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This is true Liberty, when Free-born Men, having to advise the Public, may speak free.—EURIPIDES.

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Colonial Legislature.

HOUSE OF ASSEMBLY.

THURSDAY, April 9, 1857.

AFTERNOON SITTING.

PUBLIC ACCOUNTS.

(Continued.)

Hon. Mr. PALMER.—As the Commissioner could have drawn up his account, and present it to the Governor and Council. This he should have done; but has not. It is asked why he has acted contrary to the provisions of the Land Purchase Act, and without authority. And how does the Hon. Col. Secretary answer? He meets not the question directly, but refers to the Commissioner of Crown Lands under the old system of Government as a precedent. But it should be recollected that the officer alluded to was under the control of the Crown, and was by the Crown allowed a certain per centage upon the moneys collected by him; but vouchers for the expenditure were submitted. Still, when we claim a similar right now, what does the leader of the Government give for reply? His reply is similar to every other argument when an unanswerable question is propounded: "O, we find them as bad under the old system, scores of times!" But, sir, two blacks do not make one white; neither will the answer given by the Hon. Col. Secretary clear the Commissioner of Public Lands from the charge of overstepping the bounds prescribed to his actions as a public officer. The time ought to arrive, under Responsible Government, when a proper responsibility would be fixed on every one of the public officers. When it arrives, we will have officers who will be responsible to the people; but not before. The Hon. Col. Secretary alludes to the Surveyor General, over whom we had no control, and wonders if he ever presented his accounts to the Governor and Council, before discharging his expenses. Does the fact of his not doing so justify the present Commissioner of Public Lands in acting likewise? But the Government of that day denounced the system as unsound and corrupt. And if it was then considered corrupt, under that corrupt system, as the hon. member, is sometimes pleased to characterize it, what should it be thought now, when the genius of Responsible Government is said to be purity itself. If this system is to be sustained, any officer, casting his responsibility to the winds, can continue its practice; and what he pays himself, he can keep in his pocket.

Hon. Col. SECRETARY.—The hon. and learned member who has spoken last, says there is no responsibility in public officers, meaning of course the Commissioner of Public Lands. Now, I will tell that hon. and learned member that the Government gave the Commissioner authority to disburse the necessary expenses incurred by him when absent from the City on the business of his office. The minority are picking at a bone; but they may find no pickings to reward them. The account of the disbursements are correct. Vouchers for every one of the items can be produced, and have been examined by the Special Committee. The hon. and learned member for Charlottetown says the proper way for the Commissioner to do, is to pay the money he receives into the Treasury, and if he need any given sum for disbursement, he should present his account to be examined by the Governor and Council, &c. I have answered this objection before, and pointed out the difficulty, nay, even the impossibility of doing so in all cases. Does the agent send home all the money he collects, and then ask for his salary? I think not. The Commissioner pays into the Treasury every month all the money he receives, except, perhaps, a sum of £5, which he expends for chair-bearers, horse-hire, and other necessary expenses. The hon. member is astray in saying that the former Commissioner of Crown Lands was under the control of the Crown. He was as much under the control of this Government as the present Commissioner of Public Lands is. And by reference to the accounts furnished to the Government and printed in the Journals, it will be seen that Mr. Wright in selling Crown Lands, charged his own mileage and expenses as well as commission and wages to chain-bearers, and only paid the balance into the Treasury.

Mr. COOPER.—This is not such a trifle as some hon. members would wish to make it. We are about to get £100,000 sterling, to buy up lands in this Island, and if this system is to be pursued, it will certainly lead to a bad end. I will state that I never saw the public accounts sent to this House without vouchers.

Hon. the SPEAKER.—If the Auditors have not examined the vouchers before subscribing to the correctness of these accounts, they have not done their duty.

Hon. Col. SECRETARY.—Capt. Swabey showed them his accounts. It was their place to examine into the correctness of the same. If they did not do so, then it was not the fault of the Government, but their's.

