

THE EXAMINER

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"This is true Liberty, when Freeborn Men, having to advise the Public, may speak free."—Euripides.

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Provincial Parliament.

LEGISLATIVE COUNCIL.

THURSDAY, March 8, 1860.

The Bill, intitled 'an Act for the better apprehension of certain Offenders,' was read the first time.

SHERIFFS' BILL.

The Bill intitled an Act to amend an Act made and passed in the eighteenth year of the Reign of Her present Majesty Queen Victoria, intitled 'An Act to consolidate and amend the Laws now in force relating to the office of Sheriff in this Island,' was read the second time.

House in Committee on said Bill; his Honor Mr. Walker in the Chair.
Hon. Col. SWABEY—The object of the Bill is, as respects the appointment of Sheriffs in future, to place every thing in *statu quo*. The right or privilege of which it is proposed by the Bill to deprive the Government, is one which, in my opinion, no Government need wish to retain. Before the passing of the Act which invested the Government with the power to nominate and appoint the Sheriff, the Chief Justice expressed a strong desire to be relieved from the responsibility imposed upon him by the law then existing of nominating three fit and proper persons, in each County of the Island to be made Sheriffs of the several Counties; and I know not whether he will now wish the re-imposing of such responsibility upon him. I myself, however, have no objection to make to the Bill.

Hon. Mr. WALKER—I know that the Judges wished very much to get rid of the responsibility; and, I believe, it was on that account that the power to nominate and appoint the Sheriffs was conferred upon the Government.

The first clause repeals the second, third, and seventh sections of the 18th Vic., intitled 'an Act to consolidate and amend the Laws now in force relating to the office of Sheriff in this Island.'

The second provides that the Chief Justice, or in his absence the Master of the Rolls, shall, on the third Monday in April annually nominate, in writing, three proper and fit persons in each County of this Island to be made Sheriffs of the several Counties thereof, a copy of which nomination, being signed by the said Chief Justice, or the Master of the Rolls, to the Lieut. Governor, or other Administrator of the Government for the time being, who is then immediately to prick one Sheriff out of the said number for each of the several Counties of this Island to serve as Sheriffs for the ensuing year, each residing within the County for which he shall be appointed Sheriff. The rest of this clause provides that after taking the oaths of office, and the giving securities, the individuals so appointed shall receive their Commissions, &c.

The third, which provides that any person nominated and appointed under this Act to the office of Sheriff, after eight days' notice of his appointment, refusing to accept the same, shall be liable to a penalty of twenty pounds;

And the fourth, which in such case exonerates a member of the Legislature from the fine, provided that within eight days of his having received notice of his appointment he shall signify his refusal to serve to the Governor or Administrator of the Government; and also, without any discussion, unanimously agreed to; and also, without any discussion, the first of which or the fifth clause of the Bill provides that upon each and every refusal, the Chief Justice or the Master of the Rolls, shall make out another list, and shall deliver the same as before, and that the Governor thereof shall prick one person for Sheriff; and the proceedings so to continue until a person shall be nominated and appointed who will consent to and actually serve as Sheriff—the second of which or the sixth clause of the Bill provides that every Sheriff shall remain in office until another be appointed and sworn in his stead—the third of which, or the seventh clause of the Bill, provides that if the Sheriff of any County die whilst in office, another Sheriff shall immediately be appointed for the remainder of the year, in the manner as in the Bill before directed; the Deputy of the deceased Sheriff to be liable for such Deputy until such new appointment be made—the fourth of which or the eighth clause of the Bill, provides that every Sheriff shall, before taking the oaths of office, deposit in the Colonial Secretary's Office a bond for the due discharge of the duties of office, himself in £1,000, and two sureties, each in £500—the fifth of which or the ninth clause of the Bill provides that any person injured by any act or omission of a Sheriff may sue on his bond, in the name of the Queen, and be entitled to the proceeds with costs; the defendant to be entitled to costs if judgment be given in his favor—and the sixth of which or the tenth clause of the Bill, provides that all actions against Sheriffs must be brought within three years from the accruing thereof.

The House was then resumed, and his Honor Mr. Walker reported that the Committee had gone through the Bill, and had agreed to the same without any amendment.

Ordered, That the Report of the Committee be received.

