

THE EXAMINER

EXTRA.

Charlottetown, Prince Edward Island, Monday, May 27, 1861.

Provincial Parliament.

LEGISLATIVE COUNCIL.

SATURDAY AFTERNOON, April 20.

House again in Committee on the Bill to alter and amend the Election Law.

On motion of Hon. Mr. Simpson the tenth clause was struck out and the following substituted:—

"All electors residing on Township Number twenty-two, on the north side of said road, and all electors residing on the north side of said road, on said Township, whose lands front on said road, and all electors not residing on the said Township, but having a property qualification thereon, as hereinafter described, shall in future poll their votes at the polling place prescribed in the said recited Act, to be held at or near the church, Anderson's Road, on Township Number sixty-seven; and such part of Township Number twenty-two, as hereinafter described, shall hereafter be deemed to be part of the fourth polling division of the First Electoral District of Queen's County; and the remainder of Township Number twenty-two, north of the Princeton Road, and the farms not fronting on said road, shall comprise the third polling division of the First Electoral District of Queen's County, and the poll shall be held at or near John Bell's mills, anything in the said recited Act to the contrary notwithstanding."

On the fourth clause being read—

Hon. Mr. HUTCHINSON remarked, that if an elector had lost or could not obtain his certificate he should not be deprived of the privilege of voting. His Honor then proposed the following amendment:—

"All persons qualified to vote, by reason of having performed statute labor, or paid commutation money in lieu thereof, shall be entitled to vote, provided they shall, if required, take the oath in the Schedule annexed to this Act, to the effect that they have already performed such labor, or have actually paid commutation money in lieu thereof."

Hon. Col. SWABEY rose to second the motion, and in doing so remarked, that it had been stated that the intention of the Bill was to prevent fraud; but considering the low scale of intelligence of the Overseers he was apprehensive that there would be more fraud practised than before, and that there would also be a great deal of difficulty and delay.

Hon. Dr. JOHNSON—An Overseer will be liable to a fine if he refuses to grant a certificate.

Hon. Mr. GARDNER—A man is to receive his certificate as soon as his labour is performed or his money paid. The Overseers will be furnished with printed certificates.

Hon. Mr. PALMER—If that amendment is adopted the advantages of a certificate will be lost.

Hon. Mr. HUTCHINSON—My object in proposing it was, that in case a man should lose his certificate, or should not be able to obtain one, he should not be deprived of the privilege of voting.

Hon. Mr. GARDNER—If the amendment is adopted I think it will be the means of increasing fraud; a man might say he had lost his certificate when he could not obtain one.

Hon. Mr. SIMPSON—The Bill provides that if a man loses his certificate he may obtain another by making affidavit; and I think that is a much better way than what is proposed in the amendment.

Hon. the PRESIDENT—Do not object to the certificate itself; but I do object to placing so much power in the hands of road Overseers; because I think it is a dangerous power. It has been said, that if they refuse to grant certificates they will be liable to be fined; but your Honors know that they are men of straw, and what is to hinder two or three of them from combining at an election, if by doing so there was a prospect of overthrowing the Government? I like the idea of a certificate; but I would rather place the power of granting it in the hands of the Road Commissioner. He is generally one of the most respectable men in the Township, and I do not see any reason why he should not have the power in his hands. I certainly think that if your Honors will consider the matter seriously, you will see the propriety of substituting the Commissioner for the Overseer.

Hon. Mr. ANDERSON—I do not think that the difficulty, if there is any, would be obviated by substituting the Commissioner for the Overseer. The Commissioner might not be acquainted with the men; but the Overseer would be acquainted with every man in the district, and it will be compulsory on him to grant a certificate when it is demanded.

Hon. Mr. SIMPSON—His Honor the President thinks that the Overseers are not competent to grant certificates; but if the Commissioner knows as to the names of the men, and the Commissioner should be furnished with the names of all the men in the district; but he could not be personally acquainted with the men; but the Overseer would be acquainted with every man in the district, therefore there would be no trouble in that respect. If it was the duty of the Commissioner to grant certificates, he might not be able to do so, and he would be compelled to grant certificates when they are demanded. I did intend to propose an amendment; but I think it is sufficiently stringent as it is.

