

COLONIAL PARLIAMENT. HOUSE OF ASSEMBLY.

THURSDAY, April 16.

Mr. Bell, from the Committee to whom was referred the petition of George Meggison, of Township No. 5, to examine the same and report thereon by Bill or otherwise, presented to the House the report of the said Committee, which report being again read at the Clerk's table, was agreed to by the House, and is as follows:

Your Committee to whom was referred the petition of George Meggison, of Lot of Township No. Five, beg leave to report that they have examined the papers laid before them, and investigated so far as they possibly could, the claims of petitioner, and although they sympathize with him, they regret that they cannot recommend the prayer of the petition.

The House then resolved itself into a Committee of the whole on the Bill to amend the law relating to the recovery of small debts, and for other purposes therein mentioned.

Mr. Bell in the Chair. The clause relating to the number of times in a year Small Debt Courts should be held, was read.

Hon. LEADER OF THE GOVERNMENT.—If these Courts were held only once in three months, the Commissioners would be obliged to sit two or three days to get through a great deal of business, and suitors and others would be detained two or three days at each sitting, which would be a greater evil than that which results from holding the Courts once a month. A great many persons rush into Court for the recovery of small sums, and therefore business is facilitated by frequent sittings; as it is at present the Small Debt Court in Charlottetown often sits two days to get through the business before them.

Hon. Mr. DAVIES.—When these Courts sit as often as they now do litigation is thereby encouraged; disputes arise between neighbors who take advantage of these monthly meetings, and embroil each other in a law-suit. This would, to a great extent, be stopped if these sittings were held once in three months; parties would not then be so ready to go to law with their neighbors with every trifling dispute. These Courts are principally resorted to by persons doing a small amount of business, to recover five shillings, and sometimes even two shillings and six pence. If the sittings took place every three months, these parties should not wish to have them often. It seems to me that many sittings incur a great deal of trouble, and give no corresponding benefit. In cases where people cannot pay merchants for their goods at the time agreed on, the period is often extended to eighteen months, and therefore, if these Courts sit once in three months, it would be quite sufficient. That is the chief reason why the petitioners asked the House to limit the sittings to once in three months; if quarterly Courts only were held, half the suing would be done away with. There is, therefore, a necessity for preparing the Courts for quarterly sessions.

Hon. Mr. KICKHAM.—The hon. member's remarks may be well-intended, but I cannot agree with him. If these Courts sit every two months, I think it would suit all parties better than the quarterly sessions. Has he considered that if a man purchases goods in Charlottetown, and goes and sells them in the country on credit, he need not sue his debtor all the way to town. Suppose I sell some goods to a man at the East Point, and he will not pay me at the time agreed upon, should I sue him all the way to St. Andrew's? No; he should be sued to the Court in his own district.

Hon. Mr. DAVIES.—Parties who take goods into the country to sell, and then come back to Charlottetown to receive their money, are not in a position to sue their debtors in their own districts. The purpose of the bill is to give the creditor the right to sue in the district where the goods were sold, and not where the debtor lives.

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Mr. P. SINCLAIR.—If I thought the proposed measure would lessen litigation, I would support it; but I do not think it would do so. I believe that the result of this change would be that a larger number of persons would be sued than when the Court was held every month. If the Court is held every three months, and a man is obliged to find security, or go to jail if the sitting takes place, which would be a greater hardship than ever.

Hon. ATTORNEY GENERAL.—Before we make such a sweeping alteration as this, we ought to have some stringent arguments in favor of it. If I thought that this measure would discourage and lessen litigation, I would support it; but I do not think it would do so. I believe that the result of this change would be that a larger number of persons would be sued than when the Court was held every month.

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for several alterations, yet the main principles are sound. There is one thing in it to which I object, and that is that it proposes to impose duties on the Judges of the Supreme Court, to which they might object. When an insolvent files his petition, he will have to be examined, and all his creditors will have to be examined to prove their claims, all of which will involve a great deal of time and trouble. The Judges, in this instance, would also have the power to commit a person if he were convicted of fraud. In England there is a Commissioner appointed to look after affairs of this kind, and I think this mode is preferable to having it under the control of the Judges of the Supreme Court. If the House should be of the same opinion, then the next question would be how is this Commissioner to be remunerated? Would it be better to have the fees paid into the Treasury, and give the Commissioner a fixed salary, or let him take the fees for his pay? I see the Bill allows one pound three shillings and four pence per diem to the Judge who shall preside over this Court; but it is quite ridiculous to think that any person, who is competent for such a business, would work for such a small remuneration. There is one beneficial effect of that such a Bill as this will have—that a man, after being examined once, will not be liable to be brought up again, and may work to make a living for himself and his family.

