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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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CHARLOTTETOWN, PRINCE EDWARD ISLAND, MONDAY, JUNE 6, 1859.

No. 48.

Provincial Parliament.

HOUSE OF ASSEMBLY.

SUMMARY OF PROCEEDINGS.

WEDNESDAY, 4th May, 1859.

House met at 4 p. m.

Mr. LONGWORTH moved the first reading of a Bill to amend the Act of Incorporation of the Charlottetown Gas Company, by enabling them to put up gas fittings, &c., in private houses, when requested to do so either by the owners or occupiers of said houses, the company charging rent for such fittings, while in use, in addition to the cost of gas and rent of meters. The fittings to be the property of the Company, and authorising them to remove such property when their managers shall deem it meet, &c.

Hon. Col. GRAY—Mr. Speaker, I rise for the purpose of noticing a paragraph in the published report of the debate on the address, in which an observation is attributed to me which I did not make. I am there represented to have said "that the Bill guaranteeing the Loan had been abandoned by the Imperial Parliament in consequence of the falsehoods and misrepresentations contained in the despatches on the subject of the financial condition of the Colony—and not from the opposition of the proprietors." Sir, the Reporter has, unintentionally, I am willing to believe, put into my mouth language stronger than I used. I did not use the word "falsehood" at all, nor did I reflect, in any way, upon any despatches transmitted by His Excellency the Lieut. Governor,—what I intended to convey was to the effect that I was surprised that the hon. member, the leader of the late Government, should have assigned as the cause of the abandonment of the Loan Bill by the British Government, a combination of proprietors; while the true reason for the loss of the measure was to be found in the glaring misrepresentations contained in the financial statements which accompanied the despatch.

Hon. Col. GRAY then moved 2nd order of the day—that the House go into Committee on the despatches sent down by the Lieutenant Governor.

Hon. Mr. WIGHTMAN hoped the House would postpone the order for taking up the despatches. The hon. leader of Her Majesty's Opposition was unable to attend from an accident, and as the matter of the despatches was of the most serious import, it was necessary that the hon. gentleman should be present.

Mr. COOPER coincided in opinion with the Hon. Mr. Wightman, and hoped Hon. Mr. Coles would be able to attend tomorrow (Thursday).

Hon. Col. GRAY observed that when Hon. Mr. Palmer had named to-morrow for the despatches, the Opposition objected, and named Tuesday (yesterday), which was agreed to by the Government. If such delay continued to mark their proceedings, he did not know when they should be able to finish the business of the Session.

Mr. COOPER thought all the members should be present. Hon. Mr. Thornton, Mr. McNeill, and others, were absent, and it would be wrong to enter into the discussion of the despatches in the absence of so many members. He hoped, however, that the Hon. Mr. Coles would be in his place to-morrow, when he would have no objection to proceed with the despatches.

Hon. Mr. PALMER would feel no objection to postpone the despatches, if his hon. friend Col. Gray would consent to do so.

The despatches were accordingly postponed until to-morrow (Thursday), at 11 o'clock, a. m.

The House then went into Committee of Supply, and granted the remaining appropriations, (already published) the last being that moved by the Hon. Mr. Palmer, £6 12s. 9d., to reimburse the President of St. Dunstan's College for duty paid on a set of Philosophical Instruments for the use of the College.

Adjourned at 7 o'clock.

ANTHONY BEGLEY, Reporter.

THURSDAY, May 5, 1859.

THE LAND QUESTION.

House met at 11 o'clock, and resolved itself into a committee of the whole on the Despatches.—Mr. John Yeo in the Chair.

