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Legislative Proceedings.

HOUSE OF ASSEMBLY.

Thursday, January 29.

Morning Sitting.

The House in Committee on Bill to amend Civil List Bill of last year—Mr. Wightman in the Chair.

Hon. Mr COLES rose and said, that as it had appeared that the first Bill submitted, for the purpose of supplying the omission in the Civil List Bill of last year, with respect to Her Majesty's Title toCrown Lands of the Colony, was not quite satisfactoryto the House, the Law Clerk had been instructed to draft another, which he begged leave to submit, as an amendment to the first. When the first Draft was taken into consideration, it appeared, to some members that it provided for the re-investment in Her Majesty, of the Crown Lands, which, by compact, had been ceded to this Colony. Such, however, was not the intention nor the true construction of the Bill. It had, however, appeared to himself, as well as others,that the title of the Colony or Assembly to the disposal of all the Crown Lands by grant, sale, lease, or otherwise, and to the proceeds of the same, had not been made sufficiently prominent and distinct in that Bill. The amendment which he was about to submit, was however, calculated to remove all doubt and ambiguity on that score; and, he hoped, it would be found to be carefully, and guardedly framed and worded, so as to afford satisfaction to the most scrupulous and suspicious amongst the guardians of the public rights. The defect in the Civil List Bill of last year, was simply the omission of Her Majesty's Title to the Crown Lands, as the Sovereign. It had, in fact, owing to the omission, been found by the Law Officers and the Executive here, that owing to the omission, in the original Bill, there was a very serious, if not an insuperable obstacle, in the way of granting a Deed to any of those Lands. It was necessary that the title intended to be conveyed by any such Deed or Grant, should proceed from the Sovereign, by acknowledging or setting forth the original title of the Crown, just as in the original Grants to the Proprietors. It was quite clear by the only possible interpretation of the amendment, that it would most effectually provide for the retention by the Legislature of full title and power to use or dispose of the Crown Lands, in whatever way should be deemed most conducive to the public good. The honorable member then submitted the amendment which was read by the Chairman, to the effect here given in an Abstract of it.

"By the Civil List Bill of last year it is enacted, that all the Right of Her Majesty, whether in reversion or otherwise, or reserved in, and to all and singular, the Lands, mines of Gold, Silver, Iron, Coal, and other things therein enumerated, within this Island of which the Title was then in Her Majesty, should be assigned, transferred, and surrendered to the disposal of the General Assembly of this Island: and whereas in compacts between the Crown and Colonial Assembly, such as that contemplated in the said Bill or Act, whilst the right to dispose of the Revenues and profits arising from the public Lands, and the sale and rent thereof, and the regulation of the expense of managing the same, has been conceded to the Local Legislature, it has nevertheless been deemed essential to continue and maintain the Right and Title of the Crown over the soil itself for the purpose of giving valid Deeds and Grants thereof, and for the purpose of various legal proceedings, and such was accordingly the course pursued in the Act of the General Assembly of Nova Scotia, providing for the payment of the Civil List thereof, but was not provided in the said Bill or Act, which therefore requires amendment. Be it therefore enacted that the word "Lands" in the 12th section of the said Act, shall be omitted in the reading and meaning, and that the section shall read and be constructed, as if the said word "Lands" had never been therein inserted.

And be it enacted, That nothing in this or the said Act contained shall extend or be construed to extend to prevent the grant, sales, lease, or disposal of any of the ungranted lands, or of any other interest or reversion in the Island, by or on behalf of the Executive Government thereof, and in the name of Her Majesty, her heirs and successors, but that such grants, leases, sales, or disposal of such ungranted lands, debts, interests, and reversion, and the management and controul thereof shall remain and be invested in the Government of this Island, or in such officers as shall be directed by any Act of the General Assembly of this Island hereafter to be passed, and the nett proceeds of such grants, sales, leases, or disposal of such ungranted Lands, debts, interests, and reversion, shall after deducting the expenses attendant upon the management thereof, be paid into the Treasury of this Island; and an account of such expenses shall be annually laid before the General Assembly of this Island, and the said expenses shall be subject to the control and regulation of the said General Assembly, and no other or greater allowance, salary, or expenses shall, on any account, be taken or increased, than such as shall be found and allowed or sanctioned by the said General Assembly.

