

# THE EXAMINER EXTRA.

CHARLOTTETOWN, MONDAY, JULY 6, 1868.

COLONIAL PARLIAMENT.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 27.

Continued from fourth page.

Hon. LEADER OF THE GOVERNMENT.—Hon. members of the Opposition seem to think that the Jail is the proper place for a man who cannot pay his creditors, but a man may be pushed into Jail without a week's notice to look around, and consequently cannot meet the demands which are made upon him. Let the creditors take security when the debt is contracted, then they will be safe. If this Bill passes it would do away with the limits altogether; and a man may swear out under the Insolvent Debtor Act. I should be sorry to see such a sweeping measure as this pass. This bill would bring in plenty of fees to the lawyers, at every move the poor man would make after which one creditor would get everything. If a man is to be wound up in his business, surely every creditor should share alike.

Mr. HOWATT.—Mr. Speaker, it appears to me that there is some need of a law being passed to regulate these matters, but this bill would give all a man has to one creditor. How do the people of the United States, which is one of the greatest business countries in the world, do? There is no imprisonment for debt there. How do their creditors act?

Mr. BRECKEN.—The Hon. Leader of the Government need not be afraid of the Lawyer's living their pockets in an insolvent debtor's case. The United States have laws which we have not. If a creditor finds that his debtor has laid away his property, he can come in and seize everything at once. But I am not particular about this Bill, Mr. Speaker. Imprisonment for debt exists here, but it is a question whether a creditor should be allowed to imprison a debtor, unless he finds that he is going to leave the country. The effect of this Bill is merely where a debtor has the means of paying his creditors. If a man has judgment taken against him, he is on the limits, and if the creditor supposes that the man has property, the debtor is brought before the judge and is submitted to an examination. If he has money this bill would step in and send him to jail, unless he gives it up to his creditor. About two months before my Legislature met I suggested the necessity of sending to the United States for a copy of their laws on the subject. Since I have looked into the matter, strange to say, I find that two or three years ago, a bill was passed in New Brunswick just the same as that now asked for, but which has been repealed, and there is now no substitute for it. I think the principle of the bill is sound, but there are one or two clauses in it, which require amendment. I know of a nice case where a judgment was obtained against a man, when he pulled out a roll of money amounting to three hundred pounds, and said to his creditor, I did not intend to pay you anything. I believe he doubled the money in trading, but whether he paid his debt or not I do not know.

Mr. MCNEILL.—I have heard nothing yet in this Bill which would cause me to support it. Cases of the kind described by the hon. member for Charlottetown (Mr. Brecken) will occur often, if creditors do not take the proper security. If they will play this game of chance, they will meet with losses. There is rather too much of this credit system in the country. If a man gives credit to parties of whom he is doubtful and expects to get it from their securities, by force of law, he is not acting, on an honest principle. This bill is not founded on just principles, because it gives the preference to one creditor. All creditors should be served alike, that is, a debtor's property should be divided equally among his creditors. I am surprised to hear the hon. member for Belvedere say that the bill was founded on just principles. If a man has not enough to pay all his creditors, by this bill the first would take all he had, and the others would get nothing. Notwithstanding what the hon. member (Mr. Brecken) said about the man with the notes, I cannot agree with him.

The amendment was then put, that the Bill be read this day three months, which was lost on the following division:

For the amendment—Hons. Col. Secretary, Kelly, Davies, Calbeck, Messrs Cameron, McCormack, Green, Arsenault, McNail and Kirkham—10.

Against it—Hons. McAlway, Haviland, Henderson, Howland, Attorney General, Laird, Messrs. Brecken, Prowse, Reilly, P. Sinclair, Owen, G. Sinclair—12.

The main question being put, it was resolved in the affirmative.

The Bill to amend the Act relating to limits and rules of Jails was moved to be read a second time.

A message was received from the Legislative Council, stating that that body agree to a conference on the Bill to regulate the salaries payable to the Attorney and Solicitor Generals.

Mr. BRECKEN moved that the House go into committee of the whole on the Bill relating to the limits and rules of Jails.

