

Colonial Legislature.

HOUSE OF ASSEMBLY.

SATURDAY, April 5.

ROUTINE BUSINESS.

The House was again in Committee on the Election Bill, when progress was reported.

The Legislative Council sent down a message announcing the passage of the following Acts:—The Charlottetown Boundary Act, Charlottetown Ferry Act, Act in amendment of the Act to incorporate St. John's Church, Belfast, and the Act in amendment of the act incorporating St. James's Church, Charlottetown. Several amendments were made to some of these Acts by the Council, which the House agreed to.

The Legislative Council sent down a Bill intitled "an Act to explain and amend the statute of limitations of actions concerning real estate," which was read a first time.

Mr. Perry presented a petition from sundry electors of the second district of Prince County, praying for an elective Council, which was read, and laid on the table.

The Hon. Col. Secretary, from the Special Committee appointed therefor, presented the draft of an address to His Excellency the Lieut. Governor, in reference to the change of the mail route from Pictou to Tatamagouche or Pugwash, requesting His Excellency to take such steps as might be deemed expedient to ascertain the practicability of such a change, and to elicit the views of the Government of Nova Scotia in regard to that subject. The address was agreed to, ordered to be engrossed.

THE LAND QUESTION.

The various petitions before the House on the subject of the Land Question, as it is usually called, otherwise Escheat, having been made the order of the day for this day—Mr. COOPER moved that the House do now go into the order of the day.

The Hon. COL SECRETARY opposed this motion, by moving in amendment, that the House go into the order of the day that day three months. He prefaced his amendment by stating in substance that the whole question referred to by the petitioners had been fully discussed by that House last year—that the question had not since assumed any new features—that its settlement in the way desired was as impracticable now as then—that hon. members, he felt confident, had not changed their views in reference to it, and that at that late period of the session the time of the House should not be frittered away in opening a discussion that could not, by any possibility, lead to a beneficial result.

Mr. COOPER warmly contended for going into Committee on the question, and referred to several despatches of Secretaries of State, with a view to shew that the question was not an impracticable one. He was supported by Messrs. Haviland, Longworth, Douse, Laird, McIntosh, Yeo, Lord and Montgomery—several of these gentlemen, Messrs. Haviland, Lord and Douse, stating that though they had no objection to go into Committee and discuss the question, they did not intend to vote for Escheat.

The question having been taken on the amendment of the Hon. Col. Secretary, after about an hour spent in discussion, the division was as follows:—

For the amendment—Hons. Messrs. Coles, Warburton, Whelan, Wightman, Mooney, Palmer, Messrs. Perry, Dingwell, McGill, Muirhead, Munro, McDonald, Clark—13.

Against it—Messrs. Cooper, McIntosh, Douse, Yeo, Laird, Haviland, Hons. Messrs. Lord, Longworth and Montgomery—9.

The Escheat question was therefore postponed for another period.

The House then in Committee resumed the consideration of the Election Law, and after a short time adjourned.

MONDAY, April 7.

The House again went into Committee on the further consideration of Ways and Means, and finally disposed of the matters therein referred to them.

The Bill for raising a revenue was read a third time and passed.

The House, in Committee, then resumed the further consideration of the Election Bill. Progress reported.

A message having been received from the Legislative Council relative to the Law of Evidence and Gas Light Company Bills, the House adjourned until the afternoon. Having again met—

Mr. Perry, from the Special Committee appointed therefor, presented the draft of an address to His Excellency the Lieut. Governor, requesting that a sum sufficient should be placed at the disposal of the Board of Education for the purchase of French School Books for the Acadic Schools—the money to be taken out of the funds already provided for the purchase of books for the use of the free schools. The address was agreed to and ordered to be engrossed.

The Bill for appropriating the public moneys for the public service was read a third time and passed.

The House, in Committee, then resumed the further consideration of the Election Bill, which was finally agreed to with some amendments. On motion being made that the report of the Committee be received—

Mr. Cooper moved in amendment, "that the Bill be referred back to the Committee of the whole House, for the purpose of engraving on the Bill the following principle, viz—that the electors for the counties shall have a vote for each member to represent the counties."