And be it enacted, That it shall be lawful for the Lieutenant Governor, or other administrator of the Government of this Island for the time being, by and with the advice and consent of Her Majesty's Executive Council thereof, from time to time, in the name of Her Majesty, her heirs and successors, to grant, sell, lease, and dispose of any ungranted Lands of the Crown, and have such other powers, in as full and ample a manner as has been heretofore vested in Her Majesty previous to the passing of this Act, on such terms and in such manner as to him shall seem best and most for the interests of this Island, and for such purpose under his hand and seal to give and execute all necessary Deeds and Conveyances, the same being made nevertheless in the name of Her Majesty, her heirs and successors.

And be it enacted,That this Act shall not go into operation, or be of any effect or force,until Her Majesty's assent shall be signified, and notification thereof shall have been published in the Royal Gazette Newspaper of this Island.

Mr. DAVIES.—He entertained the most decided objection to the Bill, because he viewed it as a violation of the compact entered into, by the Lieut. Governor of the Colony, on behalf of the Crown, with the Representatives of the People, for the full and entire surrender and control of the Crown Lands and Revenues in this Colony, to the Assembly, on condition that they should provide for the future payment of the Civil List, and make a stipulated compensation to certain retiring Government Officers. The Assembly had faithfully performed their part, and it was for Her Majesty as faithfully to perform what was engaged for in her name. He, for one, would never consent that the Crown should be allowed to resume any title to, or authority over, the Lands and Revenues, which by compact, had been ceded to the representatives of the people, to be held by them in trust for the public benefit.

Hon. Mr. POPE said that he had had objections to the Bill as first drafted and submitted; but he was of opinion that the Amendment would satisfy all that, if adopted, it would effectually provide for the full retention of all rights ceded by the Crown to the Colony. Nothing was required, on behalf of the Crown, but the recognition, in the Bill, of Her Majesty's title to the Crown Lands, in her Sovereign capacity, and without which recognition, it would be difficult, if at all possible, for the Government of the Colony to grant or convey to a third party, by Deed, a valid or legal title to any portion of those lands. That the Home Government would keep good faith with the Assembly, with respect to all the conditions of the compact, in consequence of which the late change in the Government of the Colony was effected, he could not allow himself, for one moment, to doubt; but, at any rate, he, for one, would never consent to surrender what had been fairly, justly and fully ceded to the people of the Colony in virtue of that compact. An idea possessed some, that the demand for such recognition of Her Majesty's title had originated with the Proprietors at home, who sought, thereby, to circumvent the Assembly, and defeat all their measures with respect to the lands of the Colony in general. This idea he, however, believed to be wholly unfounded in fact, and altogether erroneous. But, even granting that such was the covert design of the demand for the recognition of the Sovereign's title with respect to the Crown Lands, the Bill, as it was then proposed to amend it, would completely guard against every infringement of the original compact touching the surrender of Her Majesty's control over the Crown Lands in the Colony

Mr. MOONEY. He had great doubts about the success of the one-ninth Bill; he also looked with much suspicion upon the demand made by the Home Government for the recognition in the Civil List Bill of the title of Her Majesty to the Crown Lands, These lands had been fairly and fully ceded to the people, by compact with their representatives; and he was of opinion that the Assembly could not be too tenacious of the cession. The proprietors could lease or sell their lands, in their own right, without reference to the title of the Crown. Why then could not our Government do the same? When the Assembly assumed the burthen of the Civil List it was clearly understood that the Crown would—as it was bound to do—on that account make over to the people both the crown Lands and crown Revenues in the Colony. If that were to be one in good faith, the title to those Lands, it plainly appeared to him, could no longer be in the Crown. But the truth, he believed, was, that the great proprietors at home were afraid that the compact of the Crown with this Colony would prove too much in favor of the Colony for their views; and that they had determined to use all their influence to render it less for the direct benefit of the people,—urging that the abandonment of her title to the Crown Lands, was derogatory to Her Majesty. Hence the demand for an amendment of the Civil List Bill, by a recognition therein of Her Majesty's title to the ceded Lands. But he would never consent to comply with that demand. He would say—rather let the Civil List Bill never pass,—rather let Responsible Government be abolished, —rather let the Colony be deprived of its representative constitution, and ruled by a Governor and Council,—yes, rather let us be annexed to Nova Scotia,—than consent to surrender what had been fairly and justly ceded to the people.

Mr. DAVIES. His belief was that the proprietors had become aware that the Assembly, in virtue of their compact with the Crown,had acquired a power which they (the proprietors) would not be able to resist, unless they could bring about an nfraction, if not abrogation, of that compact,—and he was persuaded that they had suggested the retention of Her Majesty's title to the Crown Lands, with a view to her retention of her original power over them. He viewed the Bill with much distrust,—and he was very sorry that any member of the Government should be concerned in the furtherance of it.

