

# Maszar's Gazette Extra.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, THURSDAY, FEBRUARY 26, 1862.

## Legislative Proceedings.

### HOUSE OF ASSEMBLY.

MONDAY, Feb. 16, 1862.

#### MORNING SITTING.

A number of Petitions were presented by Messrs. WIGHTMAN, HAVILLAND, and DAVIES, principally relative to Roads and Bridges, all of which were received and read. Some were laid on the Table, others referred to the Committees appointed to report on the House.

#### SALE OF CROWN LANDS.

The Hon. the SPEAKER laid before the House, an account of the Sale of Crown Lands, received from the Keeper of Plans, which being read,

Mr. Mr. COLES considered the papers were of that important nature, as to require the appointment of a Committee for their examination, and to report thereon; as it seemed, the expenses incurred in the sale of Crown Lands, amounted to nearly half the money for which they sold.

On motion of Mr. FRASER, a Committee was thereupon appointed, in conformity with the suggestion, consisting of Messrs. Fraser, Thornton, Havilland, Montgomery, and the Hon. Coles.

The DIOCESEAN SOCIETY INCORPORATION BILL, was passed.

#### STATUTE LABOR.

The Bill sent down from the Council, to amend the Statute Labour Act relative to Charlottetown and its Royalty, was, on motion, read a first time, and its second reading ordered for to-morrow.

#### TUESDAY, Feb. 17, 1862.

#### MORNING SITTING.

#### POST OFFICE.

Hon. Mr. POPE called the attention of the House to the Post Office, in respect to its future prospects. From what he had gathered from undoubted authority, the alteration in that office, relative to postage, would cause a great deficiency in its receipts. His Excellency had, last Summer, taken great pains, in correspondence with the Home Government, to lay the question fairly and forcibly before them; but, whether it was not understood, or from some other cause, he regretted to say, nothing satisfactory had resulted therefrom. One very important matter connected with this branch of the Public Service, was the grant of £600, paid for the Mail to and from Pictou, during the summer season. This was a large sum, particularly as the Island did not exclusively enjoy the benefit. The subject, being of great importance, should not be allowed to lie dormant. He would, therefore, move, that a Committee be appointed to solicit the Legislative Council to join the House of Assembly in an Address to Her Majesty on the subject: The Honorable Messrs. Pope, and Coles, and Messrs. Thornton, Davies, Wightman and Clark, were appointed a Committee accordingly.

#### FISHERY RESERVES.

Mr. FRASER called the attention of the House to the long-pending question of the Fishery Reserves. He stated that the time was arrived, when those Reserves should be regulated, and made available for the furtherance of Education, or some other desirable purpose. That they should yield something for the public benefit, had not come upon his mind as a new idea; for he had so thought, ever since he had had the honor of first taking his seat in the Assembly. It was high time, the Reserves, so long usurped by the proprietors, should be placed under the more legitimate control of the Government. A report had been prepared, and he had no doubt but that interested parties—the Proprietors were determined to hold on to their ill-gotten possession; but such reports he deemed not. The Government had granted licenses to all who had applied for grants of spots on the Reserves, and the Proprietors had not taken any steps to interfere with the parties in possession, nor did he imagine, that they would. He was glad to see the question brought forward by an honorable member unconnected with the Reserves. On the other hand, he thought that it ought to have been brought forward by the Government, but was, in fact, disappointed that it had not.

Hon. Mr. POPE said, there was no question but that the Government possessed full power over the Fishery Reserves, but they would not forget the many local interests mixed up therewith; and it was their wish, and would be their aim, to have justice administered to each. Licenses had been granted to different persons, to occupy parts of the Fishery Reserves for the purpose originally intended; and the proprietors, in consequence, had an opportunity afforded them, to try the question. He (Mr. Pope) was of opinion, that, at the present day, very few would stand up and say, that the Proprietors had now, or had had, at any time, any legitimate right to the possession or profit of these Reserves. It ought not to be made a party question; and therefore, no sound reason existed why it should have been brought forward rather by a member of the Government, than by any other member of the House. His opinion on this subject, were well known: one of which was, that when the tenants had paid rents to the proprietors, they (the Government) ought to give them to the Government. The tenants would not be injured by the licensees parties, in respect to their growing crops, injury to their fences or the like. Government would look to their interests, and take care that nothing of the kind happened. Equity would not be departed from, but justice to all would be strictly adopted and adhered to. The Government, he was happy to say, were fully determined to appertain to all parties applying for parcels of the Reserves who had a bona fide intention to carry on the pursuit of fishing; and to do all that in them lay to encourage the enterprise.

