

PROVINCIAL PARLIAMENT.

LEGISLATIVE COUNCIL.

Saturday, 9th March.

HOUSE ON THE BILL TO ALTER THE STATUTE LABOR ACT.

(Concluded from our last.)

The Hon. Mr. YOUNG said the public roads in the neighbourhood of Charlottetown had never been worse since he travelled than they were last year; but whether their wretched condition were attributable to the want of means or the want of judgment, he was not prepared to say. (The hon. Mr. Swabey said, "give us plenty of money and we will give you good roads.") The hon. Mr. Swabey might be right; he disputed it not; money might be all that was wanted. When he (the hon. Mr. Young) was in Canada, he was not unobservant of the state of the roads in that province. In the greater part of their principal towns, the ways or streets were constructed of wood, and between Lake Lachine, and — there was a long line of public road, of about 12 feet wide, so constructed. Five sleepers, laid lengthwise along the road occupied its breadth of 12 feet, and across these were laid sleepers 13 inches thick. The road was excellent, and in fine weather, travelling upon it was delightful. In rainy weather, he must admit, however, it was rather otherwise; for then the road was very slippery, and one's horse was apt to say its prayers much more frequently, than one might approve of. To Roman Catholics, however, who were much more frequently at this devotional exercise, than other Christians, this might be no great inconvenience. ("Take that down, Reporter!" from the hon. Mr. Macdonald.) The great object in Canada had lately been, to facilitate communication between its different parts; and they had made, and were still making, great advances towards it, by means of canals, and of new and improved roads. The progress of such improvements throughout the country was, no doubt, in a great measure attributable to the beneficial influence of responsible government, and municipal regulations. The hon. and learned gentleman next said, he thought it was a great hardship upon the inhabitants of Charlottetown, to have to keep the streets in repair. The streets of Charlottetown were, in fact, more cut up by the country people, with their heavily laden carts, than by the inhabitants of Charlottetown themselves, and yet the farmer contributed nothing to the keeping of them in repair. To render this but then less weighty to the people of Charlottetown, he would suggest the propriety of placing a turnpike gate upon each of the three public roads leading into Charlottetown, and the exaction at each of these gates of a small toll, for every horse and cart passing through to Charlottetown, so that every person might be obliged to contribute to the repairs of the roads and streets which were of so much service to him, and which he was instrumental in cutting up. In the Legislature, he observed there was scarcely any more money appropriated to Queen's county, for its roads and bridges, than to any other of the counties. This he thought unfair. Much more ought to be allowed on account of Charlottetown and Royalty, because the town was the centre of all business, and all persons visiting Charlottetown passed over the Royalty roads. If it were in the power of their honors to do so, he would recommend their introducing turnpikes into the bill. He was not certain that it was within their province so to amend the bill. He would defer to the opinion of the hon. Mr. Brecken upon the subject, who was more au fait in all parliamentary matters than he (the hon. Mr. Young) could pretend to be. At all events, although there might be no prospect of their carrying the introduction of turnpikes this year, yet the introduction of the idea itself might be serviceable, as preparing the way for its adoption by a very liberal house, which he confidently expected the next would be. The bad roads, of which he had been complaining, had cost him eight or ten carriage springs.

The Hon. Mr. MACDONALD said the hon. Mr. Young had, as usual, let the cat out of the bag. All his boasted liberality ended in taking good care of his own pocket, and laying a tax upon the poor farmer. In driving his six greys, his honor had broken half a dozen carriage springs, and therefore he would establish turnpikes, to lay an additional tax upon the poor farmer, bringing his produce to market, for the improvement of the roads. He (the hon. Mr. Macdonald) was sorry to think that such an idea should be entertained for one moment by any member of that house. The people of Charlottetown were well able to bear the expense of keeping their streets in repair. The poor people from the country who visited the town did so for the purpose of leaving money with the tradesmen, the merchants, the lawyers, and the officers of government. Whatever be the nature of the business which brought the poor farmer to Charlottetown, he never left it without leaving his cream there behind him. Talk of further taxing the poor farmer, for the benefit of the people of Charlottetown, indeed! The proposal was monstrously unjust. If the tax paid by the inhabitants of Charlottetown, for the repairs of their streets, was inadequate to the end, let them lay an additional tax upon their own property. He was, in fact, satisfied that it was unjust to impose any tax but one upon property for such a purpose; all money raised for the purposes of road making, should be by a tax on real property—by a land tax; that would be the fairest mode of raising means for the extension and improvement of our road communications. Some better material than soil, he thought, might, however, be found for the making and repairing of the roads. The soil upon the roads, in consequence of the repeated annual turnings which it received, was becoming more and more unfit for the purpose; it was, in fact, wrought into a kind of mortar. Could they not substitute stone or wood. There was plenty of stone for the gathering.