Honbles. Mr. COLES, Mr. POPE, Mr. WARBURTON, replied in succession, to the objections of Messrs. Mooney and Davies,—shewing that the absolute title to the retention, or disposal of the Crown Lands for the public benefit, and of all interest, profits, or proceeds arising therefrom, was in the strongest and clearest language, fully set forth and asserted in the Bill,—and explained that just, as in the original grants to the proprietors, the title of the Crown is set forth, so, in similar grants or deeds from the head of the Government of this Colony, given by that Head as the representative of the Sovereign, must the Sovereign's title be set forth,—and, further, that, just as it was unnecessary for the proprietors to set forth the title of the Crown, in any leases or deeds, granted or given by them, so it would, in like manner, in any similar instruments (affecting what had been originally Crown Lands) granted or given by any individuals who might derive a title to such lands by deeds given by the Government here in the name of the Sovereign be unnecessary.

Messrs. THORNTON, HAVILAND, MONTGOMERY, and CLARK, severally supported the Bill or amendment,each setting forth the propriety of the amendment, and shewing how completely the Bill provides for the preservation of all right and interest to and in the Crown Lands, ceded, by compact, to the Colony.

Mr. MOONEY still maintained that the demand was a proprietary dodge,—the object of which was to intercept the advantages which the full performance by Her Majesty, of her part of the compact, would confer upon the Colony. The scheme was a deep one. He did not think there were ten men in the Island who could fathom it. He would never consent to the passage of the Bill.

The amendment was then agreed to by the Committee, without a division, Mr. Davies and Mr. Mooney being the only members opposed to it. The House was then resumed, the Bill was received as reported agreed to, with amendments,—and ordered to be engrossed.

A Bill intituled "An Act further to continue and amend An Act intituled "An Act to regulate the sale of the interest of Leaseholders when taken in execution," was read a first time.

Monday, February 2.

MORNING SITTING.

On motion, by Mr. CLARK, the House resolved itself into a Committee of the whole, in further consideration of a Bill to regulate the sale of Leasehold interest taken in Execution—Dr. Jardine in the Chair. The Bill reported agreed to, and ordered to be engrossed.

Bill to facilitate the intercourse between this Island, Nova Scotia and New Brunswick.

On Motion of Mr. FRASER, this bill was read a third time.

On the question that it do pass being about to be put from the chair, Mr. Palmer moved the following by way of rider—"Provided always and be it enacted, that nothing herein contained, shall be deemed or construed to give to any person licensed by virtue of this Act, any sole or exclusive right to the conveyance of Passengers or freight, or to any other profit to be made in sailing such Packets, save and except the bounty to be granted by the Government of this Island."

Hon. Mr. POPE ridiculed the idea of saddling the Bill with so nonsensical a proposition. It was, he said, totally uncalled for, and preposterous in the extreme. For his part, although there could be no harm in the motion of learned member, he felt bound to oppose it; and he thought honorable members, would not be exercising a sound discretion, if they gave it any support.

Mr. PALMER, in reply, observed, that he was not surprised at what had been said; for when any matter or thing was proposed that did not meet that honorable member's views, it was held up to ridicule and considered nothing but nonsense. All he (Mr. Palmer) wished to see made plain, was, that no person should be deceived as to the scope of the privilege conferred by the licence; and that the licensed party or parties, should be prevented from intimidating others and causing them inconvenience, by holding up his or their licence, pretending to possess the exclusive right of shipping or landing passengers and freight at any wharf used by them, and possibly threatening to institute proceedings at law if persisted in. He did not apprehend that this was likely to happen at present; but he wished to prevent any pretext for encroachment hereafter, and was at a loss to comprehend, if the Government did not intend an exclusive right to the licensed party, why his (Mr. Palmer's) amendment should meet with so strenuous an opposition.

Hon. Mr. COLES was fully of opinion that there was no necessity whatever to add to the Bill, any such clause, as moved by the honorable and learned Member for Charlottetown, whose fears, if really felt, must be totally unfounded. He (Mr. Coles) agreed with the honorable member for the Third District of Prince County, that it was harmless; but as no exclusive privilege was to be enjoyed under the licence, where existed the necessity for its adoption? The law would protect competitors in the shipping and landing of any thing they might be inclined to convey from one place to another, in the face of which, he (Mr. Coles) thought any individual enjoying the licence, would be nothing short of a fool to attempt to prevent competition. This being his (Mr. Coles') opinion, he felt bound to oppose the motion of amendment.

