

FRIDAY, APRIL 27.

such persons shall not reside in the same county, it shall be lawful for the plaintiff in the suit, should he so elect, to bring the same in the county where he and any persons named in the said defendant's return, in which case the summons and execution may issue into any county or counties wherein either or any of the other defendants reside, although different from the county wherein the cause shall be tried; and such summons or execution shall have the same force and effect in law, and the costs of suit shall be the same as if the cause were tried in the county wherein the said cause shall be tried."

Hon. Mr. HUTCHINSON moved that the following be the part of the Bill: "From and after the first day of January, A. D. 1863, there shall be no imprisonment for debt under this Act, anything herein contained, to the contrary thereof notwithstanding."

Hon. Mr. BAGNALL seconded the motion, in the course of which he made some arguments, pro and con, which were advanced on the previous day when the same motion was submitted by the President, were reiterated.

Hon. Mr. DISWELL.—The proposed amendment, if adopted by the Legislature would be for the benefit of the whole community. I believe imprisonment under the Statute, which has never turned out to be a benefit to the community, and which has never submitted shall come into operation until after the expiration of nearly three years from the present time; and if it be so agreed to, mechanics, traders, and others will have full time to alter their modes of doing business, and to shape their course accordingly.

Hon. Mr. BAGNALL.—I cannot see the force of the arguments which have been advanced under the motion. If it be agreed to, it will, as his Honor the President has said, pave the way for the total abolition of imprisonment for debt; and, that being effected, a direct and immediate consequence will be the extinction or abandonment of the credit system. Credit has, no doubt, as I admitted yesterday, frequently been of great service to a poor man when beset with difficulties; but the evils which have arisen from it have far outweighed the good. In fact, credit in this colony has been as a blight to its prosperity; it has been injurious to the Island in general. Many poor persons imprudently take credit in the winter and the spring, looking forward to their crops to enable them to pay their creditors. Were credit denied them, they would generally make shift to do without it; and, though the economy, prudence, and exertion, forced on them by such a denial, would gradually improve in their circumstances, acquire property, and be able to pay their way at all times without inconvenience.

Hon. Mr. GARDNER.—My wish is that we should give the Bill a trial without any amendment. If the proposed amendment be adopted by the Legislature, it seems to be the opinion of a majority of this Board that it will cause a stagnation of trade throughout the colony, because it will do away with credit. The time is certainly not yet arrived for the abolition of imprisonment for debt in the Colony. We are obliged to imprison many persons of bad principles who would never pay the debts which they contract were it not that they are frightened into doing so by the sight of the jail doors.

Hon. Mr. DISWELL.—The man who gives credit to another, with no better security than the signature of the debtor, is not upon his hands able to throw his debtor into jail, and by that means being able, either by writing payment out of him, by forcing him, for the sake of liberty, to submit to some great hardship or privation, or to obtain payment through the commission of some of the unfortunate man's friends or relations, deserves not to be paid at all. If a man gives credit to another, he should be satisfied with the signature of the debtor, and well assured of the other's honesty. But if he gives credit to one possessed of property, to the property, and not to the imprisonment of the debtor, ought he to look for the liquidation of the debt.

Hon. Mr. HUTCHINSON.—It was only necessary, he thought, for such of his honours as opposed the amendment, to see, as he had frequently done, in the jail, the wretched, five or six ten unfortunate men, the sight of which would be sufficient to induce them to secure food—and whose families were almost equally destitute with themselves—and, therefore, unable to afford them any relief—eating the jail allowance—dirty biscuit, which was barely sufficient to keep them alive, to be convinced that the system of imprisonment for debt is a very bad, a very cruel one.

Hon. the President then put the question upon the motion submitted by the Hon. Mr. Hutchinson and seconded by the Hon. Mr. Bagnall, on which the House divided:

CONTENTS.—Hon. the President, Hon. Messrs. Swabey, Dingwall, Bagnall, Forgan, Hutchinson—6.

NON-CONTENTS.—Hon. Messrs. Johnson, Simpson, Ramsay, Anderson, Gardner, Goff—6.

Hon. Mr. BAGNALL then made a motion to the effect that when a debtor has suffered imprisonment for twelve months, he shall, on his liberation from jail, be at the same time discharged from all future liability or obligation on account of the debt and costs for which he had been imprisoned.

