

Colonial Legislature.

LEGISLATIVE COUNCIL.

Monday, February 18.

DEBATE ON THE ADDRESS IN ANSWER TO THE GOVERNOR'S SPEECH.

The Address in answer to the Speech of His Excellency the Lieutenant Governor being reported from the Committee by the Hon. Attorney General, who moved that it be referred to a Committee of the whole House.

The Hon. Colonel SWABEY, in seconding the motion, said—It has often fallen to my lot to make a similar motion, but never did I on any previous occasion feel more sincere gratification in doing so, than I now experience. It is not my intention to allude to any topic calculated to excite angry feelings, or provoke a protracted discussion; but I shall confine my observations to one or two subjects alluded to by His Excellency. With reference to that part of the Speech which alludes to the Bills of last Session, which did not receive the Royal assent, I think that any discussion on that question would be premature, as His Excellency states that the reasons which led to their disallowance will be submitted to your Honors. But that part which alludes to the operation of the Land Purchase Bill, as it is a subject more particularly within the sphere of my own knowledge, from my official position, justifies me in directing the attention of your Honors for a few moments to the subject; and I am happy to state that when the returns from my office shall have been submitted, your Honors will recognize the wisdom of the Government in introducing and carrying into operation the Land Purchase Bill. The amount of the purchase money for lands already sold is between £11,000 and £12,000, and the remainder will probably realize some £30,000, after deducting all expenses connected with the management of the property. I believe that proprietors are more anxious now to dispose of their lands than they were before the passing of the Bill. The object of the originators of that Bill was to remove the angry feelings which subsisted between landlord and tenant. It was a bold experiment, but it has met its reward in the result. His Excellency has directed our attention to the defect in the Revenue Laws which require to be more stringent. The Address declares the opinion of your Honors that improvement is necessary. On the subject of Education, it is unnecessary for me to dilate, as its benefits are universally acknowledged; but I must say that it is highly creditable to the Colony, that one-fourth part of its revenue should be appropriated to Education. His Excellency's extended colonial experience, renders him peculiarly sensible of the benefits accruing from increased facilities for communication with other countries; and in this connection, I must say, that I have often heard with surprise, from people who ought to know better, the question, what benefit would improved communication confer on the farming population? Why, your Honors, if a farmer in this Island receives a telegraphic despatch from Shediac, announcing the price of agricultural produce, is it no benefit that he should be in a position to know what he may receive for the property he may have to dispose of? The telegraph will bring us into close connection with the United States, between which and this country, there are most intimate and important commercial relations. Our Steam Packet communication has hitherto been conducted under contracts extending but for one season. This system necessarily rendered the business vague and uncertain. Now, however, advertisements are issued, calling for tenders for a period which will place the business on a more permanent footing. A Telegraph Company is in communication with the Government, and I have reason to believe that another will shortly submit some propositions with reference to our communication with other countries. With reference to the paragraph alluding to the Agricultural Society, as my honorable friend, Hon. Mr. Haythorne, is absent, I shall not trouble your Honors with any remarks further than the expression of my opinion, that although I have doubted the wisdom of importing large horses, I have always recognized the benefits resulting from the introduction of the most improved seeds and agricultural implements, which could not be obtained by private means.

House in Committee of the whole—Hon. Colonel Swabey in the Chair.

His Honor the PRESIDENT.—It is indeed a matter of thankfulness that God has been pleased, during the past year, to bless the labors of the husbandman; and it is also a matter of congratulation that the trifling decrease in the revenue is so unimportant.

I have carefully examined the Public Accounts as made out by the auditors, and have made some calculations therefrom, which will, I think, prove to your Honors that the monetary affairs of this Colony are in a very satisfactory state; and that its financial condition is much more healthy than either that of Nova Scotia or New Brunswick.

