

Legislative Proceedings.

HOUSE OF ASSEMBLY.

FRIDAY, Feb. 13.  
MORNING SITTING.

Hon. Mr. POPE moved, that it may be made an order of the day, for a memorial for the House to go into Committee of Supply. Ordered accordingly.

Hon. Mr. WARBURTON laid before the House the Estimates for 1859.

COMMEMORATION TO EDUCATED TENANTS.  
Hon. Mr. COLES introduced a Bill to provide Compensation to ejected Tenants for their improvements. The Bill was read a first time, and its second reading ordered for to-morrow.

SELECTION OF FEMALES.  
On motion of Mr. Palmer, the following was read a summary report for female seafarers, and read a second time, and thereupon submitted to a Committee of the whole House. Mr. CLARK in the Chair.

Mr. PALMER in explaining the principles of the Bill said, it doubtless was known to hon. members, that by the law as it existed at present, the party aggrieved has a remedy by action in the Supreme Court, though by either the master or the charterers for the loss of service, as it is termed, though so laid, it is for the benefit of the seafarer, who by her own evidence can substantiate her case. But the anomalies of the law, when the action is thus brought, are such as to exclude a remedy otherwise when an injury of this nature is inflicted; for should it happen, as indeed it frequently does, that the seafarer has neither parent nor guardians to look to for protection, or having either, happens to be so placed at a time when he is young in their care, or under their actual care, or, in fact, without regard, however pitiable or aggravated her case may be; and this case she cannot comply with the legal form of alleging and proving the actual facts, she is left in a state of service; thus the remedy is not within the reach of those who being so situated, most anxiously require its application. The Bill, therefore, is introduced with a view to the removal of all such anomalies, and to allow the action to be brought under any circumstances, and in the name of the woman herself, and at the same time to give her the benefit of the actual facts, and to give her a party to the record. It dispenses with the necessity of showing loss of service, or any pecuniary loss, and simplifies in a material degree the pleading, and the evidence to be given. At the same time, he feared, not sufficiently guarded to prevent its provisions being abused: It left the credibility of the plaintiff as a witness, and the facts of the case, to be proved by such testimony, were not bound in law to find even nominal damages, if they thought proper. It enabled the judge to place the damages according to the facts of the case, and to give such testimony, were not bound in law to find even nominal damages, if they thought proper. It enabled the judge to place the damages according to the facts of the case, and to give such testimony, were not bound in law to find even nominal damages, if they thought proper.

Message from the Legislative Council, by C. Desbary, Esq., in the name of His Excellency the Governor, that the Council had passed the following Bills without amendment:—  
The Bill to regulate the Sale of Arsenic and other Poisons.  
The Bill to regulate the Public Administration of Justice, and to incorporate the Diocesan Society, which they desire the concurrence of the House.

Mr. PALMER presented a petition from the Rev. Dr. Jenkins, relative to the last Bill, and then moved that the Bill be read a first time, which being done, its second reading was ordered for to-morrow.

Hon. Mr. COLES moved, that said Bill be referred to the Committee of Private Bills, to report thereon, and it was referred accordingly.

Mr. FRASER had received copies of deeds admitted in evidence. Mr. HAVILAND reminded the hon. member that that must have been the case previously, and that they may be six years old.

Mr. DAVIES agreed with the hon. member Mr. Fraser, he did not approve of sending to England for copies of deeds, they may say the right is gone, and yet they may be six years old.

Mr. DOUSE had known witnesses to be detained many days about the Court to attest signatures, and very much inconvenienced and annoyed.

Hon. Mr. COLES did not approve of copies of deeds or other documents from England, in the Island not so, because if any supposed error, the originals could at once be referred to.

Hon. HAVILAND was not wedded to the Bill, but was mostly certain, that if it became law it would be found a great benefit to the Colony, and was surprised at the opposition of the hon. member for Belfast. Mr. Davies, as Lord Campbell originated the Statute, who was a great Liberator.

Hon. HAVILAND moved that the House go into a Committee of the Bill. The hon. member then moved that the House do not sit on this day six weeks.—The House divided:  
AYES—Hon. Mr. Pope, and Messrs. Fraser, Laird and McNell 4.  
NOES—13.

The House then went into Committee.—Mr. BEATON in the Chair. And the House being resumed.

Mr. SPEAKER moved that a few remarks; any thing relative to deeds, he considered ought to be looked at with a jealous eye. Mortgages might be effected in England and not known to the mortgagor, and he may lose his purchase. He should be glad, if the Bill were passed, that the mortgagor should be notified.

Hon. HAVILAND reminded the hon. Speaker that the Mortgage did not register his deeds, then he could not take advantage of the Bill.

Mr. SPEAKER requested the proprietors would not do so. After a short time spent in Committee, the Chairman reported progress. The Bill was then read a second time, and the House adjourned.

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On motion of Mr. Palmer, this Bill was read a third time and passed.

Hon. Mr. WARBURTON laid before the House the Blue Books for 1859.  
Adjourned 'til 1 o'clock.

AFTERNOON SITTING.

LAW OF EVIDENCE.

HOUSE IN COMMITTEE ON MR. HAVILAND'S BILL.—Mr. BEATON in the Chair.

Hon. HAVILAND moved, that the Bill for amending the Law of Evidence be now committed to a Committee of the whole House. The hon. member then moved that the Bill be read a first time, which being done, its second reading was ordered for to-morrow.

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Mr. MOONEY disapproved of the provision, as being likely to take out the cream and marrow of the Bill, observing that a tenant would little chance of contending against his landlord in Court.

Mr. M'NEILL was of the same opinion as his hon. colleague, and believed that in nine cases out of ten, the tenant would be unsuccessful in most of the arbitrations.

Mr. WIGHTMAN was of the same opinion, as the arbitrators were to be chosen by each party, that an appeal would not be a satisfaction to compete with his landlord. For this reason he wished to see the award of the arbitrators made final.

Hon. Mr. POPE approved of the clause. The tenant should be protected by all just means; too much caution could not be used to keep him in possession of his property till he had received a just compensation and was the great aim and object of the Bill. He was of opinion, that reference in case of dispute ought to be allowed, and that the arbitrators should be subject to the strictest scrutiny. He did not think the arbitration offered had been in point.

Mr. MOONEY considered he had as good a right to give his opinion as the hon. the Treasurer himself. He was pretty certain, from his knowledge of the matter, the tenants would put up with almost any injustice from their landlords, sooner than the risk of going to law, where they stood so much chance of redress against the power of the landlords.

Hon. HAVILAND did not rise for the purpose of saying which way he intended to vote, but he was surprised at the opposition of hon. members. There must be an appeal allowed to the tenant, as well as to the landlord, but if the award was made final, and no appeal was allowed to apply to the Supreme Court. The hon. member who had just said, was completely incorrect, that a tenant could not obtain justice in the Supreme Court. To enforce the hon. member's opinion, he would have to go to Court, out of three cases, two were given in favour of the tenant.

Mr. WIGHTMAN conceived it would be very hard to compel a poor man to go into Court, and would much prefer some other remedy being provided.

Hon. Mr. COLES replied to the fears expressed about the tenant not getting justice in the Supreme Court, that if there had ever been a Committee of Arbitration, it would have had some, and he was not so other as sitting, as that provided for in the clause under consideration, that a tenant could not obtain justice in the Supreme Court. To enforce the hon. member's opinion, he would have to go to Court, out of three cases, two were given in favour of the tenant.

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