want of a Plan and fuller information, the Committe are unable to report on the merits of the application.

2d. The Petition of certain Inhabitants of Bedford Parish, Lot 48, and the report of an inquisition on a line of Road, to connect the old Georgetown Road with the Monaghan Road, Lot 48.

The Committee recommend, that £10 only should be authorised to be expended in opening this road to as great a width as that sum will accomplish, and that the completion of the Road hereafter should be effected by Statute Labor, and such assistance as may be afforded by the ordinary grants for Roads in that District.

3d. The Petition of the Inhabitants of Lot 56, King's County.

This application is recommended to stand over, until the proposed Road has been explored, and a Plan and estimate of the probable expense of making the same has been laid before the Legislature.

4th. The Petition of the Inhabitants of the Head of Montague River, for a Line of Road along the County Line.

The Committee, recommend that £10 should be expended in making this, for the present, a bridle road, on condition, that the right of way is first secured to the Public, free of any expense.

5th. Petition of Patrick Stephens and others, praying for a grant of money towards opening a new line of Road from Murray Harbor Road to Port Selkirk.

Thirty-nine Pounds, ten shillings is recommended to be paid as compensation for the right of way; the House having already made a grant in addition to the amount of private Subscriptions towards the making of this Road.

6th. Petition of the Inhabitants of Pisquid Road, Lot 49.

Your Committee are of opinion, that the alterations prayed for in the Petition can be effected under the provisions of the amended Road Act of the present Session, and cannot, therefore, advise any special grant for the road in question.

7th. The Petition of the Inhabitants of Wilmot Creek, Lot 25.

This Road is recommended to be opened under the provisions of the Compensation Act: the Commissioner to first ascertain the amount of Compensation demanded by the parties.

8th. The Petition of Angus McPhee, Peter McPhee, Donald McPhee, and others of Cardigan Point:

The Road prayed for in this application, has been provided for by a grant during the present Session.

9th. The Petition of the Inhabitants of 51 and 52:

The sum of Five Pounds is recommended to be expended on that part of the Road prayed for passing through Lot 51, on condition, that the right of way is secured to the Public free of expense, and that the said Road be opened from the Union Road to the line of Lot 52.

10th. The Petition of the Inhabitants of Lot 65, South Side of Elliot River:

The sum of £8 is recommended to be applied in aid of the Road prayed for, on condition, that a right of way be first secured to the Public, free of expense

11th. The Petition of the Inhabitants of Rustico, New Glasgow, and adjoining Settlements, praying for the opening of a Road:

Your Committee would recommend, that the Government should order this application to be complied with, on condition, that the parties interested, pay for the right of way, but not otherwise.

12. The Petition of the Inhabitants of Lots 36 and 37, South Side of Hillsborough River, praying for the opening of a Road, along the boundary of Lots 36 and 37, to the Road leading from the Monaghan Road, to Mr. Worthy's Mills.

Your Committee are of opinion, that the object prayed for, should be provided for out of the ordinary grant for Roads and Bridges for the District next year, as the parties are willing to give a right of way.

13th. Petition of the Inhabitants of Dog River, to have a Road straightened.

Your Committee would observe with reference to this application, that a remedy will be provided by the amended Road Act this Session; if the Petitioner wish to substitute another line of Road for the one now in use, that will be more advantageous for the Public.

14th. Report of Commissioners on Line of Road from M'Lean's to Plasted's Mills, Lot 14:

Your Committee would recommend this Road to be opened by the Government, and stumped and levelled only for the present; a plan which they deem it advisable to be adopted generally in cases, where the sole expense of making the Road devolves on the Public.

15th. Petition of the Inhabitants of Point Prim, for straightening a line of Road:

Your Committee do not deem it expedient to recommend any special grant for this object at present.

16th. Petition of Archibald Ellison, of Princetown Royalty, praying for the opening of a Road:

In reference to this Petition, it appears to the Committee, that the Government, many years since, agreed to accept another and better line of Road. through private property in lieu of the road prayed for, which first mentioned road was opened, and is now dedicated to the Public; but if the Petitioner considers his legal rights infringed on, the remedy must be sought elsewhere.