The House divided: For the amendment—Messrs. Cooper, McIntosh, Laird, Douse and Palmer—5.

Against it—Messrs. Whelan, Coles, Lord, Perry, Dingwell, Muirhead, Warburton, Mooney, Wightman, Clark, Munro, and McDonald—12.

The amendment was therefore lost.

Mr. McIntosh then moved, as a further amendment, "that the Bill be printed and lie over until the next session."

The House again divided: For the amendment—Messrs. McIntosh, Cooper, McDonald, Palmer, Laird, Douse, and Lord—7.

Against it—Messrs. Whelan, Coles, Perry, Dingwell, Muirhead, Warburton, Mooney, Wightman, Clark, and Munro—10.

The question was then taken on the original motion as to whether the report of the committee should be received, when it passed in the affirmative, and the Bill ordered to be engrossed under the title of "an Act to increase the number of members to serve in the General Assembly, and to consolidate and amend the laws relating to elections."

The Hon. Col. Secretary presented a despatch from the Secretary of State to the Lieut. Governor, dated 4th March, 1856, leaving to their operation four Acts passed by the Legislature of this Island last session.

The Hon. Col. Secretary, from the Special committee appointed therefor, presented the draft of a Bill to amend the Act incorporating the Bank of Prince Edward Island, which was read a first time; and then the House adjourned.

TUESDAY, April 8.

The engrossed Bill from the Council to amend the Statute of limitations of actions concerning real estate, was read a second time, committed, and agreed to in committee with one amendment.

The Bank amendment Bill was read a second time—committed, and progress reported.

A committee of five members was appointed to report on the contingencies of the House.

Hon. Mr. Palmer presented a petition from certain inhabitants of this Island, Sons of Temperance and others, praying for the enactment of a prohibitory Liquor Law. Petition read, and ordered to be taken into consideration tomorrow, with other petitions of a similar character.

Hon. Mr. Whelan presented a petition from certain inhabitants of Charlottetown, praying that measures may be adopted for the better carrying out of the intention of the Legislature in establishing a House of Industry, in connection with the Lunatic Asylum. He also presented a petition from Theophilus Stewart, Esq., praying to be heard at the bar of the House in support of the foregoing petition. Hon. Mr. Whelan moved that the prayer of the last preceding petition be granted.

Hon. Col. Secretary moved in amendment, that "the further consideration of the two last preceding petitions be deferred until next Session."

The House divided: For the amendment—Messrs. Col. Secretary, Wightman, Yeo, Dingwell, Laird, Col. Treasurer, Douse, McDonald, Perry, Clark—10.

Against it—Messrs. Whelan, Palmer, McIntosh, McGill, Munro, Mooney Longworth, Muirhead, Haviland—9.

The further consideration of the matter therefore stands over until next Session.

Hon. Mr. Whelan presented a petition from the Mayor and Common Council of the City of Charlottetown, which was read, setting forth that they find the whole Common of Charlottetown taken possession of and claimed as a right by the present holders, under plea of grants from the Colonial Government during Governor Fanning's administration, and praying for an amendment of the Act of Incorporation, so that they (the Corporation) may be empowered to make such regulations for the disposal and appropriation of the lots in the Common, as was designed for public purposes when originally granted.

The petition gave rise to considerable debate, a large majority of the members being decidedly of opinion that the prayer of the petition was impracticable. Mr. Whelan, though having introduced the petition, as he was requested to do so, did not then or at any time pledge himself to support its prayer. The course he recommended was the appointment of a Committee to report next Session.

Mr. Yeo moved that the hon. member who introduced the petition have leave to withdraw it.

Mr. Whelan moved in amendment that the petition "be referred to a Special Committee to examine the same, and report thereon next Session." The question having been put, after considerable discussion, the House divided:

For the amendment—Messrs. Whelan, Lord, McIntosh, Laird, Muirhead, Mooney—6.

