

# The Herald.

VOL. III.

CHARLOTTETOWN, P. E. ISLAND, WEDNESDAY MAY 22, 1867.

NO 33

## THE HERALD

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BY  
**EDWARD REILLY,**  
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at his Office, Queen Street.

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## ALMANACK FOR MAY.

MOON'S PHASES.

New Moon, 4th day, 3h. 28m., morning, E.  
First Quarter, 10th day, 5h. 52m., evening, S.  
Full Moon, 18th day, 9h. 40m., morning, N. W.  
Last Quarter, 26th day, 1h. 10m., evening, W.

DAY	DAY WEEK.	SUN	High	Low	Day's
MONTH.		rises	sets	Wat r.	rises.
1	Wednesday	4 51 7	4 8 40	3 30 14	13
2	Thursday	49	5 9 32	4 4	16
3	Friday	47	6 10 22	4 42	19
4	Saturday	46	7 11 9	sets	22
5	Sunday	45	8 11 57	8 44	24
6	Monday	44	9 10 30	9 51	25
7	Tuesday	43	10 0 47	10 52	27
8	Wednesday	42	12 1 40	11 45	30
9	Thursday	41	13 2 35	morn.	32
10	Friday	40	14 3 43	0 31	34
11	Saturday	39	16 4 29	1 13	37
12	Sunday	38	17 5 31	1 49	39
13	Monday	36	18 6 31	2 21	42
14	Tuesday	35	19 7 32	2 51	44
15	Wednesday	34	20 8 26	3 22	46
16	Thursday	33	21 9 15	3 52	49
17	Friday	31	23 10 0	4 25	52
18	Saturday	30	24 10 45	4 55	54
19	Sunday	29	25 11 24	5 15	56
20	Monday	28	16 evan.	9 7	58
21	Tuesday	27	27 0 43	9 54	15
22	Wednesday	26	28 1 20	10 36	2
23	Thursday	25	29 2 5	11 15	4
24	Friday	24	30 2 47	11 50	7
25	Saturday	23	31 3 32	morn.	10
26	Sunday	22	32 4 20	0 25	11
27	Monday	21	33 5 11	0 57	13
28	Tuesday	20	35 6 7	1 29	15
29	Wednesday	19	36 7 4	2 1	17
30	Thursday	18	37 8 4	2 35	18
31	Friday	17	39 9 0	3 14	20

## PRICES CURRENT.

CHARLOTTETOWN May 17, 1867.

Provisions.		
Beef, (small) per lb.	4d to 8d	
Do by the quarter.	5d to 7	
Pork, (cress) do	4d to 5d	
Do (small) do	5d to 7d	
Mutton, per lb.	6d to 8d	
Veal, per lb.	8d to 10d	
Ham, per lb.	6d to 8d	
Butter, (fresh) do by the tub.	1s 3d to 1s 4d	
Cheese, per lb.	4d to 7d	
Tallow, per lb.	9d to 10d	
Lard, per lb.	8d to 9d	
Flour, per lb.	18s to 20s	
Oatmeal, per 100 lbs.	8d to 10d	
Eggs, per dozen.	4s to 5s	
Grain.		
Barley, per bushel.	2s 4d to 2s 6d	
Oats, per do.	2s 9d to 3s	
Vegetables.		
Peas, per quart.	2s 9d to 3s	
Potatoes, per bushel.	2s 9d to 3s	
Poultry.		
Geese,	5s to 8s 6d	
Turkeys, each.	1s to 1s 3d	
Fowls, each.	none	
Ducks,	none	
Fish.		
Codfish, per qtl.	20s to 30s	
Herrings, per barrel.	20s to 30s	
Mackerel, per dozen.	20s to 30s	
Lumber.		
Boards (Hemlock)	4s to 5s	
Do (Spruce)	7s to 8s	
Do (Pine)	15s to 18s	
Shingles, per M.	100 to 110s	
Sandries.		
Hay, per ton.	1s 9d to 2s	
Straw, per cwt.	18s to 20s	
Timothy Seed,	1s 6d	
Clover Seed, per lb.	4s to 6s	
Momestic, per yard.	6d to 9d	
Caliskins, per lb.	4d	
Hides, per lb.	1s to 1s 3d	
Wool,	5s to 6s	
Sheepskins,	7d to 8d	
Apples, per doz.	2d to 3d	
Partridges,		

GEORGE LEWIS, Market Clerk.

## COLONIAL PARLIAMENT.

DEBATES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

### Council Chamber.

MONDAY, April 22, (continued.)

