THE EXAMINER EXTRA.

The Examiner] Charlottetown, P. E. Island, November 20, 1871. [10s. per annum.

Parliamentary.

HOUSE OF ASSEMBLY.

Hon. B. Davies.—It is highly desirable that the bounds within which seaweed can be taken by the public, should be defined. As this Bill is merely declaratory of the extent of public rights, it will receive the Royal assent.

Mr. Howat.—This Bill is necessary. I have no wish to interefere with private rights, but a great deal of trouble and litigation will be avoided by making this Bill law, for I believe that differences of opinion on the question exist among lawyers themselves. Some fixing the limit at ——— some claiming to high, and others to low water mark.

Mr. Reilly.—This question has been before the House for the last 3 or 4 years; and has been before the Grand Jury of this County. I do not think we are justified in deciding upon it without an expression of the opinions of the general public. That argument has been strongly urged against the railroad. The rights of the public and those of individuals are involved in the matter, and we should be cautious how we interfere with the matter.

Hon. Mr Perry.—In my district there is no difficulty about the rights of the public and those individuals. A lawyer setting out boundaries, runs his lines inland from high water mark. The Bill says only the same thing, while the seaweed continues to come and go with the tide, it is impossible for the owners to remove it all; and it is unjust to prevent the public from taking what would otherwise be lost to every one. As I understand the matter, the courts have not decided against the right of the public to take seaweed below high water mark, and therefore I see no necessity for the Bill.

Mr. McLean.—If the common law allows seaweed to be taken below high water mark, I can see no harm in the Bill. There are many farmers whose only exit from their farms is by the shore, and any obstruction preventing free passage along the shores in my district, would cause great loss and inconvenience. I will support the Bill as calculated to set the disputed question at rest. It seems to me that Mr. Doyle seeks to monopolize the whole of Middletons Cove. It is preposterous to allow his claim, for he purchased the property, subject to the right-of-way along the shore in the public.

Mr. Beer.—I approve of the Bill as a means of settling a vexed question. The prevention of parties from gathering Seaweed has caused great disatisfaction in the country. And while I admit the exclusive right of the owner to the front of his farm the public should have the use of the shore between high and low water mark.

Mr. Munro.—I do not think that the Bill meets the intentions of the parties who introduced it. Its operation is confined to the space between high and low water marks—excluding bays and rivers. The Map of the Island shews that several of our Bays are little different from the open sea. If the law, as it now stands, gives the right to the seaweed between high and low water mark the Bill is unnecessary. The practical difficulty is to ascertain the ordinary high water mark. We all know that there is a great difference in the tides in this Island. They are higher one day than an other. In my opinion the Bill will be productive of more litigation than would be the case if matters were left as they are at present. The owner of a farm fronting on the shore has prior claim to the seaweed, but he has also greater facilities than others for obtaining it; and if he declaimes to take it, the public should have the right to make use of it.

Hon. Mr. Wightman.—The question is, shall the owners of a Shore farm possess all between high and low water marks. I contend that all seaweed coming ashore between ordinary high and low water marks, is public property. The Bill is restricted in its operation to the coasts and outside Shores. In my district there is an extension line of coast on which there are but one or two places of access. The owners of shore farms have hitherto given permission to parties to take seaweed from the front of their farms; and, I believe, t withdrawal of the passage would cause a rebellion. Often 50 or 60 carts may be seen all night employed getting the Seaweed below high water mark. And as the Bill does not, in my opinion, infringe private rights, I think it is our duty to pass it.

After a few other remarks repetitions of what has been given above, the Bill was reported agreed to.

On the Bill being reported to the House and the motion being made that the report be now received.

Hon. Leader of the Government moved that it be received this day 3 months. His hon. lost on following division:

Yeas—Hons. Messrs. Pope, Owen, Attygen, Messrs Richards, A. C. McDonald, Kelly and Reilly—7.

Nays—Hons. B. Davies, Caldbeck, D. Davies, Wightman, Sinclair, McEachern, Munro, McNeill, Robertson, Beer, Arsenault, Howat, McLean, Cameron, McMillan—11.

House went into Committee on a Bill to authorise a grant of the western end of Queen's Square in the City of Charlottetown, and also to grant the Corporation the building thereon, occupied for a Post Office, &c.

Mr. A. C. McDonald in the Chair.

Hon. D. Davies said the intention was to remove the building, then occupied for a Police Court and Post Office: from where it then stood, and attach it to the Market House, which was becoming too small. The city had more taxes to pay in proportion to its population then any part of the Island. Its citizens had to maintain two establishments. The general revenue, to which they contributed largely, and the corporation; and hoped the government would not object to give that piece of ground and the building thereon, to the city. It was found that the ground around the market was not as large as was required; and if the price of ground and building was bestowed upon the corporation, they would become a source of revenue to the city. When the new building would be completed, the government would then have no need of it for a post office.