Hon. Col. TREASURER said that the Auditors examined all accounts in the treasury, even to the smallest item, and he could not help thinking they had done so in the Land Commissioner's office. He corroborated the assertion of the Hon. Col. Secretary, that the Government had authorized Capt. Swabey to pay all expenses incurred in the discharge of his duty, and allowed him for mileage and horse-hire.

Hon. Mr. LONGWORTH.—If the Auditors have not done their duty, the House of Assembly have no other course to pursue, but to send for the vouchers and examine them. The auditors are a sham. They examine the total amounts of the Commissioner's account, and then pronounce them correct, without knowing they are really so. As to the Commissioner taking upon himself to disburse the expenses of his office, my opinion is that the Act does not authorize him to do so. It allows him £300; but no more.

Mr. YEO adverted to the amount paid to the Surveyor General, saying that his salary and expenses took the cream off the land. Then, he said, there were wood-rangers, and there was no account of them.

Hon. the SPEAKER.—One great curse to this Island, is the letting out of large tracts of land for stumping. A gentleman has told me that saw-mills are a curse to the country. They are the means of destroying the forests, and in a few years we will be unable to obtain boards for any purpose whatever, without importing them. If the Government would protect the public property, by employing wood-rangers, and give them a few pounds per year for their services it would not be lost, but be a positive gain to the country. In New Brunswick the case is different, where the forests of timber are almost inexhaustible; and no wood-rangers are required; but in this Island, if the timber is not

protected by some such means, in a short time we will have no timber left for any useful purposes whatever.

Mr. YEO.—In Lot 11 the timber is nearly all cut off, and there is scarcely a chip of it left.

Hon. Col. SECRETARY.—It has not been cut off since the Government have had it. On the Worrell Estate the system of charging stumping has been practiced, and permits were given to the Commissioner to let parties cut timber for a consideration; but I think we should follow out the Hon. the Speaker's suggestions, and preserve the timber on the land for the purchasers.

Mr. MACINTOSH.—It is wrong on the part of the Government to grant stumping. That is one item which might as well not be referred to; for we shall never see a penny of it.

Hon. Mr. LORD.—I must say, I cannot go the length some hon. members go in following up this debate. There is great blame attached to the Commissioner of Public Lands, and some hon. members go so far as to say that he cannot give an account of the money he has expended. True, they do not say in plain terms that he pocketed the money, but something tantamount. If he were inclined to be dishonest, I defy this House to prevent him from appropriating the public money to his own use; for if he had a bill to pay, and were so disposed, it would be an easy matter for him to put on ten per cent. more than he paid. But no man can accuse Mr. Swabey of acting in this manner; and therefore it would be well to be a little nice in examining the Public Accounts before venturing such a surmise. With regard to letting out the public lands for stumping, if my suggestions were carried out, such a system would be abolished altogether. It will not pay to employ wood-rangers. By the Accounts it would seem that £36 was paid to wood-rangers, while only £29 was received for stumping, which shows that it is a losing affair. But if 2s. a ton were charged for timber cut on the Public Lands it would be much better, as no one could object to such a reasonable charge. It has been well said that the Worrell Estate has been an unfortunate affair, for the former proprietor was fleeced out of it by designing men. As regards the Commissioner of Public Lands, I have nothing to say for him. He has kept his accounts loosely. There is, however, one thing in the Public Accounts with which I am not satisfied, and that is the expenses incurred by the Commissioner of Public Lands. What did he want in the country every week? His services were not surely required so often. Could he not perform all the services required of him without going into the country every week? If such a system as this is carried out, the public property will soon be swamped. There have been complaints made that the Public Accounts had not been handed in until a late day of the Session. Let them be in future handed in at the proper time, and then there can be no cause for complaint. Then it is demanded that a Special Committee be appointed to investigate them. I hope it will not be refused. I also hope the vouchers will be laid before the House. This is not the place to discuss the correctness of these accounts, until we know they are incorrect. But I cannot think, notwithstanding, that the Commissioner wishes to defraud the public, as has been insinuated.