The Hon. Mr. SWABEY would willingly second the motion of the hon. the Solicitor General, because he was very willing to be rid of so onerous an office as that filled by himself and his brother Justices. Their honors, perhaps, could not decide whether this system or that system of road making were the best, even if they were called upon to do so; but he certainly thought that they ought to recognise a principle which was general all over the world; namely, that they who used roads should pay for them. He thought the proposal of the hon. Mr. Young with respect to turnpikes, was a very good one; and he should be glad to see it followed up, although, if it were, it might, perhaps, fall as heavily upon himself (the hon. Mr. Swabey) as upon any other individual in the community. A turnpike-gate might be put upon the road leading to his farm, and the toll would in consequence press pretty heavily upon him. Persons coming to town with heavy loads of produce, generally carried money out of town; and as such persons made the most use of the roads, and cut them up the most, they ought to be made to pay for the use of them. We do not at present possess the means to make good roads, but the establishing of turnpikes would doubtless so far increase our means as to render them adequate to their proper end.

The Hon. Mr. YOUNG moved his suggestion, and the hon. Mr. Swabey seconded the motion. The Hon. Mr. PETERS begged to enter his strongest dissent against the suggestion. Look to England, and see what great dissatisfaction was created by the existence of turnpike-gates. Look to Wales, and see what devastation these obnoxious gates had caused, in that unfortunate principality. The turnpike-gates had been the cause of all the burning, havock, and bloodshed, which had lately been experienced. He would not live in any country in which they were allowed to exist. If he were now resident in England and Wales, such was his abhorrence of turnpikes, that he would almost feel disposed to become a Rebeccate. They ought not to be tolerated in any free country. They were insulting to freedom and to free men. A free man ought to be allowed to travel in every direction, without any such irritating interruptions. When a traveller arrived at one of these gates, he might find that he had forgotten his purse, and having no money about him, the gate would be closed against his further progress, and he would be obliged to retrace his steps. How provokingly insulting to a free man was such an interruption as this! He (the hon. Mr. Peters) would raise his voice for the protection of the tenantry; he would loudly raise his voice against such doctrine, as had just been avowed. Would it not be a great hardship upon the farmer, if we were thus to impose a tax upon him, for the making of our roads in the Royalty, and the repairing of our streets in Charlottetown? If a merchant, anywhere in the country, erected a building in which to carry on a trade with the people of the surrounding district, would he not, with a view to the establishing of that trade, make a good road to his premises? If it would be his duty and interest to do so in the country, was it not equally the duty and the interest of the merchants of Charlottetown to do the same? He admitted that Charlottetown drew a large tax from the country in money, produce, and goods; and, upon principle, the merchants were bound to make the public roads, and keep them in good and sufficient repair; for at least five miles out of town, that the poor man who was bringing his produce to town for their benefit might not be obliged to urge on his jaded horse through the worst roads to be found in the country. He hoped a proposal so obnoxious as the establishment of turnpikes would not be entertained for a moment by the Legislature. If the gates were erected, he should like to know how the poor farmer would be able to pay the toll. He should like to hear from the hon. Mr. Young how he proposed enabling "the suffering, the harassed, the bleeding tenantry," as he and his friends delighted pathetically to describe them— he should like to know how he proposed enabling men who,

according to his own account, never possessed a shilling, to pay the additional tax which he proposed to lay upon them. He (the hon. Mr. Peters), admitted that the farmers very seldom had money in their purses, but not that that was the case on account of their being unjustly harassed. The consideration of the fact, however, led him to oppose any plan for laying an additional burden upon them. Why, if turnpike-gates were erected, a poor man would scarcely be able to bring a load of wood to town, for the purpose of obtaining two or three shillings of ready money, without having a tax to pay thereon—(the hon. Mr. Young, said the wood was principally brought to town on the ice.) The hon. Mr. Peters thought a great quantity was brought to town by the high roads. Every little market cart, how trifling soever its load, would have to pay the toll. Where was the money to be got? It could not be found, and, in its absence, he supposed one would have to pay with a pint of oats, another with a pint of barley, and a third with a few potatoes. He thought there were scarcely two persons in the Legislature who would listen to such a proposal.