Hon. Mr. Perry would not have much objection to letting the Corporation have the building, providing they removed it off the square. The land, however, was another affair, and his opinion was that the square had too many buildings on it already.

Hon. D. Davies regarded the old Court House as a nuisance, and as soon as the new one was finished, would have no objection to make it over to the corporation, on condition that it be removed to some other place. But would be sorry to grant away any more of the square.

Hon. Mr. Sinclair thought the country had little enough left of the square, and that the citizens themselves should have better taste than to wish to see it further encumbered with buildings.

After a few further remarks from Hon. Attorney General, Hon. Mr. Howlan, and others, the committee rose without reporting.

House in committee on the

Decimal Currency Bill.

Mr. A. C. McDonald in the chair.

Hon. D. Davies said the question had been brought to the notice of the Legislature some years ago, when he had the honor of a seat in the House. It was then regarded not desirable to introduce such a measure. Since that time the other Provinces had adopted the system, and he believed it would be well if the currency of the Colonies was assimilated. The change would not not increase or decrease the value of an article to any person he knew of unless it would in that of hay. A cwt. of hay consisted of 112 lbs. If the Decimal System was introduced it would be but 110 lbs., which would be 240 lbs. on a ton. To a man selling a quantity the gain would be considerable. It very materially simplified keeping accounts, and in calculating the interest saved much time. He had accounts with some merchants in the United States which he kept in the Decimal System, and found it much easier. In the Great Republic they would laugh at any person who would think of adopting the system practised in the Island. Astronomers, navigators and men of science used the decimal system. The House could not move in the matter well, otherwise than prospectively by intimating that within a certain time the Legislature would introduce the system into the public offices, and doubtless business men in the country would soon adopt the system too.

Hon. P. Sinclair concurred with the sentiments of the hon. member for Charlottetown, and believed all classes would find an advantage resulting from the introduction of the system, and hoped the Banks would issue their notes in accordance with the system, if it should be adopted.

Hon. B. Davies believed the time had arrived when the system should be introduced and adopted in this Colony. The arguments of the hon. member for the city were, he thought, conclusive in its favor. The Banks, no doubt, would see the necessity of issuing their notes in accordance therewith. Those having much to do in counting money would find themselves relieved from much difficulty and labor which the system rendered unnecessary. The Bill would receive his support.

Mr. Arsenault was glad to hear hon. member express themselves so much in favor of the measure, and hoped hon. members opposite would not insist upon having the question referred to the people for approval at the polls, (laughter).

Mr. Cameron was only surprised the system was not introduced before. The present mode of keeping accounts was attended with difficulties which might well be dispensed with.

Mr. Munro said the Decimal System would commend itself to any who studied it, and was glad to notice the manner in which it was reviewed by hon. members.

Thursday, March 23.

House in Committee on the Bill to establish a Court for the collection of Small Debts at Cardigan Cross Roads.

Mr. Arsenault, Chairman.

Mr. A. C. McDonald said that the Bill was similar to one that passed the House last year, but was rejected by the Legislative Council, on the ground that the standing order of that body, requiring a petition in favor of the passage of the Bill had not been presented to them. A Court was required in the locality, which was distant so far from the nearest of the Courts at present established, that great expense and inconvenience, which might be avoided, resulted to parties suing or being sued in them. Many new settlements were springing up in the vicinity, and the inadequacy of the present number of Courts was becoming daily more apparent.

Hon. Mr. Wightman agreed with the previous speaker as to the cause of the rejection by the Legislative Council, of the Bill of last year, and the necessity of establishing the Courts as provided in the Bill. He had no desire to multiply the number of these Courts, but as long as the credit system prevailed so generally as at present, parties were compelled to apply to such courts, and it was right that no unnecessary trouble and expense should be incurred by reason of the distance at which the inhabitants of comparatively populous and progressive settlements traded from a court.

Hon. Mr. Perry.—The multiplicity of Courts induced litigation. A creditor meeting a man who was indebted to him might, in conversation about his claims, become excited, and if a Small Debt Court were established in his neighborhood, would be often apt to sue him forthwith, whereas if opportunity for refluction had been afforded an amicable settlement might be arrived at. An alteration was, in his opinion required in our present law for the collection of small debts. The system which allowed a man to appeal a paltry case involving perhaps not more than half a dollar. It was absurb to trouble a Judge of the Supreme Court with the trial of such cases, the costs of the appeal being far in excess of the original claim, and parties having to wait 5 or 6 month's before final adjudication. It would be far better to supersede the present monthly Small Debt Courts by quarterly Courts, to be presided over by Magistrates. If the House were to continue to pass special acts for the erection of new Courts, it would be advisable to repeal the second section of the present Small Debt Act, which restricted the number of courts to be established in each county, and pass a general act giving the Lieutenant Governor in Council power to constitute new Courts, as they might from time to time think necessary.

