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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 24.

AFTERNOON SITTING.

On motion of Mr. McDonald, the House resolved itself into a committee of the whole, to take into further consideration the Bill to provide for the better internal government of this Island, by the establishment of Local or Municipal Authorities therein. Mr. McDonald in the chair.

After the Bill was read, Mr. McIntosh moved a resolution to the effect that the further consideration of the Bill be deferred till next session, and that it be printed in two of the newspapers published in Charlottetown, whereupon a short discussion ensued during which it seemed to be the wish of most of the hon. members present, as the object of publishing the Bill was to make it generally known, to have it printed in all the newspapers published in Charlottetown, which feature having been added, the resolution was agreed to by the committee.

The House resumed; the chairman reported that the committee had come to the following resolution: Resolved, That the further consideration of the Bill to provide for the better internal government of this Island, by the establishment of local or Municipal Authorities therein, be deferred until the next session, and that the Bill be printed in all the weekly newspapers in Charlottetown, and that three hundred copies thereof be also printed for the use of the Legislature.

Hon. Mr. Wightman, from the Special Committee to whom was referred the message and correspondence transmitted by his Excellency the Lieut. Governor, on the 16th of the present month (March), on the subject of Lighthouses, together with several petitions presented to the House this session, to examine the same and report thereon, presented the report of the said committee, which report was again read, and committed to a committee of the whole house. Mr. McDonald in the chair.

The first clause of the report which was to the effect, that the committee recommended the conveyance of a mail semi-weekly to Orwell, Pinette, and Belfast, provided the expense do not exceed the sum fifteen pounds, was read and agreed to.

On the second clause of the report being read, which was to the effect that it was inexpedient to grant the prayer of the petition of inhabitants of Crapaud praying for the establishment of a Post Office in that place. [An animated discussion ensued, in the course of which Hons. Messrs. Lord, Longworth, Mooney and Montgomery, warmly advocated the necessity of a Post Office being established in Crapaud, as it was a flourishing settlement, and in close proximity to the back-woods settlements. The report was supported by Hons. Col. Secretary, Speaker and Mr. Wightman and Mr. Dingwell, who argued that there was no necessity for going on from year to year increasing the expenses of the Post Office department, especially in this instance, where they held such an outlay uncalculated on account of the nearness of the Post Office at De Sable.]

Hon. Mr. Mooney moved an amendment, that Crapaud be included in the report for the opening of new Post Offices, which was agreed to without division.

On the third clause of the report being read, which was to the effect that committee deemed it inexpedient to grant the prayer of the petition of John McDonald post master at Souris, praying for an addition to his present salary, Mr. McIntosh moved an amendment that the prayer of the petition be granted. Mr. PERRY said, before the question be put, he would remind the house that there was another petition of the same nature presented, from Josiah Grant, of Cascumpec, and he would move an amendment to add it to the report.

Hon. Mr. MONTGOMERY said if the house entertain the prayer of these petitions, it would have others of the same nature, to no end. It was true the amounts asked for was small; but still if there were any number of such petitions they would, if granted, amount to a considerable sum.

The question on Mr. McIntosh's amendment was then put, and lost on a division of 6 to 9.

On the fourth clause of the report being read, which was to the effect that the committee could not recommend a further consideration for the services of Josiah Grant, Post Master at Cascumpec, Mr. Perry moved an amendment that the prayer of the petition be granted, which was lost, the mover alone voting for his motion.

The fifth clause, which was to the effect that a Post Office be established at or near Egmont Bay Chapel, was read and agreed to.

The sixth clause, recommending the establishment of a Post Office at or near Sturgeon Bridge, Lot 61, providing no additional expense be incurred, was read and agreed to.

The seventh clause, did not recommend the conveyance of a semi-weekly mail to Bedouque, via Tryon, as the additional expense of a courier, would amount to at least 20 shillings per week; to which after a short, but animated discussion, Hon. Mr. Lord, who supported the petition for a semi-weekly mail on the above route, submitted an amendment that the prayer of the petition be granted, which was lost on a division of 4 to 11. The clause as reported was then agreed to.