Hon. Col. GRAY rose and paid a high compliment to the genius, literary talents and statesmanship abilities, of the present Colonial minister, Sir E. Bulwer Lytton. He said the Minister had proposed a settlement of the land question, and suggested the mode of its accomplishment; and if his views were met in a friendly spirit, this long agitated question would be finally arranged, to the satisfaction of the Proprietors, and the benefit of the Tenants. The Resolutions which he had drawn up for the adoption of the House embraced a prospect of satisfactory adjustment—they were in accordance with the suggestions of the minister—suited to the wants of the people, and adapted to the state of the Colony. The hon. gentleman having, at considerable length, developed his own views with reference to the relations of Landlord and Tenant, &c., moved the following Resolutions:—

"Whereas certain questions arising out of the original grants of the lands in this Island, severally called the Escheat question, the Fishery Reserve question, and the Quit Rent question, have for many years caused much discussion and difference of opinion amongst the people of this Island, and many delusive projects and impracticable measures have been, and are from time to time, enunciated respecting such questions, whereby the tenantry have been, and are greatly imposed upon, and induced to support the proposers of such measures, under the delusive hope that by doing so they will be relieved from the payment of rent; and the attention both of the people and Legislature being occupied with such deceptive schemes, measures tending to develop the resources of the Colony are not only neglected, but a state of society, equally opposed to the moral, social, and political welfare of the people and their true interests, is produced; and whereas, various Despatches have for a great number of years declared that Her Majesty's Government will not consent to any compulsory interference with the laws and rights of the Proprietors, and which has been strongly reiterated in the Despatches of Sir Edward Bulwer Lytton—now Her Majesty's principal Secretary of State for the Colonies—dated the 20th October, 1858, and 3d December, 1858, from which it is clear that any measures for the benefit of the Tenantry must result from amicable arrangement with the Proprietors; and whereas the agitation of hostile measures, such as Escheat, Fishery Reserves, and Quit Rents, must not only result, as they always have done, in leading the tenantry into costs and trouble, without, in any way, ameliorating their condition, but will also engender a feeling in the Proprietors, rendering them disinclined to listen to proposals which, if such agitation were at an end, they would be likely to entertain; and whereas, Sir Edward Bulwer Lytton in his Despatches above referred to, while refusing to sanction measures which in England are considered inconsistent with the rights of property, has expressed the readiness of Her Majesty's Government to co-operate with the Legislature in furthering measures for the settlement of the land tenures, if conceived in a spirit of fairness and conciliation to all parties:—

"Therefore Resolved, 1st, That a humble address be presented to Her Majesty, praying that Her Majesty will be pleased to

direct a commission to some discreet and impartial person, not connected with the Island, or its affairs, to enquire into the existing relation between Landlord and Tenant, and to negotiate with the Proprietors for such abatement of present liabilities, and for such terms for enabling the Tenantry to convert their leaseholds into freeholds, as—without infringing on the rights of the landlords—may be fairly and reasonably asked for to ameliorate the condition of the Tenantry.

"2d. Resolved, That in the opinion of this House the basis of any such arrangement should be a large remission of arrears of rents now due; and secondly, the giving every tenant holding under a long lease an option of purchasing his land at a certain rate, at any time he might find it convenient to do so.

"3d. Resolved, That a remission of arrears of rent may be reasonably asked, inasmuch as the existence of these arrears, although it is due partly to an unwillingness of the tenants to pay rent, under the idea that Escheat, or some other delusive scheme, would enable them to evade, yet it is also due in part to the laches and remissness of the landlords and their agents in not enforcing it, and because, in many cases, the arrears, however incurred, amount to so large a sum, that the exacting them would prove ruinous to a large number of loyal and industrious people; and would further entirely put it out of their power to avail themselves of the plan suggested in subsequent resolutions for purchasing their farms.

"4th. Resolved, That as the circumstances of the tenantry would not in general enable them to pay down any large portion of the purchase money, the best and only means for converting the tenures into freeholds lies in the adoption of a plan which would practically constitute every farm a savings bank for its owner, in which he could, from time to time, invest his savings at interest towards the purchase of his farm, an arrangement which could be effected by the following means, viz: that the Landlords should agree to permit the tenants to purchase their farms for such sum per acre as should be fixed upon; and providing further, that when any tenant (whose rent was paid up) should be desirous of paying any sum not being less than ten pounds towards the purchase of his land, he should have the option of doing so, and that the interest on the ten pounds, or other amount so paid, should thereupon go in reduction of his yearly rent, and so on for every payment on account of purchase, until the whole was paid, when he should receive his Deed; and that similar covenants should be inserted in all future leases for terms over forty years. Such an arrangement would not only give the tenant the advantage of paying an instalment of his purchase money, and at the same time reducing his rent whenever he chose, without subjecting him to the vexation and costs incident to cases of inability to meet instalments agreed to be paid at a particular day, but would, in the opinion of this House, gradually but certainly change the tenures into freeholds without the aid of loans, and the expensive subsistence of Public Offices, by which heavy liabilities have already been and would, if persevered in to a much greater extent, be imposed on the public finances."