The motion was seconded by the Hon. Mr. Dingwall.

Hon. the President having put the question thereon, the House divided:

CONTENTS.—His Honor the President, Hon. Messrs. Bagnall, Dingwall, Hutchinson—4.

NON-CONTENTS.—Hon. Messrs. Johnson, Palmer, Goff, Simpson, Anderson, Ramsay, Gardner—7.

The amendment reported to the Committee having been read a second time and agreed to, it was Ordered, That the said amendment be engrossed, and that the Bill, as amended, be read a third time on Monday.

THURSDAY, APRIL 25.

Pursuant to order, the Bill intituled "An Act to allow Verdicts on Trials by Jury, in Civil Causes in this Island, to be returned, although the Jury may not be unanimous, and to make other amendments to the Jury Law," was read the third time, and passed.

FRIDAY, APRIL 27.

Bill intituled "An Act to prevent the running at large of Horses, Neat Cattle, and Sheep within the Royalty of Charlottetown."

Hon. Mr. JOHNSON, seconded by hon. Mr. Palmer, moved that the said Bill be now read a second time.

After a long debate, the Hon. Colonel Swabey, seconded by the Hon. Mr. Bagnall, moved that the Bill be read this day three months.

This being objected to, and the question of concurrence being put thereon, it passed in the negative.

The motion was then agreed to; and the House went into committee on the Bill.—His Honor Mr. Johnson in the chair.

At some time the House was resumed, and the hon. Mr. Johnson reported that the committee had gone through the Bill, and had agreed to the same with certain amendments. A motion having been made that the Report of the committee be received, the House divided thereon:

CONTENTS.—His Honor the President, Hon. Messrs. Forgan, Johnson, Palmer, Simpson, Anderson, Ramsay—7.

NON-CONTENTS.—Hon. Messrs. Col. Swabey, Walker, Bagnall, Hutchinson, Gardner, Goff—6.

So it was resolved in the affirmative, and ordered accordingly.

Ordered, That the said Bill, as amended, be read the third time to-morrow.

The said Bill was throughout most earnestly and strenuously opposed by their Honours composing the Non-Contents, on the preceding division, particularly by their Honors Mr. Hutchinson, Col. Swabey, and Mr. Bagnall, on account of the great hardships which it would impose upon many poor families in Charlottetown, each keeping a cow, but not one of which can afford to pay the high rate charged for grazing in the Royalty.

Their Honors who supported the Bill, did so on the grounds of the injury to the property of others, caused by the horses, cows, and sheep, belonging to the poor people in Charlottetown, which were allowed to graze on the high-ways. These animals, they said, frequently broke down fences and trespassed upon the farms, gardens, and ornamental grounds in the Royalty, and did great damage thereto. To allow these animals to run at large, would, they argued, be allowing a premium to their owners to keep them at the expense of other people, or of the public. Whilst the House was in committee on this Bill, it was moved by the hon. Mr. Hutchinson, seconded by the hon. Mr. Bagnall, that the Bill shall not include milk cows, and the question having been put thereon, the House divided:

CONTENTS.—Hon. Col. Swabey, Hon. Messrs. Gardner, Goff, Walker, Hutchinson, Bagnall—6.

NON-CONTENTS.—Hon. Messrs. Simpson, Anderson, Palmer, Forgan, Ramsay, His Honor the President—6.

And the committee being equally divided, His Honor Mr. Johnson, the chairman, gave his casting vote against the motion; and it passed in the negative.

SATURDAY, APRIL 28.

Pursuant to order, the Bill intituled "An Act to prevent the running at large of Horses, Neat Cattle, and Sheep within the Royalty of Charlottetown," was read a third time.

A motion having been made that the said Bill do pass, the hon. Mr. Bagnall moved, seconded by the hon. Mr. Walker, that the Bill do pass this day three months.

Which being objected to, and the question put thereon, the House divided:

CONTENTS.—Hon. Col. Swabey, Hon. Messrs. Walker, Bagnall—3.

NON-CONTENTS.—His Honor the President, Hon. Messrs. Forgan, Johnson, Palmer, Simpson, Anderson—6.

NON-CONTENTS.—Hon. Col. Swabey, Hon. Messrs. Walker, Bagnall—3.

And it was resolved in the affirmative.