The Hon. Mr. YOUNG would like to know who it was that so effectually emptied the purses of the poor tenantry? He thought it would be found to be the proprietors and proprietary agents. He had no wish to impose an additional tax upon the poor tenantry. God knows they have enough to pay already! What he wanted was to give them good roads and bridges, that they might the more easily visit Charlottetown for the disposal of their produce and the transaction of any other business. The hon. Mr. Macdonald had said, that the tenantry brought produce, goods, and money to Charlottetown. For the produce and the goods which they bring, they must take money away, otherwise they would not be able to find any for the payment of grasping landlords and needy agents. ("Name!" from the hon. Mr. Macdonald.) He could name, but that was not the proper season for doing so. The hon. and learned gentleman concluded by saying that the establishment of turnpikes would be a benefit to the whole Island.

His Hon. the PRESIDENT agreed with his hon. and learned friend the Solicitor General, in every word which had fallen from him against the suggested establishment of Turnpikes in this colony. Turnpikes were little better than nuisances wherever they were established, and in a new country like this they would be complete ones. The hon. suggester spoke of thereby facilitating the intercourse with Charlottetown; he however (his hon. the President) thought no means could be devised which would be more likely to militate against that intercourse. Their honors all knew, indeed every person in the Island knew the scarcity of the circulating medium. If Turnpikes were erected on the roads to Charlottetown, many persons would thereby be almost altogether debarred the privilege of approaching the Town. To pay the Toll on their way to Town would be to many an absolute impossibility. Such persons, if determined upon proceeding, would be obliged to leave their jackets, or their caps in pawn with the Toll-keeper until their return, when, probably, by the sale of some trifling articles of produce, they might find the means able to release their pledges. The establishment of Turnpikes would, indeed, be bad policy in this country. Even in England, the policy of maintaining them was very much doubted. Our population was thinly scattered over the face of the country, the circulating medium was exceedingly scarce, and the erection of Turnpike-gates would almost amount to a complete interdiction of all social and business intercourse throughout the Island. If such a proposal were entertained here, it would be rejected in the other House; at least, if it were not, its supporters would be scouted from the hustings at the next election.

The Hon. Mr. YOUNG said it would not be fair to pronounce upon the system adopted by the Justices at the end of one year. No; nor at the end of two years. A series of years was requisite for the test. The hon. gentleman, after commenting unfavourably upon the North River Bridge, near M-Lean's, and upon other parts of the road leading to his own residence, said the faults which had been pointed out were not fairly attributable to the system in practice; the system was good, if it were properly carried out. He had travelled over New Brunswick. The soil of that Province was a loam or clay, and was more suitable for road making than the soil of this Island, generally speaking. The hon. gentleman next pointed out the very inefficient manner in which ruts are generally filled up upon our roads, and concluded by declaring that he should never have good roads until the system of Statute Labour was altogether expiated.

The Hon. Mr. BRECKEN observed that he was one of the Board of Justices to whom had been entrusted the management of the streets and roads of the Town and Royalty of Charlottetown; and he could not but feel surprised at the manner in which their services had been valued. In fact, so satisfied had he been that they had been rendering the public a service, that he had confidently expected any notice which might be taken of them by the Legislature would be in the shape of a vote of thanks.

The Hon. Mr. YOUNG here stated, that he had heard it mentioned as a fact, that at the last eight or ten meetings of the Board of Justices, there were never more than three of them present.

The Hon. Mr. PETERS said, that after having heard the explanatory explanation of the hon. Mr. Swabey, he would beg leave to withdraw his motion. He hoped that as the experience of the Justices increased, beneficial effects would result from it; and that they would see the necessity of mending both their own ways and ours too. However, before he sat down, he would just make one observation: He was in the habit of travelling over nearly the whole Island; and no where did he travel over such excellent roads as in the Bequete and Malpeque settlements. He would recommend our Justices to improve their own system of road-making by a reference to that of the Commissioners in those quarters.

His Honor the PRESIDENT thought they might very easily so far improve their system, as to avoid leaving pits at the corners of the streets for the lodgment of water and the entrapping of unwary passengers.

The Hon. Mr. YOUNG begged leave to ask the hon. Mr. Swabey, whether he thought the Justices had done their duty last year.