Hon. LEADER OF THE GOVERNMENT.—I cannot agree with this Bill, because it takes the last pound of flesh from the poor man. It enables the creditor to keep a man in jail and to sell his property before he is let out, all for the benefit of one creditor. I move that the Bill be read this day three months.

Mr. REILLY.—Although I have no sympathy with dishonesty, it appears to me that the Bill now before us is a most extraordinary one. We have authority for saying that it is letter to let ten guilty men go unpunished than that one innocent man should suffer. I am one of those who cannot support the provisions of that Bill, especially as a bankruptcy law will be introduced during the present session. I move that the Bill be published for general information, and that it be read this day three months. I contended that there is no occasion for it.

Hon. ATTORNEY GENERAL.—This Bill would affect a man who has plenty of property and will not pay his debts, he would rather hush his creditor a little, and for that reason I must say that I am in favor of it. The Bankruptcy Act will not meet the cases to which this Bill refers. Persons who pass through an English Bankruptcy Court get a certificate of discharge through out all Her Majesty's dominions. This Bill would just extend the limits to the whole area of this Island. If a man went off the Island to the Province, he could immediately be incorporated there, for the very same debt. If hon. members will refer to the laws of Nova Scotia and New Brunswick, they will find they find that the Bankruptcy laws are more stringent there than here. That matter is under the consideration of a Committee, and will be in before the end of this session. It will be founded on a Bill which was passed in New Brunswick some years ago, but was repealed. It is much more soothing to a public man to legislate in favor of the poor, but we must legislate justly.

Hon. Mr. HOWLAND.—I move that this House go into Committee on the Bill. With all deference to my hon. friend, the Attorney General, I noticed that at the last sitting of the Imperial Parliament, immediately after its meeting, Hon. Mr. Gray would bring in the old Bankruptcy Act of Canada. We find that they have the same Act all through the neighboring Republic. As there is a very large amount of business transacted between England and the United States, this law works well, and therefore we should be behind them if we do not set in this matter. I think, in the view of the last twenty years of the history of this country, we should do something in favor of a Bankruptcy Law, similar to that of the neighboring Provinces. The introduction of this Bill may put all the provisions and requirements of the Bankruptcy Law of Canada in it. I think this Island has lost some of the best commercial talent in it, on account of the want of good laws on this subject. If a man is unfortunate in trade, why should he be run away? Why not divide his remaining property among his creditors? I do not see why we should not have the

same Bankruptcy Law as they have in Canada and the United States. We are no wiser than the people of these parts are, and therefore I do hope that the committee will bring forward a transcript of that Act. I will vote against the present Bill.

A message was received from the Legislative Council stating that the Bill to regulate the Salaries of the Attorney General and Solicitor General had been agreed to by that branch of the Legislature.

Hon. LEADER OF THE OPPOSITION.—I was going to make a few observations, as I find that some hon. members have altered their views on this question. Supposing we had a Bankruptcy Law to-morrow, there would still be a need of the ordinary law of debtor and creditor. It would still be necessary for Bankrupts to cross the "Herring Pond," to go through the Bankruptcy Court of Great Britain, and get a certificate which would apply to all Her Majesty's dominions.

Hon. Mr. HOWLAND.—If we passed a law the same as that of the Dominion, would not that suit our case?

Hon. LEADER OF THE OPPOSITION.—If a Bankruptcy Law were passed here, our certificates would be of no avail in Nova Scotia or any other country. When this is known it will create a great deal of disappointment among those who are under the false impression that a Bankruptcy Law will discharge their debts wherever they have been contracted. They shall still have to go to England, to get a certificate to have freedom from their debts wherever the British flag waves.

Hon. Mr. HOWLAND.—If there were six months allowed a Bankrupt, and he were after that to proceed to England, the Bankrupt Law would not then assist him.

Hon. LEADER OF THE OPPOSITION.—We can only pass a law which will give a discharge for debts contracted in P. E. Island, and which would be of no avail in other countries. Hon. members who are very anxious about this law are under a false impression in regard to it. To say that Prince Edward Island could pass a law which would affect all the Provinces is quite ridiculous. The statement that we shall have a Bankruptcy Law is no argument against the Bill at present under consideration.

Mr. REILLY.—If a debtor give up his property, is he discharged from the limits under this Bill?