Mr. Munro observed that most of the names affixed to the petition asking for the Bill, were in the hand writing of one or two individuals. The people of Cardigan Cross Roads were not storekeepers. They were principally farmers, and he did not think their penmanship was as good as that in which their names were subscribed. The Courts at Morrel, Montague Bridge and Georgetown were the nearest to the locality. If a large business were carried on there a necessity for the establishment of a court might exist, but the people were peaceable farmers. He had been a clerk of the Small Debt Court at Georgetown for a period of ten years, satisfied him that but very few cases of litigation emanated from that locality. Those courts be regarded as necessary evils which had to be borne as long as the credit system prevailed as extensively as at present, and it would be ruinous to many to put a stop to that system. He hoped to see the time when imprisonment for debt would be abolished. The Merchants of Georgetown, as the record of the court, during the period of his connection with it would shew had incarcerated very few debtors. They endeavored to get their pay as easily as they possibly could. Imprisonment for debt was a serious drawback from the industry of any country, causing not only loss of time during the period of detention, but also driving people from the scenes of their labors to avoid constables, and crushing those energies which under other circumstances would be employed with advantage to their families and the country. A great deal more of productive labor was performed in countries where there was no imprisonment for debt than where that system obtained. In the United States, where imprisonment for debt was unknown, the prosperity and happiness of the people had steadily advanced, and the productive industry of the country was constantly increasing. He opposed the Bill, not considering that the proposed court was required.

Mr. McNeill thought that the creation of additional courts was productive of more harm than good. The facilities for litigation caused an increase of suits, and involved the poor but honest man in heavy expenses, which, if time were given him to pay his debts would be saved. The Small Debt Court had a demoralizing effect upon the community. Bailiff's were in the habit of advising parties to bring actions in order to put money into their own pockets. It would pay no man to carry on business if he had to sue for his accounts, and no one would be justified in selling his goods on the supposition that he would have to sue the purchaser for the price. It would be better to abolish the present system, and have quarterly courts. As to the experience of hon. member for Georgetown (Mr. Munro), he had no doubt that the great Eastern Capital was very quiet, and there was but little business done there, except on Court days. Perhaps it might be worthy of the consideration of the committee, whether it would not conduce to the prosperity of Georgetown if all the Small Debt Courts existing in the vicinity were abolished, so that its business might receive an impetus from the concentration there of all the petty litigation, which is now diffused through several channels.

Mr. Munro said that his remarks were not intended to convey any reflection on the bailiff's of the Small Debt Courts. In fact he could not see how they could be made to bear that construction. Bailiff's were necessary while the present system continued, and he considered that their duties were of the most unpleasant and painful nature, and that, in view of the business they had to perform, they were the worst paid officials in the Island. The courts and their officers could not be dispensed with as long as the credit system prevailed. The poorer class of farmers often have to purchase seed grain and potatoes in the spring of the year, and if they could not obtain those requisites on credit their lands would lie unproductive for want of seed.

Hons. Messrs. McEachern and Owen considered that the court was required, the nearest courts being at an inconvenient distance from the locality named in the Bill, and several townships would be within its jurisdiction. There was no reason why the wishes of the petitioners for the Bill should not be complied with.

Hon. D. Davies was opposed to the Bill of last year, but as the members of the district and the hon. member for Murray Harbor (Hon. Mr. Wightman,) were in favor of it, he would withdraw his opposition to the present Bill. He agreed with Mr. Munro that the increase of those courts was calculated to produce more injury than benefit.

Hon. Mr. Sinclair had no objection to the Bill. The petitioners had asked to no more than had been conceded to other sections of the country. He approved of the substitution of quarterly for the present monthly sittings of the Small Debt Courts. Bill agreed to.

Mr. McNeill moved that the Seaweed Bill be now read a third time.

The Leader moved in amendment that it be read this day three months.

Ayes—Hons. Messrs. Pope, Owen, Perry, Kelly; Messrs. A. C. McDonald, Munro, J. A. McDonald—7.

Nays—Hons. Messrs. McEachern, Wightman, Caldbeck, D. Davies, Sinclair; Messrs. Beer, Arsenault, Cameron, Howat, Mcar, MacNeill, MacLean, MacMillan, Hooper, Robertson.—15.

In answer to a question by Mr. J. A. McDonald, the Leader of the Government stated that the petition for a grant to a Wharf at the Shipyard, Lot 18, had not yet been taken up, but that it was probable that a grant would be given.

