

# THE EXAMINER

## A Weekly Journal of Politics, Literature, and News.

"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.

##### PROPOSED ERECTION OF A NEW MARKET HOUSE.

His Honor Mr. Palmer presented to the House a Memorial of the Mayor and Common Council of the City of Charlottetown, praying that this House will concur with the House of Assembly in granting, from the Public Funds, a sum sufficient to purchase a site for the erection of a new Market House, in lieu of the site originally reserved for that purpose on Queen's Square; and further, praying that an Act may be passed guaranteeing the payment of the interest upon such sum as the City may find it necessary to borrow for the erection of a suitable building.

Hon. Mr. PALMER, after the Memorial, &c., had been read by the Clerk, said: I do not know what opinions may be entertained in this House relative to the prayer of this Memorial; but I do know that, for many years back there has been only one opinion concerning the necessity of our having a new and more commodious Market House; that opinion is, that the present Market House is very inadequate for the purposes which it was intended to serve, and that, if the interests of Queen's County should be considered, it is quite manifest that a much larger Market House is required for the accommodation of those who supply the City with meat, fish, and agricultural produce. And not only is a larger and more commodious Market House required for the accommodation of Queen's County; it is required for the accommodation of the agricultural population of districts far beyond the range of Queen's County. It is, however, I feel convinced, quite unnecessary to take up the time of the House, by arguing what we must all admit, the necessity which exists for the contemplated erection. All who, on a market day, see the vast numbers of males and females who are crowded into our little Market House—many of their highly respectable persons—to expose for sale their agricultural produce, or the work of their own hands, must be forcibly struck with the necessity. Indeed, in the Spring and in the Autumn, it is quite deplorable to see the inconvenience and exposure to the inclement weather suffered by many of the market people, of both sexes, who, excluded from all shelter, have to stand around the Market House, or in the Square, waiting to dispose of their wares. There have been numerous cases, I do not know, in which the death of individuals could have been fairly traced to colds caught by such exposure. The inhabitants of Queen's County would, I do not know, willingly sanction a very liberal grant for the convenience of themselves and their families; and, I think, the majority of the other House will be found well disposed to grant a liberal grant for that purpose. As for the Government's granting, or appropriating, the price of ground in Queen's Square, western side, as a site for a Market House, as prayed for by a Memorial of the Mayor and Common Council, addressed to His Excellency the Lieutenant-Governor, in Council, I myself think it would be great, even barbarous, impolicy to comply with the prayer of that Memorial, even were any authority vested in the Government to give aid to the City in any other way, or to make any grant referred to in the Memorial. The Square was set apart for ornamental and exercise; and its capabilities for such purposes have been much admired by strangers; and should they who ought to be the guardians of the taste, as well as of the health, of our citizens, to use it, now that there is an opportunity to remove the Market House with all its surrounding impurities, from our chief Square, and to give it to the City, as a site for a Market House, I think it would be a very serious error to do so. The Square is already crowded and disfigured—alienated from the laudable purposes for which it was originally reserved—and should the Legislature now give way to private feelings, and to a consideration of the individual accommodation of a comparatively small number of citizens, it would be a very serious error, not only to the City, but to the Province, as a whole. The Square, as a site for a Market House, would present to the eye nothing but a close mass of public buildings, unseemly and detrimental to health from their proximity to one another. We know that, even in this Building, neither of the Houses of Legislature, nor the Courts of Law, have sufficient accommodations; and should the time arrive, as in all probability it will, when an enlargement of the accommodation of the Houses of Legislature is necessary, the consequence will be still further encroachment upon the space originally reserved for air, ornament, and exercise; and, if these enlargements be made after an extensive Market House shall have been placed upon the Square, no space will be left for either ornament or exercise; and our children will have much reason to reproach our Memorialists for having consented to the enlargement of the City, and the citizens, made by the erection of that Market House upon the Square. I see, that, annexed to the Memorial, is a correspondence which has taken place between the Mayor and Common Council, the Recorder and the Executive. The Recorder says he is of opinion that it would not be competent for the City Council to pass a by-law for the erection of a public Market House upon the site in question; and, in that opinion, I fully concur. But I disagree with the Recorder as to his opinion that the Government may assent to a by-law authorizing the erection of a Market House on the land in question. Such authorization cannot be given except under the sanction of an Act of the Legislature. But whether the east end of Queen's Square was originally reserved for the erection of a church or court house, the public have acquired an indefeasible right in the west end of the town, as well as in the Court House grounds. A part of the prayer of the Memorial is to the effect that the Legislature will be pleased to pass an Act guaranteeing the payment of the interest upon such sum as the City might find it necessary to borrow for the erection of a suitable building for a Market House; the City taking upon itself to pay the principal by instalments, to pledge the said property for that purpose, and to pass a by-law for the same. The payment of the interest upon the City funds; and in the prayer of this Memorial I fully concur, and would willingly assent to a compliance with it on the part of the Legislature. But I hope that a regard for the health and the convenience and exercise of the inhabitants of the City, as well as a desire that the Square shall be made ornamental, will be found so general in the Legislature, that the proposal for the erection of a new Market House thereon seems not sufficient to excite their attention. I think there may be found in the market situations, which, although not quite so advantageous as the west end of Queen's Square, might, nevertheless, be well adapted to the purpose. It would perhaps be improper, on my part, to designate such a situation; but I may remark that, as a large, or very large Market House is required, because most of the quantities of produce brought to the City are sold in the open air, the site ought to be secured in a large, open, and airy space. I have nothing further to say concerning the question at present than that it is one which requires especial consideration; and I shall therefore move that the Memorial be referred to a Special Committee, to report thereon by Bill or otherwise. I do not know, however, that any measure founded on the Memorial should originate in this House; but a report may guide us in forming an opinion as to whether the initiative ought to be taken here or in the other House.

