HOUSE OF ASSEMBLY,

THURSDAY, March 23.

DISTRESS FOR RENT.

(Condensed Debate.)

House in Committee on Mr. GOFF'S BILL, intituled "An Act in further amendment of the Law relating to Distess for Rent:"—Hon. Mr. HAVILAND in the Chair.

Hon. Mr. MACAULAY. The details of the Bill are so plain, that one word, in the way of explanation, is scarcely necessary. The Act which it is intended to amend, provides that the live Stock of Tenants shall not be distrained and sold for arrears of rent, at certain seasons of the year; at which seasons, it is well known that the sale of live stock can rarely be effected without loss in value. But it was conferring only a questionable benefit upon Tenants, to prevent the sale of distrained live stock, in the winter months, whilst, at the same time, the fodder necessary for the sustenance of such stock could be distrained and sold, as it had been found it could. The object of the Bill is to secure to Tenants the food necessary to keep their cattle alive through the winter months; and such an enactment having been found absolutely necessary for the protection of Tenants liable to have their stock or fodder distrained for arrears of rent, I am satisfied there will be no oppposition to a measure so feasible and so just.

Hon. Mr. WHELAN. Of the feasibility, justice, and necessity of the measure, there can be no question; but it does not go far enough. It is quite as necessary to protect the grain of the tenant as to protect his hay and straw, for the support of his cattle in the winter months. It is well known that frequently, unless he were in part to feed with grain, a tenant would be unable to keep his stock alive through the winter.

Mr. GOFF.—As I set forth the necessity of such a measure, and explained its object, at the time I introduced the Bill there is not much occasion for my now saying any thing more in recommendation of the measure. In fact little, if any thing, more can be said in support of it; the necessity for such an enactment, and its propriety being so obvious to all. To prevent the sale of distrained live stock, at a time when it can not command a price equal to its value, and to reserve it for sale in summer, when it may reasonably be expected to command a price, if not fully, yet much more nearly commensurate with its real value, than it would bring if sold in winter, is unquestionably a very reasonable and just law, if so framed that its protective provisions cannot be evaded. But, as the law which is intended to afford such protection to the tenant, contains no provision for the protection of his fodder, during the winter months, it is quite clear that it is quite inadequate to afford the protection intended; for, as has been seen, a grasping and unfeeling agent or landlord can, in spite of that law, deprive a poor tenant of the fodder necessary for the feeding of his stock in winter; and, by so doing, deprive him of his stock too; for, having nothing upon which to keep his stock alive, he would be obliged, if deprived of the fodder, to submit to the sale of the stock also, by whatever sacrifice the sale of it, in winter, might be attended. The necessity, therefore, for the amendment of the law which this Bill is intended to effect, must, I am sure, be admitted by all.

Mr. MOONEY.—This Bill is an amendment to a Bill passed in the year 1843, brought in by the late Hon. John Small Macdonald. The measure wrought very well until last year, when a gentleman, now in England, being a lawyer, deeply read in Blackstone, found out that there was a flaw in the Act, and to shew how easily its protective provisions might be evaded, by any agent or landlord as unfeeling and cruel as himself, he seized upon and sold, in winter, the fodder necessary for the keeping of the cattle of a poor tenant, and so, by depriving him of the fodder, compelled him to part with the cattle also, at a time when they could not be sold for their full value. This most arbitrary and cruel act came to the knowledge of Mr. Goff, and it has, very properly, caused him to seek an amendment of the Act by the introduction of the present Bill. Since the passing of the Act, no other instance of the kind, however, has occurred. I live near a landlord who, though not the very best in the Island has never, I believe, even dreamed of doing the like. This Bill will, however, I trust, be made proof against the sons of Blackstone, before the hon. the Speaker puts his hand to it; if not, it will be found that it would have been better to leave the Act as it was.

Mr. GOFF.—I am glad to be able to state, for the honor and credit of the landlords of Prince Edward Island, that I believe the instance alluded to by the hon. member, Mr. Mooney, is the only one of the kind that has occurred in this Colony. He who, in so cruel a manner, took advantage of a defect in the law, is now, however, I understand, a great proprietor; and, as, in that capacity, a great number of poor tenants will, to a certain extent, be at his mercy, it behoves this House, I think, were it only, by anticipation as it were, to prevent such oppressive acts as he has shewn himself to be capable of.