Hon. Mr. BEER: I can certainly bear testimony to the inefficient state of our roads, especially when farmers have to spend a great deal of time in hauling manure or produce upon them, and I am glad to think that some better system is about to be inaugurated. All that has been done on the roads hitherto has been mere "sticker" with them. I will give my support to any practicable mode of improving them.

Hon. Mr. LORD: This is an old story; but I think we lose sight of the most important part of the question, that is, where is the money? What is the use of expecting to have good roads when there is not more than 20s. per mile expended upon them? If we would adopt the plan they have in Canada we might have some means to improve our roads. I have a brother in Canada West, who owns a small farm, and he pays for \$16 to \$18 a year road tax. Let our farmers pay at that rate and we will soon have good roads too. It may be a very good plan to appoint a joint Committee to report at some future time, but if we have not funds

it will all end in smoke. I have travelled a good deal, and I think our system is just as good as those of the neighboring Provinces, and our men just as clever, but we want the money. It will cost, perhaps, £100 per mile to macadamize our roads and bring the materials from Nova Scotia. As to paying a large sum of money to a scientific man to superintend the work, I do not think it is required. I do not see any difficulty about it. All that is required is to have the stone properly laid on, and then give it a covering of gravel. Any sandstone that has been laid on here, is of no use. The roads are rough and unpleasant to travel upon. There is a piece of road laid with stone on the other side of Southport, and I would rather wade through mud than travel upon it. I think Mr. LaPage has managed the roads very well, but he has failed in draining the water off sufficiently. But I need not occupy the time of your honors with these matters, and I would merely add that, unless the inhabitants submit to a road tax, we need not expect to see much improvement, and if they do, it will be a great advantage to themselves.

Hon. Mr. DINGWELL: I am glad that the Government has taken this matter in hand; but I think we will have to confine ourselves to the materials we have at home. It is very well for your honors to talk about a few miles of the roads near Charlottetown; but when we consider the extent of our roads, we cannot expect a very general improvement by imported material. I believe we must exercise our judgment in selecting the most competent persons to superintend the roads. I am confident that the united "wisdom" of the Legislature can effect very great improvements, and I am willing to assist to the utmost of my power. The Road Commissioners, in many cases, do not do their duty, and the Act itself is not adapted to the circumstances of the country. There is very little use in throwing up a little dry earth on the roads in summer. No doubt, the hard material spoken of would be of service where there is much heavy hauling, but the roads where it is applied are not pleasant to drive upon. The wind will carry away the dry sand or earth, and leave the stones bare. I believe it is an inconvenience we must put up with. I know many places where there are no ditches, and I find that the road stands better. There are many improvements required. The whole extent which is thrown out for the roads should be levelled. However, as the subject is to come before the Legislature, I am sure it will receive the serious consideration of every member of this House. His honor from Prince County (Mr. Lord) says that if we had plenty of money there would be improvement, but we must endeavor to make improvements with the means within our reach.

Hon. Mr. ANDERSON: No doubt, imported stone would be the best, but I do not think we will be in a position to obtain it for some time. The making of roads is not properly attended to. Something should be done towards repairing them early in the spring, and if the side drains were wide enough for a sloop, it would be an advantage, for there would often be snow and ice in them when the road itself is bare.

Hon. Mr. BALDENSTON: One great complaint is that the roads are not properly drained. If the work was done in the spring, when the water is lying on them, it would be seen where drains were required. I have seen Overseers, when they came to places where the water had cut the roads down, just plough the sides and throw in the loose earth, but what is the use of that? As soon as heavy rain comes it all works up again, so that the road is soon as bad as before, perhaps worse. I think the road money might be laid out to greater advantage in May, for then the old road and the earth thrown upon it would cement together and become solid. The Statute Labor Act wants revising. When the men are called out they consider it a mere gala day, and though the commutation money is very light, yet they would rather go out and work. I think the commutation money should be paid and expended in May. I do not know that the Commissioners are any benefit. If we had a Supervisor for each district, and the money coming through their hands, they would take more interest in roads. I think the people would be willing to submit to some taxation, say five or six shillings for each man, for the purpose of improving the roads. It would be a great advantage to themselves. When a man has to go to town with a load of produce, it takes him a day; and if he could take as much in two loads as he now does in three he would save a day. As to importing stone, I dare say it might be done so as to cover the roads three or four miles from town, but I do not think it could be taken more than that distance into the country at a reasonable cost. I believe it would be better to appoint a Committee to enquire into the whole subject, and report sometime between this and next session.

The House was then resumed, and the Chairman reported the Address agreed to with an amendment. Adjourned till to-morrow at eleven o'clock.

TUESDAY, April 23rd, 1867.

