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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, MARCH 30, 1857.

No. 38.

Colonial Legislature.

HOUSE OF ASSEMBLY.

SATURDAY, March 14.

AFTERNOON SITTING.

PETITIONS PRESENTED.

The House being met. The following petitions were presented, and the same were severally received and read: By Mr. Yeo, a petition of Dominick Knockwood and other Miamae Indians, setting forth their privations, and praying for relief. Laid on the table.

By Mr. Munro, a petition of Bridget Hobin, Widow of Andrew Hobin, late of Township No. 50, setting forth, that her husband was killed in the month of September of last year, and on the same day her house was set on fire, by which double calamity she has been left, with a helpless family in a state of destitution, and praying relief; and another petition, of Mary Lawrence, wife of Alfred Lawrence, a private soldier, praying a sum of money sufficient to defray the expenses of her passage to England to rejoin her husband, returned from the campaign in the Crimea. Both petitions laid on the table.

By Hon. Mr. Wightman, a petition of the President and Committee of the Royal Agricultural Society, praying that in addition to the sum annually granted to the Society, a sum of £1000 may be specially appropriated to stock, fence and pay the rent of the Society's breeding farm; also, a petition of several inhabitants of Townships 61 and 63 praying a grant to erect a Bridge across Llewellyn's mill-pond; and also, a petition of John Bain, praying compensation for extra work performed in extending the Wharf at South River, Murray Harbor. Petitions laid on table.

By Mr. Laird, a petition of several inhabitants of New Glasgow Road Settlement, praying a grant to open a Junction Road between that Settlement and the Princetown Road, was received and read, and referred to the Special Committee on Petitions for opening new Roads.

The Bill intituled "an Act to continue and amend the Act to prevent Horses, Swine and Geese from going at large in Georgetown," was, on motion of Mr. McDonald, read a third time, and passed. It was then ordered that Mr. McDonald do carry the said Bill to the Council and desire their concurrence.

The Hon. Col. Treasurer, from the committee on Expiring Laws, presented a Bill to continue the Act relating to packets sailing between this Island and the Provinces of Nova Scotia and New Brunswick; read a first time.

On motion of Hon. Mr. Montgomery, the House resolved itself into a committee of the whole on the Princetown Royalty Incorporation Act and to repeal a certain Act therein mentioned. Mr. McDonald took the chair, when the Bill was agreed to without discussion.

The House resumed.

The Bill was then read a second time and ordered to be engrossed.

House adjourned.

MONDAY, March 16.

Hon. the Speaker laid before the House a communication from the Secretary of the Wesleyan Dorcas Society, enclosing a report of their proceedings, embracing an account of their receipts and expenditures in the past year, and stating the increased demands made upon the Society. Laid on the table.

On the motion of Hon. Mr. Montgomery the Act to continue and amend the Princetown Royalty Church Incorporation Act, &c. was read a third time, as engrossed, and passed; and Mr. Montgomery was ordered to carry the same to the Council, and desire their concurrence.

PETITIONS PRESENTED.

The following petitions were then presented to the House, and the same were read severally received and read, viz:

By Mr. Laird, a petition of James McNeill, of Cavendish, praying remuneration for his care and support of John Ashworth, an indigent and infirm old man; laid on the table.

By the Hon. Col. Treasurer, a petition of several inhabitants of St. Eleanor's, praying for an enactment to prevent the running at large of Swine within certain limits in the immediate vicinity of that village; laid on the table.

By Hon. Mr. Mooney, eighteen petitions of inhabitants of Second Electoral District of Queen's County all praying aid to improve their road communications, extend and erect wharves, &c.; laid on the table.

By Hon. Mr. Wightman, five petitions from inhabitants of north side Montague River—Townships Nos. 51, 52, 53 and 59; Townships Nos. 52 and 53; Townships No. 63 and vicinity; Sparrow's Road, and head of Montague River Settlements—praying aid to improve their road communications; laid on the table.

By Mr. Clark, a petition of Edward MacKay, Archibald MacKay and others, Township 18 praying aid to improve their road communications; laid on the table.

By Hon. Col. Secretary, a petition of several inhabitants of Suffolk Settlement, Townships 34 praying aid to improve their road communications; laid on the table.

By Hon. Mr. Wightman, a petition of several inhabitants of Townships Nos. 61 and 59, praying for establishment of a Post Office at Sturgeon.

A special committee, consisting of Hons. Mr. Montgomery, Col. Secretary, Mr. Wightman, Messrs. Yeo and Muirhead, was appointed to whom all petitions praying for the establishment of Post Offices were to be referred, which committee were instructed to report thereon, and to which the last preceding petition was referred.