Hon. Col. SWABEY said there could not be two opinions upon the question of the necessity which exists for the erection of a much larger and more commodious Market House; and all, he thought, which could prevent its being immediately undertaken would be the want of available funds. It was well known that the City funds were not sufficient to meet the undertaking on the part of the Corporation, independently of a very considerable legislative aid; and neither, he feared, would the state of the public finances permit a sufficient appropriation to ensure its accomplishment; but should the other House feel themselves warranted in making the necessary appropriation for that purpose, this House, he felt certain, would cheerfully concur in the measure. He, however, thought it difficult to engage, in due care would be taken there, by the preparing of proper plans and specifications, and taking care that the contracts were sufficiently precise and binding, that no blundering or failure should occur about it.

His Honor the President observed that if the undertaking was to be deferred until the Colony should be out of debt, or a surplus of revenue should enable the Legislature to make the necessary appropriation in aid of it, it would indeed be difficult to say how long it would be postponed. It was certain that the Corporation, out of their small revenue, could not accomplish it; and neither ought it to be expected that the erection should be made entirely at the expense of the Corporation, even if their funds were equal to it; for although the inhabitants of Charlottetown would be especially benefited by the accomplishment of the proposed undertaking, it was as much required by the country population particularly, although not exclusively, of Queen's County, who would derive as many and as great advantages from it as the citizens themselves. The building would certainly have to be a very large one; but he would not like that the regulations concerning it should be

such as to narrow or restrict competition. A great number of persons, it was well known, attended the market with produce and wares for sale, who had no stands or stalls in the Market House; and all the inhabitants of Charlottetown who had families to provide for were aware that they could but provide from such outside vendors at one-third less than they could buy from those who stood in the Market House. Whilst he certainly would desire to see this outside competition continued, he would, at the same time, earnestly desire to see some such open erection made, in connexion with the Market House—which he thought might easily be done—as would afford those who are outside vendors some shelter or protection from the frequent inclemency of the weather. He agreed that the west end of Queen's Square was public property; and that the public right there should in no way be infringed.