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

FRIDAY, March 9, 1860.

House in Committee on the Bill intitled 'an Act to enable the Controller of Navigation Laws in this Island to grant and issue Fishing Licences to Citizens of the United States for Vessels built in Prince Edward Island; his Honor Mr. Forgan in the Chair.

Hon. Col. SWABEY said he would vote against the Bill. Many valid objections to the passing of it presented themselves to his mind. One very strong objection was that it came within that class of Bills which, according to the Royal Instructions, could not with propriety be introduced in the Legislature without the Royal consent to such a step having previously been obtained. The principle and the object of the Bill warred against the policy of Great Britain in all matters relating to trade and commerce with foreign nations; and we know not how it may militate against existing treaties between Great Britain and other countries. The privilege to be granted by this Bill was not to be extended to all foreigners in general with whom Great Britain maintained amicable relations; but only to the citizens of the United States. Why was it not to be extended to France, Spain, and other friendly powers on the continent of Europe? It was going in the teeth of the Imperial Parliament and Government who had annulled differential duties. Should the Bill pass the Legislature here, he could not believe that it would be admitted by the Home Government. It was not, it seemed, a Government measure, or he would presume to recommend the Government to send it home in order that it might be ascertained whether or not it was opposed to the nature of any existing treaties between Great Britain and any other country. It was, he was aware, intended to confer advantages upon citizens of the United States; but he wished to know what advantages, in return, were to be derived from it, by the people of Prince Edward Island. He did not clearly see what benefits to the Island would result from it; but he did see that it would place us in a very anomalous position.

Hon. Mr. PALMER—He had not particularly studied the Bill; but he had heard a good deal about it; and he was satisfied that if it should be carried into law, it would benefit the Colony. We know that the Americans prosecuted fishing to a great extent, and with very great success; and it was clear to him that by allowing them to build fishing crafts in the Island, and by granting them Fishing Licences for such crafts, the people of the Island would be made participants, to a very considerable extent, in the advantages which resulted to themselves from the prosecution of the fisheries in our waters and around our shores. Many of our young men would be employed, during the fishing season, on board of their vessels; and by learning from a people who

thoroughly understood and practised the trade of catching and curing fish, they would become fully conversant and expert in the business; and besides these American fishermen would purchase nearly all their provisions for ready money from our shore farmers, which undoubtedly would be a great advantage, not only to such farmers, but to the whole Island. Then American fishermen would also purchase fish from our shermen, and according to their general practice pay for it in good round dollars; and thus our trade in fish would be considerably and very profitably increased. The intention of the Bill was to make the advantages which would result from its operation reciprocal; and as he viewed the matter, it was quite evident they would be so. Although there was, perhaps, not much large shipbuilding timber left in the Island, there were still great quantities suitable for the building of small vessels; and American citizens, of moderate means, who might not be able to build fishing vessels in the States, owing to the much greater outlay which would attend it than would be caused by it here, would, in all probability, avail themselves of the advantages on that head, which, should the Bill become law, it would hold out to them. In their own country, he believed, the expense of building such vessels would exceed by one-third that it would amount to here. The carrying of the Bill into law would certainly be the means of bringing into the Island what was so much wanted in it, capital. He did not, however, expect that it would be attended by very extensive beneficial results all at once. Its beneficial progress would, at first, be slow, and some years might be required before the reciprocal advantages which it was calculated to confer upon the two countries, could, in any thing like full measure, be realized. It had been said, by his Honor Col. Swabey, that the Bill might be found to interfere with free trade privileges and national rights as now established by law;—that it might be supposed to run counter to the now ruling principle of trade and national commercial intercourse by favoring one country more than another; but he (Hon. Mr. Palmer) did not see that Great Britain herself submitted to be rigidly restricted by that ruling principle. The commercial treaty lately entered into by her with France was a proof that she was not. From that treaty, France was certainly derive very great advantages; but Spain, another friendly power, might probably be injured by it. Although American registry was refused to our ships, that was no reason why the Bill should be considered as impolitically or unwisely liberal. It would certainly, if acted upon, confer great advantages upon American citizens; but it would as certainly be attended by great concurrent advantages to the people of Prince Edward Island. And again, although the Bill was, in principle, opposed to the existing Act respecting the registration of vessels, it could do no harm on that score. It would have a suspending clause; and the sending of it home would amount to no more than saying to the Imperial Government, this Bill, were it made law, would serve us and injure no one: will you please to pass it? But should the British ministry find that it would be opposed to the nature or principle of any of their existing treaties with other Governments, their sanction of the measure could not be expected; and they would advise that the Royal allowance be withheld. He knew that, to some extent, it would militate against the immediate interests of the Island shipbuilders; yet the allowing of American citizens to build fishing vessels in the Island could not be very prejudicial to them; and any disadvantages on that score would be greatly overbalanced by the great general advantages to the Colony which would arise from it. He had never been in favor of protective measures: they were opposed to sound policy, and the spirit of the age was now most decidedly against them. Free trade intercourse between two countries would always be productive of mutual advantages; and it would always especially benefit a new country when established between an older one of greater extent, greater wealth, and, at the same time, in some respects, of greater requirements. It was true that the Canadians were complaining that all the advantages arising from the treaty between them and the United States were on the side of the United States; and they, therefore, wished to retrace their steps. But that was not a rule by which the people of Prince Edward Island were to be governed. The advantages which, should the Bill become law, they would derive from it, were very obvious; its operation would promote industry, improve our fisheries; and, through the building of fishing vessels in the Island, by American citizens, it would bring in capital. As their Honors had already taken one step in the direction to which the Bill tended—he meant the allowing of American citizens to hold real estate in the Island—he hoped they would follow up that step by passing the Bill. It had passed the other House, sustained by a large majority—20 to 5—the majority consisting of members of each side of the House. The country members, seeing how much it would benefit their own interests were its staunch advocates; and he hoped the majority of their Honors would do the same, and that the opposition of his Honor Colonel Swabey would be ineffectual.

