

# The Examiner.

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EDWARD WHELAN]

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

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## Colonial Legislature.

### LEGISLATIVE COUNCIL.

TUESDAY, March 27.

Several petitions, on various subjects, were presented. The Bill for the naturalization of Lawrence Warren was read a second time, committed and agreed to without amendment.

Hon. Mr. Aldous, from the Committee on Education, read the following report, which was adopted and laid upon the table:—

"Your Committee appointed to take into consideration the petitions on Education, respectfully beg to report that a number of petitions, numerous signed, have been presented to your Honorable House, praying for the introduction of the Bible into the different schools in the Island; and although your Committee entirely concur in the importance of religious instruction, and highly appreciate the truly Christian spirit in which those petitions are dictated, they feel fully assured that any legal enactment on the subject would tend rather to militate against, than promote, the object sought for by the petitioners; more especially as the prayer of the petitioners has been already answered by the Resolution of the Board of Education heretofore annexed, which freely admits the use of the Holy Scriptures into the schools. (Signed) JOHN APOUR, Chairman.

"That the Board of Education recognize the desirableness of affording, as far as possible, to the scholars in the public schools of this Island, the benefit and advantages of a religious and moral, as well as of a literary, education; but, taking into consideration the extreme difficulty of laying down any general rules for the public schools, respecting the mode of conducting religious reading or instruction, on account of the different religious persuasions prevailing amongst the inhabitants and teachers in the various Districts of the Island, and fearing that any attempt to do so, instead of proving beneficial and producing harmony and good will, would be productive of religious strife and contention, which they consider it to be the duty of all to avoid as much as possible—the Board have always deemed it better to leave the management of the District Schools in this respect to be adjusted by the respective local trustees thereof, and the parents of the children attending the same, and the result has been, as appears from returns before the Board, that in a large number of schools in this Island religious instruction is imparted to the children of those parents, both Protestant and Catholic, who desire it, and who thereby, without offence, the one to the other, and in harmony, enjoy religious freedom.

"The Board think it would be in the highest degree unwise to disturb this happy state of things; for while they have no intention to prohibit the reading of the Bible, but have permitted and will hereafter permit it, where desired by the parents of children, they feel it their duty, as having charge of the general educational interests of all religious sects, to set their faces steadfastly against any compulsory regulations, or any attempt directly or indirectly, to interfere with the peculiar tenets of any description of Christians."

Hon. Attorney General moved that the report of the Committee be considered on Tuesday next, when the Education Bill would be taken up; agreed to.

On motion of Hon. Attorney General, the Bill to protect parties against adverse claims on property in their possession, in which property they have no interest, was re-committed.

Hon. ATTORNEY GENERAL.—The Committee of the House had yesterday reported progress on this Bill, for the purpose of affording an opportunity for the preparation of two clauses to be added to it. He thought, however, that it would be unnecessary to give consideration to more than one of them, as the clauses of the Bill which had already passed, provided quite sufficient relief to Sheriffs in case of adverse claims, and rendered unnecessary the adoption of any other provision on the subject. The question which remained for consideration was, whether the Sheriff in cases where he was charged with the execution of process, and where it should plainly appear that he had done his duty, and had endeavoured faithfully and zealously to execute the writ placed in his hands, and from circumstances which he could not control, was prevented from doing so, should be entitled to have his expenses allowed to him. The Sheriff was a mere ministerial officer, and had no interest in the matters placed in his hands; and if it could be made to appear that he had done his duty, as far as in him lay, and had been necessarily obliged to obtain the assistance of constables, the plaintiff in the case, who had called his services into requisition for his own benefit, was as much entitled to pay for it as the Sheriff. The Sheriff would have to prove that he had used all diligence, and had performed his duty in every respect, before he could make any claim under the clause now before the House.

Hon. COL SWABEY asked, how the law on that point stood in other countries?

Hon. ATTORNEY GENERAL.—As here at present.

Hon. Mr. CRASWELL.—Would Sheriffs be justified in employing constables without first attempting to execute the writ *per se*?

Hon. ATTORNEY GENERAL.—Yes. Where it was plainly necessary.