By Mr. Perry, a petition of inhabitants of Egmont Bay, praying a Post Office, (which at the last Session the House recommended to be opened at Abraham's Village,) may be permitted to go into operation. Referred to special committee on new Post Offices.

By Mr. McDonald, a petition of Trustees of the Georgetown School, and others, praying that the salary paid to the teacher of their School may be raised at least to an equality with that of teachers of the second or highest class in Charlottetown; laid on the table.

EDUCATION ACT.

On motion of the Hon. Col. Secretary, the second order of the day, viz:—"An Act to continue and amend the Education Act," was taken up.

Hon. COL. SECRETARY said, he did not know but that hon. members might have received petitions from their

constituents in regard to this matter, since Saturday, and they would now have an opportunity of presenting them, to be referred to the Committee of the whole House when the Bill would be under consideration.

Hon. Mr. WIGHTMAN had received on Saturday night several petitions from his constituents, and thought, before proceeding further, it would be well to wait for the receipt of all petitions on the subject, that may be in circulation.

Hon. Mr. MONTGOMERY.—As to-morrow will be the last day to receive petitions, I think it would be well to postpone the consideration of the Bill until after then. It might seem like hurrying through the measure, without giving room for full consideration to take the matter up now.

Hon. COL. SECRETARY said, he did not wish to hurry the measure through. The Committee might report progress, after acting upon the amendments, and ask leave to sit again. It was, however, a fact that the Bill was before the House prior to any petitions being received on the subject. From what he could judge, the petitioners labor under the impression that the Bible was to be excluded from the schools. The Board of Education have recently passed a resolution to the effect, that it is better to leave the management of district schools in this respect to be adjusted by the local trustees thereof. Such being the practice hitherto, in renewing and amending the Act, it is not proposed to alter it in this respect. The hon. member from Murray Harbor (Mr. Wightman) need be under no apprehension that the Act will exclude the Bible from the schools. I think, sir, the resolution of the Board of Education will meet the views of the petitioners, who, no doubt, are not aware of its existence, as it was only recently published. If they did know its contents, I am confident they would not feel called upon to petition, as it removes all grounds for doubt on that head. Many persons think the Bible is to be made a class-book, and protest against its use as such. Now, we cannot force it on any one, and it would be wrong to legislate to such an end. There are others again who think the Act goes to exclude the Bible from the public schools. And between these two parties, and through such ideas gaining credence, the present agitation has originated. But when it is known that neither will have cause to fear or complain, the agitation will subside. And I am confident when this is known, it will give as much general satisfaction as any Act ever passed in this Island. There seems, however, to be one or two opinions about the construction of the Act, in regard to the assessment laws; but the opinion of the Attorney General will be, I think, conclusive. It is said that under the regulations of the Act, a poor man will be assessed as much as a rich man for the support of Education; but this objection will be set at rest by the Attorney General, whose opinion, I think, will be satisfactory and remove all cause of apprehension, in that respect. It is a pity that any misapprehension should arise to disturb the harmony which has hitherto existed between the various denominations in this Island; but I am confident that under the existing state of things, there will in future be no room for complaint or jealousy. The Education Act, as amended, will not interfere with any of the provisions of the former Act, but will be more complete, and therefore more likely to secure a continuance of that feeling of general satisfaction which has characterized the working of the Act about to expire.

Mr. LAIRD thought too much precipitation was manifested in bringing up this measure so soon. He knew that many petitions were in course of preparation, but there would not be time enough allowed for their presentation if the House acted immediately upon this matter; it would be nothing more than an act of courtesy to let the consideration of the matter stand over for a day or so. At least he would like to see a full House in attendance before it was taken up.

Mr. MUIRHEAD thought the members ought not to absent themselves on such an occasion, especially when timely notice had been given that it would be taken up. As to the petitions, in relation to the School Act, the way they originated was because of an apprehension that the Education Act was to be altered; but when it is known the Act will remain as it was, it will be generally acceptable.

Mr. YEO said, the reason many of the hon. members were not present, was because of the Court at Georgetown, from which some of them had returned only about an hour ago, and others had not yet arrived.

Mr. COOPER said, it appeared that the origin of the agitation in the country was the effect of a remark that fell from the School Visitor, at the celebration of the opening of the Normal School, where he stated that the Bible was to be used as a class-book. He (Mr. Cooper) had no doubt but such a statement alarmed the people of different denominations in the Island. But when it is found no alteration will be made in the Act hitherto in force, that the Bible will not be made a class-book, the people will be satisfied.