17. The Petition of the Inhabitants of West Settlement and of part of Township, No. 46, for opening line of Road:

Your Committee are unable to recommend, that any action should be taken on this application, as no plans or estimates accompany the Petition, nor is such information afforded, as will enable them to judge of the necessity of the Road in question.

18. The Petition of the Inhabitants of Lots 9 and 10, for a new Road:

Your Committee do not consider the Road prayed for to be of that public utility to warrant the expense that would be incurred in opening the same.

19th. The Petition of the Inhabitants of Lot 17 and vicinity, praying for the opening of a Road from Sedgwick Settlement to Miscouche:

As no plan or estimate has been furnished, and as the Road prayed appears to be more for private, than public accommodation, your Committee cannot recommend, that any Grant should be made for the service, until a right of way be secured to the Public, free of expense.

20.th. The Petition of the Inhabitants of Township No. 50, praying for the opening of a Road.

Your Committee would recommend, that this application should stand over until next year; and that, in the mean time, the Commissioner of the District be required to ascertain what amount of compensation, if any, is required for the right of way, and the probable expense of making the Road.

21st. The Petition of the Inhabitants of Lot 47, praying for a line of Road from the West River, Lot 47, to Surveyor's Pond:

The charge amounting to £31 11 3½, as the compensation required for a right of way, including the expenses of the Inquiry, appears to the Committee to be extravagant; particularly as the Road prayed for is represented as being of great convenience to the parties through whose land it runs, as well as to others: and they, therefore, suggest, that no further action should be taken on the application, until a right of way can be obtained on more favourable terms.

Your Committee would recommend that a copy of this Report be sent to His Excellency, the Lieutenant Governor, with a request, that he will be pleased to give effect to the recommendation therein contained.

(Signed) Joseph Pope,
John Jardine,
Alex. Laird.
Allan Fraser,
E. Thornton,
G. Coles,
James Yeo.

LEGISLATIVE COUNCIL.

Thursday, March 25.

Hon. Mr. SWABEY having moved that the Bill relating to closing up Roads, be read a second time, it was committed to a Committee of the whole House, with His Honor as Chairman.

The House shortly resumed, the Bill was reported agreed to, without amendment, and ordered to be engrossed.

Hon. Mr. BIRNIE moved second reading of the Bill relating to "Ascertaining and establishing Boundary Lines of Townships and part of Townships" which being performed, it was committed to a Committee of the whole House, with His Honor as Chairman; on the Bill being read,

Hon. Mr. SWABEY said, while he was a commissioner for establishing boundary lines, he had but two jobs, for which he was paid in both cases by the party applying; he made this observation to show, that the parties applying did appear to consider, that no other persons were liable to pay; a slight discussion ensued when the House resumed, the Bill was reported progressed in, and leave obtained for Committee to sit again.

Hon. Mr. SWABEY moved that the Education Bill be committed to Committee of whole House, which was agreed to, with His Honor in the Chair. After some little progress had been made, the House resumed, progress was reported, and Committee obtained leave to sit again; this interruption occurred to receive report of Committee of conference on the Proviso added by this House to the Bill granting Patent to Thomas Robson for a Fog Bell, which proviso the Assembly objected to pass, giving as a reason that there was no necessity for it in the Bill. His Honor the President and Hon. Attorney General were both of opinion that without the proviso the benefits to be derived from this patent, being unlimited, might some day create a law-suit, whereas with the proviso the benefits were limited to 10 years, which was in accordance with a former Act for a patent.

His Honor the PRESIDENT remarked—it is somewhat singular that last Session, when passing a Bill for a patent for Dr. Gesner, this House made the same proviso to it, and the Assembly did not make the least objection, while now with a Bill, for a similar purpose and with the same proviso, they demur to pass it. Report laid on the table.