The Hon. Mr. SWABEY said, what they had done was before the eyes of the public, and the public must be their judges.

The Hon. Mr. YOUNG. Then, as the hon. Mr. Swabey declined answering his question, he would answer it himself: they had not done their duty.

The Hon. Mr. SWABEY thought he might appeal to the Hon. Mr. Palmer, one of the Representatives of Charlottetown, whom he saw at the bar, to bear witness that his constituents generally were satisfied, with what the Justices had done upon the streets and roads.

The Hon. Mr. YOUNG said it was at least to be hoped they would do better after the roasting which they had just received.

The Hon. Mr. BRECKEN wished the management of the roads could be left to the superintendance of the three hon. and learned gentlemen, who had been so loud in their censure of the Justices; they would perhaps soon discover that it was no agreeable or secure office to be called upon to make good roads or keep them in proper repair without adequate means.

The Hon. Mr. YOUNG said he had been trapped into the motion which he had made by the hon. Mr. Peters; and he would, therefore, beg leave to withdraw it.

The Hon. Mr. PETERS repelled the imputation; he had merely suggested that it would be well if, by some means or other, the annual amount to be expended upon the roads could be increased.

The Hon. Mr. YOUNG said the great fault in the Bill was that it made the poor pay as much as the rich; for a common truck man paid as much as the hon. the Solicitor General.

The Hon. Mr. SWABEY referred to the character of the Statute Labour Bill, which was before this House, when he was a member of the Legislative Council before; he then introduced some amendments, which were unanimously agreed to by their honors, but which were afterwards rejected by the other House. He had thus, as one of the Board of Justices, been called upon to act under a Bill, of some of the provisions of which he disapproved. With respect to the practice, authorised by law, of letting jobs to the lowest bidder, the mode, he believed, answered well enough in some instances, although in others it was found to be very prejudicial to the interests of the public. He thought it would be better to leave the contractor at liberty, either to let by public sale or by private agreement. If he were left at liberty, the exercise of his discretion would generally be found advantageous to the public. It was very well known that at the public sales, the people were in the habit of agreeing not to bid against each other.

The Hon. Mr. M-DONALD would rather that the keeping our Roads and Bridges in repair were let to contractors for a term of years; the contractors, for their own sakes, would then take care to make timely repairs; at present they too often only study to deceive. He felt certain that letting for a term of years would be the best plan.

His honor the PRESIDENT thought the fault was not in the system, but in the superintendants. He would beg leave to refer the question to the hon. Mr. Macnutt, who, as a Commissioner, was well able to answer it.

The Hon. Mr. MACNUTT said his experience enabled him to say that the Commissioners, in letting jobs by public auction, were able to get four times as much work done for any given sum of money as they could get in any other way.

The hon. Mr. YOUNG said, that for the first time, perhaps, he agreed in opinion with the hon. Mr. M-DONALD: he approved of his suggestion.

The hon. Mr. BRECKEN thought that such of their honors as had so unmercifully censured the Justices for the bad state of the roads, had lost sight of the great and continual traffic upon the roads immediately leading into Charlottetown. The hon. Mr. Young was one of those who made no little use of the streets and roads, and he seemed to forget that his frequent appearance thereon, at one time with a one-horse carriage, at another with a carriage and pair, at a third, with a carriage and three horses a breast, one of them representing a unicorn, and anon with no less than four in hand, must make considerable havoc with our public ways. Seriously, however, the sum annually raised for the repairing of the streets and roads under the superintendance of the Justices was quite inadequate to the object, and, until the means at their command should be adequately increased, he was afraid they would never be able to give entire satisfaction. The hon. Mr. Brecken, in conclusion, said he wished to take that opportunity of partly contracting a false report, respecting the Justices, which might otherwise, perhaps, go forth to the public unrefuted. He alluded to the statement made by the hon. Mr. Young, who said that he had heard that at the last eight or ten meetings of the Justices, not above three of them had been present at one time. There had been three official meetings of the Justices from May, up to the present time; the first of these meetings he (Mr. Brecken) did not attend, but all the other Justices were present; at the second meeting, Col. Lane was the only absentee, he was at the time in the country on Militia duty; the third meeting was attended by all the Justices.

The hon. Mr. SWABEY suggested the propriety of requiring every householder to make a proper return of all persons residing in his house, liable to road assessment.