Several petitions were then presented by Hons. Col. Secretary and Mr. Wightman. Mr. Laird and others, when the House resolved itself into a Committee of the whole, Mr. Perry in the chair—

Hon. Mr. Wightman again took occasion to protest against the proceedings, saying, that he thought it was not proper to hurry the matter through in such a fashion.

Whereupon considerable talk ensued, the members mostly retaining their seats, but speaking together, which occasioned such confusion that the reporter could not note down what was said. At length—

Hon. COL. SECRETARY said, if there was any desire manifested to amend the Education Act in a manner prejudicial to the wishes of the people, it would certainly be right to object to precipitate proceeding in the matter; but there was no such desire or intention. It was not even proposed to conclude the action to be taken on it, but merely to submit an amendment. The Committee could then report progress, and ask leave to sit again. He remembered when the Education Act was first mooted, there were many who feared the results. And as he introduced the Bill, many hon. members were so alarmed that they would not consent to pass the Bill if its operation was not confined to a period of three years; but it had been in operation not only three but four years, and it had even exceeded the most sanguine expectations of its supporters. There has been no petition against the Bill nor the tax levied for its support. Neither has there been any complaints made against the principles of the Bill. Therefore, as it has proved itself so capable of fulfilling the end for which it was intended, he thought it should now be passed for ten years, or until the expiration of the land tax.

Hon. COL. TREASURER.—One reason why the proposed amendment should be inserted in the Act, was that under the provisions of the old Act, the Treasurer had to post up notices in all parts of the Island, on the first Tuesday in December of each year. If an accident should happen

to prevent his doing so, a Royal Gazette Extra would have to be published. The amendment, however, would do away with this, and, therefore, such expense would not be incurred. Before now the Treasurer had been compelled to send a special messenger for that purpose to every district in the Island.

Mr. YEO said, such notice should be given on or before any given day; not on any very particular day. I believe there is another amendment. What is it for?

Hon. COL. TREASURER.—That is an alteration in the mode of collecting the tax for the support of the Education Act. Under the present law, an officer can go into a man's house,—if he refuse or cannot pay the tax,—and seize his goods and chattels, and sell them. Under the proposed alteration it will have to be sued for, and recovered like any other debt.

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

PACKETS AND STEAM COMMUNICATION.

It was moved that the fourth order of the day—the Bill in relation to packets and steam communication with the neighbouring Provinces—be read a second time.

The Bill was referred to a Committee of the whole, Hon. Mr. Wightman in the chair.

Hon. COL. SECRETARY presented a petition from the inhabitants of Casumpec, praying for a grant to establish packet communication between that port and Miramichi, and took occasion to remark on the advantages of such a communication to the people of the western part of the Island, saying that the returns of last year show that there was over 7,400 inhabitants who would be benefitted by finding an outlet for their produce.

Hon. COL. SECRETARY was sorry to see that only £58 duty was collected from the inhabitants of Casumpec. But if the establishment of a packet would have a tendency to prevent smuggling, he was willing to do anything that was reasonable for the accomplishment of so desirable an end.

Hon. the SPEAKER thought it was fruitless for hon. gentlemen to discuss without knowing what it was about. The petition had better be read, that they might know its contents.

The petition was then read.

Mr. YEO.—Hon. members know that the principal part of the goods consumed on the north side of Prince County, are imported into Charlottetown and Georgetown. But the place grows a great deal of grain, for the shipment of which there is not many facilities. I think this House ought to do something for the people at the westward; at last it ought to give a little towards assisting them in procuring the services of a packet between Casumpec and Miramichi.

Hon. COL. TREASURER.—The exports of Tignish last year amounted to £15,000, and the imports £400. If we go by these returns, it will be found that Tignish is the most flourishing settlement in the country, and I believe it is. There is a great deal of goods imported into Charlottetown for that place from the United States, and produce is taken in return. There are in Tignish three merchants, all connected with commercial houses in the United States—Messrs. Hubbard, Ryder and Dean—who annually send goods imported from the United States to Casumpec, as the duty has been paid in Charlottetown, which they generally do in one vessel. We all know that the hon. member, Mr. Yeo, imports largely from Great Britain and the United States. He can sell as cheap as any other merchant, and supply those of Tignish with goods. But he enters all his vessels at Port Hill; hence Casumpec is by no means the receptacle of all importations for the westward. If, however, a packet between that port and Miramichi were established, there would be a great increase of duty. In fact a similar result would take place wherever such a communication was opened.