Hon. Mr. BAGNALL thought that, as the inhabitants of Charlottetown, and the people in its immediate neighbourhood, and, to a certain extent those of the remotest parts of Queen's County, would be the parties who would chiefly be benefited by the proposed building, it would only be fair that they should be made the chief contributors to the expense of its erection. The people of Prince County and those of King's County had their own markets; and it would be hard should they be taxed for the erection of a market house which would be almost exclusively for the benefit of the people of Queen's County. The cost should fall upon those who would derive the greatest advantages from it, I think the expense should not be defrayed out of the public revenue.

Hon. Mr. PALMER hoped his Honor Mr. Bagnall would be more liberal when the question should come to be carefully discussed. It would certainly be well could the principle on which he (Hon. Mr. Bagnall) rested his argument be always carried; but all past experience fully proved that it could not. The public must very frequently be content to bear the burden of the expense, equally distributed to all, in order to secure the effecting of public works; although one portion of the public would be more particularly benefited by their construction than all the rest; and this had frequently been the case in Prince Edward Island, as witness our Jails, Court Houses, Pylo's Ferry Bridge, Scurry's Bridge, and several other public structures in different localities, the expense of which erections has been defrayed out of the public funds, although, no doubt, more especially so for the benefit of the inhabitants of those sections of the country in which they are severally situated, than for that of the public in general. It was true the Corporation would be expected to contribute out of their revenue. They were fully aware of the propriety of their doing so; and he thought they had offered very handsomely considering the smallness of their revenue. They would raise money for the erection of the building, provided the Legislature would provide a site and guarantee the payment of the interest upon such sum as they might find it necessary to borrow for the erection of a suitable building; and take upon themselves to pay the principal by instalments, (pledging the said property for that purpose) and also to pass a by-law for the same. This was certainly a very fair proposal; and he thought very few persons would object to the Legislature guaranteeing the interest upon a sum sufficient to enable the Corporation to purchase a suitable site.

Hon. Mr. BAGNALL explained that he did not wish to oppose the contemplated erection; but he thought the parties who would be chiefly, if not solely, benefited by it, ought to pay back hereafter to the Government whatever sum might be appropriated by the Legislature in aid of it, and that such and binding arrangements should be made to ensure such reimbursement.

Hon. Mr. HUTCHINSON—On my return from England to this Island in 1817, there was a small market house on Queen's Square, where the Colonial Building now stands. That, shortly after, was moved down to the side of Queen Street West, and erected for the purpose of a market house. The market house was then erected, on the site of the old one. When it was in contemplation to erect the Colonial Building, the Building Committee appointed to superintend its erection caused the market house to be removed to the site which it now occupies. When the town was incorporated, one of the first Acts passed was an Act for regulating the market; and a by-law was passed for the enclosure of the site. Yes, forty-five or fifty years ago, had possession of the site on which the market house at present stands: up to the present moment they have, without let or hindrance, retained that possession; and, moreover, since the town was incorporated, the Mayor and Common Council agreed to a by-law for the railing in of the site, which by-law, having been confirmed by a resolution of the Legislative Council, and the site has become as much a permanent law as if it had been a clause of the Act of Incorporation. I am, therefore, much surprised to hear it stated by the Hon. the Leader of the Government that if the people of Charlottetown ever had any claim to a site for a market house on Queen's Square they have lost it by having neglected to erect one thereon. This is not fact; for, as I have already said, they have, for many years, had possession of the site for a market house; and, as at this moment, in the full enjoyment of it, I, therefore, maintain that, both in virtue of prescriptive right and in virtue of written law, the site on which the market house now stands is the property of the citizens or the Corporation of Charlottetown. If the Corporation had been put in possession of any other public lands, they might have neglected to erect one on them for a site for a new market house; but now, as the case stands, if the market is to be removed from Queen's Square, and a new market house is to be built elsewhere, it would be most unreasonable to expect or require that the Corporation should effect the change, how desirable soever, out of their own funds, which are insufficient to defray their ordinary and necessary expenses. The Corporation, if they served, are derived almost wholly from taxes imposed upon poor people. No; it is quite enough for the people of Charlottetown to have to pay taxes for police, water, and the repairing of the streets without being called upon to purchase sites, or build market houses or wharfs.