Hon. Mr. JOHNSON took nearly the same view of the Bill as that taken by the Hon. Mr. Palmer. He said: The days of short-sighted, narrow-minded protective policy were gone by; and the truly progressive and enlightened spirit of the times announced free and unshackled commercial intercourse between different countries to be the source of their improvement and wealth, and the complete extinguisher of national jealousies and rivalries. Besides affording most essential and desirable benefits to the citizens of United States engaged in the fishing business, the Bill, as law, would materially, and to a great extent, benefit the people of Prince Edward Island. It would increase the value of their timber; enhance the price of their farm produce; and procure them a home market and ready money for both. It would also increase the demand for labor at good and well paid wages. For the fish caught by our shermen, it would, besides, provide a ready and good market. The American fishermen would readily purchase much of that fish; and, carrying it to Sledie in their own vessels, they, in their turn, would be able, almost immediately, to convert it into money, at a considerable advance, by sending it directly by the railroad inland into the States.

Hon. Col. SWABEY—He was decidedly opposed to differential distinctions. If the liberty or privilege which, by the Bill, it was proposed to give to citizens of the United States, had been intended for all foreigners alike, he would have agreed to it. So limited, so exclusively confined to one country, it would be very likely to create jealousies and irritation on the part of those countries which were excluded from it. Between France and Great Britain, on account of the privileges asserted as her right, or sought to be obtained by France, in the Newfoundland fisheries, there were already grounds for a serious misunderstanding; and the partial measure then under their Honors' consideration was calculated, should it become law, to enlarge those grounds in the estimation of the French. He could not see that any benefits which were likely to result to the Island from the adoption of the measure were sufficient to warrant the Legislature in running their heads against all precedent and against the Royal Instructions concerning such measures.

Hon. Mr. WALKER—He was in favor of the Bill. In operation, it would undoubtedly bring capital into the Island, than which nothing was more wanted in the Island; but that was not all, for such capital would directly benefit the farmer, and promote the industry of our young men, both as woodmen and fishermen. That capital would be expended in the purchase of timber and provisions; and although the building of small vessels by American citizens might to a slight degree injuriously affect our Island shipbuilders, the benefits which, in the first place, would be experienced by our agricultural population, would, through that population, ultimately benefit all other classes in the Colony. The privilege conceded to American citizens might not indeed be taken advantage of by them to any very great extent for a few years; but as by degrees experience should demonstrate its advantages to them, they would extend their operations

from year to year, until it should become a certain and permanent source of gain and profit.