Hon. ATTORNEY GENERAL then took up the Report of the conference of yesterday relating to the 2nd, 3rd, 4th and 12th amendments made by this House to the Small Debt Bill, which the Assembly objected to pass; he observed—that the 2nd amendment related to that clause of the Bill appointing 5 Commissioners to each Court, this House considered 3 were enough and amended the clause accordingly, now the Assembly wanted the original number of five to pass, and therefore moved, that this House adhere to the amendment now made by the Assembly.

Hon. Mr. HOLL reiterated the objections made by him on a former day, to have five Commissioners, and as nothing had since occurred to shake his then expressed opinion; but on the contrary, it had rather been confirmed, he should therefore vote for the continuance of the number three.

Hon. Mr. DINGWELL said he should vote in the same way, because it appeared to him that there might be more difficulty and less general satisfaction accrue from having five Commissioners; hitherto three had been considered competent to settle claims to the amount of £8, and he could not see, if they were qualified to perform this service, that they were incompetent to adjust claims to the amount of £20 the same justice only would be required to settle £20, as for £1 or the ½ of it; if five Commissioners were appointed it would often occur that *three* would not attend, most of them having business at home, and the fees being small, they might prefer attending to their own affairs, to attending at the Court, which might create both inconvenience and difficulty; then there might four Commissioners attend, when if these were equally divided in opposite opinions, it would not be possible to come to a just decision; in cases now where a Commissioner was likely to be absent, he generally looked out for another to fill his place on the bench, and the business of the Court was in consequence not impeded: such might not be the case, if five were appointed.

After a little further discussion the House divided on the motion as follows:

Contents.—Hon. Attorney General, Swabey and Rice—3.

Non Contents.—His Honor the President, Hon. Mr. Holl, Hensley, Birnie, Haythorn and Dingwell—6.

The 3rd and 4th amendments hinging on the 2nd required no further notice, and therefore,

Hon. ATTORNEY GENERAL moved that this House adhere to the amendment made by the Assembly to the 12th amendment, which was agreed to.

The House then resolved itself into Committee of the whole and took up the Education Bill, which was progressed in without comment of any moment till the clause specifying the mode of taxation was arrived at, when

Hon. Mr. HOLL observed if the Bill had came earlier before the House he should have felt inclined to propose an amendment to the mode of raising a fund for education, which he thought would prove to be more palatable to the public at large; it was well known, that Roads and Bridges were indispensable through the Island and he would have had the land taxed to make and then keep these in repair, which—as every body having to travel liked good roads—would be the most feasible way of giving them such, and for which they would not object to pay the tax imposed, especially when it would be known that this plan would supersede the necessity of statute labor, which to very many persons was a tremendous tax; then to meet the outlay required for Education, he would fall back upon the Revenue of the Colony, which, as he had already said, would be more generally palatable to the public taste; however, as the time of the Session had so far advanced, he would not trammel the Bill with an amendment to this effect.

Hon. Mr. RICE quite approved of what had just fallen from his hon. friend, and though there appeared to him a strong necessity to have the amendment referred to, he should be sorry at this late stage of the Session to have it introduced; he trusted, however, that the time was not far distant, when it would be a law, he was satisfied there would be less objection to it than there will be to the clause now before the Committee: if the present system of statute labor was totally abolished, the Colony would be relieved of a great nuisance; the wished-for labor was not performed as it ought to be, and was not performed at all in the absence of the Overseer; he did not mean to say that this was positively the case throughout the Island, but he had seen enough to make him believe the practice was too general for the public good; if then this system was exploded, and the tax derived from the land expended in the making and maintenance of Roads and Bridges, the money would generally return to the pockets of those who paid it, and would be more satisfactory to them, besides their having a decided improvement in this means of travelling; then the tax on the land thus expended would be less objectionable to Proprietors, who, while they have a direct interest in the improvement of their property by good roads through it, have no children to educate and too little interest in the education of the children of their tenants to pay for that education without objection; then there were many persons who had been to considerable cost to educate their children and many others who had no children to educate, and it could not be expected, that either of these parties would particularly relish paying a tax to educate the children of their neighbors from which they were not likely to derive any pecuniary benefit: there is another view of the case, if the land was taxed for Roads and Bridges, and the money required for the purpose of Education was taken from the Revenue of the Colony, it could more directly be styled *Free Education*, than it can be under this Act; he would not, however, now interfere with the Bill, but he hoped in a year or two at least to see the tax on Land expended on the Roads, and Education paid for out of the Revenue of the Colony.