Hon. LEADER OF THE OPPOSITION.—This Bill will not deprive an honest man of his liberty. I shall support the motion that this House go into Committee on the whole, to take the Bill into consideration.

Resolved, That the Debate be now adjourned.

House adjourned.

I. OXENHAM, Reporter.

Afternoon Session.

On motion of the hon. Attorney General the House went into Committee for the further consideration of supply. Mr. Reilly in the Chair.

The hon. Attorney General submitted the following resolution:—

Resolved, That the following sums be granted and placed at the disposal of the Government for the following services:—

Special grant for macadamizing Main Post Road within Royalty of Charlottetown, at the disposal of the Government,	£250 0 0
Special grant for macadamizing Main Post Roads at Georgetown and Royalty and at Summerside, each £100, at the disposal of the Government,	200 0 0

Mr. Chairman, last year and the year before last, the amount of the special grants for Summerside was placed at the disposal of the members for the district, and there seems to be a difference of opinion, whether we should adopt the same plan this year. The objection arises from the fact that in following this course, there is no way for having a proper return of these expenditures, and this produces difficulties in making out the returns. I have no doubt but that the Commissioner of Roads in this district will always be willing to receive the advice of the members of the Legislature residing there. Therefore, I consider it better to leave these matters in the hands of the Road Commissioners.

Mr. MACLENNAN.—Mr. Chairman, before the question is put, I will merely say I have no fault to find with the Government for the course about to be adopted; but a rise to express my regret that a larger sum was not given for Summerside. The soil in the vicinity of that town is soft and requires a great deal of labour to make good roads. When the present party came into power, from the interest expressed by some for Summerside, it was expected that more than £100 would be granted for this service. Georgetown has had much more done for it than even Summerside had, and is now, I certainly think, entitled to a larger grant than Georgetown. It is true the revenue has fallen off some but still I am of the opinion that the Government could appropriate more than £100, if so disposed, for that locality, nor do I think it would, in the least reflect upon the Government if the present grant was reconsidered. The resolution was then read and agreed to, and is as follows:

Resolved, That the following sums be granted and placed at the disposal of the Government for the following services, viz:—

Keper of Bonded Warehouse at Charlottetown,	£50 0 0
Deaf and Dumb Institution, Halifax,	50 0 0
Public Surveys and Commissioners' disbursements in connection with the Land Office,	400 0 0
Interest on Public Debt,	9000 0 0

The following resolution was then read:—

Resolved, That the following sums be granted and placed at the disposal of the Government for the following services, viz:—

Public printing and stationery,	£1000 0 0
Incidental expenses of Lunatic Asylum in addition to a grant by statute,	1000 0 0
Management of Savings Bank,	150 0 0
Management of Land Office,	330 0 0
Collector of Customs and Navigation Laws, and Collectors of Import and Excise for out ports (except Georgetown and Summerside),	300 0 0
Additional Clerk in Excise Office,	125 0 0
Third Clerk in Post Office,	100 0 0

Hon. LEADER OF THE OPPOSITION asked for information respecting the amount set opposite the Land Office. The hon. Attorney General explained by saying that the amount paid for salaries in the Public Lands' Office was precisely what it was under the late Government, although the arrangement was different, that the additional grant now asked for was for the purpose of enabling the Government to effect the necessary surveys, which the provisions of the Wilderness Land Bill would render necessary.

Resolution was agreed to, when, Mr. Speaker resumed the Chair, the resolutions were reported agreed to, and leave granted to the Committee to sit again. When the debate on the "Act relating to the limits and rules of Jails in this Island" was resumed.

Hon. Mr. DAVIES.—Mr. Speaker, I have no further reasons to urge against the Bill than those I put forward this morning. The principle embodied in it appears to me to be altogether in favor of one creditor, and gives him the privilege of taking all from the creditors who may be abroad. This I consider wrong and unjust. No creditor in this Island should have any undue advantage over one in England or elsewhere of the same rank. I regard our present arrangement as being in violation of the principle of justice, and I regard our present arrangement as being in violation of the principle of justice, and I regard our present arrangement as being in violation of the principle of justice.

paid on money. I cannot see that the present Government are to blame, for they have rectified the mistakes which other Governments have made, as far as practicable.