After a protracted debate, and the rejection of amendments, severally proposed by Hon. Mr. Whelan and Mr. Cooper—the above resolutions were carried, with the substitution, unanimously agreed to, of 40 instead of 100 years, as the minimum period for leases entitling the holders to the benefits of the proposed arrangements.

Mr. COOPER, in a very lengthened speech, stated his objections to the Resolutions—entered into the history of the original grants—showed that the conditions had not been complied with—that the original rights conceded by the grants had been forfeited—re-investing them in the Crown. He thought the right of purchase should extend to Leases of 40 years.

Hon. Mr. THORNTON approved of the spirit of the Resolutions, but objected to the preamble. It was wrong to entrust one person with the power of settling the land tenures of the Colony; there should at least be three. He was in favor of the second Resolution. It had always been his plan, when he could not get all he wished, to take what he could get. The arrears should all—the greater part at least—be struck off with one stroke of the pen, as Mr. Cobbett had proposed to do with the National Debt. He believed that P. E. Island would never be prosperous until she had more freeholders than tenants. That was his motto. Arrears had accumulated—the many disastrous seasons between the years 1845 & 1857 produced an accumulation—the people had nothing to give. The reasons should be stated why the people were not able to pay. He could not see any reasons for fixing the instalments at £10—why not name £5—the smaller the sum the greater the inducement to pay. He objected also to confine the purchase to Leases of 100 years—those having leases of 60 years should likewise be entitled to the privilege.

Hon. Col. GRAY felt thankful to the Hon. Mr. Thornton for his appreciation, in part, of the measure. He trusted that through the negotiation of the Commissioner land would not sell too high—such had not been the case in Canada—he hoped that the Commissioner would battle successfully for the rights of the poor man, and see that full justice should be done him. As to the 100 years lease, that was for the consideration of the House. He had always a very great aversion to leases for 40 years, but should not object to 60.

The debate, which will appear hereafter, continued till half-past 10 o'clock, when the Resolutions, with 40 years instead of 100, were agreed to on the following division:—

For the resolutions. Against them.

Hon. Col. Gray,	Hon. Mr. Whelan,
" Mr. Palmer,	" Mr. Coles,
" Mr. Longworth,	" Mr. Kelly,
" Mr. Yeo,	Mr. Cooper,
" Mr. Pope,	Mr. Sinclair,
" Mr. Haviland,	Mr. Knight,
" Mr. Laird,	Mr. Doyle,
" Mr. McAulay,	Mr. Sutherland.—8.

Mr. Douse,
Mr. Raunsey,
Mr. John Yeo,
Mr. Owen,
Mr. McNeill,
Mr. Montgomery
Mr. Howat,
Mr. Holm,
Mr. Davies,
Hon. Mr. Perry.—15.

Hon. Messrs. Thornton and Wightman, and Mr. Conroy, being unavoidably absent, could not vote.

The following are the resolutions which were offered in amendment by the Hon. Mr. Whelan, above referred to, and which were lost on the same division as the preceding:—

Whereas, Certain despatches from former Secretaries of State for the Colonies and printed in the Journals of the House of Assembly of this Island, clearly show that the Crown never relinquished, in favour of the assumed Proprietors of Township Lands in Prince Edward Island, its claim to the Fishery arrears of Quit Rents or to the control of the Fishery Reserves, and by the Civil List Bill passed in 1851 ceded to this Colony its interest in those Quit Rents and Reserves.

Resolved, therefore, that measures should be adopted to recover from the Proprietors of Township Lands the amount of Quit Rents of which they have been long in arrears, so soon as the present Act authorising an assessment upon lands shall expire—the money being required for the encouragement of education and for the general improvement of the Colony; and that other measures should be resorted to, to put in force the right which this Colony has legally acquired to lease or otherwise dispose of the Fishery Reserves for the benefit of the people of this Island.

