

Hon. Mr. DAVIES.—Mr. Chairman, some years ago the temperance men of this Island were asking for a prohibitory law; I said to them at that time, to come up with a reasonable measure, and it should have my support, such I regard their present request, and therefore, feel bound to aid in carrying it through, if we can.

Hon. Mr. LAIRD.—Mr. Chairman, I quite agree with what has been said by the hon. member for Belfast. I believe the Government should have control over all the licensed taverns, and have power to enforce them being in proper style. I am aware that the hon. member for Cassempe (Mr. Bell) has made laudable efforts in the cause of temperance; but still I have no doubt there is a good deal of liquor sold there yet.

Hon. Mr. LAIRD.—Mr. Chairman, if the alterations prayed for could be carried out, I have no doubt but that it will be an improvement, while they might also tend to produce more smuggling. I have held pretty much to the opinions expressed by the hon. member of the Government, that houses should, on public roads, be licensed within ten miles of each other, and if those would be more permanent, and likely to be kept well, than they are likely to be under the present system. It appears to be the experience of this Island, that no man will keep a good house, unless he is allowed to sell liquors. If the Executive could speak out on this point they could tell of many complaints which have been made on this subject. I do not see my way clear to support the resolution.

Mr. GIBB SINCLAIR.—Mr. Chairman, if there was no liquor used at all in the public houses, the accommodation would be better than it now generally is. Perhaps it is the liquor that so many are in favor of. I do not feel at liberty to force my opinions upon others, but am almost in favor of the permissive principle, and an extension of this is all that is asked for by the petitioners. I am rather inclined to think some difficulty would be met with, in dealing with the question at public meetings, for at some places the meeting might be nearly divided, and it might occasion some unpleasantness, but still I do not feel disposed to refuse the request of the petitioners. I am not in favor of having Post Offices kept in taverns, and I would incline to suppose, that the parties who sell liquors in their stores, would find it to be to their interest to have good regulations enforced upon their premises. The last act required a majority of householders, to enable a man to obtain a license, and I do not see why we should further restrict them.

Hon. LEADER OF THE GOVERNMENT.—The persons in the country who sell in taverns under public licenses, have to obtain the written consent of the majority of the school district, and the tavern in the country, which are kept as houses ought to be, would not be so kept were it not for the patronage which they receive from those who take a glass and who have a few more houses like the half-way house to Georgetown, and Bagnall, on the Princeton Road it would add much to the comfort and convenience of the travelling public. Public houses are required, and I do not see why the whole community should suffer on account of the prejudices of others. I would like to see the Government have power to establish taverns, wherever they are required. In New Glasgow, a man who conducted himself well opened a public house, but there was such a bad and cry raised against him, that they finally succeeded in putting him down.

Mr. BELL.—Mr. Chairman, temperance men do not wish to take away the comforts of any man, nor would they object to public houses being opened within ten miles of each other, provided they are properly conducted on temperance principles. But I do protest against so many licensed taverns for the sale of spirituous liquors. We see, Sir, their prints in the many neglected many poor people in the country. I am the last man who would wish to deprive any man of the comforts of life, but conscientiously believe that by depriving men of opportunities for indulging in the use of strong drink, temperance men are doing much to increase the comforts of those who have been accustomed to use spirituous liquors. When I look at the amount of liquors that are entered at our Custom Houses, taken with what has been very likely smuggled, and reflect that they have been all consumed by our own people, I am only surprised that there is not more distress in the country than there is. On the Western Road, Mr. Allen keeps a temperance house, and I believe he finds that this is his best, and I have no hesitation in pronouncing it the best one of the best on the Island. The traveler will at this establishment receive as good accommodation as he can reasonably desire.