Mr. THORNTON was aware, that the honorable member who moved on this question, was not strictly a Member of the Government, but saw very little difference; for he must be considered a pillar of it. He (Mr. Thornton) was, however, impressed with the question, that if any measure, more than another, should be taken up by the Government, it was this very question, which, in his opinion, was of equal, if not more, importance than several others introduced by them. The question had been long pending, and he was disappointed, that the Government had not taken it up and relied upon the House for aid to carry it to a final adjustment.

Mr. DAVIES never had a doubt, but that Proprietors held the Reserves illegally. The profit they had made of them, by sale and rent paid by the Tenants, ought to have gone into the Treasury, and was nothing short of a downright robbery of the public's rights. He had not the least particle of doubt about the power of the Government: it was their duty to use that power, and thereby put an end to any further interference with the Reserves by the Proprietors.

Mr. CLARK entertained the same views as the honorable member for Murray Harbour (Mr. Thornton), and would further remind the Government, that the Country had long looked for an adjustment of the question. He hardly knew, what could be done adjustment of the question. He would not, however, be deterred by regulations for those holding by lease should be determined on. Had the Government taken up the question themselves, he would have been better pleased; and he was persuaded that scarcely a dissenting voice would be found in support of the Proprietors.

Mr. MOONEY did not approve of this all-important question being under the auspices of a private member. It would not carry the same weight with it, as if it came from the Government: the House Government would only refer to it. He thought, from the state in which the question was left last Session, that every thing would be ready for the proposing of due enquiry this. All seemed to agree that the Proprietors had no right now, nor ever had, to the possession of the Reserves. Why not then, take it from them? It might be said, they had had it for a number of years; but if a man had stolen a horse, long time ago, it would still be a stolen horse. He (Mr. Mooney) was for having dispatch on the question, for when it got to the other end, excuses might be offered, that the question was of such vast importance, and applied to such a large number, and the Session being nearly at a close, that they could

not then take it up with propriety, and that so the go-by might be given to it. The consequence would be, that it would lie over till another Session, and be no further advanced than it was. Let the people said the honorable member, at length have their rights so long withheld from them.

Hon. Mr. WARBURTON could assure the House, that the question—one of paramount importance, as compared with many others—would not be shirked by the Government. If he might be allowed to use the expression, the right of the Government to the soil would not be lost sight of: they would not fail to take care that the interests of the public therein should be looked after with just regard and unvarying determination. There was now, he was pleased and proud to say, every prospect that the Fisheries would be carried on to an extent hitherto unattempted. That prospect afforded a strong inducement to render the Reserves available for the purposes connected with their prosecution. He (Mr. Warburton) was most sanguine that it would take place. Deriving as he did, his information from undoubted authority. Of one thing, he must remind the House: the Civil List Bill of this Session, required to be assented to at home: when this was done, as he had no doubt it would, then the Government would see their way quite clearly.

Mr. PALMER did not see, that it was of much consequence how the question was brought before the House. It had always been a difficult one to get over. Had it been taken up by the Government, he could not perceive, that it would have rendered it less difficult to deal with the many interests which were mixed up in the question. There were no less than three distinct rights claimed: in the first place, those of the Fishermen; in the second, those of the Proprietors; and in the third, those of the Tenant. Hundreds of the latter had been in possession for a long time; and, perhaps, the Reserves were the best parts of their farms; and many of them in situations, which made it very improbable that they would ever be wanted for the purposes of the Fisheries. He remembered, his having heard some one say, that the Fishermen might make a profit by marsh-hay. Surely, Sir, the Tenantry had more right to that than Fishermen. He (Mr. Palmer) thought the usual way of proceeding ought to be followed, that of going into Committee, then Resolutions could be framed, submitted and discussed.

Mr. WIGHTMAN. He would go with the Government as far as the situations were adapted for Fishing Stations; but some were of opinion, that the Reserves extended even to the Bays, and as far as the Survey of Captain Bayfield went; but that, he thought, should not be the guide in determining their extent. When the question of Fishery Reserves was introduced, when he was a member of a former House, some ten or twelve years ago, he was a strong advocate for its introduction, and he was as ready as then to support it, if introduced in that way, that the present occupiers should not be disturbed, or that they should be sufficiently recompensed for their labour in improving the fronts of their farms. It would be a hard case, to permit a malicious or evil designing person to attempt to disturb the present possession, without some means being provided to recompense him, and protect him from such encroachment. The freholder ought not to be disturbed, and when the Tenant resides on a Reserve, he treated the measure would be so guarded, as to protect him sufficiently. He had always been of the belief, that if suitable regulations were framed, it might induce men of capital to locate amongst us, and stimulate and encourage the natives of this Country to carry on so enterprising an undertaking, and be the means of consuming the growth and productions of the Island, in place of sending it to other countries where it was almost sacrificed, from parties, combining to give such prices as suited themselves. He would go with the Government.