Mr. YEO.—The measure is undoubtedly called for, since it has been seen that it is possible to find an individual, having the power of a landlord over tenants, capable of committing so cruel and unmanly an act as that to which hon. members have just referred. The Bill shall have my cordial support; and I hope it will be made so perfect as to leave no loop-hole, by means of which such an individual as he to whom allusion has just been made, can break through to commit similar acts of unfeeling oppression.

Hon. Mr. WHELAN.—It is almost quite as necessary—certainly quite as just—to protect the tenant's grain, thrashed or unthrashed, as it is to protect his hay and straw. Indeed I cannot conceive a single good reason for refusing to include grain, thrashed or unthrashed, in the protective clause of the Bill. If the tenant's grain be protected only in the sheaf, or in its unthrashed state, he will be afraid to thrash it out, lest, when no longer in the sheaf, it may be distrained and sold; and so restrained, by fear, from thrashing out any considerable quantity of his grain, he and his family may suffer much serious inconvenience; for it is surely not to be forgotten that, although grain may not always be required for the feeding of cattle, yet it is indispensably necessary as a daily article of food for the sustenance of the farmer and his family. I therefore move that the words, "or *thrashed grain*," be inserted after the words, "*straw, thrashed, or unthrashed*," as often as they occur in the Bill.

Mr. WIGHTMAN.—I highly approve of the Bill. It has been found that the Act of 1843 is defective; but the amendment proposed by this Bill, if it pass into law,—as I hope it will,—will, I think, completely remedy the defect of that Act. Protection to the live stock of the tenant, it is now quite clear, cannot be afforded by merely exempting it from sale, when under distraint, during the winter months, unless his hay and straw be protected in like manner. But to the including of threshed grain in the protective clause, I object; because I am of opinion that it would be injurious, rather than serviceable, to the tenant, to have his grain so included. In the first place, if it were to be included, it would, in case of distraint, be very likely to defeat the object of the Bill; for the tenant would scarcely be able to find any person willing to be his security for the forthcoming of the grain in the summer. And, again, if another obstacle, and that needlessly too, were to be thrown in the way of the landlord's distraining for, and securing payment of rent in arrear, it would be very apt, in many instances, to render him less indulgent to the tenant than he would otherwise be, and cause him to anticipate and defeat the protective interposition of the law.

Mr. YEO.—Unless it is intended that the Bill shall inflict an injury, under the guise of a benefit, upon the tenant, it will be allowed to remain as it has been brought in.

Hon. Mr. MACAULAY.—Unthrashed straw means grain in straw, and, as the Bill proposes the protection of the *unthrashed straw* of the tenant, it will, in that shape, afford all the protection for his grain which, in reason and justice, he can require. Few tenants thrash out much grain in winter; and, with respect to tenants unfortunately in arrears with their landlords, the non-exemption of thrashed grain from the protection proposed to be afforded to unthrashed straw or grain, will not occasion them any loss or inconvenience. The Bill, in its present shape, is sufficiently well calculated to afford them protection against loss, during the winter months, from any harshness on the part of their landlords from which they might otherwise suffer by the sale of their live stock or fodder in winter.

Hon. Mr. WHELAN.—I have no desire to cramp or hamper the Bill; but I wish to save the tenant's oats, barley, and wheat, to be used by him, during the winter months, as necessity may require, either in the feeding of his stock, or for the sustenance of himself and family.