Hon. Mr. MONTGOMERY thought the idea of a packet was the accommodation of the travelling public; but in this case there was not much prospect of travellers availing themselves of the proposed opening. He, therefore, did not think the House called upon to appropriate money for the purpose. If there was such a large quantity of produce shipped, as it was said there was, the freights would pay well enough, without the Government having to give anything. If a packet were established at all on the north side of the Island, it should be at Richmond Bay—the most central place—(Hear) and she could call on her way to Casumpec. But, sir, I do not think such a packet is demanded by the interests of the travelling public.

Mr. CLARK.—I do not agree with the advocates of the petition, that a packet is wanted between Casumpec and Miramichi. The idea is ridiculous. The market is nothing worth speaking of, and I believe people would get more for produce on the Island than they would there. There is very little travel to or from Miramichi, there being no railroad terminus or regular communication of any kind with the principal markets from that place. I am, therefore, opposed to the principle of voting money to a project from which no earthly good can be derived. There will be a steam packet on the route between Shediac and Bedouac the coming season, and the communication with New Brunswick will be within the reach of all who wish to travel. But to bolster up a trade by supporting a packet on the north side of the Island, I think, is ridiculous. The whole importations of Casumpec and Tignish last year, amounted only to £1,300. The duty was—Casumpec, £58; Tignish, £12. The hon. Col. Secretary said, he was willing to do anything to prevent smuggling; but the idea of smuggling from Miramichi is ridiculous. There is nothing there but deals, timber, &c. (Laughter). Of goods there is but a trifle. Why, sir, there was only twenty shillings duty on goods imported from Miramichi into Charlottetown, during the last year.

Mr. YEO.—My opinion is, if a packet is established between Casumpec and Miramichi, it would be of great benefit to the country. It was only last week that goods on which the duty amounted to £100, went from town up to Casumpec, and places adjacent thereto.

Hon. the SPEAKER.—The reason why I shall oppose the petition is not because of the small amount of duty collected in Casumpec; but because the merchants and others of that place purchase their goods in Charlottetown, where the duties are paid. Therefore, I do not think it a good rule to establish a charter, or grant a sum of money for the purpose of securing a vessel to carry produce to Miramichi or any other place. When there is a large quantity of produce for shipment the freight will pay a vessel well enough for carrying it. On looking at the returns for last year, I find, however, that in Casumpec there was only 956 bushels of oats shipped, and 3,000 bushels of potatoes; and in Tignish 330 bushels of oats, and 2,000 bushels of potatoes. Now,

sir, it is reasonable to suppose the Government should appropriate a sum of money as an inducement to a vessel merely to carry produce; for it is admitted that freight alone is to be the dependence of such a packet, as of passengers there would be few or none. If this be the case, then, a produce ship is as cheap as a packet for all purposes, therefore a packet is not required. And, again, there are no mails to be carried to or from Miramichi, and I apprehend the correspondence between that place and this is of a very limited nature. But Georgetown, situated so near Pictou, with a harbor open long after the navigation is closed in other places, is, I think, better entitled to a grant for a packet. Another reason why Georgetown is entitled to a grant for a packet is, that the mails have been, frequently during the last season, brought over in the Georgetown packet; and this was the case during the month of December, in particular. In conclusion, I do not think this House is justified in granting the prayer of the petition.

Hon. COL. TREASURER.—I think it is necessary to have the mail sent in a packet from the westward to Miramichi. There is a good deal of correspondence between the two places, as many of our young men are engaged in the lumber trade in Miramichi, and would often visit home, or at least write, if opportunity afforded. I agree with the hon. Speaker about a grant for the packet at Georgetown; it is just and proper, and I would be willing to do anything towards such an object. In the case before us now, the circumstances are peculiar. Casumpec is shut out from all other ports of the Island, and therefore dependant, in a great measure, on communication with the other Provinces for a market for produce. A small sum,—say, £30,—would start a packet on the proposed route, and if it was found to answer the grant could be continued; if not it could be withdrawn. At least I hope hon. gentlemen will agree to try the experiment.