### RULES OF THE HOUSE.

Hon. Mr. MURHEAD, from the Committee appointed to prepare Rules for the government and guidance of the House, presented a draft thereof, which was read, committed to a Committee of the whole House, and reported agreed to without an amendment.

Hon. Mr. WALKER, from the Committee appointed to wait upon His Excellency to ascertain at what time he would be pleased to receive the Address of this House in answer to the Speech, reported that they had discharged the duty assigned to them, and that His Excellency had been pleased to say that he would receive the Address of the Council to-morrow at twelve o'clock, in the Legislative Library.

### TENDERS FOR PRINTING.

Hon. Mr. Beer, from the Committee appointed to receive Tenders for printing and binding the debates and proceedings of this House, reported that they had received two Tenders: One from F. W. Hughes, offering to print the debates of this House for the present Session for the sum of twenty shillings per sheet of four pages; to publish the same in the Examiner newspaper for twelve pounds ten shillings, and to bind each copy for ninepence. And

one from Edward Reilly, offering to print the debates at the rate of twenty shillings per sheet of four pages, and to bind each copy for one shilling.

Mr. Reilly did not tender for publishing in the Herald, and the Committee therefore recommended that Mr. Hughes' tender be accepted, which report was adopted by the House.

Hon. Mr. McDONALD, from the Committee appointed to receive Tenders for printing and binding the Journals of the House, reported that they had received three Tenders, viz: One from Edward Reilly, offering to print the Journals at thirty-nine shillings per sheet, and bind each copy for three shillings and eight pence. One from Henry Cooper at thirty-five shillings per sheet, and binding three shillings and six pence. One from F. W. Hughes, at thirty shillings and nine pence per sheet, binding three shillings and six pence.

The Committee recommended that Mr. Hughes' tender should be accepted, it being the lowest, which report was adopted by the House.

Hon. Mr. BALDENSTON asked for and obtained leave of absence till Friday next.

Adjourned till to-morrow at eleven o'clock.

WEDNESDAY, April 24.

### ADDRESS PRESENTED.

At twelve o'clock the Council waited upon His Excellency in the Legislative Library, and presented their Address in answer to the Speech, to which His Excellency was pleased to make the following reply:

"I thank you for your Address. You may rely upon my hearty co-operation to promote the welfare and prosperity of this Island."

### BLUE BOOK.

Hon. Mr. McDONALD, by command of His Excellency, presented the Blue Book for the year 1865, which was ordered to be laid on the table.

### LUNATIC ASYLUM REPORT.

Hon. Mr. BEER presented the seventeenth Annual Report of the Medical Superintendent of the Lunatic Asylum, which was also ordered to be laid on the table. Adjourned till to-morrow at eleven o'clock.

THURSDAY, April 25.

### TREASURER'S ACCOUNTS.

Hon. Mr. McDONALD, by command, presented a copy of the Colonial Treasurer's Accounts for the year ending 31st January, 1867. Also, the Accounts of the Commissioners of Management of the Stock Farm for the year 1866-7. Received and laid on the table.

### MESSAGE—DESPATCHES.

Hon. Mr. McDONALD laid before the House a Message from His Excellency the Lieutenant Governor, together with a large number of public Despatches, which were received and read.

### JOINT COMMITTEES.

To keep up a good correspondence between the two branches of the Legislature.—Hon. Mr. McDONALD, Hon. Mr. Walker, and Hon. Mr. Gordon.

To take charge of the Legislative Library.—Hon. Mr. Haythorne, Hon. Mr. Beer, and Hon. Mr. Walker.

To take charge of Government House and furniture.—Hon. Mr. Lord, and Hon. Mr. Beer.

### JAIL LIMITS BILL.

A message was brought from the House of Assembly by the Hon. Attorney General (Mr. Hensley) with a Bill to revise, continue and amend an Act relating to the limits and rules of Jails in this Island. The said Bill was read a first time and ordered to be read a second time to-morrow.

Adjourned till to-morrow at eleven o'clock.

FRIDAY, April 26th.

### MILITIA REPORT.

Hon. Mr. Lord, by command, presented to the House the Report of the Inspecting Field Officer of Militia for the past year, and also the estimates for the current year.—Read and laid on the table.

Hon. Mr. DINGWELL: As some allusion is made in the report to the people of King's County not having taken any steps to place themselves in a state of defence by organizing Volunteer Companies, I would merely say that it is not for want of loyalty on their part, but it is probably because they do not understand how it is that the arms are sometimes given out to the companies, and at other times they are called in, so that persons living at a distance in the country, and not fully understanding the cause, are rather perplexed. This keeps perking from organizing or joining the companies, and I regret it, for I see that about £3,000 are expended in Queen's County, and it must be a great benefit to the people. I do not know if it would be considered a reflection upon King's County not to receive so much money. As it is a large expenditure, I would also like to ask if the vouchers will be laid before us.