Hon. the ATTORNEY GENERAL.—Hon. members have said a good deal about straw, thrashed or unthrashed; but, it appears to me, that some on the other side of the House, for party purposes, and to create, if possible, a prejudice, in the minds of the public, against those, on this side of the House, to whom they stand opposed, are always glad to find some obstacle, even if it be merely a straw, to throw in the way of every popular measure, not emanating from themselves; with a view, either to cause its rejection by the House, or else, by introducing into it some needless, injurious, or impracticable provision, to render it inefficient. If any measure, which they may apprehend will be peculiarly acceptable to the tenantry,—as, for instance, the present,—proceeds from this side of the House, they immediately insist upon some crotchet, to get up or provoke opposition from us; that, thereby, if the Bill be lost, they may be able to represent their opponents as opposed to the leading principle of the Bill, although actually so sincere in their advocacy of it, as not to consent to any thing likely to prevent its being carried into operation. The Bill, in its present shape, will remedy a defect, inadvertently overlooked in the passing of the Act of 1843. In the exempting of cattle, distrained for rent, from sale between the 1st day of December, in any year, and the 1st day of June, in the next ensuing year, it was, no doubt, intended to exempt also what would be required to sustain them during that period; but it has been found that, as the exemption of fodder is not expressly made in the Act, it is still liable to seizure and sale, as before the passing of the Act; and, to remedy this defect, the Bill before the Committee has very properly been brought in. If the suggested amendment, however, be adopted, not only will the Bill be thereby distorted, but it will, elsewhere, be lost, and with good reason. But the majority of the House will, I trust, be found to have so much real regard for the interests of the farmer, as to reject the proposed amendment; and to carry out the benefit, small though it may be, which the Bill, as brought in, is calculated to confer upon the tenantry. The idea, implied in the proposed amendment, of distraining all the grainand locking it up from the beginning of December to the beginning of June, is quite preposterous. If we say that straw, thrashed or unthrashed, shall be exempt from seizure and sale, during that period, we leave all the tenant's grain at his own disposal for that time; and he may use or sell it, as his wants or convenience may require him to do.

Mr. BEER.—It would be the inflicting of a positive and very serious evil upon the farmer to cause his grain to be locked up till the spring of the year.

Hon. Mr. WHELAN.—If the reasoning of hon. members can be made to apply to grain, it will apply to hay and straw as well. In exempting hay and straw, as well as cattle, from sale, at the suit of the landlord, during certain months of the year, and taking into account the security which must be given, on behalf of the tenant, for the forthcoming of the stock at the expiration of the period of exemption from sale, it may as well be said that the securities are bound to produce the whole of the hay and straw, together with as the cattle as to assert that they would be bound to produce all the grain. It is clear that as the Bill provides for the protection of the hay and straw for the feeding of the stock, it contemplates their consumption by the stock, and, consequently it cannot be expected that any more than very small portions of them, if any at all, will remain, at the expiration of the period of protection. My object in wishing to have thrashed grain included, is, as I have already said, to afford the tenant an opportunity to use it freely, either in the feeding of his cattle, or for the sustenance of himself and family; and, if it be so included, neither he nor his securities will be required to produce any more of it, at the expiration of the period of exemption from sale, on account of arrears of rent, than what the necessities of the farmer, his family, and his stock may have left unconsumed. To agree to protect the hay and straw for the feeding of the stock; and, at the same time, to refuse to extend the protection to grain, the food of man, is, apparently, to be more anxious to save the lives of the farmer's sheep, cows, and horses, than those of his children. If my amendment be not adopted, and the Bill pass without it, the benefit which it will confer upon the farmer will be very small indeed.

Hon. Mr. MONTGOMERY.—It was certainly an omission in the original Bill to provide that the stock should not be sold, within a certain period, whilst, at the same time, it did not provide for the protection of the hay and straw necessary for the feeding of the stock. In such case, if aware that the fodder might be seized and sold, how could any man be found to give security for the safe keeping and forthcoming of the stock? The only defect observable in the Act, would be remedied by the passing of the Bill before the Committee, exactly as it stood. If the protection should, as proposed, be extended to thrashed grain, I think it would have a very injurious effect. There is nothing in the law or the present Bill to prevent the seizing of all the grain in the stack before the 1st of December; and if too many obstacles be thrown in the way to prevent landlords from recovering their rents, the consequences will be very injurious to the tenantry in general. I will, therefore, oppose the amendment.