Hon. COL. SECRETARY.—The New Brunswick Legislature have proposed to run a steamer during the coming season between Miramichi, Bathurst, Buctouche, Shediac and Charlottetown, and if we give them any encouragement, it is likely they will run a steamer to Summerside. Then it is likely there will be a packet on the route between Bedouac and Shediac, when the people at the westward will have an opportunity of going to New Brunswick if they wish. If we give them a grant, it might be as in the case of the petitioners of Green Shore. After £50 had been granted in compliance with their petition they again petitioned the House, stating that £50 was too much, and praying that the grant be reduced to £30 (Laughter). I do not think there are fifty letters a year sent to Miramichi, and as there is no great correspondence and very little travel, a packet, in the proper sense of the word is not wanting. But if it be necessary to establish a trading vessel on the route proposed—as it is difficult to get a schooner to run regularly to New Brunswick—and as there are not many who like to go to the north side of the Island with their vessels, on account of the danger and uncertainty of making a harbor if it should come on to blow,—if this be the object of the petitioners I should not object to giving them £30, if such a sum would encourage trading vessels to venture on the north side; but I would not be willing to give it for a packet, for such a vessel is not wanting. If a packet were established, as proposed, a post office would have to be opened, which would interfere with the General Post Office in Charlottetown. I do not believe there are more than twenty letters sent from that place to Miramichi, and they could be given to the captain of the vessel, without prejudice to the legitimate mode of conveying them. In the summer time a packet might be of use, in promoting the egg-trade, as I believe there is a great quantity of that article gathered among the sand-hills. But, I think, the Caravans, of late, buy them all up, as well as nearly all the produce in that part of the Island.

Mr. MACINTOSH.—If it could be shown that a great deal of produce had accumulated on the hands of the people of Casumpec and Tignish, for which they could not obtain facilities to export, it would certainly be a hard case and might move this House to do something for them; but when it is found the reverse is the fact, I for one, am not inclined to pay their freight for them. It appears, also, they are soon to become a separate community, as Prince County is to be divided into two Counties, and I believe have already petitioned this House to build them a Jail; but it may be, like the people of Princetown, when we do build them a Jail, they will allow none but themselves to use it.

Mr. CLARK.—There was a gentleman—Capt. Ellis—who ran a packet between this port and Miramichi, but he had to give it up, because it would not pay him. I am surprised at the doctrine of the Hon. Col. Secretary, that he would be willing to vote money to induce vessels to go to the north side of the Island, as if a vessel would not go without such a grant. This is certainly a new doctrine, and one that I will never agree to.

Hon. COL. SECRETARY.—The hon. member (Mr. Clark) misconstrues my meaning. I said I would be willing to vote £30, if it would encourage trade in that part of the Island (Casumpec).

Mr. YEO.—There is a great deal of smuggling carried on with the main land, through the means of open boats in the summer time. If packets were established it would do away with such a traffic altogether, and there would be a consequent increase in the duty collected, from goods imported by such a packet.

Hon. Mr. LONGWORTH.—Did not think such an establishment would be the means of increasing the duty. On the contrary it could give a monopoly to such a vessel, and no other vessel could compete with her. If we give £30 to this vessel, there is not a port on the north side of the Island but would be looking for a similar grant.

Hon. COL. TREASURER.—The hon. member (Mr. Clark) takes an extraordinary view of the question; and if his principles were followed out by this House it would put a stop to commerce altogether. I do not object to pay for a packet in Georgetown, or any other place where it may be necessary to have one. I do not want to encumber the Act under consideration with a provision for a grant to Casumpec, for the purpose of establishing a packet. All I ask is to give such an enterprise a fair share of patronage, and a just proportion of the public money to help it along.

Mr. CLARK.—I rise to notice an extraordinary statement made by the hon. member (Mr. Yeo). He says the people smuggle in open boats from the Main Land, and the establishment of a packet would put a stop to such traffic; but I do not think it would have the effect he anticipates. If packets would make people honest, I would vote for the one under consideration, viz. sir, if an hundred pounds would do it, I would be willing to vote it. But, I still think it would not.

The bill was then read when the Hon. Col. Treasurer moved as an amendment,—that Casumpec be included in the Bill. The motion was lost—11 voting in the negative and—7 in the affirmative.

The clause as it stood at first, was then agreed to.

Hon. COL. SECRETARY.—Said there was no chance of getting a packet to run for £30, during the whole season. He was willing to vote something worth while, and have a good packet.

Mr. CLARK.—I think Mr. Heard will continue to run his steamer during the forthcoming summer between Bedouac and Shediac. I think it is our duty to encourage steam communication, it is so much superior to that with sailing vessels.

Hon. COL. SECRETARY.—If a packet was put on the route it would have to run under the regulations of the Act; and we should have to employ one if we could not get a steamer. The second clause of the Act was then read and agreed to. The House resumed. The Chairman reported the Act