Hon. LEADER OF THE GOVERNMENT.—I doubt if this House is kept on strictly temperance principles, for I think I can now smell the brandy all the way from here. Hon. Mr. HOWLAND.—Mr. Chairman, I agree with the resolution and will support it. It is well known that a wine is a public resort, and at those where spirituous liquors are sold by the pint, it is undeniable, that friend there meets with friend, and that if not immediately inside of the premises, yet in their vicinity, much drinking is carried on, and that to an extent, in some places, which cause such licenses to be justly regarded as a worse evil than licensed taverns. Tavern licenses I can support, but pint licenses in stores, I cannot. You can no more make a man temperate by legislation than you can by Act of Parliament make them religious.

R. GORDON, Reporter.

Afternoon Session.

Mr. PROWSE.—I have heard nothing from hon. members to convince me that the resolution would remedy the evils complained of. I have no hopes that a prohibitory liquor law will ever be successfully carried out in Prince Edward Island. It is true that that these petitions come before us every year, we might attend to one part of our liquor laws this year, and to another part next year, and so on, till they are completely revised. I have almost come to the conclusion, that when one or two minor changes are made these laws will be as perfect as they can be, until the liquor traffic is entirely prohibited. If our temperance advocates were united and thoroughly engaged in the work of reformation, much might be accomplished in lessening the evils resulting from this traffic; but as long as the inclination for the use of liquor remains in the hearts of men, they will have it, and the demand regulates the supply.

Mr. Bell, submitted the following resolution:—Resolved, That the certificate for a tavern, or store pint license, be obtained by two of the nearest magistrates calling a public meeting of the inhabitants, giving two weeks' notice thereof; and upon a majority of said meeting agreeing to have a public house, or a store licensed to sell by the pint, the applicant shall have a certificate for said license.

After being explained by Mr. Bell the Resolution was agreed to.

Mr. P. Sinclair, moved the following resolution:—Resolved, That no Court of Justice, nor Post Office, shall be kept in any house licensed by law to sell liquors.

Hon. LEADER OF THE GOVERNMENT.—Perhaps it is expected that this resolution will have a moral effect on our population; but I think it would be a difficult matter to get persons to accept the appointment of Postmaster, unless liquor is allowed to be sold in the same house in which the Post Office is kept. Some serious country Postmasters were laid the night for the Courier, and receive but a very small allowance for their trouble. I do not see any harm in allowing a Post Office to be held at a respectable inn, such as that lately kept by Mr.

Adams, at Vernon River. It is very easy to make a broad assertion on this subject, but we know there will be great difficulty in persuading individuals to keep a Post Office, on account of the late hour at which Couriers often arrive with the Mails Bags.

Hon. LEADER OF THE OPPOSITION.—I know there is a difficulty, as alluded to by the hon. Leader of the Government, in getting people to accept the appointment of Postmaster, and that sometimes there is no alternative, but to have a Post Office kept in a tavern. Still, a tavern is not the right place for a Post Office, and therefore, I will support the movement against the appointment of tavern keepers. Some of those Small Debt Courts, are often more like fair courts than seats of justice, with officers and suitors all mixed together in a tavern. This state of things should at once come to an end, and the sooner the better for the morality of our people. There may be a necessity to have Post Offices held in taverns in certain localities, but I think the people should be disfranchised in a district where they cannot get any other place than a tavern in which to keep a Post Office.

Mr. BELL.—If the people in a district can get no other place than a tavern, they should not be allowed a Post Office.

Mr. McCORMACK.—There are no persons to be found in some localities who would wait till twelve o'clock at night for the Courier who carries the Mail Bag. I never heard any complaint on account of Post Offices being kept in taverns, although I know of many cases where it is done. I myself, kept a Post Office for six years, and I never heard any grievance expressed during the whole of that period. There are many towns connected with it which will undertake, and often on other places than a tavern in which to keep a Post Office.

Mr. PROWSE.—I am decidedly in favor of the resolution, for I believe a Post Office kept in a tavern is in the wrong place. If intoxicating liquors are vendible in the same building with the Post Office, there is a great temptation placed in the way of young men who go to the Office. I am more in favor of the resolution than any other brought forward on these principles.