Mr. DAVIES.—Hon. members on the other side appear to be disposed to object to whatever proceeds from this side of the House. The amendment only goes to say that the grain, when thrashed out, shall be exempt from sale, under distraint, for the same period that the Bill proposes it shall be so exempt in the straw or the sheaf. The grain, we all know, must be thrashed out, both for home consumption, in the shape of bread, bythe farmer and his family, as well as sometimes to be used in the feeding of his stock, and also for sale, in order to enable him to procure certain necessaries for himself and family, which are not immediately produced by his labor upon his farm. If we allow the thrashed grain to be seized, we may just as well allow the hay and straw to be seized also; for, unless the grain, both in its thrashed and unthrashed state, be protected for the use of the farmer, his family and his stock, in whatsoever shape he may require it, or in whatever way he may find it necessary to use or dispose of it, the law will afford him but little or no protection against the harshness and severity of arbitrary and unfeeling agents and landlords. It appears to me that the amendment only carries out the intention of the original Bill. Under the one now in consideration, the grain, so long as it shall remain in the straw, will be safe from sale under distraint; but the moment it shall be thrashed out it will become liable to distraint and sale. I hope hon. members will see the necessity of adopting the amendment, if it be even only thereby to render the measure just and reasonable.

Mr. GOFF.—I should not like that the passage of the Bill through the Legislature should be risked by this House's agreeing to the amendment. Indeed if the hon. member persist in urging his amendment, I will move another, to the effect that landlords be for ever excluded from the recovery of their rents by any legal process whatsoever.

Mr. H. HAVILAND.—The Bill is a necessary amendment of the Law passed in 1843, to prevent horses or cattle, distrained for rent between the first day of December and the first day of June, from being sold within that time. This Law, in providing that such stock, when so distrained should not be sold before the summer, contemplated the leaving of the hay, and straw, thrashed and unthrashed, on the premises for the foddering of such stock; but, as it did not provide that hay and straw, not so required to be left upon the premises for the foddering of distrained horses or cattle, should not be distrained and also sold within that period, an agent, who happened to be a lawyer also, had found that, by distraining the hay and straw, but not the horses or cattle of a tenant, and causing the immediate sale thereof, the law for the protection of the tenant against loss by the sale of his live stock in winter could be effectually evaded, and he had taken advantage of his discovery of the law's verbal defect to violate its spirit The Bill now before us provides a remedy for the evil, by expressly providing for an exemption, as respects hay and straw, which is merely implied by the Act; and no further amendment is required. There is not the least occasion to provide for the exemption of the grain in any other way than the Bill now provides for it; that is as unthrashed straw. To adopt the amendment proposed by the hon. member for the Third District of King's County (Hon. Mr. Whelan) would be strained and extravagant legislation.

Mr. DAVIES.—The hon. and learned member appears to me to be strangely inconsistent. He is quite willing, he says, that grain in straw shall be exempted from sale or protected for the use of the farmer. If so, why then does he object to its being, in like manner, exempted and protected for the use of the farmer, when it is thrashed out?

Mr. MOONEY.—If the Bill pass as it now stands, what boon will it confer upon the tenantry? None. It is nothing but a Bill of Straw. The wording of the Bill seems strange to me. "Straw, thrashed or unthrashed." I never call it straw until it is thrashed. The learned Attorney General has asked me what I would call it. The answer I shall give to his question will be putting another. What would the Attorney General call it? I have been twenty-two years in this House, and during that period I have never heard a man say, "I had 400 stooks of straw on this field." Such language is foreign to the people of this Colony. We generally call it grain before it is thrashed; and, when thrashed, it is known by the people as straw; but not before. Now, when we have this Straw Bill before us, let us know what straw is, lest some son of Blackstone may, hereafter, call straw, wheat. I will support the Bill, how little advantage soever my constituents may derive from it. But it does not satisfy me that we shall legislate for the preservation of horses and cows,and remain silent or manifest indifference as respects the preservation of the owners of the cattle. Let the landlord take the horses, cows, and even the sheep—with the wool of which the poor man has to clothe his children. Let all these be taken. But let us save the bread of the tenant from being snatched away by the landlord. What are a man's cattle in comparison with his children? Sooner would I be without one four-footed beast, than hear one of my children cry for hunger. The hon. member who has brought in this Bill (Mr. Goff) declares that, beyond what it expresses, he will not go between landlord and tenant; and that if the minority presume to meddle with his Bill, he will immediately bring in a Bill to do away with landlordism altogether. What a sweeping measure this must be in the opinion of the hon. member Mr. Goff! It should have emanated from the Government. The Bill of Straw is, indeed, a very important measure. Let the Government father it; and let their political existence depend upon it. Besides, this House should have a pledge from some members of the Government that they will not memorialize Her gracious Majesty to withhold her assent from it, as they have done with respect to the Franchise Bill, the Small Debts Bill, and the Free Education Bill.