Hon. Mr. HUTCHINSON—He saw no reason for any objection to the Bill, except that, as it might be found to interfere with existing treaties between Great Britain and other countries, the Royal allowance, should it pass here, might be withheld from it; and that, therefore, it would have been advisable that, before its introduction in the Legislature, it should have been ascertained that the Home Government would sanction the measure. This, however, was no objection either to the principle or the provisions of the Bill; and none, he thought, could justly be taken against either the one or the other: for it was quite evident that its operation could be productive of nothing but benefit to both countries. Trade, in the Island, was very flat. Something was required to improve it; and the Bill, should it become law, might have that effect.

Hon. Mr. BAGNALL was of opinion that should the Bill become law, nothing but good, reciprocal good, could result from it. The advantages offered by it to American citizens might not, it was true, be fully embraced or fully appreciated by them at first; but, in time, they would be able to form a just estimate of them, and then they would, no doubt, with much eagerness fully embrace them. The Americans generally gave good wages; and, should they engage in building vessels here, many of our young mechanics would be employed by them, and not only receive good wages, but under them, have very desirable opportunities to improve themselves in their several trades. Altogether he thought the measure was a wise one; and, if carried into effect, it could scarcely fail to arouse and quicken our enterprise and energy.

The House was then resumed, and the Bill reported agreed to without amendment.

WILLS ACT.

On motion, the Wills Act was again submitted to the consideration of the whole House in Committee; his Honor Mr. Palmer in the Chair.

After some time, the House resumed, and his Honor Mr. Palmer reported that the Committee had gone through the Bill, and had made an amendment thereto. The Report was received and the said amendment was read as follows:—

"After the word 'thereof' in the 12th line, insert the following section:—
"That so much of the forty-sixth and forty-ninth clauses of the said recited Act, as limits the application of Executors, Administrators, and Creditors to the term of three years to make application for Licence for sale of, or letting of Real Estate towards payment of debts, shall be, and the same is hereby repealed; and that the said term shall be extended, as to all future applications, to the period of six years."

The above amendment was moved in blank as respects the term, by the Hon. Mr. Forgan; and after it had been concurred in *in rem. con.*, on motion of His Honor the President the blank was filled in with six years.

BILL, INTITLED 'AN ACT TO AMEND THE LAW RELATING TO BILLS OF LADING.'

Hon. Col. SWABEY moved the second reading of this Bill; and in doing so said: The intention of the Bill, so far as he comprehended it, was simply to increase confidence between parties with respect to mercantile transactions.

The motion having been seconded, his Honor the President more fully explained the object of the Bill, as follows:—As the law at present stands, with respect to Bills of Lading, and by the custom of merchants, a Bill of Lading of Goods being transferable by endorsement, the property in the goods may, thereby, pass to the endorsee; but, nevertheless, all rights in respect of the Contract contained in the Bill of Lading continue in the original shipper or owner. Now, the object of this Bill is in the first place to cause such rights to pass with the property. And, again, as it frequently happens that the goods, in respect of which Bills of Lading are to be signed, have not been laden on board, it seems to be proper that such Bills of Lading in the hands of a bona fide holder for value should not be questioned by the Master, or other person signing the same, on the ground of the goods not having been laden on board, it is intended to be enacted by the Bill,—First, that every consignee of goods named in a Bill of Lading, and every endorsee of a Bill of Lading to whom the property in the goods therein mentioned shall pass upon, or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities, in respect of such goods, as if the Contract, contained in the Bill of Lading, had been made with himself. In the second place, the Bill provides that nothing therein contained shall prejudice or affect any right of stoppage in transitu, or any liability to claim freight against the original shipper or any right of the consignee or endorsee, by reason, or in consequence of his being such consignee or endorsee, or of his receipt of the goods, by reason or in consequence of such consignment or endorsement. And, in the third and last place, it provides that every Bill of Lading in the hands of a consignee or endorsee, for valuable consideration, representing goods to have been shipped on board a vessel, shall be conclusive evidence of such shipment, as against the master, or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped unless such holder of the Bill of Lading shall have had actual notice at the time of receiving the same that the goods had not been in fact laden on board; provided, however, that the master or other person so signing may exonerate himself in respect of such misrepresentation, by showing that it was caused without any default on his part, and wholly by the fraud of the holder, or of the holder, or some person under whom the holder claims.