The House resumed. The chairman reported progress, and asked leave to sit again, which was granted. Then the House adjourned.

WEDNESDAY, March 25, 1857.

On motion of Hon. Col. Treasurer, the Bill intitled, "An Act for the naturalization of Lawrence Warren," as engrossed, was read a third time, and passed. Hon. Col. Secretary was ordered to carry the said Bill to the Council and desire their concurrence.

Mr. DINGWELL moved that the order limiting the time for the reception of private petitions be suspended to enable him to present a petition of Hugh McVarish, Township No. 44, which was granted, and the said petition was received and read, setting forth that the petitioner did, in the month of January, 1849, lend his house at Big Cape, to the Board of Health, for the benefit of parties infected with small-pox; after which occupation the said House was burnt by some person or persons unknown, and praying for compensation for such loss. [A considerable discussion ensued during which the prayer of the petition was supported Messrs. McIntosh, Cooper, Dingwell and Laird and opposed by Mr. Perry, who moved that the prayer of the petition be rejected, to which Mr. Cooper moved an amendment that the petition do lie on the table, which was carried in the affirmative. The main motion was then put, as amended, and carried.]

Mr. Yeo also presented a petition of inhabitants of Townships Nos. 14 and 16, which was received and read, praying for the establishment of a Post Office in the vicinity of Ellis River Bridge. Referred to the committee on New Post Offices. Adjourned for one hour.

AFTERNOON SITTING.

PETITIONS DISPOSED OF.

The Petition of Henry Bessemer, London, was referred to a special committee consisting of Hons. Col. Secretary, Col. Treasurer, and Mr. Muirhead, to report thereon by Bill or otherwise.

The petition of Peter Anderson, Master Mariner, was after some discussion, referred to Supply.

The petition of the Office bearers of the Prince County Central Agricultural Society was again taken up, when several hon. members expressed their opinions on the subject; but the prevailing opinion appeared to be that the Society could not reasonably expect to obtain any grant from the Legislature in aid of its funds, until the amount due to the Royal Agricultural

Society was refunded. The prayer of the petition was therefore rejected.

Hon. Col. Secretary, from the committee to whom was referred the petition of Henry Bessemer, presented to the House a Bill in accordance with the prayer of the petition; which was referred to a special committee to report thereon.

ST. PETER'S HARBOR.

Hon. Mr. Whelan, from the committee appointed last session to inquire into the expediency of improving this Harbor, presented to the House a report of the said committee which was received and read, and is as follows:—

Your Committee appointed last Session to visit the harbor of St. Peter's, and enquire into the expediency of expending a sum of money in deepening the entrance to that harbor, so that vessels of various tonnage might secure at any time a safe anchorage in a spacious harbor, and afford very great facilities to a large portion of the inhabitants of this Island, in extending their commercial transactions—have to report—

That in the month of October last your Committee visited the harbor of St. Peter's, and attended by a considerable number of the most intelligent and experienced inhabitants living in that part of the country, repaired to the entrance of the harbor, and the weather being favorable, were enabled to make full enquiries into the subject, the result of which they respectfully submit.