Hon. Mr. MONTGOMERY.—It has been a rule that for every item paid there should be an account rendered. In fact, for all Public Accounts, even to the smallest items, vouchers should be laid on the table. Under Responsible Government, such a course may not be deemed necessary; but formerly it was considered indispensable.

Hon. Col. SECRETARY.—I am certain that if the hon. member would ask the Commissioner, he would gratify his desire to see all the vouchers, which would correspond with the detailed accounts before the Committee. But Government did not ask for vouchers for every little matter, as the Auditors examined his Accounts. They have more confidence in him, than to suppose he would render a wrong account of his expenses. The hon. member, Mr. Lord, thinks the Government ought not to employ wood-rangers. But even, if after paying them the Government lose a few pounds, it is better than to dispense with them altogether, and lose twice as much; for, if the timber lands were left free for every one to cut timber on, there would, in a few years, be very little timber left on the Public Lands. As to the allusion about the travelling expenses of the Commissioner, when he goes to collect the money due to the Government, would you bring the people to town, for the sake of such a trifling sum, causing them perhaps to lose two or three days of the time which is absolutely required on their farms. If the Government, by the expenditure of a trifling sum, save ten times the amount for the people, I see no cause for complaint, but rather for congratulation.

Mr. T. H. HAVILAND.—I rise to say a few words in regard to the affairs of the Worrell Estate. The hon. member, Mr. Lord, censured the Commissioner for keeping his accounts so loosely, which is as much as to say he is unfit for the office he holds. Well, that is at least an admission. But, sir, by what authority does the Government allow the Commissioner to expend the public money? If he is under the regulations of the Land Purchase Act, it says plainly enough that he shall be entitled to three hundred pounds a year, but no more. What authority then can he have for expending more than this sum (his salary)? It is said by the Hon. Col. Secretary that it is beneath the dignity of the Government to pay chain-bearers; and therefore the Commissioner is justified in overstepping the bounds of his authority. But it was never intended to invest that officer with such authority, and if he be allowed to expend a few pounds now, by-and-by he may be upheld in expending thousands; and if the Government should purchase other estates, he will, having such unbounded control of the public money, be greater than even the Col. Secretary himself. I agree with the Hon. Mr. Lord that there is no need for the Commissioner to travel about the country every week. About the Worrell Estate being an unfortunate affair, I fully agree with the hon. member that it has been a loss to all concerned, and if its late proprietors were enriched by the sale of it, the Government will, before it is off their hands, find themselves, after following their *ignis fatuus* for a time, at last up to their neck in the "slough of despond."

Hon. Col. SECRETARY.—Government could make an order to disburse the expenses of the Commissioner.

Mr. MACINTOSH.—Still, such an order don't justify any one who abuses his authority. But I think the Hon. Col. Secretary is right when he says it is better for the Commissioner to go into the country for the purpose of collecting than to compel the people to come to town for the same purpose.

Hon. Mr. PALMER.—As to the advantage of letting the public lands out on stumping, I think with Mr. Lord, that it will be a loss to the Government to maintain wood-rangers. It is better to give the people a chance to obtain timber when

they can, and abolish these offices altogether. I do not see why the public lands should be turned into a domain for their especial benefit, or that they may give the privilege to whom they please, and Government be none the wiser. It is a species of favoritism, and ought to be done away with. They ought to be dismissed from office, and give the public an opportunity to have full scope of all the timber that is to be obtained. If there is anything remaining (A member—There will not be much left) the people who purchase can get it. As to the Selkirk Estate, I think it Government land already. I have heard that the bargain is closed with the proprietor. I mention this as no fiction; but have it from good authority. This estate will also, no doubt, be put upon the same footing as the other estates, now in the hands of the Government. There has been something said about bonds, and so much being secured upon them to the Government. The Commissioner has inserted in the Public Accounts, to the credit of the Government, the sum of £14,000 upon bonds. It is, however, said these bonds have been relinquished. The hon. member, Mr. MacIntosh, said they were. If such is the fact, what business has the Commissioner to charge them to the credit of the Government. While I am on this subject, I would ask what has been done with the back rents due to the Worrell Estate? I was told by a gentleman, some time ago, that there were £7,000 arrears on back rents due. If they are swept off the books, it should be known. If not, the amounts should be included in the Public Accounts. I hope we shall have some account of this item, as it may be important to know how it has been disposed of.