The revenue for the fiscal year, which terminated on the 21st January last, amounted to £42,081, Island currency—showing a decrease of some £3952 from that of the previous year. This decrease has principally arisen from the imports, arising first, from the action of the reciprocity principle; and secondly, from the depression of the shipping and timber trade, on account of the war. But let peace, now so confidently spoken of, be again established, our revenue will then attain the usual standard. The following are the items of decrease, viz:—

Imposts, - - - - -	£6300
Land Assessment, - - -	330
Crown Lands, - - - - -	127
Book Sales, - - - - -	209
And other small items, - -	140
	£7106

The items of increase are as follow:—

Post Office, - - - - -	£127
Public Lands, - - - - -	2120
Interest on Bonds, - - -	135
Other items, - - - - -	772
	£3154

Making the sum as stated the real decrease. His Honor then entered into some minute explanations, as relate to the causes of the decrease and increase, and gave a most satisfactory statement of the financial position of the present Government, and exonerated it fully from the charges of lavish expenditure and recklessness so freely made against it in other places. I have also, His Honor continued, made a calculation of the permanent expenditure of the Government for the past year, and find it to be as follow:—

Roads and Bridges, &c. - -	£9000
Education, - - - - -	12,000
Legislature, - - - - -	1800
Salaries, - - - - -	4000
Mails, - - - - -	2400
Post Office, - - - - -	680
Province Building, - - -	240
Government House, - - -	150
Lunatic Asylum, - - - -	350
Jails, - - - - -	900
Crown Prosecutions, - - -	350
Lighthouses, - - - - -	840
Buoys and Beacons, - - -	140
Public Printing and Stationery,	1000
Agriculture, - - - - -	200
Public Lands, - - - - -	1,600
Markets, - - - - -	50
Poor, - - - - -	650
Interest on Warrants, &c. -	850
Miscellaneous, &c. - - -	2681
	£39,881

Making the permanent expenditure some £40,000, from which may be deducted expenses of Public Lands, interest and drawbacks, £2000—making the whole some £37,000 per annum. That during the last year there were casual expenses that will not again occur, for some time at least;

such as £2000 for the Patriotic Fund—a vote for which all parties were agreed—and other contingencies, including the Census, amounting altogether to some £6500. On reference to the Public Accounts, I find that the public debt consists of—

Treasury Warrants, - - - -	£10,663
Debentures issued to pay off Warrants, - - -	10,000
And Debentures issued on account of Worrell Estate, -	18,000
	£38,663
Then add the Treasury Notes, which do not bear interest, amounting to £11,500; and you have the whole debt of the Colony amounting to £50,163. To meet this, there are assets in the Treasury, - - - - -	£37,061
Value of Worrell Estate, as shewn by report of Commissioner of Public Lands, after deducting £6000 yet to be paid, - - - - -	23,000
	Assets, £60,061

making £10,000 in favour of the Colony, besides all the public buildings, works, &c., and a full Treasury. The balance against the Colony when Responsible Government was introduced in 1851 was about £27,000; in the course of two or three years that balance was paid off, with the exception of the Treasury Notes. The balance last year was £9893, and by the above decrease in the revenue, it has amounted last year to £13,100, less than one-third of the revenue; and should the blessing of peace be established, then the revenue would so increase as to make the debt about one-fourth part thereof. On referring to the journals of Nova Scotia and New Brunswick, it will be found that the public debt of Nova Scotia is two-thirds of the revenue; and in New Brunswick it is four-fifths; which, by comparison with our own, places the financial affairs of this Island in a most satisfactory and highly creditable position. I cannot conclude my observations without a passing reference to the subject of Education—on which subject I shall call your Honors' attention to the fact, that under the fostering care of the Government, the number of schools has increased from about 100 to 268, and they are attended by upwards of 11,000 pupils. Our appropriation for this service is far beyond that of Nova Scotia or New Brunswick, regard being had to the difference in revenue and population. I do not consider it necessary to enter at greater length into the details of His Excellency's Speech, as it would be but occupying the time of your Honors in dilating on matters on which, I think, no difference of opinion exists.

TUESDAY, February 19.

