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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.

HOUSE OF ASSEMBLY.

WEDNESDAY, 31st March, 1858.

PUBLIC ACCOUNTS.

(Continued.)

Hon. COL. SECRETARY.—After having again pointedly adverted to what he considered, and what he said, the hon. member for Princetown (the Hon. T. H. Haviland) had declared to be, the great inpropriety of charging the amount of the Debentures, £20,550, against the Colony, especially whilst denying it credit for £15,000 due on sales of lands; and after having also again stated that, by excluding the £20,550 of Debentures, and also the £15,000, due on sales of lands, from the General Account of the Financial State of the Colony, in accordance with the views respecting it, entertained by the hon. mover of the amendment, (Hon. T. H. Haviland) himself, the balance against the Colony would amount to little more than £9,000; the hon. gentleman further observed that were the unsold lands—the goods on the shelf—45403 acres, to be valued at no more than 6s. an acre, they would in the account have to be set down at £13,620, but it was well known that 10,000 acres of these lands would bring 10s. an acre, or £5,000, which alone would be more than sufficient to meet any demand which the vendors of the Worrell Estate can possibly establish against the Government, and the remaining 35,403 acres at 6s. per acre, equal to £10,620, together with the £15,022, now due on account of sales of lands, (exclusive of the interest thereon,) together £25,642, would much more than extinguish the whole debt due upon the Public Lands, besides making full provision for their management in the mean time. The hon. gentleman then said: The Special Committee have, in their Report, pointed out a discrepancy between the amount of Public Lands Bonds, which, as they state, by the Commissioner's return, were, last year, valued at £1,404, whilst by this year's accounts, they appear to amount only to the sum of 775. 7s. 1d. due, and 602. 0s. 5d. paid; adding by way of explanation, that "they find, on enquiry, the rest of those Bonds were cancelled some time since under the provisions of the Land Purchase Act." Now that this matter may be fully understood by its being placed in the clearest light, it is necessary to remark that the former Commissioner gave credit for them for the amounts severally, within the Bonds, set forth as due thereon; whilst, in fact, the amounts originally severally so set forth, had in many instances, been considerably reduced, by payments, made on account thereof, either to the Trustees or Agents of the Worrell Estate, or to the individuals who became its purchasers, and who eventually sold it to the Government; but that these payments had been made was not known to the Commissioner, and, consequently, the Bonds were severally entered, by him, at their full original amounts, to the credit of the Public Lands. It having however, at length, been made to appear, by the production of receipts, that many of the individuals who had given their Bonds had made payments, as I have just stated, on account of them; and, in some instances, over the amounts now demanded by the Government, although no credit had been given them for such payments, by endorsements on the Bonds, or in the Books handed over to the Government; the amounts which had severally been paid by them were, first, duly credited, to the several parties; and as they wished to become purchasers, they were readily agreed with, and received as such. Many of those Bonds had been given, to Mr. Worrell, for lands, at from 30s. to 40s. an acre; but the Government being desirous to make those parties participants in the benefit derived from the purchase of the Estate, gave them their lands at 10s. or 12s. 6d. an acre, according to the price of the other lands in their several localities, and giving them their Deeds accordingly, cancelled their Bonds: hence the great reduction in the value of the Bonds in the Public Lands Office. The hon. and learned member for Charlottetown (Hon. E. Palmer) assumes that the sum of 6000*l.* is positively due, by the Government, to the vendors of the Worrell Estate, on account of their purchase of that Estate; but the fact, is not so, as that gentleman ought to know very well. The real state of the case, is that, by the agreement between the Government and the vendors, the former were to keep back 6000*l.* of the purchase money, as a security for any deficiencies as to the number of acres, which the whole was stated to contain, which might be discovered on a survey, and on account of the fishery Reserves, estimated at 600 acres, and also for lands, the settlers on which would not attain. The whole Estate was, accordingly, surveyed by the Surveyor General, and a great deficiency was found on the quantity sold to the Government; and, besides the greater part of the settlers on Lot 66 refused to attain. The vendors disputed the correctness of the survey which showed the deficiency, and referred the investigation of it to Mr. Duncan McLean, than whom, I believe, a man more competent to decide thereon, cannot be found in the Colony. Of the correctness of the Surveyor General's report of the deficiency, this gentleman, after having satisfied himself of its truth, gave I believe, a certificate to his employers. The vendors, however, had previously offered to accept 2000*l.* and a reconveyance of Lot 66, from the Government, in full of their claims on account of the sale of the Worrell Estate, provided Mr. McLean's report should be confirmatory of the Surveyor General's Report. The Deed for the reconveyance to them of Lot 66 was accordingly made out; and, on a Saturday it was signed by the parties thereto; and the Debentures, which were to be given, to the vendors, for the 2000*l.*, were to be signed by His Excellency, the Lieut. Governor, on the Monday following; but when the Monday morning arrived, it was found they had repudiated their own act of the Saturday previous, with reference to the business; and, except that they have threatened the Government with a chancery suit, on account of it, as it was then left, so it still remains. The plain and simple statement of facts which I have now made concerning the 6000*l.* alleged to be due, by the Government, to the vendors of the Worrell Estate, are nothing less than a full and faithful statement of the case; and I think that, unless the hon. and learned member for Charlottetown shall be able to establish a very different one, which, however, I may, very safely, defy him to do, he must abandon his assertion that the vendors of the Worrell Estate have a claim, on account of it, upon the Government for 3000*l.* a year, the interest of the 6000*l.* about which I have been speaking. The hon. and learned member for Charlottetown (the Hon. E. Palmer) has also been pleased to accuse the Government of employing Mr. John Doirant as an occasional Superintendent of Public Works, not so much on account of any public benefit, to be derived from his services, in that capacity, as on account of his being their ready, pliant and convenient political tool. Of his pliancy and subservience to the Government,