The bar which stretches across the harbor of St. Peter's, at the entrance to it, in nearly a direct line, shifts and changes its position with violent storms, it being much exposed to the action of the sea. At low tide the depth of water on this bar is about seven feet,—at high tide about ten, showing a rise of only three feet. To increase the body of water on this bar, so as to afford an easy egress and ingress to vessels at all seasons, would be a work of great importance, not only to the inhabitants of St. Peter's Bay, but to the people of the Colony generally, and to those of King's County particularly, as vessels from other ports would then more frequently resort there than they can at present. The only method for effecting this desirable end, which appears practicable to your Committee, and which meets with the approbation of experienced persons residing in that part of the country, is to construct a breastwork or embankment on the eastern side of the harbor's mouth. A breastwork that would withstand storms, and secure a sufficient depth of water at all times, would, it is supposed, cost about a thousand pounds. The people who are immediately interested in this undertaking are willing to subscribe liberally towards the cost of it; and your Committee are of opinion that the project is such as to warrant the expenditure of a considerable grant of the public money, in order to test the practicability of removing the impediment which now exists to the entrance of large vessels. The harbor is a magnificent and spacious one, averaging about one mile in breadth, and being nine miles in length, affording in almost every part, excellent anchorage; and if its wide expanse of water could be rendered a secure and easy haven, subservient to the purposes of an extended trade, no portion of the public money could be more profitably applied than that which would be expended on the object in view.

Your Committee have therefore to recommend, that there be granted and placed at the disposal of the Government the sum of four hundred pounds, to be expended on the following conditions:—That the inhabitants residing in the vicinity of St. Peter's Bay shall subscribe the sum of two hundred pounds, and that the Government, before expending any portion of the money, shall cause a survey of the intended work to be made by a competent engineer, part of whose duty it will be, to give an estimate of the probable cost of completing the work; and should that cost be found not to exceed one thousand pounds, or thereabouts, that the work be given out to competition, as soon as convenient after the receipt of the engineer's report—the said work to be under the superintendence of a competent person to be appointed for that purpose.

Hon. Mr. WHELAN said, hon. members might smile at the recommendation contained in the report; but he thought it a very reasonable one. The facts set forth in the report were such as to require no further remarks from him on the subject. The committee had given their careful attention to the matter contained in the report; and he had no hesitation in saying, if the work could be accomplished, that it would be of vast advantage to the people in that part of the country. The report did not contemplate the outlay of a single shilling until a competent person examined the place; and unless the report of such a person were favorable to the work, no money would be expended upon it. There would be no objection, on the part of the House, he presumed, to agree to the motion which he was about to make, which was that the report be adopted and referred to Committee of Supply.

Hon. Mr. MONTGOMERY would like to ask the hon. member, how far the bar extended out; because if the harbor was the same as some others on the north side of the Island, £40,000 would not make a safe harbor at St. Peter's.

Mr. T. HEATH HAVILAND thought it would be altogether premature to refer the report to Supply. No doubt, if possible, the work would be an advantage; but he thought the first thing would be to specify a sum for a survey.

Mr. COOPER said he would be very far wrong in not supporting the report, if he could see a possibility of making a good harbor at St. Peter's; but they knew that the bar was composed of shifting sand, and it was impossible for any engineer to make a safe harbor in such a place. It was as much as to say that the committee doubted the sanity of the House, when they made such a proposal.

Mr. DINGWELL had been one of the committee, and it was right for him to state that it was very unfair that some hon. members had made such assertions respecting the committee as they had listened to. The committee had gone to the mouth of the harbor and obtained all the information they could get on the subject. The bar alluded to was on the inside of the harbor, and not on the outside, as some supposed.

Hon. Mr. WIGHTMAN thought a report so ably drawn up as the one before the House should receive due consideration. He had been one of the committee; and the day on which they visited the place was fine, and they had a number of respectable people with them, some of whom, as fishermen, were well acquainted with the harbor; and thus they enjoyed a good opportunity for making inquiries respecting the proposed undertaking. He had also been in conversation with a person lately, who, he considered, was well acquainted with such matters; and he said that he would throw up an embankment at the place in question for £1,200 to remain for forty years. Vessels could lie in perfect safety in the harbor, provided there was such an embankment; and should it be built, he believed in a very few years the number of American vessels that would frequent the place, would assist to pay for the embankment. It would be a benefit to all vessels frequenting the coast; therefore, he thought the House should be liberal enough to vote £400 towards the object; and the inhabitants of the place would contribute the half of the sum expended.