Hon. Mr. HENDERSON.—I have not the slightest doubt as to the justice and necessity of giving the late settlers on the Cunard Estate more time to pay their instalments. But this matter must take another shape before anything is done. If a pressure were brought to bear upon the present Government, they would take the facts as they find them stated by the Commissioner of Public Lands, which show the absolute inability of the people to pay their instalments. The lands on this Estate were disposed of at a high figure, because the late Government wished to make the estate self-sustaining if possible. It is to be hoped that the people will not now be harassed by the Government, because they are unable to pay their instalments. If any one who is able to pay should refuse to do so, of course he should be compelled. Those who are able to pay should not be allowed to draw back.

Hon. LEADER OF THE GOVERNMENT.—The hon. member for Murray Harbor (Mr. Henderson) voted for a Bill to enable the creditor to throw a poor debtor into Jail, if he did not pay the last farthing. Now he hopes that the Government will not demand the instalments due from people who have been settled eight years upon their farms. What is the difference between the two cases? These people were tenants under Messrs. Cunard, and had to pay ten pounds per hundred acres annually, but now they have their lands free by paying one half of the sum which they would have been obliged to pay the proprietor, if they had bought their lands directly from him. The late Government fixed the prices higher than was recommended by the Commissioner of Public Lands. Now the hon. member wants to give parties who settled on Wilderness Lands eight years ago, the same privileges as those who are now settling. He may as well ask twenty years freedom from paying instalments for them, at once. Why does he not show sympathy for people settled on other estates, as well as the Cunard Estate? If the late Government imposed too high a price for the people to pay, the present Government will entertain any petition to do them justice but all the other estates in the Island shall have equal advantages.

Hon. Mr. MACALWAY.—I do not think the amendment deserves all the asperity which has been shown upon it. The Bill before us merely relates to the settlement of Wilderness Lands, and consequently lands already settled cannot be included in it. Still the case of the recent settlers on the Cunard Estate should be attended to, because they may be compelled to mortgage their lands to pay their instalments. People recently settled on these lands, can get very little except what is absolutely necessary for themselves and their families. In that case, what can the Government do for them but to extend the time for paying their instalments. The interest will be accruing, and the debt will be increasing; so I do not think the proposal to extend the time is objectionable, but on the contrary it is quite reasonable. Perhaps it may be objected to, on the principle that it would be arranging the system by which estates are managed. It is in my opinion, but what may we expect but additional troubles, when people are unable to pay their instalments? The Government have a right to legislate for the advantage of the people, whose servants they are, and I hope the hon. Leader of Government will not treat the subject harshly. If they do not think it should have a place in the Bill, they can let it go; but I cannot see any objection to the matter.

Mr. PROWSE.—I was surprised at the tone in which the hon. Leader of the Government addressed this Committee. He has accused us of clap trap, and of being insipid in this matter. This comes from him with very bad grace. I can assure him that I am above using such language as he imputes to me.

Hon. Mr. DAVIES.—The hon. member for Murray Harbor (Mr. Prowse) has made some remarks in reply to the Attorney General, which are not very clear to me. I believe that there are not sufficient grounds to show that the people on the Cunard Estate are unable to comply with the provisions of the Land Purchase Bill. We all know that only one half of the estate has been purchased by the people, and consequently the returns are yet small.

Mr. PROWSE.—Some of the people have settled on condition of paying at the rate of a penny corn per year for the first ten years. Is it fair that the Government should step in and say, you must pay us twenty per cent of the purchase money of your farms?

Hon. LEADER OF THE GOVERNMENT.—Why did not the late Government take this into consideration when they purchased the estate? The present Government are not called upon to remedy this one particular case without making it a general measure.

Hon. ATTORNEY GENERAL.—The return of the Land Commissioner has been referred to, to show that the instalments had not been all paid up, and that the people could not pay. But that officer pledges himself that those who promise to pay are good acids, that is, they are able to pay.