Hon. Mr. COLES said, it could no longer be doubted, to which side of the House the honorable member belonged. The Government would not grant licenses to any applicants: the present had refused none; and that, he thought, was as much as could be expected in the present state of things. The Tenantry would be protected; their interests would be protected; and the Government would not be disturbed. He (Mr. Coles) had no doubt, but that the Civil List Bill would receive the Royal Assent; but that must take place before the question could be finally determined and set at rest. The Government knew their responsibility, and would not flinch from doing their duty. There had been some objection, that the Session in which they had not had the chief hand; but it seemed that some honorable members thought, they ought to try impossibilities.

Mr. THORNTON wished that something should be determined; for from what was going on, it might be supposed the House had resolved itself into a Committee, and were debating on the whole question, instead of being only engaged in considering what action should be taken. One said one thing and another another.

Hon. Mr. POPE observed, that as there were so many conflicting opinions concerning the question, it would be proposed, that the subject should be discussed in a Committee of the whole House. If it was the wish of the House, that the Government should take up the question, he would introduce a Bill; but he thought, he could perceive, that some honorable members were for driving them into extreme measures. If such were the fact, he could, however, assure them, that the attempt would fail.

Mr. FRASER would not oppose the wishes of the House. He was anxious that every one should have a chance of expressing his opinion.

Mr. DAVIES was really vexed and disappointed at the adjournment per forth, that the Civil List Bill stood in the way of a final adjustment of the question; but that notwithstanding, he would not be deterred, he was at a loss to understand. Had not the Crown given them ample power already?

Mr. DOUSE could plainly see that the Government wanted to throw the responsibility upon the shoulders of others. If they were serious, why did they not come forward in an undivided and manly way. Any thing they had already done, the promise on the part of the Government alone, that ought to grapple with the question; instead of endeavoring by a side wind to throw the onus upon others. They talked about throwing upon the Reserves, and, if they did, they could not interfere with the Tenant. He (Mr. Douse) very believed, if they could do this, the Proprietors would not care much about it; but they would like to see a good use made of the property. Now, that Responsible Government was established, he should like to see what was to come from the Responsible Party. Any thing they had already done, the promise on the part of the Government, was not worth a penny at present. It was nothing less than a farce, and much resembled the tale of the Irishman who wished to make large bequests in his Will, when in reality he had nothing to leave.

Hon. Mr. COLES ironically observed, that if the honorable member thought, Lord Selkirk again wanted to revive the agitation of the Echeat Question, he had better come forward. Hints, not to be mistaken, had been thrown out, that (he Mr. Coles) and his friends had promised the Tenantry free lands; but he defied the honorable member to produce a single living witness, who could verify his assertion.

Mr. DOUSE had never said, that Echeat was now sought: on the other hand, he believed, they knew it was all snob. But he would say, that free land had been promised (Yes, remarked Mr. Coles) but it was upon the condition of purchase. He (Mr. Douse) would enter into a treaty to sell 20,000 acres; but he could not yet perceive that there was something behind the scenes; and he regretted to say, that the Tenantry had been so far deceived, that they were keeping back their rents; and in consequence, might be led to lose their farms.

Mr. DAVIES said, if the honorable member pointed him, as having promised free lands to his supporters in the District, which he had the honor to represent, he must deny the accusation in toto.

Several honorable members offered a few other remarks, when Mr. FRASER moved, that the House go into a Committee of the whole, on the Fishery Reserves Question, on Friday night; and that motion having been agreed to, the honorable member further moved, That there be a call of the House for that day; which was also agreed to.

During the morning debate Petitions were presented, by the Hon. Mr. Coles; Messrs. Clark, Montgomery, and Boston; which were all received and read, and referred to the several Committees appointed to report on the matters to which they referred.

#### TUESDAY 17.

#### AFTERNOON SITTING.

HOUSE IN COMMITTEE ON THE REPORT OF THE SPECIAL COMMITTEE, APPOINTED TO REPORT ON EDUCATION.

Mr. HAVILLAND in the Chair.

The Report, as follows, was read by the Chairman.