Hon. Mr. LORD: As a member of the Government, I have no objections that the vouchers should be laid before the House; indeed, I think it would be quite proper that they should, but it rests entirely with the Commander-in-Chief.

### CLASSIFIED ACCOUNTS.

Hon. Mr. Haythorne, by command of His Excellency, laid before the House a copy of the Government Classified Accounts for the year 1866.

### JAIL LIMITS BILL (second reading.)

A Bill to revise, continue and amend an Act relating to the limits and rules of Jails was read a second time and committed.—Hon. Mr. McDONALD in the Chair.

Hon. Mr. DINGWELL: I do not think the Act operates fairly. A person in town is not subjected to much inconvenience by being placed upon the limits; but when a person from the country is placed upon the limits he is taken from his home, his family and his occupation. It is no punishment to a man in town, but to a man from the country it is. Therefore I think there should be some distinction.

Hon. Mr. GORDON: I would like to call the attention of your honors to a part of this Act, which I have always considered a hardship; that is, when a person is placed upon the limits, he may be employed in shipyard, and it is known that ships are sometimes built on blocks or bents which extend below high water mark. Thus it places those men in a difficult position for sometimes they are allowed to work upon one half of a ship and not on the other. I merely call your honorable attention to it so that it may be amended if you can consistently do so.

Hon. Mr. LORD: It is an important subject; and I have been of opinion that it is time to allow that Act to expire. I think that we should have a good sound bankrupt court established in this Island. I have no desire to have men crammed into jail and then let out

upon the limits. They have a bankrupt court in Canada, and they are now passing a law to establish one in Nova Scotia. There is nothing more fair or more honest than a good bankrupt law, and I do not see why we should not have one in this Island. This insolvent debtors' Act I consider a mere encroachment to dishonesty. If a man is likely to become involved he makes over his property to his friends, and then his creditors cannot touch it. I think the law should be such that if a man should attempt to do anything of that kind he would be liable to imprisonment and his property fairly distributed among his creditors. I know a man in Charlottetown who has done a great deal of business on this Island, and a great deal of good to the country; but he was unfortunate, and for the last seven or eight years he has not been able to do any business in his own name. I think it is a great hardship, and it is doing the country a great injury to prevent such men from doing business. I remember the time a bill was passed for the benefit of one individual, giving him the limits of the whole Island, and I would rather do something of that sort again if we cannot have a bankrupt court. It would be much better than passing a law of this kind. We have no bankrupt law, and the law of England takes effect here, so that a man will sometimes do a large and apparently flourishing business for a few years, then he slips off to England to go through the bankrupt court, or, in other words, to get "whitewashed," but the poor honest trader has no protection. I would like to see the honest trader, though he should be unfortunate, protected. I had a small bill against one of those gentlemen who had been to England, and when I presented it I was threatened with vengeance if I should attempt to bring him into the Commissioners' Court. It is time some improvement was made. His honor from Bay Fortune (Mr. Dingwell) speaks about the limits, but they are just the same in King's County as they are here. At Summerside they have the whole Township, so they are better situated than in Charlottetown or Georgetown.

Hon. Mr. BEER: If his honor is prepared to move that the committee should rise without reporting, and introduce a bankrupt law, I will support him. At one time I was opposed to a bankrupt law, but I think the time has arrived when it would be a benefit to the Island. There are many persons in this Island who have been unfortunate, and cannot enter into business in their own names. If we had a bankrupt court, and it was made evident that each creditor received his just proportion, there would be no objection to letting a debtor go through the Court and commence business again. I therefore think a bankrupt law should be introduced here.

Hon. the PRESIDENT: I do not think it would do well for the Committee to rise without reporting. It appears that the Act which this Bill is intended to renew expired last year, and by some oversight it was neglected. That neglect has placed the Sheriff and their sureties in a very awkward position. I would be willing to support a bankrupt law, for I have always considered it unfair that a debtor who had given up all his property and effects should be kept in prison or on the limits. It is no benefit either to his creditor or to himself, and it is an injury to his family and to society. I think it is barbarous to put a man in jail when he has nothing to pay his creditors.