Against it—Messrs. Yeo, Clark, McDonald, Munro, McGill, Warburton, Palmer, Douse, H. Haviland, Dingwell, Perry, Longworth, Coles, Wightman—14.

Amendment therefore negatived.

Hon. Mr. Longworth, who inveighed in strong terms against the conduct of the Corporation in entertaining such a subject, which he characterized as an attempt at undisguised spoliation—then moved as an amendment, "that the prayer of the petition be rejected," which was agreed to on the following division:—

For the amendment—Messrs. Longworth, Warburton, Palmer, Clark, McDonald, Munro, Perry, Muirhead, Wightman, Coles, Mooney, Yeo, H. Haviland, Dingwell, McGill, Douse—16.

Against it—Messrs. Whelan, Laird, Lord, McIntosh—4.

The House then adjourned.

WEDNESDAY, April 9.

FISHERY RESERVES.

Mr. Munro, from the Committee to whom were referred the several petitions relating to the Fishery Reserves, to examine the same and report thereon by Bill or otherwise, presented to the House the report of the said Committee, which is as follows:—

"Your Committee, to whom were referred the several Petitions relating to Fishery Reserves, in this Island, have to report that they have examined the Petitions referred to them, and find, on enquiry, that several actions have been commenced, by order of the Government, for the recovery of certain Reserves illegally held by different parties. Your Committee would therefore recommend that no further action be taken in the matter, until the suits pending be tried in the Supreme Court, and your Committee would further recommend that the matter be taken up at an early day next Session."

Mr. Munro moved that the report be adopted.

Mr. Perry moved in amendment that the report be referred to a Committee of the whole House.

The House divided: For the amendment—Messrs. Perry, Longworth, Cooper—3.

Against it—Messrs. Munro, Clark, Dingwell, McIntosh, McGill, Warburton, Mooney, Yeo, McDonald, Muirhead, Laird, Wightman, Coles—13.

The original motion was then put and agreed to.

The Bill to explain and amend the Statute of Limitations of Actions concerning real estate, was read a third time. On motion being made that the Bill do pass, the House divided:

For the Bill—Messrs. Coles, Mooney, Longworth, Muirhead, Munro, McDonald, Warburton, Wightman, Perry, Cooper, Dingwell, Clark—12.

Against it—Messrs. H. Haviland, Yeo, Laird—3.

The Bill then passed.

Hon. Mr. Wightman moved the following resolution:—

Resolved, That a Committee be appointed to report on the expediency of addressing His Excellency the Lieutenant Governor, praying that steps may be taken to bring under the notice of the American Government the case of Patrick Maegee, seriously wounded in an affray with certain American Fishermen.

Ordered, That the Hon. Mr. Wightman, Mr. McDonald, and the Hon. Mr. Longworth do compose the said Committee.

The remainder of the forenoon sitting was occupied in holding conferences with the Legislative Council on the Revenue Bill.

In the afternoon the House in Committee resumed the consideration of the Bank Incorporation amendment Act, which was agreed to with some amendments.

The Hon. Mr. Longworth moved the adoption of an Address to His Excellency the Lieut. Governor, requesting that he would give the necessary directions to place "in the hands of the City authorities the sum of £132 10s., to be applied towards putting in repair the Pownall Street and Queen's Wharfs—that amount for Wharfage having been paid into the Treasury by the Wharfing of the said Wharfs, during the last year; and the House, in its next Session, will provide for the amount."

The Hon. Col. Treasurer moved to amend the Address, by inserting a clause to the effect, that the Wharfing's salary should be first paid out of the amount mentioned, which was negatived on a division of 8 to 10.

The Hon. Col. Secretary then moved to amend the Address, by inserting after the word "Wharfs," the following words: "after the Corporation shall have passed a Bye-Law to regulate the same;" which amendment was agreed to, and the Address was adopted.

The engrossed Bill for barring Estates Tail was read a third time. On motion being made that the Bill do pass—

The Hon. Col. Secretary moved in amendment, that the Bill do pass "this day three months."

The House divided:—For the amendment—Messrs. Col. Secretary, Col. Treasurer, Mooney, Munro, Dingwell, Perry, Muirhead—7.