Hon. Mr. PALMER—I cannot imagine any reason why an Overseer should refuse to grant a certificate; or what is to prevent an elector from producing his certificate when it is required, except he has lost it, and the law provides for that. If a man chooses to neglect his interest and does not apply for a certificate he has only himself to blame. If an elector in England neglects to register his vote within a certain time it is his own loss. If that amendment were adopted there would be no advantage of a certificate—there would be no security in the law. As to the objection of his Honor the President, I look upon it as a delusion to think that it would be less dangerous in the hands of the Commissioner than the Overseer. What additional security would there be in placing it in the hands of the Commissioner? If the Overseer is not trustworthy to grant a certificate he is not to make a return, and if he is so disposed he has more opportunity to practice fraud in making his return than in granting certificates. Every public officer has less or more power to do wrong if he is so inclined. The Commissioner of Small Debts may turn round and refuse to give judgment in favour of the man to whom the debt is due. I cannot see any reason why an Overseer of roads should be more inclined to practice fraud than any other officer; if he refuses to grant a certificate the law provides the remedy; and if he should die the law provides for that also. There are no arguments against the broad principles of the Bill, but mere futile objections.

Hon. Mr. HUTCHINSON—There is nothing unreasonable in the amendment which I have proposed to bring our laws to perfection, and do away with that objectionable custom of swearing the better.

Hon. Col. SWABEY—All that has been said goes to prove that we will be compelled to have the registration Act.

Hon. the PRESIDENT—His Honor the Leader of the Government and myself agree as to the propriety of the certificate; but not as to the person who is to grant it.

Hon. Dr. JOHNSON—If we require the Commissioner to grant the certificate it would only be referring it back to the same authority.

Hon. Mr. GARDNER—It would be imposing a duty on the Commissioner which he would not be willing to perform without a larger salary. If every man has to go for a certificate some may have to travel ten or twelve miles to do so.

Hon. Mr. RAMSAY—As the Overseer has to make his return to a Magistrate, how would it do to allow him to grant the certificate?

Hon. Mr. SIMPSON—That would be imposing an additional duty on the Magistrate.

Hon. Mr. PALMER—The suggestions of his Honor Mr. Ramsay and his Honor the President are both very objectionable. If the power is left in the hands of the Overseer there will be less likelihood of errors creeping in; he has to make a return of all persons who have performed or commuted their labor; and a cheque of those returns has to be filed in the Road Commissioner's Office. That is a good safeguard; because if a man is refused a certificate he can refer to the return, and if he finds his name there he will say to the Overseer—why have you refused me a certificate when you have entered my name in the return? That return has to be filed within a certain time, and therefore the Overseer has to make his return within a certain time.

The question was then put, and the clause agreed to.

On the 15th clause being read—

Hon. Col. SWABEY said—If I understand that clause it excludes a man from voting who has been away from the

district for 3 months. If I were away during the winter and came back in the spring am I to be deprived of the privilege of voting? Such an idea is absurd; it appears as if that clause was inserted to exclude a large portion of the community from voting.

Hon. the PRESIDENT—If I have property in a district and am away from it for three months am I to be excluded from voting?

Hon. Mr. PALMER—I think some time should be specified. A man must be in possession of property 12 months before he can vote on it.

On motion of Hon. Col. Swabey the clause was struck out. House adjourned.

MONDAY, April 22.

On motion of Hon. Mr. Walker, the Bill to provide for the organization of Volunteer Forces for the defence of this Island, was read the third time and passed.

The House then went into Committee on a Bill to alter and amend the Act to incorporate the Crapaud Dredging Machine Company. Hon. Mr. Walker in the Chair.

Hon. the PRESIDENT—Your Honors are aware that certain persons are incorporated by a former Act under the title of the Crapaud Dredging Machine Company; they were limited to a capital of £1000, to be divided into shares of £5. The appropriation of £250 was not given in the original Act, but was given in the Appropriation Bill of last year. It appears that the Company have been unable to construct a Dredging Machine on the Island, as was intended, on account of the expense; but have ascertained that they can hire a Machine in New Brunswick to answer their purpose, and they want this Act passed to enable them to do so, though the Machine will not be permanently located on the Island. Now, I look upon those two things as quite different in their character. I would like to see a machine here which would be a public benefit; but in this case it is owned by a stranger, and will be taken away as soon as the purpose of Crapaud is completed. We are told that our country is very poor; but when we look at this appropriation it does not appear that such is the case. It appears to me to be an unfair appropriation; if there was a local taxation to raise this fund, it would be right; if there was an extra tax equal to the interest of the money it would be right; but it appears to me that it is giving £250 to a stranger; and I doubt very much if it will be any benefit; for our sands are of such a nature that the same work will have to be done again next year. Some years ago Mr. Peake tried to move the Peake Ark, as it is called; but found it impracticable, unless he done it with one tide, and he had to employ 250 men. I hope it will succeed; but I think it is a very doubtful enterprise.