Whereas the Government and Legislature of this Island have, for several years past, shown a disposition to settle by

amicable means the long agitated question with respect to the tenures of land in this Island; and as an earnest of that disposition, a Bill was passed in 1853—which received the sanction of the Imperial Government—to purchase the estates of the land claimants at certain fixed rates, under the operation of which two valuable estates were purchased and sold in small tracts to the settlers thereon, by means of which their material prosperity has been much advanced; and the Legislature of this Colony subsequently passed a Bill to raise a Loan by Imperial guarantee, so that greater effect might be given to the principles of the Purchase Bill, and which measure was strongly recommended by the Right Hon. Henry Labouchere and the Right Hon. Lord Stanley, lately Secretaries of State for the Colonies. But the Loan Bill having been disallowed—by means of private intrigue and gross misrepresentation, as this Committee believe—and it being inexpedient to effect any further purchases of Township lands in the absence of such a measure, this House regret that they perceive no other method of effecting a settlement of the question of the Land tenures that will prove satisfactory to the people of this Island than by resorting to their undoubted constitutional right of demanding an investigation into the original titles of the assumed Land Proprietors.

Resolved, therefore, that an address be presented to Her Majesty, praying that she may be graciously pleased to authorise the establishment of a Court of Enquiry, to investigate the claims of individuals holding Township lands in this Island, in virtue of Crown Grants, the conditions upon which they were made not having been complied with.

TEACHERS' PETITIONS.

FRIDAY FORENOON, May 6.

House met at 11 o'clock, and resolved itself into a Committee of the whole on Teachers' Petitions. Hon. Mr. McAulay in the Chair.

Hon. Mr. PALMER hoped that the Committee had carefully considered the circumstances of those Petitions—the facts contained in each—and assured themselves that the claim was fair and equitable; for unless there were some special circumstances in each petition to warrant the House in interfering, they were not justified in doing so. The Statute was very full upon the subject, and they should be most careful in carrying out its provisions. They all knew how easy it was for a Teacher to make out a prima facie case, to warrant him in coming before this House by petition; but yet it did not follow that they should vote away the public money without feeling satisfied that the claim was just. Those petitions took up a great deal of time, caused much discussion, and gave very great annoyance each session. He hoped to see a better state of things; and meantime he repeated, that in dealing with the petitions, the Committee should be satisfied in their own minds that nothing was asked for but what appeared equitably due.

Hon. Mr. YEO, Chairman of the reporting Committee, observed, that the Committee had entered fully into an investigation of all the circumstances of the petitions. In every instance the application was greater than the Committee had recommended. They reduced the amount in each case, and all felt the utmost anxiety to decide amicably, fairly, justly—to their own conscience, the petitioners, and the country. He should, for his own part, wish to see some plan introduced which would render it unnecessary for the Teachers in future to apply to the House for compensation.

Hon. Mr. PERRY said, the report of the School Visitor, and that of the Board of Education, were now before them. In looking over those reports it was a deplorable circumstance to find that the people were so apathetic and indifferent to the advantages of education. Some had kept their children at home—some withdrawn them from school, because they chanced to be a little angry with the teacher. The poor children suffered—the country would suffer, and was suffering—in fact, that a large amount of its revenue was appropriated to the purposes of education, while the rising generation did not avail themselves of the great blessings of which it might be the medium.

Message from the Legislative Council, informing the House that their Honors had passed the Bill authorising the Supreme Court to grant Sheriff's relief against adverse claims, and also the Bill incorporating the Baptist Church of Bedouque, without amendments.

Documents of Board of Education referred to Committee; read, &c.

Amount asked for as compensation for Teachers was over £30.

Hon. Mr. LAIRD thought if a school could not keep up the average of 20, it should be closed. The country was not able to support such an immense number of schools. He believed there was too many, and the proof was that so many petitions were before them, where the average was below 20. If there were fewer schools, the attendance would be greater in each,—the number which the law required kept up,—and there would be little cause for complaint on the part of Teachers—they would all have their average. But as the system is at present such is impossible. He wished to see a remedy applied to such an evil.