Hon. Mr. PALMER: I think it would be very ill judged if we were to decline to pass this bill from any idea of the necessity of a bankrupt law. It is necessary to renew the bill which has expired, perhaps, as a remedy for any injustice which might otherwise ensue to the Sheriff and others. It would be unfair that they should suffer from an oversight of the Legislature. Whatever may be the opinion of your honors respecting a bankrupt law, I do not think there should be any opposition to passing this bill. His honor from Georgetown (Mr. Gordon) speaks of persons not being allowed to work below high water mark, and I can very well imagine that such cases may arise there as well as in other places, but I do not think it would be expedient to attempt to legislate upon such minor matters. We might have to go further than he supposes. Many persons would have some similar objections to the Act; for instance, a farmer might complain that he could not drive his cattle to a spring of water which was a few yards over the limits. Therefore I think it would be almost injudicious to attempt to make an alteration so clearly as possible if we are to have limits at all; and alter them as we may, still the same question will arise from persons who might be upon the borders.—Therefore I do not think we can remedy it without rendering the law as objectionable as we found it. With reference to a general bankrupt law, it is a fruitful subject for discussion and difference of opinion. I apprehend that none of your honors came prepared to enter into discussion on that subject, and, perhaps, you have not decided upon the necessity for such a law till you have some idea of its principles. I do not suppose that any of your honors would object to a perfect bankrupt law, but that has never yet existed. Great Britain has been trying to perfect such a law for the last fifty years, and though it has been lately revised, some eminent lawyers say that the last is as imperfect as the first. The English constitution does not recognize the principle that a man should be punished for going in debt; and the object of a bankrupt law is to prevent a man from defrauding his creditors. If a man has used his creditors' means, and is supposed to have used them dishonestly—to have spent them extravagantly—and is not inclined to pay his debts, that is to decide upon a law is intended to prevent, that is what a bankrupt law is intended to prevent. Machinery of that kind, that is true, has proved a great desideratum with some members of the legal profession. In England, they thought they had a good system, but when it began to be worked, very many defects were found. The expense is very great, but it is not so much felt in limited estates as in those where the amount of capital is large, because it just costs as much to manage or dispose of an estate worth £1,000 as one worth £100,000. Still I would be willing to give my assistance to carry a bankrupt law through the Legislature. I agree with your honors that no man should be punished for debt by imprisonment, when it has been made obvious that he has failed through misfortune, and had offered to give up all his property. I would give my hearty support and concurrence to any code of laws which could be depended upon as successful in securing that object. But the question is of such importance, that I think the principle should be first discussed and agreed upon in both branches of the Legislature, and then have a bill brought forward in conformity with that decision.

Hon. Mr. LORD: There is one clause in this Bill which makes a little alteration in the law. As it stood before, if a man went beyond the limits, and committed a breach of the bond, and if he could succeed in getting back before an action could be commenced against him, or against his sureties, there was no remedy. I have known instances where parties have ventured out of town on Saturday night, and remained till Monday, but returned before an action could be commenced. The Bill says that when once a man oversteps the limits he is liable. Perhaps my hon friend from Bay Fortune (Mr. Dingwell), who is not inclined to abridge the liberty of the debtor, would rather see the law remain as it was before.

The House was then resumed, and the Chairman reported the Bill agreed to without any amendment. Hon. Mr. McDONALD obtained leave of absence till Tuesday next.

Adjourned till eleven o'clock to-morrow.

SATURDAY, April 27th.

### JAIL LIMITS BILL (third reading.)

On motion of the Hon. Mr. Haythorne, a Bill to receive, continue and amend the Act relating to the limits and rules of Jails, was read a third time and passed.

Hon. Mr. Lord, a member of the Government, presented the accounts of the Public Lands' Office for the year ending 31st January, 1867, and also for the Impost and Excise Accounts for the Port of Charlottetown and the several outports of this Island.—Laid on the table.

Adjourned till eleven o'clock on Monday.

MONDAY, April 29th.

### PETITION.

Hon. Mr. Palmer, by leave, presented a petition of George C. Stiles, County of Westmorland, New Brunswick, praying for a patent for an improved Spinning Wheel. His honor remarked that, as the petitioner was a resident of another Colony, he could not take out a patent under our laws, and he was, therefore, under the necessity of applying to the Legislature.—Read and laid on the table.

### REVENUE BILL.

"A bill for raising a revenue" was brought up by message from the House of Assembly, read a first and second time, and committed to a committee of the whole House.

Hon. Mr. GORDON in the chair.  
Hon. Mr. PALMER: There appears to me to be an unjust proportion between the duty on imported and home manufactured liquor. I observe that this bill imposes an additional six-pence per gallon upon imported rum, gin and whiskey; thus making the duty upon imported rum four shillings per gallon, while upon home manufactured it is only six-pence.

Continued on fourth page.