Hon. Mr. HOLL now wished to be expressly informed, whether any part of the Bill excluded the Scriptures from the schools, and being so informed, expressed himself satisfied.

The Bill then progressed without material comment, till it came to the last clause which requiring further consideration the House resumed, progress was reported, and Committee received leave to sit again, when the House adjourned.

Tuesday, March, 30, 1852.

Hon. Mr. M'DONALD moved the second reading of the Bill relating to sale of Spiritous Liquors.

Hon. Mr. SWABEY seconded the motion and said he thought their Honors would fully agree to make such stringent measures with respect to the sale of Liquors as they must be aware the case required one which would be an important improvement to the present system and also meet some of the views of the friends of Temperance; but there was one feature of the Bill—that of making the Grand Jury the channel through which Licences should be recommended, this he considered was not the proper party to employ at all: the Grand Jury was only summoned for the time of the Session, and soon as the Court closed, Grand Jurymen were not to be found, and if found, there was no degree of responsibility, for making wrong recommendations, to be attached to them; therefore some other party should be appointed, and he considered that a board of Magistrates, say 5 or 7, to be appointed by the Supreme Court in each County, who shall receive applications and grant certificates on which Licenses may be granted to applicants. Bill read a second time.

Hon. Mr. ATTORNEY GENERAL moved that the Bill relating to the retailing of Spirituous Liquors be committed to a Committee of whole House, which was agreed to, and His Honor called to the Chair. On the clause relating to the Grand Jury having to recommend the parties who should receive License;

Hon. Mr. SWABEY moved in amendment—that a board of seven Magistrates to be appointed by the Court, take the place and do the duty which had been assigned to the Grand Jury; which was agreed to. After some time the House resumed. Bill was reported progressed in, and leave granted to sit again.

Hon. Mr. HOLL moved the second reading of Bill to raise a Revenue, which was agreed to, and the Bill subsequently committed to Committee of whole House, with His Honor in the Chair, and was progressed in, without any material discussion or amendment, till arriving at the alteration of the duty on distilled liquors from 8d. to 6d. per gallon, when

Hon. Mr. HENSLEY said, he should like to know on what grounds the reduction had been made, and what public end could be subserved by its adoption; it appeared to him a singular way to raise a Revenue by reducing the duty, and that without any specific reason, and without fair reasons, or some sound information on this head, the House would be legislating in the dark.

Hon. Mr. ATTORNEY GENERAL could not give the information which his Honorable friend required, but would make enquiry on the subject, and report accordingly.

Bill was then progressed in, till it reached the clause in relation to reciprocating with other Colonies, when it was observed that Canada was left out.

Hon. Mr. HENSLEY should like to know the reason for this omission?

Hon. Mr. ATTORNEY GENERAL said the only remark he heard, was, that we had nothing that Canada seemed to want, so that the balance of the trade was against us, and he supposed this was considered a reason; but he would enquire.

Hon. Mr. HENSLEY said it was quite ridiculous one year to open a trade with a neighbouring Colony, and the next cut off all commerce with it, without giving any reason whatever for the sudden change: if it was considered necessary for this House to legislate on public matters, ample information ought to be furnished to it whereby to legislate wisely and not have it working in the dark; to say that the balance of trade being hitherto against us, gave no reason that it would always be so; he thought that shutting Canada out would have the effect of stocking our market with New Brunswick grain and flour, which were little, if any better than our own, and very inferior to that of Canada, which latter the New Brunswick Merchants would keep for themselves, because it was better than their own, and would be cheaper, and then send theirs here; he thought the omission a very unstateman-like proceeding and could not give it his sanction.