The House then went into Committee on the said Bill. His Honor Col. Swabey in the Chair.

After some time spent therein the House was resumed, and his Honor Col. Swabey reported the Bill agreed to without any amendment.

THURSDAY, March 22, 1860.

COMMUNICATION FROM CHARLES DESBRISAY, ESQ.

His Honor the President read the following communication from Charles Desbrisay, Esq., late Clerk of this House:—

To the Honourable the Legislative Council of Prince Edward Island.

May it please Your Honors:—

In retiring from the office of Clerk of Your Honourable House, an appointment which I have held for nine years,—having fulfilled the duties of Assistant Clerk thereof for the previous sixteen years,—it is natural for me to reflect upon the incidents which have characterized the direct intercourse and close connection which, during that period, subsisted between your Honors and myself; and whilst that reflection brings most forcibly to my mind the pleasing remembrance of the many courtesies and indulgences which have been extended to me by your Honors, and whilst I am most deeply impressed with a due sense of these obligations, and in an especial manner with the very flattering testimony which it has pleased your Honors, by resolution, to bear to the efficiency of my services as Clerk of the Council, accompanied by your Honors' best wishes for my present and future welfare, I cannot but feel, at the same time, my utter inability to acknowledge them in language sufficiently strong and appropriate.

Permit me then, in all sincerity, to assure your Honors that those courtesies and indulgences, particularly the gracious concessions which have so very often been manifested towards me in my official capacity by his Honor Dr. Young as President, together with the very flattering testimony contained in your Honors' Resolution, will be held by me in most grateful remembrance to the close of my life.

I have the honor to be, your Honors' Most grateful and obedient servant,

CHARLES DESBRISAY.

Ordered, That the said communication be entered on the Journal of the House.

Bill intitled 'an Act to amend the Act relating to Judgments recovered in the Supreme Court of this Island, and to amend an Act therein mentioned.'

Hon. Mr. FORGAN moved the second reading of this Bill; and, in doing so, his Honor explained that the object of the Bill was to allow equitable estates against which judgments shall have been obtained to be taken in execution as well as real estate.

His Honor the PRESIDENT—It has been a matter of doubt whether an equitable estate against which judgment shall have been obtained can be taken in execution as well as real estate under judgment. On the question I, however, entertain no doubt; because it appears to me quite plain that if equitable estates are liable to judgment it must also be liable to be taken in execution. The Bill is a good one, because it will remove such doubts; and because although some say it is not required, others say it is.

Hon. Col. SWABEY—His Honor deserves very great credit, because he, as a lawyer, freely gives consent to a Bill the object of which is to remove doubts. It would seem when our lawyers agree in this way that our law is approaching a state of perfection.

The Bill was then committed to a Committee of the whole House, his Honor Mr. Forgan in the Chair.

After some time the House was resumed, and the Bill reported agreed to without amendment.

The Report was received, and it was

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

FRIDAY, March 23, 1860.

CHURCH WARDENS AND VESTRIES BILL.

Hon. Mr. HUTCHINSON moved the second reading of this Bill; and in doing so he briefly explained that the object of the Bill was to repeal the first clause of the 'Act to enable the several congregations of the Church of England in this Island to choose Church Wardens and Vestries,' and which requires the appointment of said officers to take place annually on Whit Tuesday, so far as it regards the time of holding the annual Parish Meetings for the choosing of those officers, by causing the same to be changed from Whit Tuesday to Easter Monday in every year.

His Honor the PRESIDENT—Can your Honor state whether the change proposed by the Bill is generally required by the Church Wardens and Vestries and the congregations whom it concerns? Before any such measure is entertained by this House it is usual to require that it shall be preceded by a petition praying for it, from the parties generally whom it immediately concerns, or whom it will immediately affect.