The Bill to extend the term of the lease of the Georgetown Ferry from 7 to 10 years was read a second time, committed and agreed to, as was the Bill to incorporate the trustees of the Presbyterian Church at Summerside.

House in Committee on the second reading of the Bill in amendment of the Act relating to the protection of the Salmon Fisheries.

Hon. Mr. Perry, Chairman.

Mr. A. C. McDonald thought that the Bill should be of general application to the several rivers of the Island. In its present shape it referred only to two or three rivers.

Mr. Beer said that the reason for this was that overseers were appointed for the protection of those rivers, and if such officers were appointed for others they would require to be paid.

Mr. Munro.—The Bill should be more general and its provisions should apply to trout, which are constantly disturbed and prevented from frequenting their usual haunts by nets and seines set at night.

Hon. Atty. General.—Supposed that the rivers named in the Bill, viz: Midgell, Morell, Dunk and Winter Rivers were specified because they were the principal resorts of Salmon.

Hon. D. Davies.—It would be better to let the matter lie over till next session, when a measure could be introduced for the protection, not only of salmon, but of Alewives and Trout. At present trout were stopped in their spawning season.

Hon. Mr. Wightman.—There are rivers and harbors in the Island which salmon never enter. It was right to protect the Salmon Fisheries, but he was averse to impose restrictions on strangers coming to the Island to amuse themselves in the summer with trout fishing.

Hon. Leader of the Government.—It would be better to report progress. The subject required more consideration. He agreed that it was necessary to protect the Trout fisheries. They induced gentlemen from abroad to come here and spend their money in a very attractive amusement, and numbers of our own people leave town in summer to catch trout, as they do in autumn to shoot.

Hon. Mr. McEachern was surprised at the hon. Leader of the Government. He always considered him, not only Leader of the Government, but also the Prince of Democrats, but he now appeared as the advocate of the aristocracy. A Stanley, a Talbot, or a Disraeli could go no further in advocating the rights of their class than the hon. Leader, (laughter). He had known gentlemen from Charlottetown to go out into the country and hire boys to net trout for them.

Progress reported.

Hon. B. Davies moved the House into Committee to take into consideration the course to be pursued in order to ascertain the proper amount of fees collected in the Offices of the Clerk of the Crown and Prothonotary.

Hon Leader of the Government.—The hon. member must have Prothonotray fees on the brain. I am surprised that he did not settle the matter when he was in the Government. Last year he got a committee appointed to report this session. He knew quite well that the session was the last of the Old House. And that his committee could not report. The fact is he shurked the responsibility of dealing with the subject, and his only motion was to let the impression go forth to the country that he and his party were great economists. I cannot understand how any member can expect, by going into this committee, to ascertain the amount of fees received by the officers referred to. Such committee cannot get the required information, and it will have no power to appoint another committee with power to send for persons and papers. His committee will have to rise, leaving matters as they were before they commenced. If he wishes a joint committee of both branches of the Legislature, let him move for it, when the Speaker is in the chair. I have already stated that it is the intention of the Government to appoint a commission to report next session, whose duty it shall be to revise the whole practice of the Supreme Court, and the question of costs will come within the scope of their powers. In many cases the costs are absurdly high. For instance it will cost a poor man £3 16s. 8d. to enter up a judgment on a Warrant of Attorney, which does not require more than a couple hours work. The Supreme Court here retains many old and useless forms which have been abolished elsewhere. Doubts have existed among members of the legal profession as to the validity of titles to land sold under the Land Assessment Act; and I now move as an amendment to the motion of the hon. member for Belfast, the following resolution, which it will be perceived embraces the subject on which he wishes a committee, as well as the other matters to which I have referred. I hope the amendment will receive general support, as it is not a party measure, and should not be viewed from the stand point of party. We cannot regulate by law the fees to be charged by Counsel. Those fees are in the same category as physicians.

Hon. Leader then moved the following amendment:—

Resolved, That a Commission be appointed by the Government, to be chozen from the Bench and Bar of this Island, to take into consideration the practice of the Supreme Court, and the fees and costs therein, and to report such amendments as they may deem advisable, with special reference to the adoption of the common law procedure Act, or so much or such parts thereof as may be deemed applicable to this Island; and also to enquire into, and report upon the laws affecting real property in this Island, and the working thereof.

Hon. Mr. Sinclair.—I agree with the leader of the Government that it is high time that the practice and scale of fees in the Supreme Court should be revised, and I approve of the appointment of a Commission for that purpose, but the resolution just read cannot be regarded as an amendment to that moved by the hon. member for Belfast. It has no bearing whatever on the subject.