House shortly after resumed, Bill was reported agreed to with suggestions, and leave granted to sit again.

Hon. Mr. ATTORNEY GENERAL moved that this House insist on the amendment made to the Law of Evidence Bill; His Honor said, he made this motion on the ground which he stated on a former day, viz: that the part of the Bill he objected to was but of recent introduction into England, and he thought it would not be prudent to have it introduced here, till more matured in that country.

Hon. Mr. HOLL seconded the motion on the same ground; the motion was then agreed to, and the House adjourned.

ENGLAND.

Generally speaking, the new Ministry is well received: reports prevailed, however, that the opposition would not vote the usual supplies until Lord Derby had announced the principles on which his administration would act.

Phillip Griffin, late Secretary to the British Legation at Athens, has been appointed Secretary to the Legation at Washington.

Four-and-twenty journeymen tobacco-makers in Vienna have been sentenced to imprisonment in irons for various periods of from fourteen to twenty-five days, and to fast twice a week, for having struck work.

It is reported that M. Rothschild is the principal proprietor of the *London Times*.

The total number of persons who emigrated from the United Kingdom during the five years from 1846 to 1850 inclusive was 1,216,557. The number despatched by the colonial land and emigration commissioners in the period was 53,434, and the estimated number who emigrated at their own cost in the same time was 1,163,123.

Advices from Otago, dated the 13th of October, state that the settlement is making slow but steady progress. The flocks and herds are largely increasing, and after another harvest there will also be a full supply of grain of all sorts. Gold dust had been found at the Molyneux, and also some fair specimens of opal.

NOVA-SCOTIA.

Halifax, March 25, 1852.

Death of the Lieut. Governor Sir John Harvey. —It becomes our painful duty to announce the demise of our venerable and worthy Lieutenant Governor, Sir John Harvey, K. C. B, K. C. H., which event took place on Monday, 22d inst., at 11 a. m. His Excellency had been ailing for some time previous; but nothing had occurred for a week or two to suppose, that his sudden departure could have been anticipated from this sublunary scene.—Sir John had suffered severely from domestic afflictions, and the severance by death from the partner of his bosom, who had followed his fortunes in the four quarters of the globe for nearly half a century, was a shock which he could not possibly survive. His Excellency had prophetically stated, that ere long, his bones would rest beside the remains of one whom he had loved when living, and whose memory was cherished with even greater affection. His Excellency was in the 74th year of his age.

Latest from the United States.—The R. M. S. America came in yesterday about 2, p. m. 50 hours from Boston, having been detained by heavy head winds during the passage. Proceedings in Congress have been of a stupid character, with the exception of a row got up between two fierce Southerners, who, after giving each other the lie, proceeded to have a set-to in regular pugilistic style. More petitions from South Carolina and Massachusetts have been sent in to the United States' Senate praying increased aid to the Collins' line of steamers. Another collision occurred this day week on the Hudson River Railroad, by which one person was instantly killed, and both engines were greatly damaged. Resolutions have been introduced into the lower branch of the Legislature of Massachusetts denouncing the Fugitive Slave Law as unjust, oppressive, and unconstitutional. The Republic, a Washington paper, contradicts the report that a draft of $400,000, drawn by an officer in the Pacific squadron, on the department, had been protested, and asserts, that there is no deficiency in the Treasury. There have been great freshets in the vicinity of Albany.

LATER FROM CALIFORNIA.