he, however, gave no proofs last Session, when, because they objected to allow him as much as he thought proper to charge for his services, with respect to the Oyster Bed Bridge, he, at once, kicked up his heels against them, and petitioned this House for the amount, 12*l.*, which the Government thought ought to be deducted, as an overcharge, from his account. This fact afforded no proof, either that the Government wished to convert Doirant into a political agent by granting undue favors to him; or that he fancied he might, on any such score, presume to demand from them more than, on a just consideration of his public services, he would be found entitled to. On that occasion, however, hon. members on the opposition side of the House, seemingly persuaded that they had met with an opportunity of making the Government appear unjust in their dealings, insisted that the Government ought to have complied with Doirant's demand, expressed their approval of his having been engaged in the capacity in which he had been employed by the Government, acknowledged the wisdom and ultimate economy of such superintendence, and highly extolled Mr. Doirant, as a man especially well qualified to discharge the duties of such an appointment; and, in their eagerness to vote in support of the prayer of his petition, almost threw each other down as they flocked to the Bar for that purpose. But now, having a different object in view, their present aim being to establish a charge of extravagance and political jobbing or profligacy, against the Government; instead of, as in the last Session, with respect to the same individual and the same service, of injustice, in withholding what was due to him on account of that service; they turn round with, the most glaring and most surprising inconsistency, and abuse and vilify us for having done the very thing which, last session, they maintained it was our bounden duty to do. And, just as this and every other distinct or particular charge of useless or undue expenditure of public moneys, which hon. members in opposition have, from time to time, preferred against the Government, have been fully answered and repelled; so may we, by a fair comparison of the amount of the public debt, as we found it when we came into power, and the special outlays by which it was occasioned; with the amount of public debt, as it at present stands, and the causes of it; show that they can neither establish, against us, the accusation, so often repeated by individuals of their party out of doors, of a system of lavish and reckless expenditure; nor honestly deny that the general and larger appropriations of public moneys, which have been voted by the majority of this House, have been for the general good of the people. When we came into power, the public debt amounted to £28,000; and £11,500 thereof being the amount of Treasury notes, issued for the erection of public buildings, they left us to discharge. The revenue certainly has been much greater since we came into power than ever it was before; and so also has been the expenditure. These two facts admitted, the only questions concerning them, to be answered, are: Has our expenditure, or even our expenditure of revenue, been wisely and justifiably made, and with a direct view to the furtherance of the public well-being? and has it evidently tended to that end? To prove that it has been wisely and justifiably made, it is only necessary to enumerate the objects for the attainment or advancement of which the chief appropriations of public moneys have been made. These are education, and the conversion of leaseholds into freeholds. For the advancement of education—the greatest boon which can be conferred upon a country—we have expended £54,000; and £20,550 we have expended in the purchase of township lands, to the extent of 84,000 acres; and, from the state of tenant bondage we have thereby already raised hundreds to the position of independent freeholders. That the results of such expenditure are not of an elevating and progressive character, none but a few factious, disappointed and ambitious men, and, perhaps, a few of their blinded partisans will deny; but, fortunately for us, the Public Accounts, which are now before us, will soon be before the public themselves; and the revelations which they will make will tell so absolutely and directly in our favor, that no misrepresentations which the most artful, acute and zealous of our political enemies can make, will have power to shake the faith of the public in their plain and truthful statements. They will see by them that, although, when we came into power, the public debt was, as they will remember, £28,000, (and, notwithstanding our amazing outlay of almost £60,000, for the attainment of the two great objects which I have just named, besides other great and most serviceable outlays), it is now only £29,870; or rather, if still more correctly stated, by deducting the £20,550 paid for the Worrell Estate, (as Mr. Haviland has admitted that amount ought to be), no more than £9,320! With these convincing facts before the people, we can have nothing to fear from their judgment, how much soever our political opponents may assail and misrepresent our policy.