Against it—Messrs. H. Haviland, Douse, Laird, McIntosh, Palmer, Lord, Yeo, McGill, McDonald, Cooper, Longworth—11.

The question was then put on the main motion and carried.

PROHIBITORY LIQUOR LAW.

The order of the day for the House to go into Committee on the consideration of the different petitions, praying for the passing of a law to prohibit the traffic in intoxicating liquors, being read—

The Hon. Mr. Palmer moved that the House do now go into the order of the day.

The Hon. Col. Secretary moved in amendment that the House go into into the order of the day this day three months.

The House divided: For the amendment—Messrs. Col. Secretary, Col. Treasurer, Wightman, Mooney, Whelan, Perry, McGill, Dingwell, Douse, Laird—10.

Against it—Messrs. Palmer, Longworth, Lord, Yeo, Munro, Cooper, McDonald, Clark, H. Haviland, McIntosh, Muirhead—11.

The amendment was thus negatived; the main motion was then put and agreed to.

The Hon. Mr. Palmer then moved that Mr. Perry take the Chair of the Committee.

The Hon. Col. Treasurer moved in amendment to substitute the name of "Mr. McDonald."

The House divided: For the amendment—Messrs. Col. Treasurer, Col. Secretary, Whelan, Wightman, Mooney, Clark, Muirhead, McGill, Perry, Douse, Laird, McIntosh—12.

Against it—Messrs. Palmer, Longworth, Dingwell, Munro, H. Haviland, Yeo, McDonald, Cooper—8.

The amendment was therefore agreed to, and Mr. McDonald took the chair of the Committee.

After an hour or two spent in discussion, in which the usual platitudes about the evils of intemperance were duly gone over, and all the hackneyed arguments in favour of prohibition detailed at their full length, the following resolution was agreed to by a considerable majority, and reported to the House:—

Resolved, That it is inexpedient to entertain the application for the enactment of a Law prohibiting the manufacture, importation or sale of Spirituous Liquors.

The Hon. Mr. Palmer, in the House, as well as in Committee, moved to amend the foregoing resolution by substituting the following:—

"That the several petitions presented to the House of Assembly, during the present Session, on the subject of the Liquor Traffic, be deferred until the next Session of the House; and that the House be recommended then to entertain the same, with the view of passing a Law prohibiting the traffic in all intoxicating Liquors."

The House divided: For the amendment—Messrs. Palmer, Lord, Yeo, Clark, McDonald, Longworth, H. Haviland, Cooper, Munro—9.

Against it—Messrs. Whelan, Col. Treasurer, Mooney, Dingwell, McGill, Muirhead, Col. Secretary, Wightman, Perry, Laird, Douse, McIntosh—12.

The amendment was therefore negatived.

The question was then put on the resolution as reported from the Committee, when the House divided as follows:—

For the resolution—Messrs. Whelan, Col. Treasurer, Col. Secretary, Wightman, Mooney, Dingwell, McGill, Muirhead, Perry, Laird, Douse, McIntosh—12.

Against it—Messrs. Palmer, Lord, Longworth, H. Haviland, Cooper, Munro, Yeo, Clark, McDonald—9.

The resolution was therefore agreed to.

ELECTION BILL.

The engrossed Bill to increase the number of members and to amend and consolidate the Election Laws, was read a third time. On motion being made that the Bill do now pass—

Mr. H. Haviland moved in amendment that the Bill do pass "this day three months."

The House divided: For the amendment—Messrs. H. Haviland, Douse, Cooper, Laird, Longworth, Yeo, McDonald, McIntosh, Palmer—9.

Against it—Messrs. Whelan, Col. Secretary, Col. Treasurer, Wightman, Mooney, Dingwell, McGill, Muirhead, Lord, Clark, Munro, Perry—12.

Mr. McIntosh moved in amendment—"that the Bill be printed and lie over until the next Session," which was lost on the same division as the preceding, with the exception of the Hon. Mr. Lord's name, he having voted for Mr. McIntosh's amendment.