Hon. Mr. ANDERSON—I do not look upon it as giving £250 to a stranger; it will be for the benefit of a large portion of the community.

Hon. Mr. PALMER—Generally speaking, I have never been opposed to any feasible mode of improving our harbours; I have been inclined to give my vote for any undertaking of that kind, when I saw any reasonable prospect of its succeeding; but I am not very sanguine that our harbours, particularly those on the north side of the Island, can be improved, though I have been very anxious that they should be. With regard to the harbour of Crapaud, I have taken some pains to make myself acquainted with the circumstances of the case; I am also personally acquainted with the place, and I think it is capable of being dredged. The channel narrows in the direction of the wharf, which has been placed up as to lead to the end of the channel. The bottom where required to extend the channel consists of mud and sand, and I think it could be kept clear for many years with a little expense; and I think the vast quantity of produce shipped and the increased quantity that may be shipped from that Port will warrant the expenditure. It is true that the Company have been unsuccessful in getting a machine on the other side of the Strait which the Company can procure, and which has worked with extraordinary success; and I think it is far better to employ it than to have the harbour in its present state, if it can be improved. I have spoken to several of the inhabitants of Crapaud on the subject, and they appear quite sanguine of success. I think it is better, therefore, to give it a fair trial.

Hon. Mr. HUTCHINSON—I have been in conversation with several of the inhabitants of that place, and they appear to be quite sanguine of success. If the object was accomplished, many vessels would go there which are now afraid to go. I think the enterprise should be encouraged; and I hope something will also be done to improve the harbour of Charlottetown.

Hon. Dr. JOHNSON—It is not intended to make any new appropriation, but merely to transfer the former one, as it appears that the Company have been unable to procure a machine on the Island.

Hon. Col. SWABEY—I do not intend to oppose the grant for Crapaud; but I would rather see the liberality of the Legislature expended on the north side of the Island. I would rather support a grant of £500 to improve the harbour of St. Peter's. I was satisfied with the appropriation of £250 last year, because I thought it was intended to have a machine on the Island which could be taken round to the north side.

Hon. Mr. SIMPSON—Since the Company have failed in procuring a machine on the Island, I have no objection to giving the money to hire one. Notwithstanding all its difficulties it is the third Port in the Island for shipping produce.

Bill agreed to, and House resumed.

House again in Committee on the Election Bill. The Committee having gone through the Bill, the House was resumed, and Hon. Mr. Forgan reported that the Committee had gone through the Bill, and agreed to the same with several amendments.

On a motion being made that the report of the Committee be received, Hon. Mr. Ramsay moved, seconded by Hon. Mr. Hutchinson, that the words "now received" be struck out, and the following substituted: "referred back to the Committee of the whole House, for the purpose of further amending the said Bill by inserting the following section:—"

"From and after the passing of this Act, the owners and occupiers of Real Estate in the Town and Royalty of Prince Edward Island, and other persons resident therein, and now entitled to vote for a member of the House of Assembly under the provisions of this Act, shall return one member to represent the said Town and Royalty in the House of Assembly, instead of two members as heretofore."

Which being objected to, the question of concurrence was put thereon, and the House divided:—

CONTENTS.—Hons. Messrs. Ramsay and Hutchinson—2. Non-Contents.—Hon. the President, Hons. Messrs. Swabey, Walker, Forgan, Johnson, Palmer, Simpson, Anderson, Gardner, McLaren, Hazard—11.

TUESDAY, April 23.

On motion of Hon. Mr. Hutchinson, the Bill to alter and amend the Act to incorporate the Crapaud Dredging Machine Company, was read the third time and passed.

A message from the House of Assembly by Hon. Mr. Longworth, with a Bill to repeal the Act relating to Statute Labour in Charlottetown, its Common and Royalty, and for the removal of nuisances in and about the same.