Mr. YEO.—All that the Hon. Col. Secretary has said in favor of the working of the Land Purchase Act, is mere balderdash. The statements concerning the Worrell Estate, which are now before us, disprove almost every word of it. These statements show that, whilst money for the purchase of what they call Public Lands, was disbursed by thousands, and ought to have been returned by hundreds; the expenses, consequent upon the extravagant mismanagement of the property, have been so great that, on the whole, they cannot show, to the real credit of it, a balance of much more than £30. Yet, according to the assertions of the Hon. Col. Secretary, the property is making the most satisfactory returns, and is rapidly clearing itself. He might as well tell us, and think to persuade us, that the moon is made of green cheese; for the fact is, and he must know it too, that the speculation has been, as respects the country at large, a complete failure; and that, in reality, it would have been better for the country, if, two years ago, the lands had been gratuitously bestowed upon the petitioners for free farms and the Surveyor General.

The question was then put on the amendment, submitted by the Hon. T. H. Haviland; and the committee divided thereon: Ayes—Hons. T. H. Haviland, E. Palmer, F. Longworth, D. Montgomery, Messrs. Yeo, H. Haviland and Pope—7. Nays—Hons. Col. Secretary, Col. Treasurer, the Speaker, J. Wightman, E. Whelan, R. Mooney, Messrs. McGill, Laird, Muirhead, Cooper, Clark, Perry, Dingwell, McDonald and Menro—15.

So the amendment was lost, and the original paragraph agreed to.

The account of the Commissioner of Public Lands with the Government, as set forth in the report, having been read by the chairman, together with the observations concerning it; the last two—the first of which has reference to the amount paid to the Clerk of the Legislative and Executive Councils, for his services for the past year, and the other which has reference to the moneys which have been paid to John Doirant, for superintending the erection of Oyster Bed Bridge and other services—were, on two distinct motions, made by the Hon. Col. Secretary, for reasons previously assigned by him, severally struck out of the report, without any manifestation of opposition.