Hon. B. Davies.—The hon. leader of the Government is not justified in casting reflections on the late administration. There was no complaint before it of the fees of the Prothonotary or Clerk of the Crown. Last year the Hon. Mr. Bell, a member of the Legislative Council, got a Committee on the subject, but the session was too far advanced to allow of anything being done. No claim any person is receiving against the Prothonotary, but the general impression is that his emoluments are excessive. It has been currently reported, and the belief is generally entertained, that his fees have in some years amounted to the aggregate salaries of five departmental officers. My object is to ascertain if those rumors and that belief are correct. I am perfectly willing to allow the Prothonotary a salary equal to that received by any departmental officer in the Island, but I think he should be put on a fixed salary. If it shall be found that his fees exceed the amount paid to our principal departmental officers, the surplus should be paid into the Treasury. If they fall short of that standard, I would be willing to make up that deficiency. I mean to say that I would place him as a public officer, in the same position pecuniarily as the other principal officers of the Government, and I cannot recognize his right to receive more. He has not one half of the responsibility that other public servants have, who have only a tenure and uncertain tenure of their situations.

Mr. McNeill.—This question was discussed last session, both in the House and in the Council, but the late period of the session at which it was introduced, prevented any practical result being arrived at. It has long been supposed that the fees of the Prothonotary Office are out of all proportion to the work done and responsibility incurred. I will support the motion for going into Committee.

Hon. D. Davies.—I am in favor of putting the Prothonotary on a salary as other public officers, and letting all the fees be paid into the Treasury. There is no reflection sought to be cast on the Prothonotary. I believe him to be a very efficient officer, but I am of opinion that it would be in accordance with public sentiment to pay him by salary. As the Government proposes to have the whole practice of the Supreme Court, including fees, revised by a Commission, and to submit the report of the Commission to the House next session, it will be better to defer any action until the report of the Commission shall be submitted to us.

Hon. Atty General.—I agree in the opinion that the time has arrived when we ought to change the practice of the Supreme Court. The abolition of the antiquated forms and modes of procedure will be a benefit to professional men as well as to suitors. The prolix technicalities at present adopted in the pleadings, impose a great deal of unnecessary trouble on practitioners, which can be obviated by the adoption, as far as they may be applicable, of the shorter forms of the English Common Law Procedure Act. The statement that lawyers make an unreasonable profit is not based on fact. But few of them after, it may be, 30 or 40 years practice, accumulate as much as a merchant often realizes from one or two fortunate speculations in a month or two. The intended Commission will be charged with the revision of the whole practice of the Courts, including fees, and I hope, will discharge the duties devolving upon it with honesty and fearlessness.

Hon. Mr. Wightman.—The object of the motion of the hon. member for Belfast (Hon. B. Davies) is merely to ascertain the amount of fees paid to the Prothonotary, and the plan proposed by the hon. leader of the Government is probably the most advisable mode of getting the desired information. I am in favor of paying that officer a sufficient salary, and allowing the fees to go into the Treasury. When the report of the Commission shall have been submitted, we will be in a position to fix the amount of salary. It has been matter of general regret that the fees were excessive, and it is our duty to investigate all such matters. Perhaps the appointment of some layman on the Commission would give satisfaction to the public.

Hon. Mr. Caldbeck.—I have not heard the whole of the discussion, but I infer that it has been attempted to cast a censure on the late Government for their action on the matter last session. We heard rumors that the Prothonotary's emoluments were excessive. The first that I knew of the matter was from the resolution tabled after supply had been closed, when the session was too far advanced to allow action to be had upon the subject. It is due to the public and also to the Prothonotary, that the amount of his fees should be known. If they are inadequate to the duties of the office, they should be augmented; if extravagant, they should be reduced.

Resolution of hon. Leader of the Government was then carried.

On motion of hon. Attorney General, the House resolved itself into a Committee to consider the expediency of defining the boundaries of any portions of the shores held by grants from the Crown.

Mr. Beer, Chairman.

Hon. Att'y General explained that the Bill provided that any party wishing to have the boundary of a lot running to the channel defined, could do so on application to the Surveyor General, and the payment of his fees. It would be the duty of that officer to prepare a plan, and file it as a record of the bounds of the shore held by grants from the Crown. At present parties might be in ignorance of the commencement of the channel, and without any intention of doing wrong might be encroaching beyond the limits of their grants.

Hon. B. Davies.—As there was no expression of a desire for this measure on the part of the public, he was inclined to view it with suspicion. The House should be careful that they were not infringing private rights.

Hon. Att'y General.—The Bill merely authorized a mode of ascertaining the boundary of a lot running to the channel. The measure was necessary for the protection of the public rights.

Progress reported.

The rule of the House relating to the introduction of new matter having been suspended for the purpose of allowing the introduction of new matter, Mr. McNeill presented a petition from James Laird and others, praying for an Act to incorporate a Steam Tug Company for Rustico and New London. Received, read, and referred to a Committee to report thereon by Bill or otherwise.