Messrs. Macintosh and Yeo, Hons. Col. Secretary and Mooney, and Mr. Clark, then made a few remarks on the subject, all agreeing that the proposed undertaking was wholly impracticable; after which Hon. Mr. Whelan's motion was negatived, Hons. Messrs. Whelan and Wightman, Messrs. Dingwell and Muirhead voting in favor of it.

According to order, the House went into committee on the second reading of the Bill to prevent swine from running at large in certain parts of St. Eleanor's. After some time spent in committee, progress was reported, in order to afford an opportunity for inserting an amendment extending the provisions of the Bill to Summerside as well as St. Eleanor's. House adjourned.

THURSDAY, March 26.

Mr. Dingwell presented a petition from John Leslie, millwright, praying a grant in consideration of his services in surveying a site for Souris Bridge &c.; referred to the members for the district.

On motion of Hon. Mr. Wightman, the House went into committee on the further consideration of the report of the Post Office committee. Hon. Mr. Mooney moved to amend the report by inserting in it, that a Post Office be established at John Macdonald's, Grand Tracadie, which however, was negatived. Several amendments were made to the report, and considerable discussion ensued relating to the increase of the salary of the present Deputy Postmaster General, and to the appointment of an Assistant in the Post Office in Charlottetown. Finally it was agreed that an amendment be made to the report, recommending that both those objects be carried into effect, and progress was reported.

A message was received from the Legislative Council informing the House that they had passed a Bill to alter the practice of the Supreme Court, to which they desired the concurrence of the House. Bill read a first time.

Hon. Col. Secretary laid before the House an extract from Minutes of Council, which having been read was referred to a committee of the whole House to-morrow, and is as follows:—

COUNCIL CHAMBER, 15th Jan., 1857.

"The Honorable Colonial Secretary laid before the Board the following communication received by Telegraph from Saint John New Brunswick addressed to the Colonial Secretary, viz:—

"The New York, Newfoundland, and London, Telegraph Company being desirous of meeting the wishes of the Inhabitants of Prince Edward Island, are willing to establish for business during the winter months, the otherwise unremunerative offices at Cape Traverse, and Cape Tormentine, provided your Government grant to them the sum of three hundred pounds sterling per annum for fifty years, the Company undertaking to keep the Cable across the Straits of Northumberland in effective working order during that period."

"His Excellency and the Board having given the subject matter of the foregoing communication due consideration, the Colonial Secretary was directed to state in reply, that the Government will agree to remunerate the operators for any incidental expense that may be incurred, in fitting up the two offices for this winter, provided they are established forthwith; but as regards the grant required for fifty years, that proposal must be submitted to the Legislature, which shall receive the recommendation of the Government,—and further it is expected, that all communication between the two offices, will be forwarded free of any charge."

Hon. Col. Secretary also laid before the House an abstract of the sales and returns of Crown Lands, laid on the table. Adjourned for one hour.

R. LAIRD, Rep.

AFTERNOON SITTING.

House in committee of the whole, on the further consideration of the Report of the Special Committee, to whom were referred petitions for opening new Post Offices, &c. Mr. McDonald in the chair.

Mr. Yeo submitted a resolution, moving that the sum of seven pounds be paid John McIntosh, Western Mail Carrier, for additional expense and labor in carrying said Mails during the past year.

House resumed. Chairman reported that the report of the committee had been agreed to with certain amendments, which was received by the House, and a committee was appointed to draw up bills in conformity therewith, consisting of Hons. Messrs. Wightman, Lord and Haviland.

Hon. Mr. LORD stated that he was opposed to raising the salaries of the Assistant in the Post Office, and begged to decline the appointment on the committee.

Hon. T. H. HAVILAND agreed in the propriety of the course taken by the Hon. Mr. Lord, and thought it was bad policy to put an hon. member on a committee who was opposed to the objects they were to carry out.