Hon. COL SWABEY.—I consider that relief from oppression or unjust proceedings, ought to be afforded to Sheriffs where they have faithfully endeavoured to discharge their duties; but we should certainly avoid the imposition of unnecessary expense on plaintiffs to suits. If the charge for constables were resisted, the plaintiff could, by the Bill, be brought before the Commissioners of Small Debts by the Sheriff, to determine the question of the necessity of employing constables.

Hon. Mr. DINGWELL.—The clause puts too much power into the hands of the Sheriff—there must be some tribunal to decide the question, as to the necessity of employing the constables.

Hon. Mr. BEATON.—Under the Bill, if it become law, the Sheriff would never endeavour to execute a writ without the assisting presence of the constables.

Hon. ATTORNEY GENERAL.—There are very few cases in which it is not necessary for the Sheriff to take some assistant with him.

Hon. COL SWABEY was aware that it was customary in the Old Country for the Sheriff to take a bailiff with him to put into possession of the property levied on.

Hon. Mr. BEATON could assure their Honors that no such necessity existed in his part of the country—there no difficulty existed to prevent the Sheriff doing his duty.

Hon. COL SWABEY suggested the insertion of the words "if necessary."

Hon. Mr. FORGAN.—The plaintiff should decide upon the necessity, as being the party who had the best means of knowing the character of the defendant.

Hon. Mr. CRASWELL.—The Sheriff should shew the desperate character of the defendant, rendering necessary the employment of assistants. He should not be allowed to employ constables without shewing that a necessity existed for their services.

Hon. Mr. DINGWELL.—The Sheriff should be the judge of the necessity; yet there should be some check to save unnecessary expense to the plaintiff.

Hon. Mr. BARNALL.—I consider the clause gives too much power to Sheriffs. Under it, it might frequently occur that a Sheriff, particularly if a timorous man, would never proceed to execute a writ without assistance.

Hon. ATTORNEY GENERAL.—The insertion of the proposed words would obviate that danger. The Court should be the judges of the necessity, not the Sheriff.

Hon. Col. Swabey's amendment was then adopted, and the Bill with the additional clause was agreed to.

Hon. Col. Swabey laid upon the table an abstract of the proceedings in connection with the Public Lands, embracing the Worrell Estate and Lot 11; and, in doing so, would draw the attention of their Honors to the state of Lot 11, which, since the expiration of the fiscal year, viz: 31st of January last, up to which period the accounts had been made up, so much had been sold that but very little would remain on hand by summer.

MONDAY, March 31.

Hon. Mr. Forgan obtained leave of absence till Wednesday. The Bill for the naturalization of Lawrence Warren was read a third time and passed.

Hon. COL SWABEY presented a petition from sundry inhabitants of Charlottetown, complaining of the manner in which the Act regulating the sale of spirituous liquors was carried out. He trusted that such change would be introduced into the License Law as would obviate the evils represented by the petitioners, who complained that the provision of the law regulating tavern licenses had been rendered nugatory by parties licensed to sell liquor in quantities less than a pint, not complying with the terms of the License Law requiring such licensees to provide and keep a certain degree of accommodation for the public. This practice was so undoubtedly injurious to public morality, that he had every confidence that the petition would be favorably received by this as well as the other branch of the Legislature, and some remedy be provided for this growing evil.

Hon. Mr. CRASWELL expressed his willingness to do all in his power to crush the hydra-headed monster, intemperance.

Hon. COL SWABEY considered the epithet peculiarly appropriate, inasmuch as the hydra was represented as one of the most thirsty of animals. (Laughter.)

Hon. Col. Secretary, from the House of Assembly, brought up a Bill for the appointment of an additional Clerk in the Post Office, and the increase of the salary of the present Assistant.

Mr. Heath Haviland, also brought up the Bill to alter the practice of the Supreme Court; amended.

The amendments were read and adopted.

WEDNESDAY, April 1.

The Education Bill was read a third time and passed. The Bill relating to the Post Office was committed, and agreed to without amendment.

FRIDAY, April 3.

The Post Office Bill was read a third time and passed. Hon. Col. Swabey presented a petition from the Head Master of the Central Academy, praying for a grant for the provision of philosophical apparatus.

On the suggestion of His Honor the President, it was decided to visit the Normal School on Monday next.