Hon. E. PALMER, with reference to what had been said by the Hon. Col. Secretary, respecting the support given, by hon. members of the opposition, to the prayer of Mr. John

Doirant's petition, last session, for a further allowance, on account of his services, in addition to what had been paid to him by the Government, briefly explained that he and others, on his side of the House, had indeed, last session, admitted the public utility and benefit of occasionally employing a special daily superintendent of the progress of important public works; and besides, that they had also supported the prayer of Doirant's petition, for remuneration for his services; yet only so far as they had been rendered in compliance with the requests or instructions of the Government, and so far only as the remuneration claimed was fair and reasonable. In all that, however, the hon. and learned gentleman said, they were very far from expressing their approbation of the employment of special or extra superintendants of public works, in cases like that of Prince-street Wharf, with respect to which no further superintendence, than what might very well be given by the regular and sufficiently salaried Superintendent of Public Works, could be required; and neither did they express themselves, relative to the amount of daily pay, which ought to be allowed to any such occasional superintendent as Doirant, in such a way as could justify its being inferred, that they would approve of the extravagant allowances which had been made, by the Government, to Doirant for his services. Those allowances had indeed been so extravagant as fully to warrant a suspicion, that they had been augmented for other and very different services than those specified in the public accounts.

Mr. HAVILAND briefly spoke to the same effect; and, referring to the Journals of last session, showed, thereby that there had been no division respecting Mr. Doirant's petition, which, on motion that Mr. Laird, who presented it, have leave to withdraw it, was withdrawn without opposition.

Hon. COLONIAL SECRETARY.—Yes, that is the motion when it is not intended that the prayer of a petition shall be rejected; but the object of the opposition, although they were frustrated in it, was to force the House to come to a division on the prayer of the petition.

Hon. COLONIAL TREASURER.—I remember very well that it was the wish of the House that Mr. Doirant should be paid; and that, with the understanding that the Government would reconsider his claim, the petition was withdrawn. And, if I mistake not, the hon. member for Princetown (Hon. D. Montgomery) earnestly supported the prayer of the petition; highly extolling Mr. Doirant's architectural skill, particularly with respect to the construction of bridges.

Hon. Mr. MONTGOMERY.—What I said was, that I believed Doirant was a very proper person to be employed in the superintendance of the erection of wharfs and bridges; adding that New London Bridge, which was erected under his superintendance, was an excellent bridge, and as such might be adduced as an evidence of his superior practical knowledge of such works. I also said that when Government employed him, as the superintendent of the erection of any public work, they should pay him according to the real value of his services.

Mr. COOPER.—When it is found necessary to employ a daily inspector of a public work, the contractor, and not the Government, should, in my opinion, be made to pay for the inspection.

Hon. COLONIAL SECRETARY then moved that that paragraph of the Report which has reference to the moneys paid to John Doirant, for his services in superintending the erection of Oyster Bed Bridge, and that of Prince Street Wharf, in Charlottetown, be struck out; and the question having been put, it was declared "the Ayes have it;" and the paragraph was struck out accordingly.

HOUSE REASSEMBLED.

Mr. PERRY, the chairman of the committee of the whole House, reported the Report of the Select Committee on Public Accounts, as amended and agreed to in committee of the whole House; and moved its adoption by the House.

Hon. T. H. HAVILAND.—Mr. Speaker, I move that the whole of the Report, just reported as agreed to in committee of the whole House, with the exception of the last two paragraphs, be struck out; and that the one which I have read be substituted for it.

Mr. PERRY.—Being in the Chair of the Committee, when the hon. member for Princetown (Hon. T. H. Haviland) adverted to the fact that, at first, I was in favor of "the amendment" proposed by him, in the Special Committee, and the adoption of which, by the House, as the Report, he has just now moved; but that I, afterwards, voted against it; and not then being at liberty to reply or explain, I beg leave now to be permitted to state why I changed my opinion concerning the proposed amendment. At first, I was not aware that, by a provision of the Land Purchase Act, with respect to all purchasers of any portions of the public lands,—with respect, not only to those to whom Deeds had been issued, but also with respect to those who, by the payment of any instalments whatsoever, on account of their purchases, have thereby confirmed them, although their Deeds may not have been issued,—the Government have power, in case of their non-fulfilment of their contracts or agreements, with the Government, to proceed against them as defaulters, exactly in the same manner, and to the same extent, as land agents proceed against defaulting tenants by distraint for arrears of rent; and that, therefore, in all such cases, the Government have power to attach and sell the goods and chattels of defaulting purchasers. When I was made aware of this stringent provision of the Land Purchase Act, with respect to all purchasers of public lands, I certainly saw good reason for changing my opinion regarding the proposed amendment; and I, accordingly, voted against it, in the Special Committee, and in favor of the Report originally drawn up; as I shall now do in the House.