Bill intituled "An Act to alter and amend the laws regulating the Sale by License of Spirituous Liquors."

The House went into committee on the said Bill.—His Honor Mr. Walker reported that the committee had gone through the Bill, and agreed to the same without any amendment.

Ordered, That the report of the committee be received. That part of this Act which principally refers to certificates for obtaining licenses, is as follows:

"And all persons applying for such Tavern Licenses as aforesaid shall, before obtaining such license, produce to the Colonial Secretary a certificate attesting his or her moral character, and the necessity for an Inn or House of public accommodation, signed by at least two of the neighboring Magistrates and a majority of the Justices of the Peace, and directed to a period of one month for the school district within which the proposed Inn or House of accommodation shall be situate."

Where no school is established the certificate must be signed by two Magistrates, and at least twelve of those who are neighbours, being householders.

Another clause of the Act—on which much discussion took place in the Council—is as follows: "If the husband, wife, partner, or sister, master, or guardian of any person addicted to the immoderate use of intoxicating liquors, or any justice of the peace, or minister of the gospel residing within the county wherein such intemperate person resides, shall give notice in writing to any person engaged in the sale of intoxicating liquors, it shall not thereafter be lawful, under any pretence whatever for the person receiving such notice, by himself, his servants, or agents, directly or indirectly, to sell or give any intoxicating liquors to such intemperate person to be used on the premises, or in any quantity less than five gallons, to be delivered and removed from the premises at one time, and any person knowingly violating the provisions of this section, upon proof of the truth of the statement contained in such notice, shall be liable to a fine of not more than five pounds for a first offence; and a fine of not less than five pounds nor more than ten pounds, and imprisonment for a period of not more than thirty days, if the Court or Justice may direct, for a second or subsequent offence."

To this clause it was strongly objected that it was highly injudicious, as likely to occasion most serious differences in families, if not implacable animosities or antipathies between the nearest connections and relations. It was argued that ministers of the gospel should not be called upon to interfere in the way prescribed by the clause; for, if they did, such interference on their part would materially lessen their private influence with families, and might frequently embroil them with their congregations.

In opposition to the above view of the question, as respects ministers, it was argued—chiefly by the hon. Mr. Johnson and the hon. Mr. Palmer,—that the promotion of morality was the true object of such regulations; that they were constituted the guardians of the morality, health and happiness of their flocks, and that the power to interfere intended to be given to them by the Bill, was perfectly in accordance with the nature of all the other duties of their sacred calling.

Hon. Mr. HUTCHINSON.—Some ministers are known to be very officious and too proud to interfere in family affairs. If they are encouraged or authorized to interfere in the way set forth in the clause under consideration, it may frequently be the cause of their being altogether shut out of families, to which their visits had formerly been acceptable and beneficial.

Hon. Col. SWABEY.—It might frequently do away with that good feeling which had formerly subsisted between a minister and different families and members of his congregation.

Hon. the PRESIDENT.—If ministers were to be allowed to exercise the functions of justices of the peace, it might very much impair their efficiency in their proper sphere, and occasion serious disputes between them and different members of their congregations. I should like the power given to them by the Bill as it stands to be struck out of it, that, when so altered, we may have the spirit of the House of Assembly in relation to such regulations; if they frequently be the cause of their being shut out of families, to which their visits had formerly been acceptable and beneficial.

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Lodge. This fact was well known to the Government when they appointed the Officers, and their doing so appears to have been for the purpose of encouraging Orangism. It is nothing more, indeed, than arming a body of Orangemen for political purposes; and I trust the matter will be brought to the notice of His Grace the Duke of Newcastle; for if I am not misinformed, most of the Company at Lot 49 belong to the same Order; but the great strides made by the Major in the field of promotion, contrary to the Queen's Instruction, which lays down as a rule, that "No officer shall be promoted to the rank of Major until he has been six years in the service," shows that the present Government may evince a great deal about loyalty, but at the same time set at naught all the Queen's commands when it suits their own purpose so to do.

Yours, &c.

A PROTESTANT.

July 20, 1860.