Mr. HOWAT thought the average too high. It was first 30, then 20, and required to be still lower. It was no fault of the Teachers that the average fell below the required standard. This was an agricultural country, labour was scarce, and the children were often required to assist in the labour of the field—at school to-day, in the field to-morrow—thus the average fell. It was surely the interest of the people, when they had to pay the Land Tax, to send their children to school; but many of the poor were not able to do so. It was, therefore, neither the fault of the Teachers, nor the parents of the children, that the attendance fell below the average. Under all those circumstances he thought the Teachers should be paid the full amount.

Mr. CONROY would not deprive a Teacher of his salary, where the average fell through sickness or any other cause over which he had no control. He would, however, reduce a master's salary something, making it between £40 and £50 when he had not the average. Such a course would make him use every exertion to have the required number.

Hon. Mr. YEO thought the present system most unfair. The average was 20, which entitled the master to his salary; but if he had only 19, at 30s. each, he could only get £38 10s. Some steps should be speedily taken by the Legislature to remedy such an unfair arrangement. In some places it was impossible to get 20 scholars; the West Shore was thus circumstanced, and would it be fair to continue a system which punished a poor teacher for not doing what it was impossible for him to accomplish. Hon. gentlemen should consider the hardship of such cases, and not expect more from the teachers, under the circumstances, than they can perform.

Hon. Mr. THORNTON would not allow the average to fall below 20,—that amount should be kept up; but he believed that it was necessary that parents should be compelled to send their children to school. Was it fair that parents who appreciated the blessings of education, and wished to bestow those blessings upon their children, should be prevented by the negligence and indifference of other parties who did not care for education? He should wish to see the law, as regards education, compulsory, penal, effective. He should wish to see children grow up properly educated—it to instruct their parents, who had never enjoyed the blessings of education. He knew an entire district so regardless of information that a local newspaper was never read among them. They were totally ignorant, in this advanced period, of science and literature, of all physical, moral, and political intelligence. He hoped that such a state of things would not long exist.—He hoped that the country would be informed; that ere long parents would be bound in law, under a penalty, to send their children to school; and that the Teachers should be made responsible for the strict performance of their duty.

Hon. Mr. LONGWORTH said, that when it was found that nearly £400 was demanded to make up for a deficiency in the law, as it now existed, it was time to effect such an alteration as would prevent the repetition of such applications. He felt it very hard for Teachers to be deprived of their salaries, but they had no remedy by the Statute. Who were culpable? The parents, by allowing their children to remain away from school, and rendering it impossible for the Teacher to keep up the legal average. Some coercive measure must be resorted to, to check the evil. He held in his hand a petition from Lot 53, numerously signed, to amend the Act—giving power to enforce the schoolmasters' fees—making the teachers, parents and trustees, mutually responsible, so that those demands shall not be made in future. Thus they would have the power in their own hands to apply a remedy to the evils of a system which earnestly demanded reformation.

Hon. Mr. COLES thought, that if, when the average fell below 20, the Teacher should be paid with £45, and the parents bound to make up the deficiency, it might remedy the evil.

Mr. DOYLE believed the Education Act was the best ever passed in the Colony; but it was not what it was said to be, free. An agreement was generally made with the Teacher to pay his board—some did pay, and some did not—five or six had to make up the amount. This was not fair; and when parents sometimes took umbrage at a teacher, they kept their children from school, putting it out of his power to maintain his average. It happened also that the teachers were themselves to blame. When located for a time in a district, they often became negligent. But the children should not suffer for either the spleen of the parents, or the negligence of the Teacher. He should wish to see power given to the Trustees to assess the defaulters in the deficiency of the salary of the Teacher.

Hon. Mr. PALMER believed that many of the applicants had not gone to the Board of Education,—that was acting contrary to the law. It was quite enough to pay the large sums for which they were liable, and they should be sure that they were not voting away the public money blindly. Entertaining those views, he would not support any petitions, where application in the first place had not been made to the Board of Education.