Hon. Mr. Montgomery brought up from the House of Assembly a Bill for the incorporation of the Free Church in Charlottetown, which was read a first time.

Hon. Col. Secretary brought up a Bill granting aid to the New York, Newfoundland and London Telegraph Company. Also, a Bill relating to Ferries and the Wharf at Minchin's Point.

## HOUSE OF ASSEMBLY.

TUESDAY, March 24.

On motion of the Hon. Col. Treasurer, the House went into the fourth order of the day, the receiving of the several resolutions reported from Committee of Supply yesterday, when a number of them were unanimously agreed to.

### ROYAL AGRICULTURAL SOCIETY GRANT.

On the grant of £1000 to this Society being read, Mr. Perry moved that it be reduced to £600.

Mr. COOPER said, the improvement which had been boasted of as having been accomplished by the Society, was not so great as had been stated. He had been in conversation with some men well acquainted with the subject; and it was admitted that the description of horses in the country now was worse than it was some time ago. There appeared to be a party of men got up, who took away the praise of what was done by private individuals; and if the Society was to be a burden upon the Colony from year to year, he thought it was time the country should declare against it.

Hon. COL TREASURER was sorry to hear the hon. member Mr. Cooper declaim against the Royal Agricultural Society; and he was sure it had been the means of great improvements. He denied what the hon. member said respecting horses. When he first came to the Island about twenty years ago, scarcely a good horse was to be seen from Charlottetown to the West Cape. If the hon. member would look at the number of horses exported from Green's Shore, he would find that the value of them amounted for one year to about £10,000; and any person observing the horses about Charlottetown, would see a great number of very fine ones. It had been stated that the Society was not a benefit to the country at large; but he knew that a Branch Society which had been established at St. Eleanor's, was a great advantage to that part of the country. The Central Society had sent thoroughbred animals to Cascumpec, and other parts of Prince County. He had not had an opportunity of expressing himself on the subject when the vote was first proposed, having been in the chair; but as to the opposition that the hon. member Mr. Perry then made to it, he would say, he did not think the Society had refused to establish depots in any part of the Island.

Hon. Mr. LORD did not think there was any occasion to discuss the subject again; but he could not allow the remark of the hon. member, Mr. Cooper, to pass, that if the Society was to be a burden on the Colony, the country should declare against it. Now, no petitions had been presented to the House against the grant, though it had been given from year to year. People generally derived great advantage from the Society by means of the importation of improved agricultural implements, and machinery, imported by the Society, so that mechanics had models for imitation. It was absurd to say that horses were not now so good as formerly.

Mr. MACINTOSH in reply to some of the remarks made by the Hon. Col. Treasurer, was not going to maintain that the Society did no good, but he was not for giving it credit for all the improvements that had been made. The hon. member who spoke last, had alluded to the advantages that the country derived from the Society by means of the importation of improved agricultural implements; but it should be remembered that such importations were effected only by means of the public money. He never opposed anything that was reasonable for the Society, but he would oppose what was unreasonable; because if the House appropriated so large a sum to the Society, they would not have the means of encouraging other enterprises. There was a disposition on the part of the Society not to give the people credit for importing any improved stock or implements, but to take all the credit to themselves; yet such importations were made in other parts of the Island independent of the Society. He knew that it would be money thrown away in a great measure; yet some were inclined to take the responsibility of it. He had not seen those private gentlemen who had the means of assisting the Society, afford it that encouragement which they appeared so anxious the House should grant.

Mr. MACDONALD had not been present when the subject was discussed yesterday. He admitted that the Society had been a great benefit to the country; but he agreed with some hon. members, that the advantages derived from it were not in proportion to the large amount of public money which it received. He would vote for the smaller sum proposed by the hon. member for Prince County (Mr. Perry). They saw that money was squandered by some of the branch Societies in Prince County, as was manifest from the statements made the other day. The expenditure for last year had been very large, and he did not see why they should not practice retrenchment in the grant to the Society as well as to other objects.