Hon. Mr. HOWLAND.—I thought that the provisions of this Bill were so easy that no hon. member would go against them. The hon. member for Murray Harbor (Mr. Prowse) thinks that the lands down there are too high. If so the people there should blame their own member for their trouble, as he was a supporter of the Government that fixed the prices on their lands. And now the hon. member wants to have the people relieved of the burdens which he assisted in imposing upon them. We are told that the reason that the people cannot pay their instalments, is that they originally took a lease on condition of paying a penny corn per year. I know farmers in my neighborhood who prefer paying rent to purchasing the freehold of their farms. I have no doubt that the hon. member told the people of the blessings the late Government had conferred upon them, and that the Liberal party would never do anything for them. But how different he acts now. He will find that the Liberal Government understand the people, and the people understand them. More freeholders have been made under the Land Purchase Bill than by any other measure. I could agree with a remark which has been made from one hon. member to the effect, that if a plan can be devised by which the instalments can be extended over a greater length of time, it will be much better. If a petition should come in from the people stating that they could not fulfil their engagements, I should give it my support. If that amendment to the Bill is supported, the whole machinery of the Land Office will be put in confusion. The land down in the hon. member's district is generally poor, according to the report of the Land Commissioner; but the late Government wanted to make it self-sustaining, and put high prices upon it, which they now say the people are unable to pay. The hon. members for that district now come to this Government and ask them to extend the period for paying the instalments. One of these hon. members (Mr. Prowse) is anxious to know whether the wilderness land is to be settled with German Protestants. Well, I can tell him that the Government have no intention of sending for these people to occupy the vacant lands of this Colony.

Mr. PROWSE.—I care not whether the land is settled with Protestants or Catholics.

Hon. Mr. HOWLAND.—I suppose the hon. member was afraid the land would be settled with my countrymen. If his district is in the state described by the Commissioner, the people have hard work to obtain a livelihood. It seems that only one man in that part is able to raise more than £100 worth of crop. If the Government could honestly relieve the people from the payment of their instalments, they would do so. I will support the Bill.

Hon. Mr. HENDERSON.—I am surprised at the want of good humor in the Leader of the Government this evening. There is a vast difference between mothers and stepmothers, and he finds that he has had something to

do with stepmothers in these affairs. The late Government had something to do with his offspring and found it a troublesome urchin. The price fixed by the late Government was very high, but it would have been made lower if they could fairly have done so.

Hon. LEADER OF THE GOVERNMENT.—The Commissioner of Public Lands recommended a lower figure than that fixed by the late Government. The Cunard estate, I understand, is at present the subject of discussion. What the hon. member for Tignish advocated was a correct principle. If the people want help they will apply for it in another form; and the Government would relieve them if it is seen that they are really in need of assistance. It is nothing uncommon in this House for an hon. member to dwell upon the wants of his own constituents. I do not know what the hon. member for Tignish means about the poverty of certain districts.

Hon. Mr. HOWLAND.—I thought the hon. member for Murray Harbor should have used his influence to have the price of the lands fixed in accordance with the poverty of the people in his district.

Hon. Mr. HENDERSON.—From the tone of the hon. member (Mr. Howland's) remarks, I would infer that the people are comparatively rich in his neighborhood. But I think the inference from public reports is, that they are going backwards, for I hear that their fiddler and provisions are scarce. As there is so much paper money going up there, I should think the hon. member would leave other parts alone, and not talk so much about poverty. I am told that one hon. member of the Government has been the means of forgiving debts on the Worrell Estate.

Hon. Mr. HOWLAND.—The report is untrue.

Hon. LEADER OF THE GOVERNMENT.—This new proposal would give the people on the Cunard Estate sixteen years to pay their instalments. That is, they have had eight years free already, and if eight more be added they would get their lands sixteen years for nothing. I think it would be inconsistent to give them a longer period than those who are settled on other estates, and it would disturb the whole tenor of the Bill.

Mr. PROWSE.—The people wish to be placed in the same position as those who settle on lands after this Bill is passed.