Hon. Mr. LONGWORTH was then appointed on the committee in the place of the Hon. Mr. Lord.

BOARD OF WORKS.

Hon. Col. SECRETARY moved that the House proceed to take into consideration the Bill to provide for the establishment of a Board of Works in this Island, and in doing so he took occasion to remark as follows: "The Bill before you now, Mr. Speaker, is one similar in many respects to Acts, having for their object a better system of expending the public money, now in force in many of the neighboring Provinces; and I think it is high time such a system were brought into operation in this Colony. Every public undertaking demands it, and when we come to consider what an advantage it will be to the Colony, not only in insuring the better performance of public contracts, but in expediting and lessening the expense of such works. Our Court Houses are illly constructed and incomplete. Then if there are new buoys to be constructed they will have to pass a rigid inspection before they will be received, whereas under the present system, a Harbor Master may give notice that such and such a quantity of buoys are wanted, and give the making of them out on contract; and ten chances to one if he is not imposed upon by worthless articles. In fact, Bridges, wharves, and every other species of public Work could be done with promptitude, and in a proper manner under the superintendence of a Board of Works. Under the present system such an end cannot be insured, for it is not to be supposed with any show of reason that the Colonial Secretary can be a competent judge of all such matters. We must place a competent engineer at the head of this department, at a stated salary per year. It may be objected to paying the members of the board, but it is only contemplated to pay them if they should be required to go into the country, and then give them so much per day for travelling expenses. If this Bill be passed, after the House rises, the Board of Works, having the consent of Government, will carry out the projects of the Legislature. It is, however, thought by some hon. members that it would be better if the Bill would not go into effect before the Municipality Bill; but I think it may serve to pave the way for the introduction of that Bill. I therefore move the House go into committee of the Whole, with a view to the further consideration of this Bill."

Mr. COOPER—I certainly do not think a Board of Works is required at present, especially as the whole of the Revenue for the public works is already placed at the disposal of the members for the various districts. However, it might be better to give it to the country, along with the Municipality Bill, and the people would then have an opportunity of examining its various features, and the changes it is to introduce. But I am of opinion, that as the Revenue has fallen short of what it was last year, we have no encouragement, at least from that quarter, to create new offices and new salaries. It is true, that the Postmaster General has been provided with an additional assistant, and the salary of the present assistant is increased; but he is worthy of it, and it is nothing but justice to increase the help and salaries of such public officers, when their business is continually on the increase.

Hon. COL. TREASURER.—The object of this reform is to do good to the country—to make experiments with a

view to the greater efficiency and durability of public works, and to greater economy in the expenditure of the public money. There is a great deal of money to be expended every year, and it is well known that the strictest economy is not observed in regard to its proper distribution—there is at the present time, a bridge to be built at Cascumpec, another to be built at Rustico, and a building to be erected at the opposite side of the River, and repairs to be done this building, to cost £300. Now, if a Board of Works was in operation, we would not undertake works of any public character, without knowing exactly what they would cost us, and we could then make appropriations with our eyes open. If such a board, I repeat, with a competent person at its head, were in operation, it would not only be a great saving to the country, but it would be the means of preventing much confusion in public undertakings, and command a greater confidence in the efficient management of our affairs.

Mr. PERRY.—I cannot, I must confess, see any necessity for a Board of Works at the present time; it would only be the means of increasing the expenses of the Government, without materially adding to its efficiency. As there are no new wharfs or bridges to construct, in what respect would such a Board be of any service? I must confess, I cannot see in what shape or manner such an institution is called for; but it may be as well to let it go with the Municipality Bill, and be printed, and distributed throughout the country.