The Address of the Legislative Council was adopted as follows:—

To His Excellency Dominick Daly, Lieutenant Governor and Commander-in-Chief, in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, the Members of Her Majesty's Legislative Council of Prince Edward Island, beg to offer to your Excellency our thanks for your Speech at the opening of the present Session.

We are grateful to Divine Providence for the blessing of an abundant harvest, and are happy to learn that the anticipated decrease in the revenue of the last year is unimportant.

We assure your Excellency that we take a lively interest in the events of the war, and rejoice at the successes which under the blessing of Providence, have attended the Allied Arms, which we trust will lead to the re-establishment of peace upon a firm, honorable and satisfactory basis.

When the grounds upon which the decision of Her Majesty's Government, relative to the Act of the last Session, "to impose a rate or duty on the Rent Rolls of the proprietors of certain rented Township Lands in this Island," and also, the Act "to secure Compensation to Tenants," shall be communicated to us by your Excellency, they shall receive due consideration.

We are gratified to be informed by your Excellency that the expectations formed of the advantages to be derived from the Land Purchase Bill have been fully realised, and trust that the Government may be enabled to extend to all parts of this Island the benefits of that measure.

We fully appreciate the advantages of Free Education, and have no doubt that the constant extension of that admirable system, which has been brought to our notice by your Excellency, will be productive of great benefits to the inhabitants of this Island, and promote their social happiness.

We are happy to learn from your Excellency, that the operations of the Royal Agricultural Society have been satisfactory and beneficial to the agricultural community, and that their importations have been judiciously made.

We heartily concur with your Excellency, as to the importance of rendering the communication between this Island and the neighboring Provinces secure and expeditious, and will give to any measures which may be submitted to us for the promotion of that or any other object affecting the public interests, our careful and serious attention.

We thank your Excellency for the assurance of co-operation in every well-directed effort to promote the welfare and prosperity of Prince Edward Island, and we beg to express our full confidence in your Excellency's administration of its Government.

WEDNESDAY, February 20.

The Council having presented their Address to His Excellency, the following Reply was reported and read—

Mr. President and Honorable Gentlemen of the Legislative Council:

I beg you to accept my best thanks for your Address, and for the assurances of co-operation and confidence, upon which I place the fullest reliance.

BILL RELATING TO BILLS OF SALE.

After which the Hon. Attorney General moved for leave to introduce a Bill for preventing fraud by secret Bills of Sale of personal property; and in doing so, explained the principal features of the measure and the evils which it was intended to remedy. It was proposed to authorize the holder of a Bill of Sale to file it in the office of the Prothonotary of the county in which the grantor resides, a book to be kept for such purpose. The document to be proved by oath of witness. The expense of proving and filing would not exceed three or four shillings. The attesting witness to be allowed his reasonable expenses for attending to prove the instrument. A certain time allowed for Bills granted before this Act coming into operation, to retain their precedence. The Hon. Attorney General explained the necessity which existed for such a measure, as at present there is no security that a dishonest debtor may not defraud his creditor, who, relying on a Bill of Sale executed to himself, frequently finds on attempting to realize his security, that a third party has received the property previously made over to him. The Act would not interfere compulsorily between parties, as if it passed into a law, individuals could still base their transactions in mutual confidence.

The Hon. Mr. HAYTHORNE, in seconding the motion, stated that, while he admitted the principle of the Bill, there were some matters in the statement just delivered which would form matter of discussion, when the Bill should come up in Committee. The Bill was introduced and read a first time. House adjourned till Friday next.

HOUSE OF ASSEMBLY.

THURSDAY, February 14.

The Members of the Assembly having returned to their own Chamber, the Hon. Speaker informed the House of the vacancy which had occurred during the recess in the office of Assistant Clerk; whereupon the Hon. Mr. Warburton moved that Mr. F. W. Hughes be chosen to fill the vacant office; the motion being seconded by Mr. Clark was about being put, when—

Mr. Douse moved in amendment that the name of Mr. Alex. McNeill be submitted for Mr. F. W. Hughes. The

House divided—For the amendment, 3; Against it, 18. Mr. Charles Dalgleish and Mr. Robert Hyndman were then severally put in nomination, but both amendments were negatived. The original motion was then put and carried, and Mr. Hughes was shortly after sworn in at the Clerk's table.