Mr. DOUSE was of opinion, that no obstacle should be thrown in the way whereby competition might be checked in the Gulf. He would even like to see the Ferries thrown open to it. He thought, no monopoly should be created under the licence. He approved of the motion, and, therefore, would support it.

Hon. Mr. COLES observed, that there was nothing in the law to prevent competition in respect to the question in debate; but it was different with respect to the Ferries.

Mr. HAVILAND approved of the motion submitted by the learned member for Charlottetown, and of the observations which were offered in its support. It behoved the House to guard against the chances of litigitious proceedings. As the motion would prevent this, and as honorable members admitted no harm could arise from its adoption, he was at a loss to understand why they opposed it. He would give his vote in its favour.

Hon. Mr. POPE said, he really thought the honorable member for Georgetown could not support the amendment from any fears of litigation, for if any occurred, it would be for the advantage of him and his profession. If, said the honorable member, the motion should be carried, it would cause the House to appear in a most ridiculous light.

Hon. Mr. WARBURTON assumed the honorable members who felt or pretended to feel so much alarm, that under the licence, competition would be thwarted, that he (Mr. Warburton) could confidently assert, that no other privilege over others, would be enjoyed by the licensed party, save and except the carrying of the Mails.

A divison being called for by the supporters of the amendment, and the question being put from the Chair, the House divided.

Yeas—Messrs. Palmer, Haviland, Thornton, Douse and Fraser—5.

Nays—Messrs. Clark, M'Neill, Davies, Flynn, and the Honorables G. Coles, J. Pope, J. Warburton, and Dr. Jardine—8.

So it passed in the negative.

The original motion being then put, the Bill passed, and was handed by the Hon. the Speaker to Mr. Fraser to be carried up to the Council.

The following is an Abstract of the Bill.

"Tenders to be called for to run Packet Vessels between Georgetown and Pictou, and between Bedeque and Shediac—for Bedeque, of the burthen of not less than Seventy Tons; for Georgetown, of not less than Fifty Tons—both old measurement: and to be lawful for the Lieutenant Governor in Council out of the Tenders sent in for the above purposes, to select and accept such as shall appear to be the best and most advantageous for the public interest; regard being had, as well to the nature and extent of the accommodation of the vessels offered, as to the lowness of the rate or price of each tender: the vessels accepted to be sufficiently manned and furnished for the safe keeping and conveyance of the Mails, Despatchs, &c.; to have sufficient accommodation for passengers, with separate cabins for male and female passengers, with water-closet attached; and to run, at least, one in every week between the opening of the navigation and its closing. And, in the event of a suitable Steamer being placed upon the station, to run between Bedeque and Shediac, in the place of a sailing packet, there shall be paid out of the Public Treasury, a sum not exceeding One hundred Pounds a year, to the persons or persons who shall be licensed to run such steamer: Provided also, that any Licence granted to the owner of any Sailing Packet for that station, shall, in such case be cancelled, by giving six months' notice to the owner or owners holding such Licence. The annual grant to the Georgetown Sailing Packet not to exceed £50; and that to the Bedeque Sailing Packet, not to exceed £80.

Hon. Mr. POPE presented a Petition from Lot 27, against Free Education. The honorable gentleman observed, that he thought the Petitioners were unenformed or wrongly informed, and doubted not, if they were fairly informed of the benefit to be derived from free Education, they would be of a quite different opinion.

Mr. DAVIES presented three Petitions in favour of Free Education. These, with the one from Lot 27, were referred to the Committee on Education.

Monday, 2d February, 1852.

AFTERNOON SITTING.

House in Committee on Bill to amend the Act for the Recovery of Small Debts.

Mr. FLYNN in the Chair.