#### (Report.)

Your Committee appointed last session, to enquire into the expediency of establishing a system of Free Education throughout the Island, have to report—that they find the present system of Education, although liberally supported by Legislative grants in aid of the salaries of Teachers, does not stimulate the inhabitants to that increased solicitude, and consequent efforts to educate their children, a measure which is of such vital importance to the well-being of every country, and particularly so to the inhabitants of this colony. Your Committee find that during a series of years different modes have been adopted to encourage good and efficient Teachers to locate themselves in the several districts, but they are of opinion that unless Schoolmasters' salaries are wholly paid by the Government, and a system of Free Education established, many settlements will not be able to reap the benefits of Education for the rising generation, under the present system, for they find that in the year 1844 there were 128 Public Seminaries imparting instruction to 5040 pupils, while in 1850, there were only 130 schools, including Primary and Infant Schools, and 4347 pupils; showing a decrease of pupils, while during that period, the increase of children, under 16 years of age was about 7000; although the Legislative allowance had been increased from the year 1843, to 1850, from £1349 18s. to £2068 17 1/2; but as the present law allows two-thirds of the salaries of Teachers, and one-third to the Board of Education, in addition to the public grants, litigation in many instances, has been the result; and in many cases parties have paid the assessment and kept their children at home, and frequently many are sent to the Small Debts Court for the amount assessed; and the Board of Education find that on an average, there ought to be from 8,000 to 10,000 children attending school, yet it is lamentable to reflect, that not more than half that number are receiving regular instruction. In view of the foregoing data, your Committee would therefore recommend that a Bill be passed to provide means to establish schools on the free system throughout the Island, and a tax of one-half penny per acre, be imposed on all lands in addition to the present land assessment, and eight-pence each on the pasture lands in Charlottetown, St. John's, and Georgetown, as well as on all shops, Dwellings, Houses, &c., throughout the Island, where there is not a certain number of Acres of land attached thereto, and the remainder to be taken out of the general Revenue of the Island; that one Visitor be appointed to superintend the Schools, who shall not have any other occupation, and that one member be added to the Board of Education from Prince and King's Counties, and that an extra allowance be given to the masters of the higher class, for every pupil whom the School Visitor will certify has been taught, not exceeding ten shillings, per scholar, and that the Government be empowered to procure a license for the Government to employ as many as it may think fit to employ as teachers for such Districts as would prefer them.—Your Committee have examined 50 petitions in favor of the free system, bearing 1700 signatures, two conditional signed by 139 individuals, and three against the scheme with 200 signatures; and that one member be added to the Board of Education, although some of those in favor differ in the detail, yet all approve of the free system.—With reference to the few dissenting parties, your Committee are of opinion, that a tax of twenty or thirty shillings per acre, should be levied to meet the expenses, and should be the case, they would prefer the present system; but your Committee are satisfied that when they are made aware that it is not contemplated to tax the land a higher amount than four shillings and two-pence per acre, and that the Government will be empowered to secure an individual will be found to oppose the principle.

(Signed.) GEORGE COLES, JOHN POPE, JOSEPH JARVIS, DONALD BEATON, W. E. CLARK, E. THORNTON, T. HEATH HAVILLAND, ALLAN FRASER.

The first paragraph was agreed to without opposition. The second paragraph having been read,—

Mr. DOUSE rose and said, he could not see, that the proposition would be adequate to effecting the object contemplated; and, even if that were otherwise, if the necessary means could be raised by the taxation scheme, that scheme was objectionable in principle. He could not see, that it would be fair to levy a greater tax upon unencultivated than cultivated lands for the purpose of education; and he thought, that the same footing with the wilderness. He could not see, however, that by the means adverted to in the Report, the necessary number of schools could be provided. The people, he believed, expected, that the new scheme would give them as many schools as they have at present; but, by no calculation which he could make, could he see that any such number could be provided for that contemplated means: in fact, it appeared to him, that they could not afford more than one to each Township. But independently of any consideration of the insufficiency of the means, he was not satisfied with the manner in which it appeared the scheme was to be carried into effect. The House was required to authorize the proposed scheme, he strongly inclined to approve, that the Proprietors would step in, and endeavor to prevent its going into operation. The scheme was calculated injuriously to affect their interests. They would regard it as an infringement of the rights of their property; and would like to see good teachers given to the country, even although they should be paid the assessment, refused to share, or gradually see a superior class of teachers given to the country, and an adequate and respectable provision made for their support. But to talk of making such a provision by taxation of the lands was ridiculous. They all knew that there were due to the Government, by the people, thousands of pounds which they were unable to pay; and that, besides, they could not pay their rents, or even the present land-tax. How then could they be expected to pay an additional tax for education? But besides the inability of the people, there would, he expected, be found another obstacle in the way. Should the Legislature agree to give effect to the proposed scheme, he strongly inclined to approve, that the Proprietors would step in, and endeavor to prevent its going into operation. The scheme was calculated injuriously to affect their interests. They would regard it as an infringement of the rights of their property; and would like to see good teachers given to the country, even although they should be paid the assessment, refused to share, or gradually see a superior class of teachers given to the country, and an adequate and respectable provision made for their support. 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