Hon. Mr. SWABEY—His idea was that Queen's County alone should be assessed to the amount of the proposed erection. Eventually, in all probability, King's County and Prince County would each require similar accommodation; and, when such necessity should arise, each of these counties might be separately taxed to supply the want, as he proposed that Queen's County should be.

Hon. Mr. JONES maintained that, as the market house was a direct or indirectly, for the benefit of the whole population of the Island, the Corporation of Charlottetown were fairly entitled to the aid which they sought to obtain from the Legislature; and no jealousy ought to be entertained, by any section of the County, because the market house would more immediately, and to a greater extent, benefit the inhabitants of Charlottetown and the agriculturists of Queen's County than it would the inhabitants of other Counties. This concern, however, for the preservation of the health of the inhabitants of the city, and his regard also for the beauty of the city, induced him to give his decided opposition to the proposal for the erection of a new market house on any portion of Queen's Square. The noxious effluvia arising from the great amount of decaying vegetables and animal refuse deposited upon the Square, in consequence of the holding of our markets thereon, greatly endangered the health of our citizens, as was truly set forth in the Memorial of the Mayor and Common Council; and the substitution of a new and larger market house upon the Square for the existing old, unsightly, and most inconvenient one, would certainly in no way diminish the danger arising from malaria, generated by decayed and decaying animal and vegetable matter deposited upon the Square, or might, perhaps, be the cause of it; and the still further diminution, by such an erection, of the already too much diminished space left to the citizens for air and exercise, would necessitate the complete abandonment of any idea which might be entertained for the adornment of the Square by the planting of trees and shrubbery, the laying down of grass plots, and the intersecting thereof by gravelled walks. Indeed, so much was he opposed to the proposition for erecting the intended new market house on the reserve partially occupied by the City Hall and the Post Office, that, rather than consent to it, he would agree to a vote of a sum, out of the public funds, sufficient to effect the removal of the public buildings already placed upon Queen's Square, and to erect them in, in other situations in which they would not infringe upon the rights of the public to the public squares—their own property, or the property of the people at large—which ought, from the first, as it was intended, to have been reserved to be embellished by shrubbery, the planting of trees, and by being otherwise tastefully laid out for the adornment of the town and the healthful and pleasurable recreation of the inhabitants. His Honor, in conclusion observed, with much emphasis, I consider the public squares of the city to be so constituted by Royal appointment, and are so much under the guarantee of the Crown, as the Highways of the city or Island generally, and I will never consent that a foot of the area so granted by judicious and Royal will, for the public health and recreation, to be en-

croached upon or applied to other purposes subversive of their original intention.

Ordered, That the said Memorial be referred to a Special Committee to report thereon by Bill or otherwise.

Ordered, That Hon. Mr. Palmer, Hon. Mr. Swabey, and Hon. Mr. Hutchinson, be a Committee for that purpose.

#### MESSAGE FROM THE HOUSE OF ASSEMBLY.

A Message from the House of Assembly by the Hon. Mr. Haviland, with the following Bills to which they desire the concurrence of the Legislative Council; viz:—

A Bill, intituled "An Act to enable the Controller of Navigation Laws in this Island to grant and issue Fishery Licences to Citizens of the United States, for Vessels built in Prince Edward Island, and owned by them."