The House then resolved itself into a Committee of the whole on a Bill to repeal an Act therein mentioned, relating to smuggling. Hon. Mr. Hazard in the Chair.

The Committee having gone through the Bill, the House was resumed, and the Chairman reported the Bill agreed to without any amendment. The House then went into Committee on the Bill relating to Statute Labour in Charlottetown, and agreed to the same without any amendment.

House adjourned.

WEDNESDAY, April 24.

On motion of Hon. Col. Swabey, the Bill relating to Statute Labour for Charlottetown and Royalty, and nuisances

in and about the same, was read the third time and passed.

On motion of Hon. Mr. Hazard, the Bill relating to smuggling was read the third time and passed.

The Bill to repeal certain parts of the Election Law, and to make other provisions in lieu thereof, having been read the third time, Hon. Mr. Palmer moved, seconded by Hon. Dr. Johnson, that the Bill do now pass. House divided:—

Contents.—Hons. Messrs. Palmer, Johnson, Swabey, Simpson, Anderson, McLaren, Hazard—7. Non-Contents.—Hons. Messrs. Ramsay and Hutchinson—2.

THURSDAY, April 25.

A message from the House of Assembly by Hon. Mr. Longworth, with a Bill to consolidate and amend the several laws relating to education. Also a Bill for raising funds for the purpose of education, by imposing an additional tax on lands within this Island, and on real estate in Charlottetown and Common and Georgetown and Common.

Hon. Mr. PALMER—In rising to ask for leave to introduce a Bill for the punishment of certain cases of felony and misdemeanour, said—This is a change which is considered necessary. By our criminal code, as your Honors are aware, the crimes of robbery and rape are punishable with death; and as the British Government, which keeps a more watchful eye over crime than any other country in the world, has changed their criminal law in this respect, we are not likely to do wrong in following their example. There is another subject which I have introduced into this Bill, that is the punishment of the crime of incest; this is a crime which is exceedingly offensive to human nature, and in some respects should be punished in an exemplary manner. It is very severely punished in the United States, and in New Brunswick it is punished by imprisonment. At present I shall say no more; but I fear there is some necessity for a law of that nature in this Colony.

Hon. Col. SWABEY—As his Honor the Leader of the Government is going to amend the criminal law, I hope he will introduce some more stringent punishment for the crime of felony. Persons who have been guilty of crime little short of murder have been punished with three years imprisonment; I think the law is extremely lax in this respect. The present Chief Justice and Judge Peters both ridicule the idea of three years imprisonment for the crime. I luckily throw this out as a suggestion; because I consider the present law defective in this respect, and I think the present Bill is only a partial improvement.

Hon. Mr. HUTCHINSON—The criminal law certainly requires to be amended, because as it exists there is no secondary punishment. I think it would be well to punish criminals by fine in some cases; there are two criminals in jail now whose punishment I think it would be well to commute. But perhaps it would not be advisable to go into the Bill at this late period of the session.

Hon. Mr. PALMER—I agree with his Honor Col. Swabey; no doubt many parts of our criminal code require to be amended. It was my intention to introduce a Bill to revise the whole of our criminal code, and I had some conversation with the Attorney General on the subject, but we were somewhat at a loss to obtain all the recent improvements in Great Britain, and perhaps the session is too far advanced now to go into it to that extent; I shall therefore confine myself at present to what is more immediately called for; and if I am here next session I shall endeavour to go more fully into the subject. Many eminent legislators are of opinion that it is not advisable to introduce material changes when the Legislature is preoccupied with the laws merely; this change therefore may apply to this session.

On motion of Hon. Mr. Palmer the House resolved itself into a Committee of the whole on the Bill to consolidate and amend the several laws relating to education. Hon. Mr. Forgan in the Chair.

On the clause relating to the increase of the Board of Education from 7 members to 9 being read—

Hon. Mr. SIMPSON said the increase of the Board would entail some expense, and he did not see any necessity for it, as he was of opinion that it was quite large enough at present.

Hon. Mr. PALMER—The expense of two additional members will be very trifling, and I think it will have the effect of facilitating the business of the Board, which has greatly increased during the last few years.