Mr. Clark moved for a Committee to receive Tenders for printing the Journal of the House.

Hon. Mr. Coles suggested that the same Committee receive tenders for printing the Debates.—This gave rise to a somewhat lengthy discussion, in the course of which the Hon. Mr. Palmer moved the following resolution in amendment to Mr. Clark's:—

"That a Committee be appointed to secure a speedy and more extensive circulation of the Debates of the House; and that an additional Reporter to the House be appointed, and that said Reporter be instructed to furnish to the several Newspaper Proprietors in Charlottetown manuscript debates from time to time, as they shall be ready; and that such manuscripts be delivered impartially to each Printer in the order of time at which his paper issues."

The House divided on the motion of amendment—In favour of it—7; Against it—14.

Mr. Robert Laird was appointed Reporter to the House for the present Session.

The following Committees were then appointed:— To prepare the Address in answer to the Governor's Speech—Hon. Mr. Whelan, Messrs. Muirhead, McGill, McDonald, Munro, Laird and Perry.

To provide Stationery—Hon. Messrs. Warburton, Mooney and McGill.

To keep up a good correspondence between the two branches of the Legislature—Hons. Messrs. Coles, Wightman, Longworth, Messrs. Dingwall, H. Haviland and Clark.

A Committee was appointed to revise the Journal of each day after the adjournment; also, a Committee to report on Public Accounts; a Committee on Private Bills; and a Committee to examine what laws have expired or are about to expire.

The usual orders respecting the transmission of a copy of each day's Journal to His Excellency the Lieut. Governor; and the order for charging the postage on letters and papers of members, being agreed to—the House adjourned.

FRIDAY, February 15.

The Hon. Treasurer presented the following documents— Treasurer's Account to 31st January, 1856; list of Bonds to same date; Debentures issued under 14th Vic. cap. 20; Do. under 16th Vic. cap. 18; Return of cultivated and uncultivated land on Townships on which Assessment has been paid; Account of Land Assessment for 1855; Small Disbursement Account to 31st January, 1856; Abstract of Public Land Sales to 31st January, 1856. Those Papers were referred to the Committee on Public Accounts.

The Hon. Speaker laid before the House the Impost Account for Colville Bay. Referred to Public Accounts Committee.

The following resolution was passed and ordered to be published in all the papers:—

"That no Petition for Roads, Bridges and Wharfs, or for any object of a public or private nature, be received after Tuesday, 4th March."

Mr. Clark, from the Committee on Printing, reported that three tenders had been received; one from Mr. G. T. Hazard, one from Mr. John Walsh; and the other from Mr. Ings. The latter being the lowest, the House approved of it.—Adjourned.

SATURDAY, February 16.

Mr. Clark presented to the House the following Papers: Impost Account for Charlottetown and Outports for year ending 31st December, 1855; Light Duties collected at Port of Charlottetown for year ending 31st December, 1855; list of Immigrants arrived at Port of Charlottetown for year ending 31st December, 1855; amount of penalty received on schooner "Dragonet."

Ordered, that said Accounts be referred to Special Committee to examine and report on Public Accounts.

Hon. Col. Secretary moved that a Committee of seven members be appointed to report, by bill or otherwise, on the expediency of making provision for schoolmasters under the Free Education Act, when rendered unable to attend to their duties by sickness or old age. Committee—Col. Secretary, Mr. Warburton, Mr. Perry, Mr. McDonald, Mr. Whelan, Mr. Mooney, Mr. McGill.