The steamers *D. Webster*, and *El Dorado*, have arrived at New York, both bringing many passengers and much freight. The news from San Francisco was just *twenty-six days, four hours*, in its transit to New York! Several American clippers had arrived at San Francisco from New York, in passages of from 93 to 114 days. It is feared that the Schooner Penelope from San Francisco for San Juan del Sud with 84 passengers, has been lost with all on board. The markets were improving, and speculation was dying away.—Flour could be had for $9, and beef commanded $20 to $25. Gold digging continued to be successful; water was much wanted in the mining districts. The snow is reported 40 feet deep at some points between Marysville and Jamison's creek. A gentleman walking in the vicinity of Sonora, observed a small piece of quartz sticking out from the ground; he pul'ed it out and found it contained gold to the value of $1000. Indian depredations were still frequent. A Colony was about to be formed in the State of Sonora. The Sheriff of Caleveras recently shot a couple of Frenchmen who had refused to obey an order of court; a large body of them subsequently got together, grew riotous, and before order was restored, one of the number was shot dead, and another severely wounded.

The lower House of the State Legislature, by a vote of 42 to 11, have passed, what may substantially be called a Fugitive Slave Law of their own. The question of the division of the State, with a view to the admission of slavery into the Southern half, is becoming a subject of serious agitation throughout the Commonwealth. It is thought, that sooner or later, the State must be divided. The conflict of local interests between the northern and southern districts will not admit of one united government.

Another Man Shot in California.—A man named Baker, a merchant tailor in Sacramento, was shot by a man named Green yesterday morning. Green and Baker have been partners heretofore in business, and Baker, who is unmarried, succeeded in estranging Green's wife. Green recently left Sacramento for San Francisco on business, and during his absence, Baker put in circulation several stories to the effect that Green had left the country in a clandestine manner. On his return to Sacramento, Green was made acquainted with these matters, and proceeded to Baker's store, and finding him behind the counter, discharged a pistol at him, the ball from which passed through Baker's right lung. Green then assaulted the wounded man with a bowie knife, cutting him in several places, but not dangerously. At the last accounts, Baker was still alive, but it was deemed impossible for him to survive much longer.—[Alta California.]

HASZARD'S GAZETTE.

TUESDAY, APRIL 6, 1852.

Mr. WHELAN'S QUALIFICATION.

In the consideration of this question, such a mass of irregularities, inconsistencies and discrepancies present themselves, that it is somewhat difficult to select a point of commencement. The whole transaction is anomalous. Can any one say what law, usage, or custom sanctioned, or could be supposed to sanction, the act of a deliberative and legislative body investing itself with the functions of a judicial tribunal? Was it ever before heard, that a House of Parliament resolved itself into a court for the trial of one of its members, for a crime cognizable only before the established criminal Courts of the Country? Well might Mr. Whelan say that, "As to his position before that Committee, it was one of the most novel and unprecedented in which any member of a legislative body had ever been placed." He had, however, in a great measure, himself to thank for it. When Mr. Palmer, in a hasty moment, and under circumstances of great provocation, made the vague assertion, that there were *members* in that House who deserved to have their ears cropped, for swearing to their qualification as members, when they had none; why should Mr. Whelan have assumed, that it was meant for him? Why did he not, as he is fond of quoting Shakspeare, get up and say—

"Let the *galled* jade wince, *our* withers are unwrung."