Ordered, that Mr. McNeill and Hons. Sinclair and Perry compose said Committee.

On motion of the hon. Leader of the Government, seconded by Hon. Mr. Sinclair, the orders of the day for the second reading of the four engrossed Bills from the Legislative Council, was discharged and the said Bills were referred to a special Committee to examine and report thereon.

The House then resolved itself into a Committee of the whole to take into further consideration the expediency of defining the boundaries of any portions of the shore held by grants from the Crown.

Mr. Beer in the Chair.

Hon. B. Davies said that if a person had a grant from the Crown of a portion of the shore of a Bay or River, his grant extended as far as the channel, and it appeared that in order to find its boundaries, all he would have to do would be to go to the Surveyor General, who would lay off a line which would be defined as the channel of the River. As far as that went, it would be quite proper; but it would not be right to give power to the Government to grant away any portion of those shores, or to interfere with the rights of the Corporation of Charlottetown.

Hon. Leader of the Government said the proposed Bill would not apply to the City in any way; it would merely give to the Surveyor General authority to define the channel of a river, when required to do so by parties who have received grants from the Government, on the shores of rivers.

Hon. Mr. Caldbeck said that if he understood the matter aright, the Bill which would be brought in would authorize the Surveyor General to define how far a shore grant should extend into a river, and therefore it would be a protection both to the parties holding the land and the public as well. There should be some party empowered to define those boundaries, and he therefore could not see any objection to the resolution. Where a shore grant has been given, it should extend to the channel.

Hon. B. Davies said that provision should be made in the Bill that it should not interfere with the Charlottetown and Common.

Hon. Leader of the Government said that when the Bill comes down it will embrace the suggestions of the hon. member for Belfast, with reference to the City and Common.

Hon. P. Sinclair said he thought the hon. member for Belfast was rather too fast, for there is nothing in the resolution which stated that Charlottetown would be interfered with in reference to this matter; it is quite time enough when the Bill comes down to take up this subject.

The resolution was then agreed to. The Speaker took the Chair, and the Chairman reported the resolution agreed to. A Committee of three members was appointed to bring in a Bill in accordance with the resolution, composed of the following members, viz: Hons. Attorney General, Sinclair, and Mr. Howat.

The House then resolved itself into a Committee of the whole, to consider the report of the Committee on the Lunatic Asylum and Falconwood.

Mr. Arsenault in the Chair.

After a short time spent in Committee, without debate, the report was agreed to.

The Speaker then took the Chair, and the Chairman reported the Report agreed to without amendment.

Hon. B. Davies said he understood the Report recommended that the old Lunatic Asylum building be sold, the Stock Farm purchased, and the brick house upon that farm enlarged for an Asylum.

Hon. P. Sinclair said the Committee appointed from both branches of the Legislature had visited the Asylum, (Hon. Mr. Owen being the only member absent) and they found there were more inmates than ever before, in that establishment. On account of the manner in which the house was built, it could not be improved properly, so as to meet the requirements of the establishment; the rooms were also too small, and not sufficiently ventilated. The Committee also visited the Stock Farm, and found that the building there was large and spacious; and the Superintendent of Public Works stated, that if two wings were added to the building, it would afford quite as much accommodation as the present Asylum building. The Medical Superintendent stated that the exercise would contribute to the health of the patients, and that the milk which would be supplied by the large quantity of stock that would be kept on the farm, would be conducive to the health of the inmates of the Asylum. There was one objection to removing the establishment to the Stock Farm, and that is the latter is rather far from town. But no other place could be got nearer, and as the Committee considered that, as it would pay the Government to purchase that farm, it would be better to remove the Asylum thither.

The Report was then adopted.

Hon. Leader of the Government said that the adoption of that Report involved the purchase of the Stock Farm. That farm was originally leased for seven years, with a right to purchase it any time within that period, at £3,000 sterling, and it was the opinion of the House that, as a large amount had been expended upon it, the Colony would suffer a considerable loss if it is not purchased. It was continually increasing in value, and would bring the price which will be paid for it at any day. He would therefore move that to-morrow the House resolve itself into a Committee of the whole, for the purpose of passing a resolution authorizing the purchase of that farm by the Government. After that resolution is passed, he would move for a Committee to bring in a Bill in accordance with the resolution.

The resolution was agreed to.

Hon. Mr. Kelly, Chairman of the Committee on Private Bills, presented his report, which recommended the passing of a Bill to Incorporate Mount Lebanon Lodge of Free and accepted Masons, of Summerside.

The House then resolved itself into a Committee of the whole to consider said Bill.

Dr. Robertson in the Chair.