Order of the day for receiving report of special committee appointed to examine on the expiring laws being read, House resolved itself into Committee; Mr. Perry in the chair, Mr. Speaker having resumed the chair—chairman reported that the Committee had gone through same, came to several resolutions thereon, which being again read at the Clerk's table, were agreed to:

Resolved, that it is expedient to continue Act 8 Vic. cap. 20, entitled an Act for regulation of Mackerel Fishery; Act 15 Vic. cap. 15, relating to Light and Anchorage Duties; Act authorising Harbor Masters to superintend the erection and laying down Beacons and Buoys in the several harbors and rivers; Act to continue and amend the Revenue Act; Act to continue the appointment of Coal Meters.

The following Committee were appointed to prepare and bring in Bills pursuant to the above resolution—Messrs. Clark, McIntosh, Wightman, Haviland and Dingwall.

On motion of the Hon. Col. Treasurer, that a Special Committee be appointed to revise the laws now in force relating to the retail by license of spirituous liquors, and report thereon, the hon. member remarked, the system of granting licenses under the present Bill gave much dissatisfaction, and was looked upon by persons in the trade more as an obstruction than a protection to the fair trader; it was well known that both in town and country the number of unlicensed houses was considerably on the increase.

The following Committee was then appointed—Hon. Col. Treasurer, Messrs. Perry, Wightman, Dingwall and Montgomery.

The House then adjourned until Monday.

MONDAY, February 18.

TEACHERS' PETITIONS.

Mr. CLARK thought it would be expedient to appoint a Committee of seven members to examine Petitions from Teachers and report thereon; it was therefore "resolved, that a Special Committee be appointed, to whom shall be referred every Petition praying for grants to Teachers, to examine the same, and report thereon."

Ordered, that Messrs. Perry, Dingwall, Muirhead, H. Haviland, Montgomery, McGill and Laird, do compose said Committee.

The following Petitions were then presented to the House and read, viz:

By Mr. Clark, Petition of Letitia Muirhead, Township No. 16.

By Mr. Muirhead, Petition of Mary Ann Murphy, Township 16.

By Mr. Yeo, Petition of Arch. C. Beckford, Township 8. Mr. Yeo stated that petitioner complained that he had lost or mislaid the certificate which he had received from the Board of Education, and upon that ground was refused compensation. The hon. member knew petitioner for a long time, and felt bound to support the prayer of his petition.

Mr. Clark and Mr. Warburton supported the petition, and thought petitioner entitled to compensation.

The three foregoing petitions were referred to the Special Committee.

Mr. Muirhead presented Petition from certain inhabitants of Township 25, praying for aid to complete a road leading from Bedeque harbor to county line. Petition laid on the table.

LEGISLATIVE LIBRARY.

The COLONIAL SECRETARY wished to call the attention of the House to a custom which prevailed in removing Books from the Legislative Library, and which was productive of great inconvenience to this House. Members of the Bar were in the habit of taking away Law Books, and often retaining them for an almost indefinite period. He did not see why this custom should be allowed to continue, particularly during the sittings of the House, as members had frequent occasion to refer to them, and when sought for, it was discovered that some member of the legal profession had got possession of them.

Mr. H. HAVILAND thought it was invidious to attribute to the members of the Bar the custom of taking Books from the Legislative Library, and felt that the Hon. Col. Secretary was actuated by private pique against a certain individual. In taking Books, he did not infringe upon the rules of the Library, and produced a minute of the Committee of the Library in support of the privilege.

The COLONIAL SECRETARY assured the hon. member that he was not actuated by private pique against any one, or disposed to take a narrow view of the subject, but contended that during the sitting of the House the custom should not be adhered to. He would be disposed to grant permission to the public to have access to the books of the Library. There were a numerous body of mechanics in Charlottetown to whom the perusal of works upon mechanics would be a great boon, and such persons should be permitted to have recourse to them. We owe to their skill the construction of our houses and the perfection of machinery used in our mills and manufactures.

The COLONIAL TREASURER thought that all persons holding office under the Government should enjoy all the privileges granted to members of the Legislature.

Mr. COOPER agreed with hon. members as to the free use of the Library by the public, but was opposed to the removal of books therefrom. He thought more care should be taken of the books, for if persons were indiscriminately permitted to take them off the shelves of the Library, they would very soon find themselves without them.