Mr. T. FEATH HAVILAND had not been in the House when the question was debated last night; but he must vote directly the reverse of his hon. colleague (Mr. Macdonald). He was of opinion that the grant was the best expended money that the House appropriated, and that they had better trench in anything else than in the grant for the encouragement of agriculture, especially if they considered that agriculture was the foundation of the happiness and wealth of the whole country. It was contrary to the spirit of the age to desire to restrict the operations of Agricultural Societies. On the continent of Europe and in the United States, people were taking the subject of agriculture still more into consideration, and boards were investigating and recommending the best modes of tilling the soil. In fact, it was as much the duty of the state to look after agriculture as education. In the message of the President of the United States for the last year, there was a long article on the subject. It was a narrow minded view of the subject to take, that the Society was only a benefit to persons about Charlottetown, because it came back to their pockets. As to the statements of the hon. member from King's County, Mr. Macintosh, that improved implements were imported by the people as well as by the Society, they would find on inquiring into the matter, that such implements were imported by the Society in the first place, and then after they had been tested, other similar importations were made by the people. Respecting the statement that the breed of horses was worse now than it was formerly, it was contrary to common sense; for nothing in the shape of a horse could now be purchased for less than £35 or £40. The proportion of the grant that would be applied to the model farm would be money saved; for he considered it would be much better for the Island to breed pure bred stock than to import it from time to time, incurring the risk and expense of bringing it across the Atlantic. The Society would also be able to sell Island bred animals much cheaper than those imported; and they would also stand the climate much better than others.

Mr. DINGWELL had not been present when the question was before discussed; but certainly the grant appeared to be very large. The people in many parts of the Island did not receive benefit from the Society in proportion to the money granted to it. He believed it had done good, but he really did not think it had done that good to the extent anticipated; and undoubtedly its benefits were chiefly confined to the people about Charlottetown. He would certainly wish that there should be a liberal grant in behalf of the Society, and moved in amendment that it be £800.

Hon. COL SECRETARY again detailed some of the advantages conferred by the Society, as the hon. member who spoke last had not been present when the question was discussed. The grant proposed would be only for the present year, and the Society would perhaps require a very small sum next year.

Mr. DOUSE said, whenever this question was brought forward a certain number of gentlemen seemed to him to take a pride in running the Society down. He really was impatient when he saw members of the House declaim against those who sent them there—the farmers of the country; and he was almost ashamed of his seat in the House in consequence of it. Would the hon. member, Mr. Cooper, state that all the improvements in farming were not a greater benefit than Escheat. He agreed with the Hon. Col. Secretary, that they ought to do something to encourage agriculture. He was astonished at the hon. member, Mr. Cooper, that with all his experience he should be opposed to the present grant. He was satisfied that those gentlemen who had it in their power, would do all that they could to forward the interests of the Society. If as Mr. Dingwell had said there were some parts of the Island that had received no benefit from the Society, he was sure the managers of the Society were anxious to assist them by sending them seeds, &c. He was not a practical farmer, but he took an interest in the Society, hoping that it would be a benefit to his children and to those that came after them. Why, it was almost the only money their constituents received from them; and they were in duty bound to advance their interests in every way they could.

Mr. COOPER trusted there could be no objection to his rising in answer to some of the statements just made. No person could say, whether escheat were gained or not, that people should improve land and then pay rent for those improved lands. Was it fair that those people should be compelled to pay for a clear farm and for stocking it near

Charlottetown, for the benefit of a party who lived there? The people of the country ought to open their eyes and see the manner in which the wool was drawn over them.

The House then divided on Mr. Perry's motion as follows: YEAS—Messrs. Perry, Cooper, Muirhead, Macintosh, Laird, Dingwell, and Macdonald—7.

NAYS—13. So the motion was lost.

Mr. Cooper having seconded the motion made by Mr. Dingwell, that the grant be £800, it was put and negatived on the same division.

On the usual grant to the several churches in the city being read, Mr. Muirhead moved that the grant to the church of England be the same as that given to the Roman Catholic Chapel.

After some explanation respecting the object of the grant, and that it merely paid for the assessment on the pews, a greater number of which were set apart for the use of the government than in other churches, the motion was put and lost, Messrs. Muirhead, Cooper, Macintosh, and Laird, voting for it.

Mr. PERRY said, before the question was put on one of the resolutions, he felt bound to vote against it, unless some explanations were offered regarding the objects to which the grant was to be applied; viz., £200 to the Colonial Building.