Mr. DOUSE.—If one land-agent deprived a tenant of the hay and straw necessary for the feeding of his cattle in winter, the act is a solitary one. I freely and cheerfully gave my consent to the law which enables a tenant to keep, until June, any horses or cattle which may be distrained for arrears of rent after the end of November; and in doing so, I presumed, as I believe the whole House did, that provision was made by the Bill to prevent the tenant from being deprived of the hay and straw necessary for the feeding of his cattle during the winter months. The protection, however, it appears was not so complete as it was intended to be; and one agent has been found acute enough to discover the defect in the law, and, at the same time, keen enough to take advantage of it. But he has had no imitators in that respect; and neither would he, I believe, were the Act to remain in its present defective state; for there is not a more liberal set of men to be found any where, than the landlords and land-agents of Prince Edward Island. In my capacity of a land-agent, I have been too lenient—too lenient, I am afraid, for the good of some of the tenants themselves. But last year I was obliged to make several seizures for rent, owing, I believe, to the interference of an hon member who went about amongst them advising them not to pay their rents.

Mr. DAVIES.—If the hon. member alludes to me, and means to say that I ever went about among the tenants advising them not to pay their rents, I take leave to tell him that he states what is not true.

Hon. Mr. WHELAN.—The sense of the Committee may be taken concerning the principle of my proposed amendment, by putting the question, "Shall thrashed grain be exempt from sale for arrears of rent from the 1st of December to the 1st of June?"

Mr. H. HAVILAND.—Were we to agree to the proposed amendment, we should tie up all the grain in the hands of the tenant, from the 1st December to the 1st June; and, instead of conferring an additional benefit upon him by so doing, we would be imposing upon him a disability, for which he would be apt to curse us. But, indeed, if the amendment be agreed to, the Bill will never become law.

Mr. WIGHTMAN.—I am afraid Mr. Whelan does not see the injury which the adoption of his amendment would inflict upon the poor tenant.

Hon. Mr. WHELAN.—My object is, that the grain shall be preserved upon the premises, to be as freely used for the support of the farmer and his family, as the hay and straw for the support of his cattle.

Mr. WIGHTMAN.—If it were to be so reserved,—that is, reserved for the use of the farmer and his family, as the hay and straw are to be reserved for the feeding of his horses and cattle,—he would not be able to take a single bushel of it to market, to enable him to procure other necessaries, how great soever his necessity.

Hon. Mr. WARBURTON.—The amendment appears in a very different light to me; and at the risk of the tenant's curse, by the apprehension of which the hon. and learned member Mr. Haviland would deter us from its adoption, I will vote for it.

Hon. Mr. MACEACHEN.—I do not see why the amendment has been proposed at all, unless to withhold from the tenantry the benefit which the Bill is calculated to confer upon them, and so to deprive Mr. Goff of the merit of having brought forward such a measure.

Mr. BEER.—If the amendment be adopted, and the Bill, so amended, become law, it may very probably cause landlords and agents to include all in their distraints, so that the tenant will be prevented from selling a single bushel of grain, how much occasion soever he may have for doing so; as he will have to give security for the forthcoming, on the 1st day of June, or at the time legally appointed for the sale, of all and every thing distrained—not only horses and cattle, but all hay and straw, and all grain not actually consumed upon the premises.

Mr MOONEY.—The tenant, on whom distress should be made, would have to give security for the forthcoming of the horses and cattle; but the hay and straw would be used as fodder, and the grain as food by the farmer and his family; and, at the same time, he would be at liberty to sell a bushel or two of grain, whenever it was necessary that he should do so, to enable him to purchase a gallon of molasses or any thing else required in his family. In fact he would be at liberty to do with his grain just as he liked; and might make whisky of it if he thought fit to do so.