Hon. Mr. LAIRD.—It has been stated by some hon. members of the Opposition that the late Government could not fix the prices of the lands lower than they did. The hon. member for Murray Harbor (Mr. Prowse) asks the present Government to give these people eight years' instalments, but this would be an act of injustice to other portions of the Colony. I was much amused to hear the hon. member trying to defend the acts of the late Government. He now comes in and asks the Government to lower the prices fixed by the late Government on lands on the Cunard Estate. By the assertions of the hon. members of the Opposition, the sum was fixed at as low a rate as possible. It would be an injustice to ask the Government to give a longer time to people who have already had their lands eight years free. These people have sent in no petition, and for the Government to give money without being asked, would be a liberty in the extreme.

Hon. Mr. HENDERSON.—I very clearly stated that it would hardly be correct, in my opinion, to attach the proposed matter to the Bill under consideration, and I should be sorry to impede the settlement of the Land Question. Suppose I put the hon. member for Belvedere (Mr. Laird) in my place in the late Government, at the time the prices were fixed on the lands, and that he consented to these prices, as I have done, would there be any impropriety in his actions, when he found out the state of matters among his constituents, if he should call the attention of the Government to the facts of the case? Would he consider himself in any way inconsistent in advocating poor people's rights? I cheerfully admit that I could not remedy the evil complained of, and that the people would have to take the lands at the prices fixed upon them, or not take them at all.

Hon. LEADER OF THE OPPOSITION.—However desirable it may be for the hon. members for Murray Harbor to advocate the interests of their constituents, and to do all in their power in this House to alleviate their peculiar afflictions, and to give them the same rights and privileges which the people on the other estates have. They have not pursued the proper course to redress these grievances. It is a fact that there is a large number of poor tenants on the Cunard Estate, who are unable to meet their liabilities, and the proper course for my friends would be to bring a petition from the people before this House, praying the Government not to be so rigid in their demands on poor people who cannot pay their instalments in full. The lands had to be classified according to the quality of the soil, and the late Government were bound to make the estate self-sustaining, if possible. The proper course for the people to take in this case, would be to memorialize the Executive Council, and if they did not favor the request, they should petition this House. After paying due attention to the arguments of hon. members on both sides of this House, I do not think that the remedy is in the present Bill, because this Bill is really for the purpose of regulating the settlement of wilderness lands. We should not have contradictory matter in the same Bill. If the proposed clause be inserted, we would bring in lands already settled into the Bill; therefore I think my friends should reconsider the matter before pressing it further. But it is in certain parts of the Murray Harbor district where the people wish to have more time to pay their instalments. I would not like to embarrass the Government on a question of this kind, and, therefore, I think the hon. members had better withdraw it. If the people are laboring under difficulties, let them memorialize this House before next session. At present it is merely putting the House under the necessity of giving the matter a point blank refusal.

Mr. PROWSE.—If the hon. Leader of the Opposition had given me this advice privately, I would have moved an amendment.

Hon. LEADER OF THE OPPOSITION.—I am not an adviser for hon. members. The hon. Leader of the Opposition has enough to do, to advise himself.

Mr. PROWSE.—I am quite willing to withdraw the amendment which I proposed.

Hon. Mr. HENDERSON.—I am willing to allow that the proper course for the people to pursue, would be to petition this hon. House, but there will not be time to do so during the present session.

Hon. HOWATT.—I do not see any mode of relieving these people on the Cunard Estate who are unable to pay their instalments, but I hope the Government will deal impartially with them. I believe there are a few persons in the district which I represent are unable to pay, with whom I hope the Government will be lenient.

It was then resolved on motion of the hon. Leader of the Opposition, that the hon. member for Murray Harbor (Mr. Prowse) have leave to withdraw his motion which was carried.

The Bill with certain amendments was then reported agreed to by the Committee and ordered to be engrossed.

Hon. Leader of the Government presented a report of a Committee of the Executive Council on the Charlottetown Ferry.

House adjourned.

I. OXENHAM, Reporter.

THURSDAY, March 26.

Afternoon Session.

On motion of hon. Mr. Laird, the House resolved itself into a Committee of the whole on the second reading of the Bill to be intitled an Act to incorporate Prince County Agricultural Society.

Mr. LAIRD.—I may state that the object of this Bill is to incorporate an Agricultural, to place them in a position that they may sue or be sued. It is very important that the agricultural classes should have all the facilities that can be given them; for although the