Hon. Mr. HUTCHINSON—I have not been formally instructed or requested to move in this matter by any of the parties immediately concerned therein; but I have made enquiry as to the reason for seeking the change, and I have been informed that as respects St. Paul's Church in Charlottetown, the chief reason for wishing the day for holding the annual Parish Meeting for choosing Church Wardens and Vestries to be changed from Whit Tuesday to Easter Monday is, that it occasionally happened that at Whitsuntide some of the leading and more active members of the Church, being in attendance at the sitting of the Supreme Court at St. Eleanor's, were consequently prevented from attending the annual Parish Meeting held on Whit Tuesday; and that as respects other parishes, it will generally be more for the convenience of the respective congregations that the day for holding the annual Parish Meetings be Easter Monday rather than Whit Tuesday.

Hon. Col. SWABEY—It is really very extraordinary that although there are three or four members of the Church of England in this Council—I myself am one, and I trust a consistent one—none of the parties desiring the change sought to be effected by means of this Bill have thought it proper to consult, advise, or instruct any one of us in any way concerning it. No petition from the parties concerned has been presented to this House praying for the change which the Bill is intended to make, and setting forth the reasons why such change should be made, as ought to have been the case; and we are consequently left in ignorance as to whether the measure is projected at the instance of a single individual or that of the whole congregation of the Church of England in this Island.

Hon. Mr. HUTCHINSON—Be that as it may, the Bill can do no harm.

Hon. Col. SWABEY—If unsupported and uncalled for by petition from the parties who have an immediate interest in the proposed measure, we allow the Bill to be read a second time, we shall be departing from a very wholesome rule of the House, which interdicts our entertaining any measure of this kind unless it shall have been duly prayed for by petition to the House.

Hon. Mr. JOHNSON—It appears from the explanation which has been given by his Honor Mr. Hutchinson, that it is material to the interests of the congregation of St. Paul's Church that certain individuals, leading or active members thereof, should attend the annual meeting for the choosing of Church Wardens and Vestries; and that it had occasionally happened that professional engagements had prevented their doing so since it had been the practice to hold their annual meetings for the choosing of Church Wardens and Vestries on Whit Tuesday; and that it would again so happen unless the day of holding such meetings be changed from Whit Tuesday to Easter Monday. I therefore think it quite a just and reasonable that on these grounds the Bill should become law.

His Honor the PRESIDENT—It must be borne in mind that the Bill if it become law will affect, equally with the congregation of St. Paul's in Charlottetown, every other congregation of the Church of England throughout the Island.

Hon. Col. SWABEY—We know not what is the general wish of the congregation of the Church of England throughout the Island; and this measure, for all that we know about it, may have originated in the solitary action of one individual. At all events it is quite clear that however it has originated the outside promoters of it have left it to be brought under notice and consideration in a way which is very disrespectful to the House. I therefore move that his Honor Mr. Hutchinson, have leave to withdraw his motion.

Hon. Mr. PALMER—I am not prepared to give the House any particular information upon the subject, further than that the Bill originated from a petition praying for the change which it will effect if it become law. Since the Bill came before this House I have referred to that petition; but I find it does not enter into or particularly assign reasons why the change which it prays for should be made.

His Honor the PRESIDENT—There is no petition of the kind before us; and by a rule of this House, the 37th, we are therefore withheld from taking up this Bill. The rule is this:—That no Bill, Resolution, or other proceeding, founded on any application addressed to the House of Assembly, be sustained by the Council unless an application to the same effect, with such documents as may accompany the same, be also presented to the Council in General Assembly.

Hon. Col. SWABEY—I do not remember that this House has ever entertained a measure of this kind unless they were moved thereunto by petition, or called upon to entertain by some member of the House deputed for that purpose by the parties requiring the passage of the Bill. I think that with reference to this Bill, this Board have not been treated by the parties who have originally moved in this matter with that respect and consideration to which they are entitled; and I wish it to go forth that such is the opinion here entertained of their neglect of the usual respectful mode of calling the attention of this House to such matters. Had his Honor Mr. Palmer, a member of the congregation of St. Paul's, risen and said he was deputed to bring the Bill before the House and to take charge of it, his having done so would have put a very different face upon the business, and there would then have been little or no occasion to object to the House's entering upon it because they had not been respectfully called upon by petition to do so. I have, however, no objection to the measure, and it shall receive no like factious opposition from me.