Hon. Mr. PERRY—The School Visitor had been consulted—he was now Secretary to the Board of Education. That was all the information they could obtain; it was reliable, and in justice to the reporting Committee, he felt himself justified in saying, that they had taken great pains in making all the necessary enquiry respecting the petitions, and, therefore, it was not fair to say they were voting away money blindly.

Hon. Mr. YEO thought it but fair and equitable that every Teacher should have his £50. The Committee did not do that length, they allowed £40. Surely that was not extravagant?

The Petition of P. P. Doyle—whose half-year's salary had been withheld, and his license suspended for three months by the Board, for falsification of his register—created a very protracted discussion.

Hon. Mr. PALMER did not oppose this application especially, he opposed all similar applications, as by granting their prayer, they opened a door for endless petitions, which, if attended to, would absorb the entire revenue of the Colony. There was sufficient, however, in the petition to show that the register had been falsified. Such had been admitted before the Board of Education, and they had thought proper to deprive him of his salary, and suspend his license. They would not be doing right to treat their decision with contempt; besides, the Board was charged with arbitrary and tyrannical conduct, and under those circumstances he could not feel justified in granting away the public money.

Hon. Messrs. Coles, Thornton, Kelly, and Messrs. Howat, Cooper, &c., having spoken, its consideration was deferred till further information could be obtained from the Board.

Hon. Col. Gray moved an Address to Her Most Gracious Majesty, founded on the resolutions agreed to last night.

On motion of Hon. Mr. Haviland, bills to incorporate the Free Churches of New London and Bedouque were read a first time.

PRINCE STREET WHARF.

Mr. Davies, Chairman of the Committee appointed to report on the petition of Hector McLean and Duncan McPhee, said the Committee were of opinion that petitioners had an equitable claim for compensation. It was for the House to fix the amount. They had been charged with the wages paid John Doirant for 107 days, at 12s. 6d. per day, amounting to £66 17s. 6d.—incurred in a penalty—and sustained considerable loss by discounting of Treasury Warrants; although it was stipulated in the contract that they should be paid in the current money of the Island. They claimed over £260. The Committee did not recommend any amount,—that was for the House. Referred to Committee of Supply.

ANTHONY BEGLEY, Reporter.

FRIDAY AFTERNOON, May 6.

PETITION AGAINST THE RETURN OF THE HON. THE SPEAKER.

The House went into Committee—Hon. Mr. Perry in the chair—on the Petition of certain electors of Princetown and Royalty and Lot 18, against the return of the Hon. Donald Montgomery as member for that electoral district. The petitioners alleged that the Poll Clerk having omitted to record in his book the nature of the qualification on which parties whose votes were objected to at the time of polling, as required by the 26th Section of the Election Law, the friends of Mr. Davies, the opposing Candidate, were prevented from prosecuting a Scrutiny of such votes, which would have resulted in the return of the latter gentleman.

Hon. Mr. COLES explained the grounds of complaint of Petitioners—the 26th clause of the Act was precise and positive in its provisions, as regarded the case of electors who shall be questioned as to their qualification—it provided that all the particulars of the claim to vote, according to the circumstances of the case, should be taken down in the poll book, and the Candidate against whom the vote is given, or his substitute, may object to the vote, and cause the same to be marked "objected," and also cause the elector to be sworn. Such entries not having been made, the votes in question could not be scrutinized.

Hon. the SPEAKER would state some facts in connection with the application before the Committee, which were, he thought, entitled to serious consideration. He asserted that the objections marked in the poll book before them had not been made or entered at the time of polling. He had his own poll book, kept by a sworn clerk that showed for itself; and a comparison of the two books would satisfy any hon. member that the one before them had been altered, he knew not by whom, but would be glad to find out the individual, and ascertain the time when the alterations had been made. Neither Mr. Davies nor his substitute asked that the qualification should be entered. Had the returning officer been requested, he would, of course, have done so. Although that gentleman was opposed to him in political opinions, he felt confident that he would act fairly and impartially in the discharge of his official duties. At the election ten voters were sworn, not one of whose votes was objected to. His hon. colleague was present at the time, and must have heard any request that may have been made to have the votes marked "objected;" and he referred to him to state if such demand had been made. Trusting that the guilty party, whoever he