Hon. Col. SECRETARY.—If I heard the hon. member, Mr. MacIntosh, make such a statement, I should have immediately contradicted him. There is, however, £1,400 due, to the best of our knowledge; but it may happen, as before, that when they come in we may find many who have had receipts for money charged against them, which they have paid to Mr. Desbrisay. In reference to the back rents, if Government get £300 they will be well off. It would be better to wipe them off altogether, or, if charged at all, let it be for the two last years, and let the Government take it out in chain-bearing or in opening new roads, which would benefit the people and the estate.

Mr. LAIRD.—There has been a great deal of unfairness practised all through the whole affair of this estate. It would be better to give it up to the people altogether, and be done with it, than to have a load on the country.

Mr. DINGWELL.—I was an advocate for the purchase of this estate, and thought it would be the means of freeing the people from the bondage of leasehold tenures; and I believe the Land Purchase Bill will in time work well, or I should not have supported it. When the Loan Bill was mooted, I supported it; for I thought we could do good to the country by it, and confer a boon upon the people. It is, however, objected by the opposite party that it will not be self-sustaining; but I am willing to take a share of the responsibility upon my shoulders, for the sake of making the tenants of this Island freeholders. It is not measures that the opposition are arrayed against, but it is the men who advocate them. I do not think the Bill will injure either proprietor or tenant; but rather be a benefit to both. As to the complaints made about the working of the affairs of the Worrell Estate, it should be recollected that it is yet only a new thing, and requires time yet to bring it about. When the affairs of that estate are got in proper working order, it will be seen how satisfactory they will be. However, there is one privilege which the opposition cannot deprive us of, and that is, to hope for the best. Some say it will not pay 25 per cent.; but I hope it will pay 75 per cent.

Hon. Mr. PALMER then submitted the following resolution:—

Resolved, That it is opinion of this Committee, that the Commissioner of Public Lands, in charging the sum of £267 7s. 6d., for disbursements in his account, submitted to this Committee, without a warrant or warrants under the hand and seal of the Lieutenant Governor, and for which amount no vouchers have been laid before the House, has acted contrary to the requirements of the Colonial Statute, under the authority of which he received his appointment as such Commissioner.

Hon. Col. SECRETARY.—That resolution puts a wrong construction on the acts of the Commissioner. He was authorized to expend the above sum by the Government.

Hon. Mr. PALMER.—The Land Purchase Bill says the money collected by the Commissioner must be paid by him into the Treasury, and if he requires any money he must get it by warrant, as any other officer is compelled to do. Now, if he takes upon himself to expend the public money, contrary to the express conditions of the Land Purchase Bill, he is at least deserving of censure. The hon. member, Mr. Lord, praises the Commissioner on one side of his mouth and censures him on the other; but, sir, the method of giving a blow and a kiss alternately is not the thing. We must be bold, and censure where it is deserved.

Hon. Mr. LORD.—I will oppose the resolution. No public officer has been asked for vouchers, and until they have been asked and cannot produce them, it is not fair to censure them. However, I do not wish to screen the Commissioner of Public Lands; but I will see justice done, as far as in me lies.