The Hon. Mr. RICE explained that although the Road Assessment, under the Statute Labour Act of last session, was supposed to bear very heavily upon every poor man having a horse and cart, and that all such, at first, loudly complained of the enactment, yet when, within the Royalty of Charlottetown, such persons were employed upon the roads by the Justices, at 4s. a day per man, and 9s. a day for a man with a horse and cart, they were perfectly reconciled to it. When the Justices began to employ men upon the roads at these rates, the men who were employed by him, (the hon. Mr. Rice) by the day at 2s., speedily deserted his employ for the higher wages given on the roads.

The House resumed, and the Bill was reported agreed to in Committee without any amendments.

The Hon. Mr. M-DONALD begged leave to give his reasons for voting against the Bill. Although the Road Assessment was too high, as it affected the poorer classes of the people, yet the leaving of it so low left the country without adequate means, for the proper construction and repairs of Roads and Bridges. The state of the roads immediately leading into Charlottetown was disgraceful, not only to Charlottetown, but to the Legislature itself, and some fair and equitable means ought to be devised for the improving of them. In what a wretched condition were they last autumn! and what would be their state in the Spring, and the ensuing Fall, before the Legislature would be again in session! they might almost look to see them completely impassable. Was it not admitted on every hand that the means at the disposal of the Commissioners were inadequate? and was it not then the duty of the Legislature to increase those means?

The report having been received; on motion, the Bill was read a third time, and passed on the following division:

Content—Mr. President, Mr. Brecken, Mr. Macnutt, Mr. Solicitor General, Mr. Young, Mr. Irving.

Non-content—Mr. M-DONALD, Mr. Swabey.

The Hon. Mr. SWABEY then entered the following protest upon the Journals of the House: Dissent, because the funds arising from the Road Assessment, in lieu of Statute Labour, in the town and Royalty of Charlottetown, are inadequate for the purposes contemplated by the Act of 6th Victoria, Cap. 1. Because the Highway Acts in force in England, and the levying of commutation money, adequate means to keep in proper repair the roads in the town and Royalty of Charlottetown.

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IN ALL DISEASES they will be found to allay Irritation—relieve Fever and Inflammation—cleanse the Stomach and Bowels—improve Digestion—purify the Blood—restore tone to the principal functions—and impart renewed energy to the whole Constitution.

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Charlottetown, March 7, 1844. J. B. COOPER.

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J. B. COOPER, Agent for Prince Edward Island.

THE Subscriber respectfully informs the Inhabitants of Charlottetown, and Prince Edward Island generally, that he has taken the House and Premises known as the WEL-LINGTON HOTEL, which he will open immediately, and hopes, by strict attention to business, to merit a share of public patronage.

EDMUND DUMVILLE.

Charlottetown Dec. 22d, 1843.

ALL Persons having legal demands against the estate of John H. White, of Charlottetown, Printer and Book-binder, deceased, are requested to furnish their Accounts, duly attested; and all persons indebted to said Estate are requested to make immediate payment.

JOHN DAVIS, jun., } Administrators, CHARLES WELSH, }

Charlottetown, August 7th, 1843.

THE Subscribers having been duly appointed the sole Agents of DAVID STEWART, Esquire, for his Estates on Island, beg to intimate, that they are prepared to lease lands, with a liberty of purchasing, and to sell on the most liberal terms, and that all persons indebted to that gentleman, for rent or otherwise, are hereby required to make immediate payment of the same.

All persons found trespassing on any of the above properties either by cutting Timber, or in any other respect, will be prosecuted with the utmost rigour of the Law.

H. D. MORPETH, PETER EMERY.

December 10th, 1840.

TO BE LET.

BY THE SUBSCRIBER, and immediate possession given, that commodious and pleasantly situated House in Water Street, formerly occupied by James D. Macdonnell, Esq. to which a good Stable and Garden are attached.

Also, several valuable and eligible BUILDING LOTS, in Water Street, King Street and Eustis Street.

CHARLOTTETOWN, 30th Sept., 1843. JAMES PEAKE.

THE AMERICAN MILLENARIAN, and Literal Interpreter of Prophecy, published at New York, price 7s. 6d. per annum, in advance. A few Copies have been just received and are for Sale at the Colonial Herald Office.

CHARLOTTETOWN: Edited, printed and published by J. B. COOPER, Printer to the Hon. the House of Assembly, at his Office, East corner of Pownall and Water Streets.—TERMS, 15s. per annum, payable in advance, or 18s. per annum, half-yearly in advance.