The Hon. the Speaker then put the question on the motion of the Hon. T. H. Haviland; and the House divided thereon: Ayes—Hons. T. H. Haviland, E. Palmer, F. Longworth, D. Montgomery, Messrs. Yeo, Haviland and Pope—7. Nays—Hons. Col. Secretary, Col. Treasurer, J. Wightman, R. Mooney, E. Whelan, Messrs. Perry, Macdonald, McGill, Muirhead, Laird, Cooper, Macintosh, Clark, Dingwell, Munro—15.

The amendment proposed by the Hon. T. H. Haviland, having thus been negatived; the Hon. the Speaker put the question on Mr. Perry's motion, that the Report, as amended and agreed to in Committee of the whole House be received and adopted by the House; and, on a division of the House thereon, as above given, reading Ayes for Nays, and Nays for Ayes, the Report was adopted accordingly.

WEDNESDAY, March 30, 1858.

REPORT OF COMMITTEE ON PUBLIC ACCOUNTS.

Your Committee appointed to examine and report on Public Accounts have, after a careful examination of the same, found all the Accounts submitted to them correct, with the exception of such errors as the Auditors of Public Accounts have already remarked upon.

Your Committee find the General Account of the financial

state of the Colony, charging against it all debentures issued under the authority of 16 Victoria, cap. 18, for the purchase of Township Lands in this Island, and all Warrants and Treasury Notes afloat, and giving credit for cash in Treasury and Bonds for Duties in Treasurer's and Attorney General's hands, and amount of Sales of Public Lands, to have been at the end of the financial year as follows:—

GOVERNMENT OF PRINCE EDWARD ISLAND.			
Dr.			
To Warrants unpaid 31st Jan'y, 1858,	£30,594	1	94
Treasury Notes,	11,500	0	0
Debentures issued under 16 Vic. cap. 18,	20,550	0	0
	£62,644	1	94
To balance against the Colony 31st January, 1857,	£22,803	14	0
Expenditure 1857,	48,552	12	5½
	£71,326	6	5½
Cr.			
By Bonds in Treasury,	£25,156	13	0½
Bonds in hands of the Att'y General,	3,067	2	11
Cash in Treasury,	4,550	1	4½
Bonds in Public Lands office,	775	7	1
Due upon Deeds issued,	4,052	13	3½
Due by Land Commissioner's Books, but Deeds not yet issued, and on 938 acres of which no deposit has yet been paid,	10,174	0	8½
Balance,	14,808	3	3½
	£62,644	1	94
By Receipts at Treasury year ended 31st January, 1858,	£41,456	2	0½
Due as above at Public Lands Office,	15,022	1	1
Balance as above,	14,808	3	3½
	£71,326	6	5½

The Revenue for the past year, as compared with the previous one, will be seen by the following Table:—

ARTICLES.	AMT. FOR 1856	AMT. FOR 1857	INCRS. 1857	DEC. 1857
	£ s d	£ s d	£ s d	£ s d
Impost	30,091 2 0	30,822 2 74	731 0 6	219 4 2½
Light, Anchorage	744 18 6	857 13 8	112 15 14	
Land Assessment	4,845 4 6	4,626 0 4		
Post Office	1,132 0 0	1,138 0 0	66 0 0	
Licenses	284 10 0	325 10 0	41 0 0	
Fees Sec'y's Office	216 8 10	198 8 5		18 0 5
Registrar's	342 15 6	340 2 3		2 13 3
Customs	73 11 9	71 17 0		1 14 9
Juries	21 12 0	45 12 0	24 0 0	
Fines, Penalties	83 7 6	109 19 0	26 11 6	
Public Lands	1,863 13 4	1,936 13 6	73 0 11	
Crown Lands	269 2 4	371 12 7½	102 10 3½	
Interest on Bonds	376 9 5½	331 10 4		44 19 1½
Wharfage	19 13 2	8 5 5		11 7 9
Head Money	37 2 9	29 4 0		7 18 9
Sales of Books	98 14 5	99 2 4	0 7 11	
Wrecked and unclaimed goods				
Rent of Warren Farm	3 17 1	54 10 10	30 13 9	
Return Land Assessment Fees		5 1 3	5 1 3	
Surcharges	0 4 0	3 19 0½	3 15 0½	
Seizures	19 13 6	13 1 11½		6 11 6½
Sundries	138 16 0			138 16 0
	40,662 16 9½	41,456 2 0½	1244 11 04	451 5 94