After a short time spent in Committee, the Speaker took the Chair, and the Chairman reported the Bill agreed to, without amendment. The rule of the House was suspended in order to allow the Bill to be read a third time; the Bill was then read a third time and passed.

House in Committee on the second reading of the Act to Incorporate the trustees of the Presbyterian Church at Summerside, which had been recommended by the Committee on Private Bills. Dr. Robertson, Chairman.

After a short time spent in Committe, without debate, the Speaker took the Chair, and the Chairman reported the Bill agreed to.

I. O.

House in Committee of the whole on the Bill to Incorporate the Young Men's Christian Association.

Mr. A. C. McDonald in the Chair.

Hon. Mr. Howlan would like to have some information respecting this Association, with respect to its object and usefulness.

Hon. Attorney General said it was a Christian and Literary association, which had especially for its object the best interest of young men. It aimed at associating them together, and training them up to be useful and honorable members of society. It was well known that association had an influence upon the mind for good or evil, and as this institution aimed at giving a high tone to the morality of young men, and alluring them from a frivolous mode of spending their leisure hours, he did not doubt but that it would result in lasting benefit to many young men, and also to the community. That such might reasonably be expected would be the result, was what he thought might be ant cipated, and of which the names in the Bill was the best guarantee.

Committee reported Bill agreed to without any amendment.

When House went into Committee on the engrossed Bill from the Legislative Council, entitled "An Act to Incorporate St. Lawrence Lodge No. 8, of the Independent Order of Odd Fellows, of Charlottetown, Prince Edward Island."

Mr. Munro in the Chair.

Mr. Arsenault could not see any benefit which was to accrue to the country from such an organization. He was not in favor of any society which was of a secret nature, and therefore, confirming them by Act of Parliament, was, in his opinion, not justifiable. He would, however, like to see a general measure for all such Acts.

Hon. Att'y General did not doubt, but that a general measure was desirable, yet in reply to the hon. member for Egmont Bay, would merely observe that, although such an association was new in this Island, it was not so in older countries. It was a kind of mutual benefit society, and men travelling in strange countries frequently found a benefit resulting from belonging to such associations as those to which the hon. member was opposed.

House resumed. Progress was reported, and leave given to the Committee to sit again.

The Act to Incorporate the Young Men's Christian Association was read a third time and passed.

Despatches.

House in Committee of the whole, to take into consideration the "message of His Honor the Lieut. Governor to the House, on the 28th day of February last, transmitting copy of a despatch from Her Majesty's Principal Secretary of State for the Colonies, enclosing copies of the Naturalization Acts 1870 (33d Vic. cap 14; 33 and 34 Vic. cap. 102) together with forms of declarations to be taken under them."

A. C. McDonald in the Chair.

Hon. Att'y Gen'al explained how the Imperial Act applied to, and would have effect in all Her Majesty's possessions. Under the Imperial Act, an alien could apply for his papers of naturalization, and insist upon having them granted. To the Imperial Act a scale of fees was annexed, and the object of going into Committee was to consider the expediency of bringing in a Bill establishing a table of fees to be paid by persons who might be naturalized in this Island, under the provisions of the Imperial Act. It would entail some trouble upon those who would have to execute the necessary documents and it was but reasonable that a scale of fees should be adopted, yet they would, all told, amount to but a small sum.

After a few remarks from Hon. Mr. Sinclair and Mr. Arsenaux, the following Resolution was submitted by the Hon. Attorney General:—

"*Resolved*, That it is expedient to establish a table of fees to be paid by persons becoming naturalized in this Island, under and by virtue of the provisions of the Imperial Naturalization Acts of 32d Vic. cap. 14 and 33d. and 34th Vic. cap. 102."

Which was reported agreed to, when House went into Committee on the report of Committee on papers to be printed in the Appendix of the Journals of the House of Assembly.

Mr. McLean in the Chair.

Hon. P. Sinclair said he was the only member on the Committee, the Report of which the Committee was then considering, who did not agree to all contained therein. He would prefer that the Land Commissioner's Account should be printed in extenso, as usual.

Hon. Mr. Perry believed such a course unnecessary, and only putting more cost on the country.

The Premier, and a few other hon. members, having expressed their views, the following was reported as agreed to in Committee:—

I. Your Committee appointed to report on what papers will be printed in the Appendix to the Journal of the House of Assembly, have to report: that no large blanks on sheets be left as formerly; but not to interfere with the present contract for printing the Journal.

II. That the Road Correspondent's accounts of expenditure for Roads, Bridges, and Wharfs, previous to the past year, be omitted.

III. That only the copy of the Warrant Book for the financial year be printed in the Appendix.

IV. The abstract only of each Township of Public Lands to be printed each year, together with the Commissioner's Report.

V. The evidence given before the Committee of Privileges and Elections, during the present session, to be omitted.

VI. That the Agricultural Returns of Great Britain, with abstract Returns from the United Kingdom and British possessions and Foreign countries, be omitted. G.