T. KIRWAN, Reporter.

Hon. Mr. LONGWORTH thought all the vouchers had not been sent to the house; for unless he had happened to get hold of one of them, which had it gone to the committee on public accounts, they would not likely have seen anything more of it. It was an account of Mr. Stamper against the Government for a travelling desk, 35s., a knife 6s., &c., for the Surveyor General. Those things ought to be examined into.

Hon. Col. SECRETARY explained that the Commissioner of Crown Lands had to go to the Worrell Estate with his books in order to settle with the people. He supposed, if a travelling desk was provided for the Surveyor General, such an article had been provided for others in similar situations. When the Commissioner of Crown Lands visited the people, they were so anxious to buy the land that they prevailed on him to take the money, and he had at another time to enter into the accounts the money received from them, and he paid out some of the money received. There ought to be a separate account for it, he must say. The members of the opposition took the whole of it for disbursements; but it was no such thing. The members of the house knew that the Commissioner of Crown Lands had never been brought up to business; and therefore he was not so particular as a merchant would be in putting every thing under its own heading, not thinking that it would be cavilled at. He had put all under one heading; but all the news were there.

Hon. Mr. LORD said, if that was a sample of the vouchers, he would like to see the whole of them. He had courage enough to state that he would not sanction the first article charged in it. He saw that the Surveyor General was paid £200 a year; and he might find his own travelling desk.

Mr. COOPER said, to say the least of the matter, it had been very loose indeed; and they ought to express an opinion

on it. It was nothing less than that he had received that money without warrant. With regard to the vouchers, they must be something like the thing before people took them; but a man for fear he should be suspected, would desire to have vouchers for his own sake.

Hon. Col. SECRETARY said, the Commissioner of Crown Lands had never been called upon for them; no doubt he had vouchers for everything he had received. It was the business of the members of the committee to see to it before that time. The accounts had been before the house three or four days. Had the hon. member for Prince County (Mr. Clark) produced his vouchers?

Mr. CLARK said, those vouchers were paid into the Treasury, and were charged. He asked who certified that account. The best course was to adjourn the debate, till they got the vouchers before them.

The motion was then put on the resolution, when there appeared in favor of it—

Hons. Messrs. Palmer, T. H. Haviland, Montgomery, and Longworth, Messrs. T. Heath Haviland, Yeo, Laird, Cooper, Clark, and Perry.—10.

Against it.—Hons. Col. Secretary, Col. Treasurer, Whelan, Lord, the Speaker, Mooney, and Wightman, Messrs. Munro, McIntosh, Dingwell, and McDonald.—11.

Hon. Col. Secretary moved that the Speaker take the chair, and the chairman report the report agreed to.

Mr. T. HEATH HAVILAND thought it was very indelicate of the Hon. Col. Secretary to move that the Speaker take the chair, considering the peculiar manner in which the committee of public accounts had been appointed, that not one of the minority had been on it. Then too he had proposed the motion that the Speaker take the chair; and had, he (Mr. H.) supposed, a majority to back him. There were many other things to be examined into in those accounts. If some of the minority had been on the committee, as they would have been in every other civilized community, they might have had an opportunity of examining them.

Hon. Col. SECRETARY said, the hon. member stated what was not true. It was the place of the minority to examine the accounts before them; they had the whole accounts on the table ever since they had been submitted. They might have made inquiries of the chairman of the committee of public accounts; and they had a chance of examining them, as they had been three days on the table.

Mr. T. HEATH HAVILAND said, they had the chance of examining them; but they had not had the chance of knowing the whys and wherefores. If they would have asked the chairman of the committee on public accounts, they would not have known, unless he was in the secrets of Her Majesty's Government. This was the place, when the house was in committee on the public accounts. What were they in that committee for, but to see that the public accounts of Prince Edward Island were correct; and if anything were doubtful, to put questions why it was so? This was the proper committee to do it in.

Hon. Col. SECRETARY replied that the vouchers for the items alluded to by him, were there, if the hon. member pleased to look at them.