Hon. the PRESIDENT—Under the former Act when three formed a quorum there was a difficulty, and I am apprehensive that there will be a greater difficulty, when it will require five to form a quorum, in getting a sufficient number to attend. I have heard complaints made that the Presbyterian sect have too great a preponderance at the Board; and perhaps the increase is intended for the purpose of giving an additional representation to some of the other sects. I do not approve of having clergymen; but each denomination should be represented at the Board.

Hon. Col. SWABEY—I was a member of the Board for 17 or 18 years, and I am of opinion that it will not be deteriorated by making it to consist of 9 members; I am therefore willing to support that part of the Bill. I hope that when the Government have the power of adding to the Board they will see that each denomination is represented there; and I also hope that it will not be necessary to make it a political Board. When the present Board was formed I was left out, on account, it is said, of my political views; if that were the case I think it was a very proper consideration.

Hon. Mr. ANDERSON—I think every denomination should be represented at the Board.

Hon. Mr. SIMPSON—I am opposed to appointments being made on either political or denominational grounds. Some religious sects are much larger than others, and would not be satisfied with the same number of representatives at the Board.

Hon. Mr. ANDERSON—I think that of all men in the world clergymen are the most fit and proper to be members of the Board of Education.

Hon. Col. SWABEY—I do not say that clergymen are not proper persons to hold seats at the Board; but I think we would get on far better without them, though I believe the first clergyman was appointed by my own suggestion.

Hon. Mr. PALMER—As long as our system of education is to be maintained and goes on increasing, we must expect that our Board of Education will require to be increasing in a corresponding ratio. We have increased the House of Assembly and the Legislative Council, and it appears to me that we cannot do otherwise than increase the Board of Education; because the business of the Board has greatly multiplied, and we must insure the country that it will be attended to. The Board is the centre or focus of the whole system, and it is necessary that it should consist of able men who would take an interest in, and devote a portion of their time to, the advancement of education; and it is not easy to find men who are willing to do so for the very small remuneration which they receive at present. I do not say that clergymen should be excluded, I would perhaps not select them in preference. If the number is increased, there will be more certainty of having members enough present at a meeting to form a quorum, and consequently there would be greater security that the business would not be retarded; but I would not like to see the Board filled up with clergymen; it is the Government which makes the appointments that is responsible. I think the present addition will be conducive to the advancement of the public interests.

Hon. the PRESIDENT—I would prefer seeing all denominations represented at that Board, and I would divide them in this way, Church of England 1, Roman Catholic 1, Presbyterian 2, Wesleyan 2, Baptist 1, Bible Christian 1, with the Secretary would make nine.

Hon. Mr. PALMER—I think it would be very bad policy for this House to attempt to define the way in which each denomination should be represented at the Board. I do not wish to see the Government tied down in that way, because they might not always be able to get suitable men of one denomination to serve; and I would like to see them have such liberty as would enable them to keep up the efficiency of the Board.

Clause agreed to.

A message from the House of Assembly by Hon. Mr. Haviland, with a Bill intituled "an Act for raising a Revenue." Also, a Bill to appropriate certain monies therein mentioned for the service of the year of our Lord 1861.

The House of Assembly having disagreed to the amendments made by the Council to the Election Bill, Hon. Mr. Palmer suggested the propriety of withdrawing them. Their principal objection, said his Honor, is to the amendment made to the clause by which an absence of three months disqualifies a person from voting. If there is no provision of this kind there will be a door open to evade the law; and as there are few persons absent for three months at one time, I do not see anything very material to hinder us from withdrawing our amendment. There is scarcely a session in which the Election Law is not before the Legislature, and if it is not found to work well it can be altered.

Hon. Dr. JOHNSON—Is a man who has property excluded from voting by being away 3 months?

Hon. the PRESIDENT—Yes.

Hon. Mr. PALMER—If a man has been a resident of the Island for 12 months, and has been absent for 2 months and 29 days during any part of that time, he will not be excluded from voting.

Hon. Mr. HUTCHINSON—There are a great number of fishermen and others who will be excluded by that clause. Hon. Col. SWABEY—It is impossible that this clause can be intended to favor any party. There is only one man which can be attached to it, and that is, that a temporary absence of three months excludes a person from voting. I would not wish to see the character of this Legislature damaged by transmitting such an Act for the approval of Her Majesty's Government. If a man held property in England, and were in the East Indies for a great part of his life, he would not be excluded from voting. I cannot see anything in it but absurdity, and nothing would induce me to assent to it. I cannot think that the House of Assembly has considered it seriously.