A Bill, intituled "An Act for the amendment of an Act passed in the sixth year of the Reign of Her present Majesty Queen Victoria, intituled 'An Act to repeal an Act made and passed in the twenty-first year of the Reign of King George the Third, intituled 'An Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates,' and to make other provisions in lieu thereof.'"

A Bill, intituled "An Act to amend the Law relating to Bills of Lading."

A Bill, intituled "An Act for the better apprehension of certain offences."

The Bill, intituled "An Act to authorize a Cash Account to be opened by the Governor in Council with the Bank of Prince Edward Island," was read the second time.

On motion, the House was resolved into a Committee of the whole on the said Bill; his Honor Mr. Hutchinson in the Chair.

The first enacting clause—which authorizes the Governor to open a Cash Account with the Bank of Prince Edward Island, and to borrow and receive from such Bank such sums of money, not exceeding in the whole the sum of ten thousand pounds, as may be necessary for the use of the Colony, in such amounts as may, from time to time, be required under such conditions, and upon such terms, stipulations, and agreements, for the payment and repayment of such moneys, and for the management of such Accounts as by the Governor in Council may be established, prescribed, and directed, with the consent of the President, Directors, and Company of the said Bank—was unanimously agreed to without any discussion.

The second, which provides that, for the repayment of all the moneys borrowed under the Act, and for the final payment and discharge of the balance which shall be remaining due and unpaid on the final closing of the Accounts with the President, Directors, and Company of the said Bank with interest, the public funds, moneys, and credits of the Colony are pledged and rendered liable, subject, nevertheless, to the prior liens, pledges, and claims of all Treasury Warrants and Debentures which shall be outstanding and unpaid, at the time of contracting any debt or debt under and by virtue of the provisions contained in the Act.

The third provides, that an Account of all sums borrowed or repaid, under the Act, with the date of the loans and repayments respectively shall be laid before the Legislative Council and the House of Assembly, each Session, so long as such an account is mutually kept open.

The conclusion of this last clause stood as follows in the Bill as sent up by the House of Assembly:—"An Act to authorize all sums borrowed or repaid, under the Act, with the date of the loans and repayments respectively, shall be laid before the Legislative Council and the House of Assembly, at their next Session."

After the last clause, as it originally stood, had been read by his Honor the Chairman, his Honor the President said: I would suggest, as it would appear the Bill is intended to be a permanent one, that it be provided by this clause that a statement of the Account between the Government and the Bank shall annually be laid before both Houses of the Legislature. If it is intended, by the Government, to be in force for only one year, such intention is not expressed in the Bill. If it is meant to be permanent, it ought to provide that the Accounts shall be laid before the Legislature year by year.

Hon. Mr. PALMER—Bills of a similar nature are, I know, annual in other Colonies; and I believe it is meant that this should be so; therefore I think it will be best to limit it to one year by an express clause.

His Honor the President—I do not wish to see it annual, but permanent, or at least for a number of years. If it is to be annual, the clause under consideration will do very well, provided another be added to limit it to one year. The measure is an excellent one, and cannot be otherwise than productive of great public benefit; and, therefore, whether it be concluded that it shall be enacted for one year, or five years, or ten years, it shall have my hearty concurrence; but I certainly would much prefer its being made permanent for a number of years.

Hon. Mr. PALMER—On reflection I think it would not be well that an Account extending to so large an amount as £10,000, should be brought to an abrupt termination by a clause limiting the Act to one year. It will, it now appears to me, be necessary that a power to keep the account open, so long as may suit both parties to keep it open, shall be given by the Act.

Hon. Col. SWABEY moved an amendment to the effect that the Account should be kept open so long as the keeping of it open should be desired by both parties.

Hon. Mr. PALMER—I believe we have all one end in view, and that is public convenience; and if the last clause be amended by adding those words—"the Act to be in operation so long as His Excellency shall deem it necessary to keep the Account open."