Hon. Mr. HOWLAN.—I take some interest in this Bill, Mr. Chairman, and I hope the House will pass it. We have long been behind the age in this matter. All the laws of this Island tend to make a man dishonest. If a man happens to be unfortunate in business, he can never do any business again in his own name. In reference to the method of paying a Commissioner to preside over a Court of the nature contemplated, let those who require his services pay for them. I believe this is the way it is done in other countries; the fees are appropriated in such a way as to make it self-supporting.

Mr. BRECKEN.—The hon. Attorney General seems to think that the duty of presiding over an Insolvent Debtor Court should not devolve on the Judges of the Supreme Court, and, on consideration, I think there is weight in what he says. If a Commissioner is to be appointed, he must be paid, and as the duties are onerous and laborious, it would not be fair to allow him only the fees, unless very high fees are exacted from the poor unfortunate man who applies to the Court for relief. This Bill was drawn up with the idea that the Judges were to have the control, and if this part be changed, the whole Bill will have to be altered.

Mr. DAVIES.—I am aware, Mr. Chairman, that a great many are opposed to this Bill, and will raise objections against it; but if the principles are sound, I think we should endeavor to carry it through. This Bill is very much wanted, more than any that has been before the House for years. The Bill is for the purpose of preventing fraud. As the law now stands, if a man gets behind hand in his affairs, he can give all his property to one or two of his creditors, but, according to this Bill, he will be obliged to make an equal division among them all.

Mr. BRECKEN.—This Bill is applicable only in cases where a person wishes to get free from his liabilities, but it does not interfere with his preferential assignments; I candidly confess I am not satisfied with this Bill, as I think it should have emanated from the Government.

Hon. LEADER OF THE OPPOSITION.—I am sorry, Mr. Chairman, to hear the hon. member for Charlottetown say that he is not satisfied with this Bill for if he is not he cannot expect this committee to carry it through. My own opinion is that this Bill is a complete humbug. The hon. members who are so much in favor of a Bill of this nature, had better go to work and have a Bill constructed on different principles, if they wish to have one in which the country will have confidence, and not only the men of this country, but the mercantile men in other places who do business in this Colony. The same person should not preside in the Insolvent Court and the Supreme Court, for if the Judge comes to the conclusion that the debtor is guilty of fraud when he is presiding in the Insolvent Court, he is not likely to change his mind when the man is brought before him in the Supreme Court. It would be appealing from Caesar to Caesar. The hon. member from Belfast has said that a Bill of this nature is very much required, and if so let us have a proper one.

BALDWIN, Reporter.

Hon. Mr. HOWLAN.—Mr. Speaker, the remarks of the hon. member recalls the words of Burns, where he says:

"O wad some power the gift gie us To see ourselves as others see us,"

for certainly I understood the hon. member as saying, the law would not answer any of the purposes of a Bankruptcy Law.

Hon. LEADER OF THE OPPOSITION.—I rise to a point of order. I never gave my view in the way indicated by the hon. member.

Hon. Mr. HOWLAN.—The hon. member asked of what use would the Bill be, as it would not have any jurisdiction out of the Colony.

Hon. LEADER OF THE OPPOSITION.—I said that unless the Bill was properly drawn up they would not have confidence in it, and I say so still.

Hon. Mr. HOWLAN.—This Bill has been drawn up by gentlemen quite competent for the task, one of whom is a member of the Legislative Council, and who is also as able a lawyer as is on this Island, I mean the Hon. Mr. Palmer.

Mr. BRECKEN.—Mr. Speaker, two or three months before the Legislature met, a meeting of the Committee was held in Mr. Palmer's office when the matter was carefully considered. The Bill I regard as a very good one, and very well calculated to answer the purpose for which it is intended.

Hon. Mr. HOWLAN.—We have, Sir, two hon. members of the legal profession on the other side of the House, and they have spoken differently on this subject. The fact is, this Bill if passed will relieve to a certain extent from their present unpleasant position, some of the best business men on this Island, and that such is the case is well known to the hon. and learned Leader of the Opposition.