Hon. the PRESIDENT—I certainly think that such a clause should not be in the Bill. If it was one or two years it would not be so objectionable; but to say that a man should be disqualified by a temporary absence of 3 months is perfectly absurd.

Hon. Mr. PALMER—I think this clause must have been intended to apply to those who claim the right to vote on account of having performed statute labor. I was willing to withdraw our amendment; but as your Honors do not appear inclined to do so, I move that this House request another conference with the House of Assembly to see if they will still adhere to their determination.

Conference agreed to.

House again in Committee on the Education Bill.

On the Schedule marked B being read—

Hon. Mr. PALMER said—I wish to propose an amendment to that Schedule; I do not think it is full enough in regard to the moral character of schoolmasters. A man may be a reckless character—he may be drunken all night, and yet be sober in school hours, and so come literally within the requirements of the Act. I would not infringe on the liberty which a schoolmaster should enjoy; but we should see that he is a man of good moral character.

On motion of Hon. Mr. Palmer, seconded by his Honor the President, the clause was amended by requiring the Trustees to certify to the Board of Education that the schoolmaster had conducted himself properly during the time of his engagement.

FRIDAY, April 26.

On motion of Hon. Mr. Palmer, the House resolved itself into a Committee of the whole on the Bill for the punishment of certain cases of felony and misdemeanour. Hon. Mr. Johnson in the Chair.

Hon. the PRESIDENT—I object to the custom of whipping, as proposed by this Bill. It is one of the relics of barbarism. When a man is publicly whipped his character is ruined for ever. The custom has been abolished, or greatly modified, in the Army and Navy.

Hon. Mr. PALMER—I beg his Honor's pardon; it has not been abolished in the Army or Navy.

Hon. the PRESIDENT—Whether it has or not, the idea of whipping a man in the nineteenth century is perfectly preposterous, and I hope that our Statute Book will not be defaced by such a law. I move that all that relates to public whipping be struck out.

Hon. Mr. HUTCHINSON—I do not approve of public whipping; but there is no secondary punishment, and if there is to be whipping it should be done within the precincts of the jail, and not in the public streets. I do not know how we can have secondary punishment without whipping, for it is no punishment for some men to be kept in jail; when they are there for a time they would almost as soon stay there as not. If it does them no good, it will be a warning to others, and I think it might be left to the discretion of the Court; it is not likely that they would inflict it except on persons who are hardened.

Hon. Mr. PALMER—I admire the humanity of his Honor the President; we should all possess a certain amount of it; but I think we would deceive ourselves if we were to allow our tender-heartedness to influence us so much as to say that no crime deserves the punishment of whipping. I have no objection to it being done privately; but I cannot agree that it should be abolished altogether. By the law as it already exists criminals are liable to be whipped, and all we contemplate doing by this Bill, is to abolish capital punishment for certain crimes. We have seen men who deserved to be whipped escape with a few months or a year's imprisonment; and after they were released they have committed far worse crimes than before. That shows that imprisonment is very little punishment to men of hardened minds; it is found quite insufficient. We have an instance of a most atrocious crime being committed in King's County, where a man almost murdered his brother by wilfully discharging a gun at him; that man was sentenced to prison with hard labour—he managed to escape and left the country, he is now back and walking about at large, and I think a good sound whipping would have had a better effect upon him. There are some men on the list of criminals who do not deserve our sympathy; and the sooner a criminal's punishment is inflicted on him the more effect it will have. We propose abolishing capital punishment, and if we allow the Court to inflict whipping in some extreme cases, I do not think we go beyond the bounds of humanity. Judges of the present day are not disposed to be too severe, and I think we may trust to their discretion.

Hon. the PRESIDENT—I am not convinced by the arguments of his Honor Mr. Palmer. I hope to see the day when capital punishment will be abolished, because it is awful to send a man into eternity with his crime upon him; if he was imprisoned for life he might repent. Twenty or thirty years ago a man was put to death for a very slight offence; now it is the policy to regard the lives of Her Majesty's subjects, and yet not to inflict capital punishment. The cases to which his Honor has alluded are mere exceptions to the general rule. I believe our people are more moral than the people of the neighbouring Colonies; but no doubt there are black sheep in every flock.