On the contrary, he must have felt his ears tingle, and his friends—if they were his friends—must have thought, that there was some foundation for supposing, that he was the person alluded to, and they accordingly furnished a point to the otherwise headless shaft, that had been shot by Palmer, by assuming, as a fact, that Mr. Palmer had charged Mr. Whelan with Perjury, by implication, and by requiring him to retract or prove the assertion, "that Mr. Whelan had taken his seat in that House without a qualification." This then was the issue which the House in Committee were to try. The *onus probandi*, as the Lawyers say, ought to have rested on Whelan, as Palmer could not well be called on to prove the negative; this was only one among many other irregularities, but was, however, in some degree, set straight by Mr. Pope's motion, that Mr. Whelan lay his qualification on the table. Now, before we enter upon the evidence adduced to support or invalidate that qualification, let us consider what is the duty of a candidate who aspires to the situation of a Representative of a particular place or district. The position of Member of Assembly is not one of those which are forced upon men as that of Sheriff, &c., but is eagerly and anxiously sought after; and, as it becomes necessary, not only to have a certain portion of landed estate, but to take a solemn oath, that it is the candidate's own, and not only so, but that it is *such* an estate as is pointed out and described in the statute, and as it must have been in the party's possession for a twelvemonth previous to his offering himself to the suffrages of the people, one would hardly think that a doubt or question could well arise; but that, if any, even the slightest doubt presented itself, the party who was about to take the oath would take care, that every such doubt was clearly resolved, before he invoked the aid of his Maker to the truth of what he was stating. A man may unconsciously swear to that which is untrue, and yet may not be perjured; but if a man swear to a particular fact, the truth of which may be doubtful, without first ascertaining whether he is correct in so doing, he is *morally* at all times, and under peculiar circumstances, *legally* guilty of perjury, if what he has sworn turns out to be untrue. In this case, Mr. Whelan, on the 29th day of January, 1850, swore that he was, by *law*, entitled to a seat in that House, according to the schedule there presented. And on the 5th March, 1850, he took the following oath,—"I, Edward Whelan, do swear, that I truly and *bona fide* have such a Freehold Estate on this Island, to and for my own use and benefit, (over and above what will clear all incumbrances that affect the same.) as doth qualify me to serve as a Member for the Second Electoral District in the County of King's, according to the tenor and true meaning of the Act of the General Assembly in such case made and provided. So help me God." It remains now to be seen whether the qualification possessed, at these respective periods, by Mr. Whelan, is in accordance with that oath. According to the evidence of Mr. John Dawson, it consists of the Assignment of a Sheriff's Deed for 73 acres of Land on Lot 37, seized and sold for arrears of Assessment and costs. According to the evidence of the Hon. George Coles, the transfer was made on the 24th April, 1850, and Mrs. Dawson's dower released at the same time, and, from the evidence of both, Whelan had had the Sheriff's Deed in his possession—unassigned—for some time previous. Whelan had not paid Dawson for it in 1846, nor had he given him any security for payment, nor did the agreement secure him in any shape. Dawson's reason for not signing the Deed was, that he had not been paid for it. Had been paid £50 by instalments, the last in February, 1852. Ceased paying the land tax for it about two years since, paid it before, but charged Whelan with it. Mr. Cundall's evidence went to show, that he had sold the land to Dawson for £6, that he had not levied upon the exact 73 acres, but, by the assistance of Mr. Ball, gave a description and plan. There were various other witnesses, as to whether the land was worth £50 or not, but we choose to put the value out of the question, for *if* Whelan paid £50 for it, *he* had a right to swear, that it was worth it. It appears from this evidence, therefore, that there was an agreement to sell upon the part of Dawson, and a corresponding agreement on the part of Whelan to purchase this 73 acres of land, for the price of £50, in 1846, but as no part of the purchase money was paid, nor any transfer made, Edward Whelan was not in possession of either a freehold or any other legal estate, in the land in question. It is true, that Mr. Whelan was in a very good condition, having the original title deed of Dawson in his own possession, to compel Dawson to give him a freehold title. He might have caused a deed for that purpose to be prepared, and, on tendering to Mr. Dawson the £50 with the interest, if any were due, and the taxes which it seems Dawson had paid, and demanding that he should execute such deed, on his refusal, might have filed a bill for a specific performance of the agreement, but this is all he could have done, and