The question was then put on the main motion, and passed.

MEMORIALS AND PETITIONS OF LAND PROPRIETORS.

The order of the day for the House to go into Committee on the further consideration of a despatch from the Colonial Minister, together with copies of the Memorials and Petitions of certain landed proprietors, relative to the Rent Roll and Tenant Compensation Bills, being read—

Hon. Mr. Whelan moved that the House go into the order of the day.

Mr. Yeo moved in amendment that the House "do now adjourn."

The House divided: For the amendment—Messrs. Yeo, McIntosh, H. Haviland, Longworth, Douse, Cooper, Palmer—7.

Against it—Messrs. Whelan, Col. Treasurer, Col. Sec'y, Lord, Wightman, Mooney, Dingwell, McGill, Muirhead, Laird, Clark, Perry, McDonald, Munro—14.

The question was then put on the main motion, and carried in the affirmative.

The House then went into Committee—Mr. McDonald in the chair.

The resolutions submitted by Mr. Whelan on a previous day—(for which see Examiner first page, for May 12, or "Parliamentary Reporter," under the date of March 28, page 74.) were then taken up and read, but, with the exception of a few short and half apologetic speeches, by Messrs. Palmer, Cooper, Douse and Yeo, there was little or no opposition offered to the resolutions; and before the reading of the resolutions was quite gone through with, the minority—including Mr. Cooper—the pretended sworn enemy of the land proprietors—had quite deserted their places, leaving none but Mr. Yeo behind them—thus shewing their willingness rather to suffer the people of the Colony to be slandered by the base charges preferred against them in the Memorials and Petitions of the Proprietors, than incur the ill-will of that body by raising their voices in condemnation of the slanders. The division which took place on the resolutions, which were agreed to as originally submitted, without any amendment, is highly instructive.

For the resolutions—(refuting and condemning the false charges of the Land Proprietors against the inhabitants of the Colony):—Hon. Mr. Whelan, Hon. Col. Secretary, Hon. Mr. Lord, Mr. Macdonald, Mr. Perry, Mr. Munro, Mr. Laird, Hon. Mr. Wightman, Hon. Col. Treasurer, Hon. Mr. Mooney, Mr. Dingwell, Mr. Macintosh, Mr. Muirhead, Mr. McGill.

Against the resolutions—Mr. Yeo!

Members who shirked the question—Mr. Douse, Mr. Cooper!! Mr. H. Haviland, Hon. Mr. Palmer, Hon. Mr. Longworth.

A Committee was then appointed to prepare addresses to Her Majesty the Queen, on the part of the House of Assembly, in conformity with the resolutions; and the said resolutions were ordered to be communicated by message to the Legislative Council. House then adjourned.

THURSDAY, April 10.

The Hon. Mr. Wightman, from the Committee appointed to report on the expediency of addressing His Excellency the Lieut. Governor, with reference to the case of Patrick McGee, injured in a riot at Georgetown by American citizens, presented the following report, which was agreed to by the House:—

"Your Committee who were appointed to consider the expediency of addressing His Excellency the Lieutenant Governor, praying that steps may be taken to bring under the notice of the Government of the United States—with a view to redress—the case of Patrick Maegee, who was seriously injured in an affray with certain American fishermen, who landed at Georgetown in the autumn of last year,—have to report, that having given the subject their best attention, they are not prepared to recommend that any correspondence on the subject of the above aggression should be entered into at present with the American authorities."

The Bill to amend the Bank Incorporation Act was read a third time and passed.

LOYALIST CLAIMS.

Mr. McGill, to whom was referred the petition of the inhabitants of Lot 30, relative to the alleged Loyalist land on that Lot, claimed by R. B. Stewart, to examine and report on the same—presented to the House the second report of the said Committee, which was read and referred to a Committee of the whole House. This report excited a very tedious and protracted discussion—the old question of the Loyalist claims, so prolific of dissension and dispute, being discussed at great length; but when the discussion terminated, which occupied a very considerable part of two days, the question remained in the same unsettled state in which the House found it, and the petitioners of Lot 30 were left without any satisfactory solution of their difficulty. The report of the Committee will be found in the following day's proceedings. The House resumed in order to receive a Message from the Legislative Council requesting a conference respecting the Statute of Limitations and Revenue Bills.