Hon. Mr. BARNALL—I agree with his Honor the President. I was always opposed to whipping. If a person

is hardened whipping will do him no good. When I was in school there was more whipping in one day than there is now in a month, and those who got the most whipping were the worst.

Hon. the PRESIDENT moved that the clause be amended by striking out all that related to whipping.

Hon. Mr. SIMPSON—It is true a man cannot repent after he is hung; but he can after he is whipped. I would not support the clause as it is; but I would amend it by striking out the word public, as I have an objection to a man being whipped in the jail yard.

Hon. Col. SWABEY—I believe there are some parties who go into jail on purpose to spend the winter.

Hon. Mr. ANDERSON—I once heard a man say that if he knew that times were so hard in the country he would have remained in jail.

Hon. Mr. RAMSAY—Imprisonment for crime appears to be no punishment, and I think a person who is hardened should be made to feel. I do not agree to whipping being done privately; if it is to be an example it should be done publicly.

Hon. the PRESIDENT—In the United States criminals are now executed within the precincts of the jail. It appears to be a principle of our nature that if one person in a town commits suicide two or three will follow, and it appears to be the same with executions.

Hon. Mr. BARNALL—I am rather inclined to agree with his Honor the President; but if whipping is to be done, it should be done within the precincts of the jail. It appears to be a principle of our nature that if one person in a town commits suicide two or three will follow, and it appears to be the same with executions.

Hon. Mr. PALMER—I think the clause might be framed so as to meet the views of all parties, by leaving it to the discretion of the Court. I move that it be "publicly or privately" be struck out.

Hon. the PRESIDENT moved an amendment that the word "publicly" be struck out.

The question was then put on the Hon. the President's motion and the Committee divided:—

CONTENTS.—Hons. Messrs. Palmer, Swabey, Simpson, Anderson, Walker, Ramsay, McLaren, Hazard—8. The question was then put on the Hon. Mr. Palmer's motion which was agreed to. House resumed.

House in Committee on a Bill to raise funds for the purposes of Education by imposing an additional assessment on lands in this Island, and on real estate in Charlottetown and Common and Georgetown and Common. Hon. Mr. Walker in the Chair.

First nine clauses agreed to without any discussion.

On the tenth clause, relating to Assessors for Charlottetown, being read—

Hon. Mr. HUTCHINSON said—I understand that the Assessors are to remain in office during the continuance of this Act; and I wish to know if the Executive have power to turn them out without assigning any reason. I was one of the Assessors under the former Act and I was discharged without any fault; but I intend to enter an action in Court.

Hon. Mr. PALMER—There is a little difference between the wording of this Act and that of 1852; in substance they are the same. The question is, does the Act of 1852 authorize the Lieutenant-Governor to remove an Assessor from office? I believe it does. What is the meaning of the word "remove"?

Hon. Col. SWABEY—Of course the same authority which appointed a man can remove him from office; but the question is, should the Act be framed so as to prevent the Executive from removing an Assessor?

Hon. the PRESIDENT—If his Honor is relying upon those words to stand a trial in Court, I advise him to compromise as soon as possible.

The House was then resumed, and the Chairman reported that the Committee had made some progress and directed him to return to the subject.

On motion of Hon. Mr. Palmer the Bill for the punishment of certain cases of felony and misdemeanour was read the third time and passed.

A message from the House of Assembly by Hon. Mr. Haviland, with a Bill to further amend the Act for the transfer of inland posts.

House adjourned for one hour.

AFTERNOON SITTING.

House in Committee on the Bill for raising a Revenue. Hon. Col. Swabey in the Chair.

The Committee having gone through the Bill, the House was resumed, and the Chairman reported that they had agreed to the Bill with the amendments proposed by the Executive Council, by command of his Honor the Lieutenant-Governor and the Governors of Canada and New Brunswick, respecting Lighthouses on the North and East Coasts of the Island.

The House then went into Committee on the Appropriation Bill. Hon. Mr. Walker in the Chair.

Hon. the PRESIDENT—I find that £46,000, and the other items, the exact amount of which we can not ascertain, will probably increase the amount to £50,000. This is a large amount; and yet I would find it very difficult to put my finger on any one item and say that it might be reduced