Hon. ATTORNEY GENERAL.—If a positive law were laid down, to prevent Post Offices from being kept in taverns, I think it would prove to be very inconvenient; but I would agree to prevent a tavern being kept in the same house with a Court of Justice. Post Offices ought not to be kept in taverns, but sometimes other places could not be obtained. I would move in amendment, that all concerning Post Offices be struck out of the resolution.

Mr. PROWSE.—If there are certain cases where the principle contained in the resolution would work injuriously, I should like to hear the reason why I am in favor of the resolution without amendment, for I would rather see the Post Office in my own neighborhood done away with altogether, than to see it kept in a tavern.

The resolution was agreed to, and the Chairman reported two resolutions agreed to.

Mr. SPEAKER took the Chair. The first of said resolutions being again read at the Clerk's table, was agreed to. The second resolution was then read.

Hon. Mr. DAVIES moved, seconded by Mr. PROWSE, that the resolution be amended by inserting the words, "Government Office and before a Court of Justice."

Mr. BRECKEN.—I voted in favor of the amendment submitted by the hon. Attorney General, not because I approved of the principle that Post Offices should be kept in taverns, but because I believed that in some localities no other place could be got. But since the hon. member for Belfast (Mr. Davies) has moved an amendment, I will support it.

Hon. LEADER OF THE OPPOSITION.—I was in favor of that amendment also, but as the hon. member for Belfast has moved another amendment, I will give him my support, and we will agree upon the subject.

Hon. LEADER OF THE GOVERNMENT.—I was not aware that those who were in the habit of drinking liquors at taverns, sometimes taught children to drink, until one of the hon. members for Belfast gave us that information from his own district; I hope this practice is confined to that part of the country. He has certainly made a broad charge against tavern keepers; but the Government have always tried to carry out the principle of not appointing them to that office. It has been found almost impossible to secure all the accommodations required, in some districts, unless those persons are appointed.

Hon. ATTORNEY GENERAL.—I do not intend to offer any opposition to the amendment, as my hon. friend from Belfast (Mr. Davies) and the hon. Leader of the Opposition agree on this point. As we can seldom get them to agree upon any point, I shall not create any opposition to their unanimity. I do not offer any resolution on this subject.

Hon. Mr. HOWLAND.—I should like hon. members to consider well what they are doing in this matter, for if this resolution is carried out, the Government would be obliged to turn out all the Postmasters who keep taverns. If the resolution contained the principle, that no Postmasters hereafter appointed, should be tavern keepers, it would be more reasonable. There are only a few cases where Post Offices are held in taverns, and I think it would be hard to turn out of office a man who had performed his duties faithfully for a number of years, and against whom, perhaps, there is not the slightest complaint.

Hon. Mr. CALLECK.—It would, I think, be a difficult matter to carry out the resolution, but I am quite willing to vote for the amendment, that no future appointments be made among that class of men. Although temperance is an evil which we should discountenance, it would be a difficult task for the Government to turn out of office all those who keep taverns. Perhaps it will not favor my popularity to mention an individual in New Glasgow, who, I am proud to say, was prevented from obtaining his license by the people there, who saw the evils to which their sons were exposed. The tavern had become a great evil in that place, and I think the people behaved creditably in disallowing it.

Hon. Mr. LAIRD.—I think it would be better to leave the people to choose the person they wish to have appointed, and then they will be better pleased. Perhaps some Postmasters holding taverns have already been appointed at the request of the people in their neighborhood. I know that in my own district, the choice of a Postmaster was made by the people. The public house is often the only place where it could be established, but for the time to come, I would be quite willing to support the principle, that no tavern keepers be appointed to the office of Postmaster. To carry out the resolution, would be going a step too far, as there are localities where no other place could be obtained for a Post Office.

Mr. PROWSE.—I am surprised at the remarks just made. The hon. member for Bedouque (Mr. Laird) does not act according to his own statements, for it is wrong to have a Post Office in one tavern, it is wrong to leave it in another. If there ought not to be any more tavern keepers appointed to the office of Postmaster, it is wrong to allow men who keep taverns to remain in office on the same principle. If my own brother was a tavern keeper, I would oppose his being appointed to the office.