Hon. ATTORNEY GENERAL.—Mr. Speaker, if this Bill does not go as far as a Bankruptcy Law it may safely be regarded as the first instalment of one, and upon the whole embodies a good principle, and therefore I am willing to give it my support. I believe a Commissioner in Bankruptcy should be appointed who should be paid by a salary, and that we should put on such fees as would probably meet this, and if such a principle is embodied in the Bill, I do not know that I will oppose it.

Hon. Mr. DAVIES.—Mr. Speaker, it was said there was such a strong opinion entertained by so many against a Bill of this nature, that any measure of the kind would not be carried. Some years ago a Bill of a similar nature was thrown out, nor do I think this House is yet prepared to vote a salary for such an officer; but it will become necessary to appoint a gentleman to preside over this court, it is probable the country will not oppose it. I agree with the hon. Attorney General that it would be better to pay this officer by a salary than by fees. The principle laid down in the Bill of 1850 was that the fees should go into the treasury, and these I think would amount to what would be required by a few, and therefore unless it can be carried out under the supervision or by one of the Judges in the Supreme Court I will oppose it. If, as has been stated by the hon. and learned Leader of the Opposition, the Bill is a one-sided measure, then undoubtedly they who oppose it should be made to pay the cost. (Lighter applause.)

Mr. G. SINCLAIR.—Mr. Speaker, if this Bill is to involve the necessity of establishing a court at an expense equal to that which a Judge in the Supreme Court requires, I will oppose it. Such a court would only be required by a few, and therefore unless it can be carried out under the supervision or by one of the Judges in the Supreme Court I will oppose it. If, as has been stated by the hon. and learned Leader of the Opposition, the Bill is a one-sided measure, then undoubtedly they who oppose it should be made to pay the cost. (Lighter applause.)

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Bristol Line to New York, VIA BRISTOL, R. I.

First class \$5. Second \$4.

CARS leave the Depot of the Boston and Providence Railroad, Pleasant street, daily, Sundays excepted.

At 5:30 P. M.

For steamer PROVIDENCE, Capt. Benj. M. Simmons, on Mondays, Wednesdays and Fridays. For steamer BRISTOL, Capt. Benj. B. Drayton, on Tuesdays, Thursdays and Saturdays. Passengers going by this line to Philadelphia, Baltimore and Washington, can connect with the New Jersey and Camden and Annapolis Railroad. This line connects also with the Athens line, going to Saratoga and the West, landing at the same Pier in New York.

Baggage checked through. Tickets, State Rooms and Berths can be secured at the Agent's office, Old State House, corner Washington and State streets, and at the Boston and Providence Railroad Depot.

GEO. SHIVERICK, Passenger and Freight Agent.

May 23, 1868.

MAILS.

Summer Arrangement.

THE Mails for the United Kingdom, the north and west of Europe, the United States &c., will, under better notice, be closed at the General Post Office, Charlottetown, as follows, viz:— For Canada, Saturdays, every Tuesday and Friday evening, at 7 o'clock.

For Nova Scotia, via Pictou every Monday, Wednesday, and Friday evening, at 7 o'clock.

Mails for Great Britain, Newfoundland and the West Indies, every alternate Monday and Wednesday evenings, at 7 o'clock.

Monday, May 18, Monday, Sept. 7, Wednesday do 20, Wednesday, do 9, Monday, June 1, Monday, do 21, Wednesday, do 13, Wednesday, do 23, Monday, do 30, Monday, October 5, Wednesday, do 17, Wednesday, do 7, Monday, do 29, Monday, do 19, Wednesday, July 1, Wednesday, do 21, Monday, do 13, Monday, Nov. 2, Wednesday, do 15, Wednesday, do 4, Monday, do 27, Monday, do 16, Wednesday, do 29, Wednesday, do 18, Monday, Aug. 10, Monday, do 30, Wednesday, do 22, Wednesday, Dec. 2, Monday, do 14, Wednesday, do 26, Wednesday, do 16.

Mails for Summerside, St. Eleanor's, and Redondo, to be forwarded per Steamer, will be closed every Tuesday and Friday evening, at 7 o'clock. And Mails for Georgetown and Souris per Steamer, every Friday evening, at 7 o'clock.

Mails to be registered and newspapers must be posted half an hour before the time of closing the Mails.

THOMAS OWEN, P. M. G.

General Post Office Charlottetown, May 23, 1868.

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