The Revenue of the past year exceeds that of the previous year by the sum of £733 5s. 3d., and may be accounted for by the additional impost of 1¼ per cent. levied under the Act of 20 Victoria, cap. 1, but the general imposition of dutiable articles has been less in amount than those of the previous year.

The following Table shows the comparative Expenditure for various purposes for the two past years, with Increase and Decrease:—

NAME.	EXPENDITURE FOR 1856.	EXPENDITURE FOR 1857.	INCREASE FOR 1857.	DECREASE FOR 1857.
	£ s d	£ s d	£ s d	£ s d
Rds. Bridges, &c.	11468 8 0	9833 14 04		1574 13 11½
Education	13554 11 11½	12382 0 9½	322 8 9½	
Legislature	2877 5 8	2779 6 8		97 19 0
Salaries	4214 5 4½	4267 10 0	53 4 7½	
City of Ch. Town	275 1 8½			275 1 8½
Mails & Packets	2769 0 7	4646 2 1	1877 1 6	
Lights, Boats, &c.	1240 13 9½	1120 17 4		119 16 5
Cor.'s Inquests	166 14 0	159 9 3½	32 15 2½	
Royal Agricultural Society	1216 12 2	1900 0 0		216 12 2
Prov. Building	659 6 10	385 13 1		273 12 9
Govt. House	517 17 6	467 15 8		50 1 10
Lunatics, Asylum	800 12 6	903 4 1	102 11 7	
Boards of Health	55 0 0			55 0 0
Prot. of Fisheries	25 0 0	25 0 0		
Jails	1122 14 4½	1188 2 4	65 7 11½	
Public Printing	1037 12 2	739 15 8½		297 16 6½
Stationary	123 15 6	152 14 9	28 15 3	
Crown Prosecutions	423 13 5½	471 2 8½	47 4 3	
Post Offices and Public Postage	817 7 8½	939 15 6½	117 7 10	
Military	11 10 0	1703 3 4		2632 18 11
Treasury Notes	56 19 10½	114 8 0½	57 8 2	
Drawbacks	130 7 7½	204 16 5½	74 8 10	
Poor	676 15 0	691 7 6	14 12 6	
Landwaiters and Excise	226 1 0	355 9 1	129 8 1	
Interest	844 7 8	1084 18 3	240 10 7	
Small Disbursements	138 8 0	104 10 0½	56 0 0½	
Bears and Leup-corsiers	17 0 0	8 10 0		8 10 0
Telegraph Company		529 9 5	529 9 5	
Election		37 16 2	37 16 2	
Ferry House, Lot 48		156 0 0	156 0 0	
Receipty, Treaty Duty returned	96 7 5			96 7 5
Indians	40 0 0	85 16 2	45 16 2	
Miscellaneous	388 15 5½	272 3 10½		246 11 7
	50364 12 8½	48222 12 5½	4084 13 0½	5926 13 3½

The Light Duty Revenue from the year 1852 has been, at the different Ports, as follows:—[For Table under this head, see Amendment.]

The Committee remark that the amount of Light and Anchorage Duty collected at Georgetown is larger than that collected at all the Ports on the North side of the Island; and consider that, from the number of American vessels calling into those Ports being larger than the number calling at Three Rivers, the amount of duty, if properly collected and accounted for, should exceed the amount at present paid in; and recommend that the Government take such measures as will secure the prompt collection and correct return of Light and Anchorage duties at those Ports in future.

Your Committee have examined the Accounts of the Com-