[The following is the letter referred to by our correspondent "a Protestant." It requires scarcely any comment from us. The exhibition made by the Rev. George Surberland and his fanatical followers was very disgraceful, and in exceedingly bad taste at the present time, when it should be the duty of every one to bury religious animosities, so that people of all religious denominations should cordially unite at the approaching celebration in honour of the Prince of Wales. The course taken, however, by those who got up the very silly display at Lot 49 is eminently calculated to awaken the most bitter recollections and the most violent passions; and it will not be the fault of the Reverend Bigot who spouted the platitudes about the Battle of the Boyne, if the peace of the country be not disturbed, should Orange Associations continue to be thus publicly paraded. That the Government are, in a great measure, responsible for the results of such exhibitions, which are deeply insulting to nearly one-half the population of the whole Island, does not admit of the shadow of a doubt. The Government could, if so disposed, as effectually put down Orange Lodges now as they were put down eight or nine years ago by Sir Alexander Bannerman; but we fear there is too much reason to believe that members of the Government themselves are too closely mixed up with those abominable promoters of discord and disturbance to interfere with their proceedings.—Ed. Ex.]

TO THE EDITOR OF THE MONITOR.

Sir,—Believing that whatever tends to promote the spirit of loyalty to the British Crown, and preserve the interests of the Protestant religion, will ever find a ready place in your columns, I transmit the following brief sketch of the proceedings of the Brethren of Prince Edward Orange Lodge, on the 12th instant. As is generally known, I presume, that day was the Anniversary of the Battle of the Boyne, in 1690, when WILLIAM III., Prince of Orange, who led the Protestant forces, gained a most signal and decisive victory over James II. who commanded the Roman Catholic army. This victory at once and forever liberated Protestants from the despotism and tyrannical domination of Popery; and it is with feelings of gratitude to God, and a determination to preserve inherited liberties that Orangemen celebrate this memorable day. No design of a malignant nature exists in their breast,—they desire to be at peace with all men.

The morning of the 12th instant dawned auspiciously. Soon appropriate flags were to be seen flying where the performances of the day were to take place; and numbers of people were gathering about the beautiful village of Pownal till about 12 o'clock, when the Brethren appeared wearing regalia; and a procession having been formed, they marched in the most regular order to the Church at Birch Hill, where the Rev. G. Surberland delivered a sermon, at once replete with truth, power, and eloquence. His text was Gal. v. 1. "Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage." After service, the Brethren again marched in order to the Tea-ground, on the farm of Mr. W. Acorn. Here the prospect was most delightful. Land and water, hill and dale, presented themselves in nature's loveliest array. Numbers of persons, of all ages and sexes, now gathered round. The exhilarating strains of the bagpipe added to the universal pleasure and harmony. The most fastidious epicure, that could please the taste of the most fastidious epicure, at 4 o'clock tea was ready. After all had been amply regaled with a luxurious repast, the Rev. Gentleman who preached in the morning gave a most accurate and lucid description of the Battle of the Boyne. A vote of thanks was then given to him, when he retired. A number of young ladies then gave a concert; and it was not till the waning shades told of approaching night, that their sweet voices ceased to float on the cool zephyrs of the declining day.

So closed this celebration—peacefully and joyously. The warmest thanks of the Brethren (under whose auspices the Tea was held) are due to Mr. J. J. Gay, for the creditable manner in which he prepared it.

Yours, &c.

AN ORANGEMAN.

Pownal, Lot 49, July 17, 1860.

THANKS TO THE ISLANDER.

TO THE EDITOR OF THE EXAMINER.

Sir—Since the accession of the Colonial Secretary to the editorial chair of the *Islander* each succeeding number of that journal illustrates and furnishes, as a subject of conversation, its illiteracy as well as the Editorial as in the Correspondence columns. Like "Ross's Weekly" the *Islander* may be said to be neutral in politics, so far as Lindley Murray defines the word—neutral—a thing without life. What journal laying claim to respectability would make the occasion of a gentleman visiting his relatives in a neighbouring City the subject of the following remarks, which I find in the editorial columns of the last *Islander*—

"Hon. Charles Young, L. L. D. This gentleman—the ex-Attorney General of this Island—is now in Halifax, where he will remain until the departure from thence of His Royal Highness the Prince of Wales. We wish our good friends in Halifax to understand that Mr. Young, although President of the Legislative Council, appointed to that office over the heads of his seniors, by Sir Alexander Bannerman, does not in any way represent Prince Edward Island, or its Government."

Now, I ask again what other man but