ADDRESS IN ANSWER TO THE GOVERNOR'S SPEECH.

To His Excellency Dominick Daly, Lieutenant Governor and Commander-in-Chief, &c. &c. &c. May it please your Excellency:

We, Her Majesty's faithful subjects, the House of Assembly of Prince Edward Island, respectfully thank your Excellency for the Speech with which you were pleased to open the present Session at a period so convenient for the ordinary transaction of public business.

It is a source of the highest gratification to know that the labours of the husbandman have, during the past year, been blessed with an abundant harvest—a blessing, we feel assured, which will give an impetus to industry and perseverance in agricultural pursuits.

We are rejoiced to learn that the decrease in the revenue for the past year is unimportant; and that while there is nothing to apprehend from that direction for the stability and soundness of the resources of the Colony, it is gratifying to know that the revenue for the year has been more than sufficient to meet the ordinary expenditure.

We shall give a careful attention to the Public Accounts as soon as they are laid before us, and we will cheerfully make the necessary provision for the public service.

We fully concur with your Excellency in opinion as to the necessity of revising and consolidating the laws for the collection of the revenue, with the view of checking illicit traffic, so injurious to the trade and commercial relations of the Island; and it will be our duty to give the best consideration to this important subject.

The interest we have endeavoured to manifest in the progress of the war is not only undiminished, but rather quickened by the recollection of the splendid achievements which crowned the arms of the allied Sovereigns during the past year. Though far removed from the scene of conflict, and happily exempt from the sacrifices it entails, we are nevertheless earnestly solicitous that the crowning glory to the arms of our beloved Queen and Her august allies may be speedily found in the restoration of an honorable and permanent peace.

It is with unfeigned surprise and regret we have learned that the Act of the last session "to impose a rate or duty on the rent rolls of the proprietors of certain rented Township lands in this Island," and also the "Act to secure compensation to Tenants," have been denied the royal confirmation. Confident that your Excellency is at all times desirous to promote the prosperity of this Island, we are satisfied that the failure of these measures, so equitable in their privileges, and so essential to the well being of the Colony—was not owing to the want of your Excellency's personal recommendation; but rather to the exercise of an influence long seriously felt, always foreign and always baneful to the best interests of the Colony. The communications promised by your Excellency in reference to the measures which Her Majesty has been so unexpectedly advised to disallow, shall receive an early and deliberate consideration.

It affords us much satisfaction to learn that the transactions under the operation of the Land Purchase Bill have been such as to fully justify the high expectations formed of that measure, with regard to the conversion of Leaseholders—an advantage which we are fully sensible could be greatly augmented if a due regard for other interests allowed a larger amount to be placed at the disposal of the Government under the Bill alluded to.

We are rejoiced though not surprised to learn that the inhabitants of the Island so highly appreciate the moral and social advantages resulting from a general diffusion of education, as is evident from the unprecedented number of schools that have been called into active operation by the free education Bill. We believe that no part of Her Majesty's dominions, of the like area with Prince Edward Island, can exhibit such marked improvement in what tends so much to promote public happiness, tranquility and prosperity as a constant and liberal extension of education.

We are fully sensible of the advantages which the agricultural portion of the community have derived from the operations of the Agricultural Society. Every other interest is involved in the prosperity of our agriculturalists, and a Society which confers benefits upon that industrious class demands encouragement from every other. But much as agricultural industry may be encouraged through the exertions of an agricultural Society, its progress mainly depends upon an active and thriving commerce. To secure this, it is necessary there should be a free, uninterrupted and expeditious communication with other countries, and especially with the neighboring Colonies. So important an auxiliary to trade requires a liberal appropriation of the public finances, and we trust that during the present Session we shall not be found to take a narrow and contracted view of a matter which so deeply concerns the prosperity of the country. In the progress of our deliberations on these and other objects affecting the public interests, we shall be happy at all times to avail ourselves of your Excellency's well known zeal and ability, and we doubt not that our united efforts may tend to promote the welfare of the people of Prince Edward Island.