Hon. Mr. COLES rose and explained the chief alterations contemplated and provided for by the Bill. The first, he said, was respecting the number of Small Debts Courts. The Bill proposed to give, to King's and Prince Counties, six each; and to Queen's County seven—that was one extra Court for Charlottetown. The next was, that it proposed to extend the jurisdiction of the Courts, which was now limited to £8, to something like £20. The Courts to adjudicate on sums of £8 and upwards, it was proposed by the Bill, should be held quarterly; and those having power to adjudicate on smaller sums, monthly, as at present. The next alteration proposed by the Bill affected offsets. It frequently happened, observed the hon. member, that a defendant's set-off exceeded the amount on which the Court could adjudicate; and, in every such case, the plaintiff was non-suited, without its having been determined, by any investigation, whether the set-off was a just one or not. To prevent a plaintiff's being unfairly non-suited in this way, and subjected to the expenses of the suit, it was contemplated, by the Bill, to allow the Court fully to investigate any such set-off, by examinining witnesses and otherwise; and that, should they find the real and just set-off to be beyond or above their jurisdiction, the plaintiff should be non-suited, with costs; but, if otherwise, that they should proceed to adjudicate in the matter. With respect to imprisonment for debt, in consequence of judgments obtained in Small Debts Courts, it was contemplated that imprisonment should not cancel a larger amount than £8; but that, if an individual debtor should be so imprisoned for £20, or upwards, he should be allowed to take the benefit of the Insolvent Debtors Act. As respected the interests of creditors, in such cases as the last, it would, perhaps, be well that imprisoned debtors should be able to liberate themselves in no other way, than by claiming the benefit of the Insolvent Debtors Act, for then their effects, if they had any, would be secured to the Creditors. Could their debts be cancelled by a certain duration of imprisonment, many might be found who would prefer that mode of payment to any other. The next amendment contemplated by the Bill, respected the recovery of rents. Landlords had lately commenced sueing their tenants for rent, in the Small Debts Courts; and, by that means, they evaded the law for the protection of the property of tenants. One law which they evaded by that means, was that providing that a tenant's stock shall not be taken in execution at certain times of the year; neither when he is putting in his crops, nor in the fall of the year; but at such other times, as afford a fair probability of a good price being realized by the sale of the stock which they may seize. By obtaining judgments in Small Debts Courts, they evaded the law, and could seize and sell when they pleased. By this means, they also evaded a law passed in the last session of the Legislature, which prohibits the removal of stock, taken in execution for rent, beyond a certain distance. The Bill contemplated their being prevented from taking out summonses for rent in the Small Debts Courts, unless they could prove that, seven days before, they had attempted to distrain, but could find nothing whereon to make distraint. In any such case, it was proposed that they should be allowed to sue, because a tenant might have removed his stock. The Bill also provided that, if a debtor should, at once, pay the debt for which a summons had been issued against him, he should not be subjected to any expense beyond the Clerk's fee for the issuing of the summons, and the Constable's fees of service: he should not, as at present, be required to pay either Commissioner's fees, or a per centage on the debt, to the constable, unless he had made a seizure and sale. These, said the hon. member, were the principal amendments proposed by the Bill: there were some others of less importance, to which, however, it was not then necessary to advert.

The first two or three Clauses of the Bill were agreed to without any discussion. When the Clause, imposing a penalty upon such persons as should wilfully fail to obey legal subpœnas to appear as witnesses, came to be considered, Mr. Haviland suggested that individuals so subpœnaed should be entitled to mileage and one day's expenses, to be paid to them at the time of the service of the subpœnas (as was the practice with respect to indivials subpœnaed to give evidence in the Supreme Court), or that otherwise, they should not be subject to a penalty for non-appearance.

Mr. SPEAKER, Mr. LAIRD, Hon. Mr. POPE, and Mr. DAVIES, each spoke in support of the suggestion of the honorable and learned member.

Mr. THORNTON was of opinion, that the making it necessary to advance their mileage and expenses, to persons subpœnaed as witnesses, would, with respect to poor men who had to sue those who were indebted to them, sometimes prove a very serious obstacle in the way of their procuring justice. It would be quite enough if individuals subpœnaed were paid one half of their mileage and expenses in advance.

Mr. CLARK thought they would get quite enough if they got one half.

Mr. HAVILAND and the Hon. Mr. POPE replied to Mr. Thornton's objection to the suggestion, that although it might, on the one hand, be very difficult for a poor man to pay those of whose testimony he wished to avail himself; it would, on the other, be very hard and unjust, that a poor man should be obliged to leave his employment, and travel to a Court, without being paid in advance, when, perhaps, he had nothing of his own wherewith to defray his necessary expenses. The time and services of witnesses were as valuable as those of litigants. It was then agreed, by the Committee, that the suggestion of the honorable and learned member, Mr. Haviland, should be adopted; the Committee being evidently impressed with the idea, that the effect of the regulation would be to check litigation.

When the Clause, which is intended to empower the Commissioners to administer an Oath both to the plaintiff and the defendant, came to be considered. the Hon. Mr. COLES observed, that the Clause was intended to be in accordance with the new law of Evidence in England.