Hon. Mr. MONTGOMERY.—If the amendment be agreed to, it will be injurious to the tenant. In case his grain be seized, he will be required to be bound, with two responsible securities, for its forthcoming at the end of May; and that requirement of the law, he will scarcely be able to comply with, for very few persons, if any, could, I think, be found who would become securities for the forthcoming of what they would be well aware could not be forthcoming, if the farmer and his family were to be supplied with bread.

Hon. Mr. MCEACHEN. If the hon. mover of the amendment and they who support it, have any other object in view than depriving Mr. Goff of the credit which he would derive from the passage of his Bill, it must be the throwing of every possible obstacle in the way of the landlord when he is compelled to have recourse to legal proceedings for the recovery of his rent. Why they wish to exempt the thrashed grain, I cannot tell unless that they would rather that it should be sold and the price expended in the purchase of rum or white-eye. In fact, if tenants spent less of their time and money in the consumption of these articles, they would not so often fall into arrears with their landlords; and it would, in reality, I am persuaded, be much better that the landlord should have the grain, than that it should be put to so bad a use as it is too often put. I am entirely opposed to the amendment, and would almost as soon support one having for its object the making of it unlawful for a proprietor to demand any rent at all.

Mr. MOONEY.—Mr. Maceachen, a member of the Government, says it is better that the landlords should have the grain, than that it should be left to tenants to spend in *white-eye*, as they are in the habit of spending it; and he calls Mr. Whelan's amendment a fraudulent one. How the people of King's County may rejoice when they think what members they have returned, although I think them little better than members of straw, and when this great liberal, the enemy of the Snatchers and the purifier of the House from the principles of Snatcherism, shall have seen this Straw Bill carried, he will, no doubt, be ready to cry out, Rejoice ye tenants and be glad; for the hour of your deliverance is at hand.

Mr. FRASER.—The principle of the Bill before us is to mitigate distraint in the case of property and to preserve the cattle only of a tenant for a certain season. It provides that hay, straw, and sheaves, that is unthrashed grain shall be secured to the tenant, and consumed for his own use, if he thinks proper, by giving security that the cattle only will be forthcoming in the spring. The amendment goes to say that clear grain after it is thrashed shall be included. Now when it is taken into consideration that such grain, although distrained upon, cannot, by the provisions of the Bill, be sold or used by the tenant in his own family, what is the use of keeping it in his possession? it cannot be supposed that he will give it all to the cattle; and, under such circumstances, no man would be bound as security that none of it would be sold before the spring; and, if not, in all likelihood, the small quantity of such grain that might be found with a tenant so situated would restrain a proprietor from distraining, as the value of the grain so found could scarcely be expected to pay the expenses. Under these circumstances, I consider that, while the tenant has the full benefit of all the unthrashed grain and other fodder, it will be straining the Bill too much, by requiring that the small amount of clear grain which the bailiff might find upon the property, shall merely remain there until the spring, when it might be sold, under a new process, which would render it of no benefit to the tenant. And, again, the very name of such an amendment, although of no apparent use to the tenant, will, if inserted, very probably be the means of defeating the whole object of the Bill, as it now stands, in another quarter. Under these circumstances, I cannot go with the amendment, however well I may think of the good intentions of my friends who propose it.

The amendment was then put to the question, by the Hon. Chairman, and lost on a division of 6 Ayes to 14 Nays.

The House being resumed, and the Bill reported from the Committee, the Hon. Mr. WHELAN moved that it be referred back to the Committe to have the words "thrashed grain," inserted.

The question being put on this motion, the House divided:

Ayes—6, *Nays*—14; so it was decided in the negative, and the Bill, as reported, was ordered to be engrossed.

FRIDAY, March 24.

The Bill was read a third time and passed.

Before it passed, the House divided on a motion, That a Rider be added to the Bill, for the purpose of exempting "*thrashed grain*," from sale, under distraint, by the landlord, between the first day of December, in any year, and the first day of June, in the next ensuing year, made by the Hon. Mr. WARBURTON, during the temporary absence of the Hon. Mr WHELAN, who, the evening before, had submitted a motion to the same effect, both in the Committee and after the House was resumed; but which motion was again made by the Hon. Mr. WHELAN, before the question was put upon it, as submitted by the Hon Mr. WARBURTON. Hon. Mr. LORD who was not in the House, when the principles of the Bill and the amendment proposed by the Hon. Mr. WHELAN were discussed in Committee, seemed at first to be strongly inclined to take the same view of the amendment which was entertained by those hon. members who had already opposed it; but his objections were withdrawn, on its being explained to him, by the Hon. Mr. WHELAN, that the object of the amendment was merely to secure the thrashed or clean grain to be used or consumed by the tenant, either in the feeding of his stock, or otherwise, for the sustenance of himself and family, during the winter; and that he and his securities would be bound only to produce the surplus grain, remaining after such consumption, just as they would be held responsible for any surplus hay and straw.