Hon. COL SECRETARY explained the repairs were required on the building, particularly the roof; and he had some other hon. members enlarged on the propriety of having the Building railed in, and other improvements effected in Queen's Square, such as planting ornamental trees.

The following are the resolutions offered by the House. Resolved, that the following Salaries and allowances not provided by Statute be paid for the following services:—

Education, a sum sufficient &c.	
Summer and Winter Mails.	
Inland Mails,	£700
Public Postage,	140
Georgetown and Pictou sailing Packet,	100
Bedeque and Shediac Packet,	100
Private Secretary,	100
Commissioner for issuing Treasury Notes,	40
Two Auditors of Public Accounts,	60
Superintendent of Public Works,	75
Assayers of Weights and Measures,	10
Land Waiters,	800
Medical Attendant, Queen's County Jail,	10
Medical Attendant, Prince County Jail,	4
Medical Attendant, King's County Jail,	4
Keeper of Queen's County Jail,	40
Keeper of Prince County Jail,	80
Keeper of King's County Jail,	80
Expenses of the County Jails,	700
Repairs of Prince County Jail, or as much thereof as may be required,	225
Keeper of the Colonial Building,	60
Messenger to Public Offices,	20
Messenger to Executive Council,	20
Guard at Government House & Signal Station,	200
Market Clerk, Georgetown,	5
Indians,	60
Paupers,	650
Board of Health,	30
Royal Agricultural Society and Farm,	1000
Block House Light and Attendant,	70
Colonial Building,	200
Buoys and Beacons,	140
Matron of Queen's County Jail,	15
Protection of Fisheries,	25
Public Surveys,	100
Public Printing and Stationary,	900
Interest on Debentures,	1000
Interest on Warrants,	6.0
Incidental and contingent expenses of the Lunatic Asylum,	400
Contingent expenses of the House of Assembly,	
Incidental expenses of the Legislative Council,	
Fuel for the Public Offices and Legislature,	100
Premium for killing Loupeveriers and Bears,	30
Episcopal Church, Charlottetown,	16
Roman Catholic Chapel,	14
Church of Scotland,	7
Free Church of Scotland,	7
Wesleyan Church,	7
Baptist Church,	7
Contingent expenses of the Government,	400
Repairs of Queen's County Jail,	162

Resolved, that the following sums be provided for the several services mentioned:—

Three High Sheriffs,	£50
Crown Prosecutions and Crown Officer's Fees for miscellaneous services and for Jurors,	350
Crier of the Supreme Court,	20
Coroners Inquests,	

Resolved, that the sum of £250 be provided for the repairs of Government House and for Carpets for the Public Rooms.

Resolved, that the sum of two hundred pounds be provided for expenses incurred under the Road Compensation Act.

Resolved, that a sum sufficient be provided to complete the Ferry Wharf Prince Street, and the Ferry Wharf at Minchin's Point.

Resolved, that the sum of three hundred pounds be provided for contingent repairs of Roads, Bridges, and Wharfs, should the same be required, to be equally divided between three Counties.

Resolved that a sum sufficient be appropriated for Lights and Light Houses; viz:—

Point Prim, Three Rivers, Richmond Bay, Cascumpec, and Summerside Lights and Light Houses,	£800
Light House and Tower at Fish Island,	100
St. Paul's and Scatterie Islands' Lights,	36
	£936

Telegraphs at Capes Traverse and Tormentine, a sum sufficient to pay the expenses thereof.

### EDUCATION BILL.

Hon. Col. Secretary moved the third reading of this Bill. Mr. DOUSE said, he had not had an opportunity of speaking on the Bill, and he regretted his absence during its progress through the House. He felt anxious on the subject for the sake of those who sent him to the House; and he thought the petitions forwarded to him signed by about 2,000 persons, relating to the use of the Bible in the schools, were entitled to some consideration and respect from him. It appeared to him that the Bill should contain some provision to meet the views of the petitioners. He did not wish to stir up division; but he thought the Bill should contain a kind of permissive clause, somewhat similar to the resolution which the Board of Education had passed on the subject. It appeared to him that were a clause of that nature introduced, it would give general satisfaction to both Catholics and Protestants. It might