Mr. HAVILAND, said, he thought the Clause would give the Commissioners a discretionary power to swear one or the other of the parties, but not both. He did not think that that would be a fair mode of proceeding. If one of the litigants were examined, on his oath, so should the other, he thought; and the Commissioners might determine to which of them most credit was due.

The question then underwent some discussion, sustained by the Hon. Mr. Pope, Mr. Haviland, Mr. Speaker, Hon. Mr. Coles, Mr. Clark, and Mr. Davies. There did not appear to be any great or direct contrariety of opinion amongst these honorable members, with respect to it, and it was finally agreed, by the Committee, that it should be made compulsory to examine, both parties on oath, provided such examination should be demanded by the defandant.

In pursuance of a suggestion of the Hon. Mr. Pope, it was agreed, by the Committee, that a Clause to enable the Commissioners to refer complicated accounts, with the consent of parties, to arbitration, and to give judgment thereon in pursuance of the award, should be added to the Bill. Honorable members expressed their conviction that this provision would also tend to restrain litigation, by preventing appeals.

When the Clause intended to give Commissioners a certain discretionary power of granting indulgence, with respect to the time of payment, to defendants against whom judgment should be given, came to be considered, the hon. Mr. Pope suggested the propriety of allowing, as in England, the payment of larger sums by instalments. The system, he said, if adopted here, would, he was certain, work well. The suggestion was acted upon without opposition.

Hon. Mr. POPE suggested the propriety of adding a Clanse, in conformity with one in the Small Debts Act of England, providing that on the trial of any action, or any other proceeding under the Act, the parties thereto, their wives and all other persons, may be examined, either on behalf of the Plaintiff or Defendant, upon oath; provided that every person who, in any examination upon oath, shall wilfully and corruptly give false evidence, shall be deemed guilty of perjury. The suggestion meeting with general approbation, the honorable member moved that such a clause should be added to the Bill, which was uninimously agreed to.

Ordered, That the Law Clerk be instructed to prepare a Clause accordingly.

When the Clause, intended to regulate the mode of levying Executions, came under consideration, the Hon. Mr.Pope observed, that a creditor should not be allowed to carry a distress to the utter destitution of his debtor. There should be reserved to the debtor, what all countries acknowledge to be necessary for him; clothes, bed and bedding, and implements and tools, by the use of which to earn a livelihood. It would be cruel, indeed, neither to leave a man whereon to lay his head, nor tools and implements wherewith to earn his bread.

Mr. FRASER and Mr. THORNTON spoke in favour of this suggestion of the Hon. Mr. Pope; who then moved the amendment of the Bill, in pursuance of this suggestion, by the adoption of a Clause to that effect from the Imperial Act.

The motion was agreed to without opposition. The Committee then rose, and the House was adjourned

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NOTICES UPON THE ORDER BOOK.

Monday, Feb. 2d, 1852.

Mr. DAVIES will, during the Session, present a petition from the inhabitants of Murray Harbour Road, praying a grant of money towards erecting a bridge on a new line of road, between Newtown and Port Selkirk; also a petition from inhabitants of Newtown, for a grant of money to aid the amount of assessment as compensation to parties through whose lands the new line of road is to pass: amount required, £39 10s. only; and also three petitions in favour of the Free Education Scheme.

Mr. DOUSE gives notice, that he will move that a Committee be appointed to enquire into the manner in which Deeds, Leases and other Documents, are recorded in the Registy Office of this Colony; and report to the House if any discrepancies appear therein, in order to improve the present system of Record.

Mr. DOUSE will also present a petition from Mrs. Mearns, teacher in Lot 50, praying remuneration for her school services.

Tuesday 3.

AFTERNOON SITTING.

House in Committee on Small Debts Act—Mr. FLYNN in the Chair.

When the Clause to exclude Lawyers from pleading on behalf of litigants in the Small Debts Courts, came under consideration, the Hon. Mr. COLES, said, that if such honourable members of the House as were also members of the legal professions, should think that the exclusion contemplated by the clause, would amount to an undue limitation of their professional privileges, it was the proper time for them to shew that it would be so.

Mr. PALMER then rose and said, that he certainly was persuaded, that many causes came before the Commissioners in the Small Debts Courts, involving questions of law, which it could not be expected they, as non-professional men, should be able to determine; and that, with respect to such cases, it would be a relief to the Commissioners to have the advice and assistance of a legal practioner, and tend to the securing equitable and legal decisions. Besides, he thought it scarcely fair that the parties litigants themselves should be prevented from having legal assistance, if they