Hon. COL. SECRETARY.—It is true, there are no extensive public buildings to be erected now; but still there are other minor works, but of as great importance to the country as if they were twice as extensive. To such works, a board of this kind would be necessary; and under its superintendence they would be well finished. If a Board of Works were in existence at the time this Building was undertaken and completed, it would not be in such a bad state as it is at present. It was found when repairs were being done to the building, that there was no wall built under the steps, but that beneath them was filled up with rubbish. If the then Superintendent was bound to see the work properly done, as he would under the regulations of this Bill, it would be performed in a more efficient manner. The Government House was built in the same careless manner—the pillars were left in an insecure state, the foundation on which they rested being incapable of sustaining their weight. There was only one person then, to oversee and superintend the work, and he was generally an interested party; but now, he would be under a stated salary, and could possibly have no interest in slighting the work. In Nova Scotia, the Superintendent of the Board of Works has a salary which places him above, and keeps him aloof from meddling or having any interest in the affairs of public contractors, and which requires him to devote all his time to his office. We want such a man here, and until such a system be adopted, the country will be at a great yearly loss.

Hon. Mr. LONGWORTH.—I do not see the justice of reflecting upon the persons who had the superintendence of this building; but the idea that this Act will do away with all the abuses said to have existed, is, I think, un sound. Even under the restrictions of this Act, the Superintendent can have an indirect interest in all public undertakings, and it is impossible to prevent him. As to the Bill itself, I agree with its principle, but whether it shall go into operation immediately or not, is a question I will not pretend to decide. If it is to lay over, how is any defect that may be in it to be corrected; still there may be no absolute necessity to go into the matter now, but leave it over till another session.

Hon. T. H. HAVILAND.—As regards the observations made by the Hon. Col. Secretary, about the Province Building, reflecting upon the Superintendent of that work, I would acquit that gentleman of any lack of duty in the matter. The stone work was contracted for by Messrs. Watts and Bane, and the Carpenter work by Messrs. Wright and Smith, and if they did not fulfil their contracts to the letter, it was not the fault of the Superintendent or Directors, of which latter, I was one myself.

Hon. COL. SECRETARY.—I did not intend to imply censure upon the Directors of the construction of this Building.

Hon. T. H. HAVILAND.—As far as the Bill before the House is concerned, I agree with the Hon. Col. Secretary, that a measure of this kind is called for. It is admitted that there is a waste of the public money under the present system, and Commissioners often spend more money than they ought. Why? Because there is no one to look after them, to see that they are judicious in the expenditure of their share of the public money.

The House then resolved itself into a Committee of the whole, on the Bill to establish a Board of Works. Mr. Muirhead in the chair.

Hon. COL. SECRETARY.—If any suggestions could be made, that might render the Act more complete and comprehensive, I would be thankful for them. No doubt, there may be some hon. members acquainted with many things which it would be well to embody in the Act.

The first clause of the Act was then read, when

Hon. Mr. LORD said—I do not see, Mr. Chairman, how the adoption of this Act would place us, in regard to the efficiency of carrying out public works, any better than we are at present. We have now a Superintendent of Public Works, and I cannot see why any other board should be wanting for the amount of public works that is to be performed. In my opinion, it will only entail an additional expense upon the country, and leave us with no better system than we had before.

Hon. COL. SECRETARY.—No money will be required to pay the members of the Board, except in case of their being required to travel, or accompany the engineer, and then they are allowed mileage. It is only the officers of the Board who will be on a salary. It might as well be objected that the Education system of the Colony can be carried out by the School Visitor, and dispense altogether with a Board of Education. It is objected that such a board will find nothing to do, but this is a mistake; there are, besides bridges and wharfs, lighthouses and buoys, and public buildings to inspect. And in case of any departmental officer being on the Board, he will receive no pay for his services.

Hon. COL. TREASURER.—Another thing I will bring to your notice, they can at least inspect the works performed and see that they are properly done. Some time ago, there was a sum of money appropriated to build the wall of the jail in St. Eleanor's. When I was Sheriff of Prince County, a few years ago, I had occasion to examine these walls, and found them so poorly done, and badly put together, that a prisoner might easily escape, and that line of wall, alone,