The question being put upon the proposed Rider, the House divided:

Ayes—Hon. Mr. Whelan, Hon. Mr. Warburton. Hon. Mr. Lord, Mr. McGill, Mr. Clark, Mr. Mooney, and Mr. Davies—7.

Nays—Mr. Goff, Hon. the Colonial Secretary, Hon. the Attorney General, Hon. Mr. Montgomery, Hon. Mr. Maceachen, Mr. Yeo, Mr. Douse, Mr. Macgowan, Mr. H. Haviland, Mr. Beer, Mr. Wightman, Mr. Fraser, and Mr. McLeod—13.

So it was decided in the negative.

R. B. IRVING, Reporter.

EPITOME OF NEWS.

Admiral Napier's fleet arrived at Mingo Sound, in the Baltic Sea, on the 15th ult.

The allied fleets remained at Bricos Bay—would soon return to Black Sea.

The official final refusal of the Czar to evacuate the Principalities at the demand of England and France was hourly expected. It is already known that he refuses the demand. When official refusal arrives, it will be communicated to both houses of Parliament, and war will be formally proclaimed.

The first division of French troops under Gen. Conrotfert, had sailed from Marseilles for Turkey. Sir Charles Napier arrived at Copenhagen in steam frigate, 20th. The Austerlitz 100 guns, and other French ships return to Baltic to join English fleet.

The cholera is spreading with fearful rapidity in Glasgow, where the authorities have again commenced the house-to-house visitation.

The Russians were fortifying the interior cities of Wallachia and Moldavia.

Ten thousand workmen were strengthening the fortifications of Sebastopol, and also fortifying Odessa, and the entrance of the Dnieper.

The Chicago Journal says there are over one million bushels of grain, chiefly wheat and corn, stored at towns along Lake Michigan, destined for eastern shipment.

The Legislature of Texas have passed a bill to "establish a Christian Sabbath," providing for the punishment by fire and imprisonment of such persons as may perform any labor or procure any to be done on Sunday.

A refiner at Greenock, recently boiled up fifty tons of brown West India sugar, from which he extracted three tons of clay!

YACHT EXCURSION FROM BOSTON TO NOVA SCOTIA.—We understand (says the *International Journal*) that a club is now forming, or is already organized, for the purpose of making an excursion to all the principal seaport towns in Nova Scotia and Prince Edward Island during the coming summer, in one of the most beautiful clipper yachts that now graces our waters. The saloon of the yacht selected for the occasion, has, we understand, spacious and elegant accommodations for thirty persons. She will be commanded by an experienced sailing master. The club consists of only six or eight persons, but they are prepared to carry ten or fifteen additional, on the whole or part of the excursion. Our eastern friends must hold themselves in readiness to enjoy a little sailing, coding, and pic nicking while she is on their waters. We understand that the yacht is to be chartered for a six weeks cruise, in order to allow the members of the club and those who may join with them to pass a few weeks at "home."

LATEST FROM NEWFOUNDLAND.—The House of Assembly met yesterday at two o'clock, shortly after which a message was received from his Excellency the Governor communicating the despatch upon the subject of Responsible Government. The document having been read, met with dissatisfaction among the *liberals*, and one of the usual scenes ensued—the subdivision of the districts was not palatable, nor was the assessment for the expenses and attendance of members. A motion was made for an address to the Governor for all papers which he had received connected with the Responsible Government, which was met by an amendment, praying for His Excellency to detain the mail for the space of 24 hours beyond the usual time in order to afford time for a reply to the Duke of Newcastle's despatch, which was finally carried—The mail will we understand have her steam up and leave the harbour about two o'clock to-day.—*St. John paper 24th.*