Mr. G. SINCLAIR.—I was not aware that so many tavern keepers are Postmasters. To carry out the resolution, would necessitate the immediate removal of those officers; but in carrying out the amendment, time will be given to produce the change. If the Post Office in my own district were held in a tavern, I would still support the amendment; for there is a great temptation in a tavern where drinking goes on, and it is high time that this evil should be removed. I do not see that there would be any difficulty in getting men to accept the appointment of Postmaster, and therefore, the change can be easily carried out.

After a few further remarks from hon. members in the same strain, the Hon. Col. Secretary moved the previous question, "Shall the question now be put?" Upon which the house divided as follows:—

Mr. PROWSE asked the Government what action, if any, would be taken on petitions relative to the establishment of a Post Office on Township No. 63.

Hon. LEADER OF THE GOVERNMENT in reply, observed that the subject of additional Post Offices, would receive due consideration. The Postmaster General would report on the subject to the Government.

Hon. LEADER OF THE OPPOSITION gave notice of his intention to ask the Government, for any correspondence between his Lordship, the R. C. Bishop of Charlottetown and the Government, relating to Education.

The Bill to amend the Summerside Bank Act was committed to a Committee of the whole House, and reported agreed to without amendment.

Hon. Mr. KALLY presented a petition from praying for Township Nos. 35, 37 and 48, praying for an amendment to the Small Debt Act, and to remove the Small Debt Court from Alex. Hayles's Point to Fletcher's Corner, Fort Augustus. Petition was received, and referred to the following Committee to report thereon, viz:—Hon. Mr. Kelly, Mr. Reilly, Mr. McNeil, and the petition of Thomas Mowbray and others, of Egmont Bay and vicinity, on a similar subject referred to the above Committee.

House in Committee of the whole on Ways and Means.

Mr. G. SINCLAIR in the Chair. Hon. ATTORNEY GENERAL presented several resolutions on the subject, and said that it was not contemplated to make any material changes in the Bill of last year. He read extracts received from gentlemen in New Brunswick, showing the necessity of affording facilities to parties from the Island and the Province to establish manufactories on the Island, and that view were desirous to know what action the Legislature would take to encourage the introduction, free of duty, of machinery and other articles required to carry out such facilities. He then alluded to the prospect of an influx of manufacturers from the Dominion Government, the high tariff imposed by the Dominion Government, the granting of drawbacks to parties importing machinery and other articles for manufacturing purposes. He also submitted a resolution touching the necessity of a more stringent mode for collecting duty on goods received from steamers.

The Chairman then reported the said resolutions agreed to, and obtained leave to sit again.

The House then went into Committee of the whole for the further consideration of the Bill to amend the City Incorporation Act.

Mr. McLennan in the Chair. The clause relating to the extension of the Criminal jurisdiction of the City Council was read.

Mr. BRECKEN.—At present the criminal jurisdiction of the Corporation is confined to cases of larceny, where the value of the goods taken does not exceed ten pounds, and they have no power to imprison criminals more than six months. I have ascertained from the City authorities that the laying on of a fine for crime, is not generally resorted to; but we know that this mode of punishment is now generally practised in the neighboring Provinces. There are circumstances even in case of felony, which clearly indicate that the punishment should be by fine. For instance, in the case of a young female who has been tempted to take property which is not her own, for the first time, it would be better to impose a fine, for when we consider the state of our prisons, we must know that to send her there, would only tend to delude her, instead of being the means of her reformation. If she were sent to prison, she would in all probability, come out at the end of her term more corrupt and immoral than she was when incarcerated.

We should bear in mind that the reformation of the offender is the object to be accomplished, and that is the reason why he is punished. I think the ends of justice would often be better served by inflicting a fine, than by sending the offender to prison, from which he would often come out worse than when he went in; therefore I think it would be wise to leave this matter to the option of the City authorities, to inflict what punishment they think proper. It would often be better to inflict a fine, till our prisons are reformed.