there is no question, but that Dawson would have complied with his request, for he states, that his only reason for not signing the transfer was, that he had not been paid. What did Mr. Dawson mean by this? What else could he mean but, that *he did not choose to part with the legal title to Mr. Whelan, until the consideration money was paid*. Mr. Whelan triumphantly observes—"That the title to the property must certainly have been in some one at the time, and that it was not in Mr. Dawson he had himself clearly stated." But Dawson had as clearly stated, that he refused to sign the transfer; now to which is the most credit to be given—to Dawson's *bare word*, that the title to the estate was not in him, or to his *deliberate act*, accompanied by a reason, satisfactory in law and to common sense? But we agree so far with Mr. Whelan, that the title was in the one or the other, and that it was not in him (Whelan) we will, we think, make abundantly clear, and this without any reference to law books, or recourse to any sophistical arguments. One of the first and best tests, we think, it will be admitted by all, of a title to a freehold unincumbered estate in possession, is the power of disposing of it by deed. Now let us imagine Mr. Whelan applying at the office of Mr. Robert Hodgson, or Mr. Hensley, or any other gentleman, who advertizes in the public papers to lend money on mortgage, to borrow £50 on a *freehold* of 73 acres of land, situate on Lot 37; and let us suppose he tenders Mr. Dawson's agreement, the Sheriff's deed, without any transfer on the back, and informs him, moreover, that he had been in possession since 1816, would either of these gentlemen, or would any man in his senses lend a Shilling? Might not the reply be—"Freehold, my dear Sir, you have no freehold in this property, the estate is still in Mr. Dawson, you must go back to him, Sir, and get him to give you a title, and then, perhaps, if the land is worth it, I may lend you the money; as the thing stands at present, a conveyance from you would not be worth the paper or parchment it might be written upon." And would not this answer be correct? Supposing Whelan had sold it, and the person wishing to be satisfied of the title before he pays the money, asks Mr. Whelan to allow him to lay the title-deeds before a lawyer, and, as a man of honor, he does so; what would be the reply of the lawyer? "Mr. Whelan cannot make a title to this land, for he has none in himself at present, the title is in Mr. Dawson, and he alone can give a satisfactory conveyance." But Mr. Whelan contends, that he is in possession: that may be; but it is under Mr. Dawson, and the possession of Whelan is the possession of Dawson, and thus the legal title and the legal possession are both in Dawson, until the 24th April, 1850, when he for the *first* time divests himself of either. The Act and the Oath both state, that it must be a *freehold* estate. Now what evidence is there of the nature of the estate. The agreement of 1846, the solitary muniment of of Whelan's title, upon which all depends, is not forthcoming. In cases of this nature, the law and common sense treat that which is not forthcoming as not existing. How then does Whelan's title stand: a simple promise of Dawson—void by the Statute of Frauds—to sell him a piece of land when he pays him £50, and, as a security that he, Dawson, will keep his word, he places the deed in Whelan's possession. Why it was so left, we may enquire hereafter. But, in the mean time, Mr. Whelan swears, "that he has truly and *bona fide* a freehold estate." What meaning did Mr. Whelan affix to the words *truly* and *bona fide?* It must surely have been a different meaning from that which is given to these words in the common intercourse of man with man. The word "truly" carries its own meaning; but the words "*bona fide*" have, apart from their literal meaning—"in good faith"—a conventional meaning, equivalent to "unquestionable," "good as the bank," "no mistake," or any other expression by which we endeavor to add assurance to our asseveration. Even here, at this stage of the enquiry, we cannot withhold our conviction, that when Mr. Whelan, on the 5th March, 1850, took the oath, that he had a freehold estate sufficient to qualify him to be elected as a Member of Assembly he swore to that which was *untrue;* whether, in so doing, he perjured himself, is another question, which we will subsequently examine into.

The following Address was presented to the Rev. Mr. Macnair from a deputation of the Victoria Division of the *Sons of Temperance*. The Rev. gentleman took his departure from the Island in the Ice boat yesterday morning.

To the Reverend Robert Macnair, Chaplain of Victoria Division Sons of Temperance.

Reverend Brother.

We the undersigned having been appointed by the Victoria Division, Sons of Temperance, to present you an address on leaving Prince Edward Island, beg to express in the name of the Division, our gratitude to you, for your consistent support, and warm advocacy of Temperance principles, at all fitting and convenient seasons, and feel deeply sensible of the influence your irreproachable life and earnest piety have exercised in recommending our association, not to that congregation