The Legislative Council also sent down a message, expressing their readiness to join the House of Assembly in forwarding addresses to Her Majesty the Queen in reference to the Memorials of the Land Proprietors, and the interference of Landlords and their Agents against measures adopted by the Legislature of the Colony.

ELECTIVE LEGISLATIVE COUNCIL.

Mr. Haviland rose to move the order of the day—which was the second reading of the Bill to render the Legislative Council elective. The hon. member briefly addressed the House in support of his motion, and was followed by other members on the same side, in favour of the elective principle.

The Hon. Col. Secretary opposed the motion, and concluded a short address by moving, in amendment, that the House go into the order of the day "this day three months." Several other members in the majority having expressed their opinions in favour of the amendment moved by the Colonial Secretary, the House divided:—

For the amendment—Messrs. Col. Secretary, Col. Treasurer, Whelan, Mooney, Wightman, Lord, Perry, Dingwell, McGill, McDonald, Munro, Muirhead, Clark—13.

Against it—Messrs. H. Haviland, Yeo, Laird, Palmer, McIntosh, Cooper, Douse, Longworth—8.

The amendment was therefore carried, and the Bill lost.

The Legislative Council sent down messages requesting conferences with the House on the subject of the appropriation Bill—a message also announcing that they had passed the Bill for barring Estates Tail.

PUBLIC PRINTING BILL.

The order of the day for the second reading of the Bill to put the public printing up to contract, being read—

The Hon. Mr. Palmer moved that the House do now go into the order of the day.

The Hon. Col. Secretary opposed the motion in a short speech, and moved in amendment that the House "do go into Committee this day three months."

Hon. Mr. Whelan offered a few observations explanatory of some matters connected with the office of Queen's Printer, which the present Bill was intended to affect, and expressed his determination not to record his name either against or for the Bill.

The question having been taken on the Col. Secretary's amendment—the House divided:—

For the amendment—Hons. Col. Secretary, Col. Treasurer, Messrs. Lord, Wightman, Mooney, Muirhead, Munro, Dingwell, Perry, Clark, McGill, McDonald—12.

Against it—Messrs. Palmer, H. Haviland, Yeo, Longworth, Douse, Cooper—6.

The amendment was therefore carried, and the Bill lost. Two honorable members, whose names may be easily missed from the above division, shirked the question.

The House shortly after adjourned.

FRIDAY, April 11.

Some unimportant amendments made by the Council to the Estates Tail Bill, were read a first, second and third times, and agreed to.

Hon. Mr. Whelan, from the Committee to whom was referred the petition of certain inhabitants of King's County, praying for an enactment regulating the use of streams of water between different mills on the same stream, and likewise the right of flowage and back-water in relation to mills and mill dams, to examine and report on the same by Bill or otherwise—presented to the House a Bill relating to the working of mills, which was read the first time; and its further consideration deferred until next Session, owing to the difficulties which lie in the way of settling so important a question, and the very advanced period of the Session.

The Hon. Col. Secretary, by leave, introduced a Bill to consolidate and amend the Laws relating to Weights and Measures—which was read a first and second times—committed to a Committee of the whole house, and agreed to therein with some amendments.

The Legislative Council sent down a message, stating that they had passed the Bill to amend the Act incorporating the Bank of Prince Edward Island.

Hon. Mr. Whelan read in his place a petition of Alexander Hayden, of Lot 55, praying the House to reconsider their decision with respect to repairing the road from Enman's to Mathewson's on that Township, and he moved that the petition be received.

The House divided: For the motion—Messrs. Whelan, Col. Secretary, Col. Treasurer, Lord, Mooney, McGill, Clark—7.

Against it—Messrs. Palmer, McDonald, McIntosh, Cooper, Munro, Longworth, Laird, H. Haviland, Muirhead—9.

The Petition was therefore not received.

(To be continued.)

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