Hon. LEADER OF THE OPPOSITION.—I cannot approve of the principles laid down in this clause, and I do not see how the hon. member for Charlottetown can, as there is much greater danger of an increase of crime, under a system of punishment by fines. A disreputable character would make a business of shoplifting, and steal £20 or £30 pounds worth of goods, and when taken before the City Court, would be fined ten pounds. As the Corporation are in need of money to carry out improvements in the City, the criminal would get off by paying a fine, and so he would make large profits from his dishonest practices. The money thus procured from criminals, goes into the City Treasury, and is used in paying the salaries of those officers who caught the thieves. Whatever may be said of it, the principle is unsound.

Dr. JENKINS.—I must say that I agree with the hon. Leader of the Opposition on this matter, for we know in cases where young ladies are fined, their parents have to pay the penalty, and thus the culprit goes free. A young man will undergo a risk, and steal a large quantity of goods, when he is aware that he may escape punishment by the payment of a penalty.

Hon. Mr. LAIRD.—I am not sure that hon. members can find proof that punishing by fine is a bad principle—I do not think it is unsound. I should like to hear what proof can be brought forward against it. If you go back to ancient times, you will find that it was practised.

Hon. LEADER OF THE OPPOSITION.—If we go back to the law of Moses, we will find the principle of "an eye for an eye, and a tooth for a tooth." There is a great difference between the Moral Law and the Ceremonial Law. The Ceremonial Law applied only to that peculiar people, the Jews whose government was a Theocracy, but the Moral Law binds the whole human race. There was a law in England imposing a fine for crime, hundreds of years ago, when the nation was in a half-civilized state, but when she became enlightened, the principle was considered unsound, and consequently was abolished.

Hon. Mr. DAVIES.—There is no doubt the principle is unsound, but how can we remedy the evil. I believe it would encourage people of bad inclinations to steal, for they might pay the fine demanded from them, and yet make a profit from their theft. A woman came in to my store and stole a shawl, for which she was apprehended, but she escaped by paying a fine of twenty shillings, after having made a profit out of the business.

Hon. ATTORNEY GENERAL.—The principle of punishing criminals by a fine is unsound, for a man may make money by stealing under that law. If the City Council lay on a fine of two pounds, the criminal will generally pay, but if ten pounds are demanded he will prefer being sent to prison. We must provide against the possibility of the criminal escaping from a just punishment, therefore I shall oppose the clause.

Hon. Mr. LAIRD.—It has been stated that the punishment by fine is like a premium on stealing, but we know it is much easier for a poor man to go to jail for a few days, than to pay a heavy fine. A heavy fine for a small affair, is harder to bear than a short term of imprisonment. We know that there are a number of beggars who will not earn a livelihood, and when they commit a crime, they must be sent to jail, and kept warm and well fed at the expense of the Colony. I maintain that the fine ought to be heavy, and I yet fail to see that imprisonment is the only proper means of punishment.

Hon. LEADER OF THE OPPOSITION.—How are poor people to pay a heavy fine, when they have not enough to subsist upon? Shoplifters can pay a fine and go to their business next day, and it is surprising to see how much of it is carried on. Some of our merchants have lost as much property as they would lose if they were keeping shop in London, or some other European capital. When some parties are convicted, they would much rather pay a fine than go to prison.

Mr. P. SINCLAIR.—I agree with the hon. Leader of the Opposition, that the law which demands a sum of money for the crime of stealing is not a just one. But if these criminals are sent to prison, they would in many cases leave the Colony immediately after being sent at liberty. Judges in our Supreme Courts are not in general so favorable to the practice of laying on a fine, as they are to imprisonment. In whatever point of view we take this matter, I think it would be well to strike out this clause, allowing criminals to purchase their liberty, by the payment of a fine, instead of imprisonment.

(To be continued.)

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