On motion of hon. Attorney General, the House resolved itself into Committee of the Bill to enable Tenants for life to execute leases.

Hon. Att'y General explained that the object of the Bill was to empower tenants for life to execute leases for twenty-one years. At Common Law such Tenants could not grant leases for a longer period than the continuance of their own estate. In consequence of the uncertain duration of life, no party would improve property his interest in which might cease at any moment. If a man married a woman having real estate in fee in her own right, he holds it for his life as tenant by the curtesy of England, and if he is possessed as such of more land than he can cultivate, he cannot as the law now stands grant leases for a longer period than his own life. The principle of the Bill is already recognized by our Statute 10 Geo. cap. 4, which enables a tenant for life to execute a lease for 999 years. The peculiar position of the Winsloe estate rendered this Bill necessary. That estate was leased to tenants for life, not one of whom could grant leases which any party would accept. The Bill provided for the security of reversionary interests. It contained clauses of security, and prevented lessees from leasing at any but the highest unit that could be obtained, and precluding him from taking an immediate bonus, and granting a lease at a merely nominal rent.

Hon. Leader of the Government was sorry to be under the necessity of differing from hon. Attorney General, but, in his opinion, it would be unsafe and unjust to pass the Bill. Suppose the case of a man owning property, dying and leaving a widow and family. The widow re-marries, and has children by the second marriage. Under the Bill the second husband, it might be, when he was eighty or ninety years of age, would have the power of giving a lease for twenty-one years, of property which he never earned, and of depriving the offspring of the man who had realized it, of the rights they inherited from their father, and they would be without redress. On those grounds he was compelled to oppose the Bill.

Mr. McNeill had not understood the nature of the Bill at first. He comprehended the matter more fully now. In the township in which he resided there were some leases merely for the life of the lessor. It would be a benefit if long leases could be granted in such cases. He had often regarded the right to turn a family out of their improved possessions at a short notice, as involving very great hardships. He would support the Bill.

Hon. Mr. Duncan.—Supposing that the second husband give a lease, reserving a rent of the full yearly value, the tenant would have the power of keeping a man out of his property for a number of years. What equivalent would that rent be to a young man brought up as a farmer and desirous of taking possession of his property and living on it.

Hon. D. Davies wished to know how the amount of the full rent was to be ascertained?

Hon. Mr. Sinclair.—The hon. Attorney General had only looked at one side of the question. The law, as it now stands, gives, in certain cases, a life interest, but the passage of this Bill would give the life tenant advantages at the expense of other people. According to the hon. Attorney General, the second husband, no matter how old, should be allowed to give a lease for 21 years, for what rent he pleased. The rent would, in many cases, prove to be no compensation for keeping the heir out of his possession. He might wish to go abroad to acquire a profession, or for any other purpose, and might be prevented doing so by his inability to dispose of his property. The Bill would work more injury than benefit.

Hon. Att'y General.—A man having a life estate in, say 5 100 acres, could not cultivate more than a small portion of it, and if following a profession in Charlottetown, or if he were in the army or navy, could not receive any benefit from his property by reason of the uncertain duration of his interest. The same argument would apply to property in the City, which might be rendered useless to any one, for no one would become tenant, and put and keep property in repair, if he could not be assured of its occupancy. The provision to the Bill for the payment of the full annual value, would obviate the argument that advantage would be taken by the lessee under the Bill.

Hon. Mr. Duncan.—It might be advisable to pass a Bill to meet some particular case or, perhaps, the Judges of the Supreme Court might be empowered, by an Act of general application, to relieve the hardship of special instances.

Mr. Munro.—One side of the case was good enough till the other was shown. The remarks of hon. Leader of the Government had great weight with him. The power sought to be conferred on a tenant for life of granting leases for twenty-one years, might have the effect of excluding the rightful heir for a long period, during which the buildings would deteriorate, and the land become exhausted to such a degree that the property would be comparatively valueless.

Committee rose without reporting. H.

Friday, March 24

The Act to amend the Act to procure a Steamboat for the Georgetown Ferry was read a third time and passed.

Liquor Licenses.

The House resolved itself into a committee of the whole to resume the consideration of the Bill to consolidate and amend the Act regulating the sale of Spirituous Liquors.

Mr. Beer in the Chair.

The clause relating to the quantity of liquor to be retailed in a store, was read.

Hon. Attorney General moved that the word "pint" be struck out, and the word "quart" be inserted in its place.

Hon. Mr. Duncan said that people often sent a common black bottle to a store for liquor, and if the quantity to be sold in a store be increased to a quart, those bottles would not contain that quantity, it would therefore be inconvenient to the public.