, Messrs. H. Haviland, Clark and Laird—7.

NAYS—Hon. Col. Secretary, Hon. Col. Treasurer, Hons. Messrs. Whelan, and Mooney, Messrs. Cooper, Macintosh, Muirhead, Munro, Dingwell, Perry and McGill—11.

The Bill was then read a third time and passed.

The Hon. Col. Secretary, from the committee appointed to join the committee of the Council to prepare an address to His Excellency the Lieut. Governor, requesting him to transmit the joint address of both Houses to the Queen, congratulating Her Majesty upon the marriage of the Princess Royal with Prince Frederick William of Prussia, presented to the House the draft of an address as prepared by the joint committee which was agreed to, ordered to be engrossed, and the same committee who prepared it to be a committee to wait on His Excellency with the same.

The House then went into committee of the whole to further consider the Bill extending the jail limits to debtors in custody &c.—Mr. MacGill in the chair. After several amendments were made to the Bill, the House resumed. The chairman reported the Bill agreed to with amendments, which being accepted by the House, the Bill was passed to be engrossed, and that the title be “An Act for the relief of debtors confined under process of the inferior courts, and to amend the Act relating to the recovery of small debts.” Then the House adjourned for one hour.

TUESDAY, March 30, 1858.

FORENOON SESSION.

On motion of Hon. Mr. Longworth, the order for engrossing the Bill entitled “An Act for the relief of debtors confined under process of inferior Courts, and to amend the Act relating to the recovery of Small Debts,” be discharged, and that the Bill be referred back to a committee of the whole House, for the purpose of amending the same, by making lands and tenements liable to judgments obtained in the inferior Courts, by making the same matters of record in the Supreme Court.

The House went into committee—Mr. McGill in the chair. After some time therein, the House resumed. The chairman reported several amendments to the Bill, which were agreed to, and the Bill was engrossed.

A message was received from the Legislative Council, informing the House that their Honors had passed a Bill entitled “An Act to increase the rate of Treasury Warrants.”

Also “An Act to prevent the running at large of Swine in Summerside and vicinity,” without any amendment.

The “Act for raising a Revenue” was read a third time and passed.

The Bill to regulate the bankruptcy and relief of honest but unfortunate debtors was read a second time, and committed to a committee of the whole House. Mr. Muirhead in the chair. After some time spent therein, the House resumed. The chairman reported that the committee had come to a resolution, which resolution was agreed to by the House, and is as follows:—

“Resolved, That the further consideration of the Bill to regulate the bankruptcy and relief of honest but unfortunate debtors, be deferred, and that it be recommended to the House to appoint a special committee to bring in a Bill to amend the Insolvent Debtors Act.”

The Hon. Col. Secretary, Hon. Col. Treasurer, and Hon. Mr. Palmer were appointed the said committee.

The Hon. Mr. Whelan, from the committee appointed to prepare an Address to His Excellency the Lieutenant Governor, in accordance with the report of the special committee to whom were referred the petition of Henry Palmer and Theophilus Stewart, Indian Commissioners, presented a draft of an Address, which was agreed to by the House, and engrossed, and the same committee appointed to wait upon His Excellency with the said Address.

The engrossed Bill from the Council, entitled “An Act for preventing fraud by secret bills of sale of personal chattels,” was read a second time. Hon. Mr. Whelan then moved it be referred to a committee of the whole House.