Mr. CLARK said, he saw no great necessity for that hurry; they would take up the time with Bills detaining them; and now they had no time to wait on those accounts. He said, if there were any more items such as that alluded to by Hon. Mr. Longworth, he would not sanction them.

Hon. T. H. HAVILAND said, it was plain that the minority had not taken advantage of the opportunity they had of examining those accounts. A book was brought before the House for the first time. He had asked the chairman "Did you see the vouchers?" He had said, "no; I saw none." How, then, was it possible that the minority could know?

Hon. Mr. LORD was surprised that the chairman of the Committee on public accounts, had not been sent for. He ought to know about the matter.

Mr. T. HEATH HAVILAND said, he must rise to say that the hon. member was very fond of launching out his censures upon the chairman of the Committee, who was a young member of the House. The whole burden ought not to be left upon him. If any censure should rest on any one, it was upon Hon. Mr. Wightman, and not upon his (Mr. Haviland's) colleague.

Hon. Mr. WIGHTMAN replied, that if the hon. member found objections, he ought to have asked to see those vouchers. There had been so much said on that affair, that he thought it was for caviling. Every item in the accounts had been before the committee and approved of.

Hon. Mr. MONTGOMERY said, the proper way would be to report progress; and let all those vouchers be brought forward.

Hon. Col. SECRETARY said, because there was a majority of the House that did not doubt the honesty of them, were they to delay? Was the House to be detained in its business, because a few members pleased to doubt the vouchers. In that account there were £200 for disbursements. That was not the time to examine into them; the past fortnight had been the time for that purpose. Surely the committee were to do it; it was enough to ask the chairman of that committee respecting any item. But there was a majority of the House satisfied with them; there was no occasion for further inquiries.

Hon. Mr. PALMER said, he hoped hon. members took a better view of this subject, and remembered that it was the duty of the minority more especially than the majority, to ferret into those accounts; and when they and the public knew that the accounts before the committee involved sums nearly to the amount of £50,000. He asked the committee, the accounts having been before them from five o'clock up to the present hour—to eight o'clock, if they were to be limited to three hours to examine those accounts; and however necessary they might think it was to put forth remarks on those accounts, that they were to be closed up—that the committee were too arbitrary, and would shut up at the hour of seven o'clock; for he understood that there was a desire on the part of the house to rise at seven o'clock. But no, there was an objection then from the Hon. Col. Secretary himself, that they should sit and go on; yet they had no sooner got into that subject than the Hon. Col. Secretary showed great excitement to get this committee closed; and indeed he might think to carry his purpose by threatening those around him, and hope to end that investigation if he chose. He (Hon. Mr. Palmer) appealed to the public whether the members of the minority had not been studiously kept from the Committee on public accounts. Now, too, when they were on those accounts, they were to be shut up and the time for investigating them limited to two or three hours. Some hon. members had stated that they had various other items to inquire into, and so had he. He thought something was to be done about the accounts of the Worrell estate; and he could enumerate six or seven more items which he had marked for discussion. He thought if they silently submitted to that arbitrary motion which was then put to close the committee, and close the investigation so far as they were concerned, he said then, that they deserved to be hissed out of their places by those whose interests they would thus sacrifice, as those who voted for it would, if they did so. But he wanted to see if there was a majority present who would go with the hon. member, Hon. Col. Sec., and close the committee, when it was asserted that there were several items to be discussed yet.

Hon. Mr. MONTGOMERY thought the hon. member should not compare the Public Accounts with the Bill before the House to-day. The whole Island had a right to know how the amounts contained in those accounts had been expended; but they had not that interest in the Bill alluded to. It was gentlemen of the majority who were now acting in an arbitrary manner; they would not allow the Chairman to report progress. Many accounts had not been brought forward; he thought the Chairman should report progress, that they might see what was in them.

Hon. Col. SECRETARY asked, what then was the use of having Auditors. These gentlemen were opposed to the Government in every shape. Some hon. members said they had not had a chance of examining those accounts, and stated that