Hon. Mr. PALMER—The petition, sir, with which I have been made acquainted, states that the holding of the annual

meetings of the several congregations of the Church of England in this Island to choose Church Wardens and Vestries on Whit Tuesday, is attended with much inconvenience to the congregations generally, in consequence of its frequent occurrence at a busy season of the year when agriculturists cannot conveniently attend; and prays, therefore, that the day of holding such annual meetings may be changed from Whit Tuesday to Easter Monday in every year. To the petition are added the signatures of the Rev. H. Ross, Rev. D. Fitzgerald, Rev. H. B. Swabey, Rev. W. M. Ross, Rev. Robert T. Ross, Rev. D. B. Palmer, and Rev. J. S. South.

Hon. Mr. HUTCHINSON—I think the Vestries throughout the Island should be allowed an opportunity to express their opinions respecting the proposed change before we take up the Bill. It may be very well for the congregation of St. Paul's in Charlottetown; but their convenience should not be made to rule all the other congregations of the Church of England in the Island.

Hon. Col. SWABEY—No good or valid reasons have as yet been adduced to us or laid before us to show that we ought to proceed with this Bill. Indeed the contrary is the case; for no pains whatever have been taken by the parties outside who desire the passage of the Bill, to show or prove to this House that there exists any real necessity for its enactment. They have been strangely remiss in their duty on this head; and wholly neglectful of the respect which, in looking for our furtherance of their views, they ought to have manifested to this House. I would, however, be very sorry to do any thing that would be likely to defeat the Bill; but I wish to know what are the wishes of the Vestries and congregations generally with reference to the measure, and who the parties are who urged its adoption by the Legislature. I, therefore, move that his Honor Mr. Hutchinson have leave to withdraw his motion.

His Honor the PRESIDENT—His Honor's object, I presume, is to allow an opportunity to the parties desiring the passage of the Bill, to petition this House for our agreement to it.

Hon. Col. SWABEY—Yes.

His Honor the PRESIDENT then put the question on the motion of the Hon. Col. Swabey, which was unanimously agreed to; and the Hon. Mr. Hutchinson's motion was accordingly withdrawn.

BILL INTITLED 'AN ACT FOR THE PROTECTION OF THE SALMON FISHERY.'

This Bill was by consent of the whole House recommitted to allow the Hon. Mr. Bagnall an opportunity to move an amendment which he wished to see made in the penal clause for the reduction of the fine, £5, thereby imposed for every infringement of the Act. His Honor Mr. Walker in the Chair.

The Bill provides that no salmon shall be taken or caught on the coasts of the Island, nor in any of the bays, rivers, or harbors, or in any fresh water stream thereof, after the 31st day of August in any year, nor between sunset on any Saturday night and sunrise on the following Monday morning, nor at any place at any time, by spearing, nets, or seines, between the 31st day of August and the 1st day of April ensuing. And the pecuniary infringement of the law, as it stood in the Bill when it was sent up to the Council for their concurrence by the House of Assembly, was £5.

Hon. Mr. HUTCHINSON moved that the third or penal clause be amended thus: the pecuniary penalty not to be less than ten shillings or to exceed five pounds.

Hon. Mr. Bagnall seconded this motion.

His Honor the PRESIDENT—Five pounds I think is too high a fine; but I do not think that its reduction should be left to the discretion of the magistrate. Let us, if your Honors think it right to do so, reduce the fine, but let it be a positive one.

Hon. Col. SWABEY—A fine of £5 is certainly too high a one. It ought I think to be reduced; but I agree that as respects the imposition of pecuniary fines no latitude or discretionary power should be allowed to magistrates except in cases of assault, in which, as we all know, there are many different degrees of aggravation. Here we are legislating respecting a positive offence, and the fine ought to be a positive one.

Hon. Mr. PALMER—If we allow that the amount of the fine may be reduced at the discretion of the magistrate, we shall, in many cases, endanger the efficacy of the Act; for magistrates of easy nature would frequently be so wrought upon by the representations and entreaties of offenders or their friends as to be induced to reduce the amount of the fine to a mere nominal sum. The Act ought to be effectual. It is well known how scarce salmon now are in many places in which, formerly, they were in the greatest plenty, owing to the prevalent practice of taking them in the wrong season. The fine of £5, which is now allowed to magistrates except in cases of assault, in which, as we all know, there are many different degrees of aggravation. Here we are legislating respecting a positive offence, and the fine ought to be a positive one.

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