His Honor the President—It was much to be regretted that such a measure as this had not been in operation years ago. It would, I believe, have prevented the immense disbursements at which the cashing of Treasury Warrants was effected; and public creditors would not have sustained the great losses to which they were subjected by those disbursements.

Hon. Mr. BACON—At the season of immense discounts spoken of by his Honor the President, the Bank Authorities could not, for want of means, have entered into such an arrangement as this with the Government at that time existing; for all their available funds were then, it is well known, appropriated to the cashing of large Bills on England.

After a little further conversational discussion, the amendment as above given was unanimously agreed to.

The House was then resumed, and his Honor Mr. Hutchinson reported that the Committee had made some progress in the Bill; and they recommended that a conference be desired with the House of Assembly on the subject matter thereof; and, further, that he was desirous by the Committee to move that they have leave to sit again.

Ordered, That the Report of the Committee be agreed to. The issue of the conference was that the amendment proposed by the Legislative Council was agreed to by the House of Assembly; and on Friday, the 9th instant, the said Bill was read the third time and passed.

Ordered, That the Bill, intituled "An Act to enable the Controller of Navigation Laws, in this Island, to grant and issue Fishery Licences to Citizens of the United States, for Vessels built in Prince Edward Island, and owned by them," be read the second time to-morrow.

The Bill, intituled "An Act to amend the Act for the transfer of the management of the Inland Posts within Prince Edward Island," was, on motion of his Honor Mr. Palmer, read the second time.

Hon. Col. Swabey, in seconding the motion, said: Had this Bill been sent up in its present shape last year, I do not think that it would have been objected to by a single member of this Council.

On motion the House was then resolved into a Committee of the whole on the said Bill; his Honor Mr. Forgan in the Chair.

The preamble,—which states that it is deemed expedient to amend the Act made and passed in the fourteenth year of

the Reign of Her present Majesty, intituled "An Act to provide for the transfer of the Inland Posts within Prince Edward Island," by rendering compulsory the prepayment of the postage chargeable on all letters posted in this Island and addressed to the United Kingdom of Great Britain and Ireland,—was unanimously agreed to.

The first enacting clause enacts that at and after the expiration of three months from the passing of the Act and its publication in the Royal Gazette of this Island, all letters and packets which shall be posted in the different Post Offices within this Island and addressed to the United Kingdom of Great Britain and Ireland, shall be prepaid.

This clause was unanimously agreed to without any discussion.

The second enacting clause provides that if any letters or packets shall be posted in any Post Office within this Island and addressed to the United Kingdom of Great Britain and Ireland, and the full rate or rates of postage with which such letters or packets may be chargeable shall not be prepaid, or shall be paid but in part, such letters and packets shall, notwithstanding such non-prepayment or that the postage shall have been paid but in part, be duly forwarded to their destination, and shall be chargeable with the amount of postage due thereon, and, in addition thereto, with a fine of sixpence sterling money of Great Britain for each letter or packet, the postage payable on which shall not have been paid, or shall have been paid but in part; which said fines and all moneys arising therefrom shall be divided equally between the United Kingdom and this Island.

Hon. Mr. HUTCHINSON—Had this clause been in the Bill of last year, the Bill would not have been opposed by me. As the Bill then stood, I was impressed by it with the idea that all non-prepaid and all insufficient prepaid letters, would be detained and opened; and, under such impression, I opposed the Bill.

His Honor the President—The Bill of last year was founded on the Despatch, according to which the Act was to be so framed as to give absolute power of detention of letters for non-payment to the Post Office authorities; but, as respects the present Bill such power has been waived, and the compulsory power is qualified by the provision that all unpaid or insufficiently paid letters shall be charged with the amount of deficient postage, together with a rate of sixpence in addition as a fine. To the measure thus modified no reasonable objection can, I think, be made.

The clause was then agreed to *nem. con.*

The last clause provides that the Lieutenant Governor of this Island, or the Administrator of the Government for the time being, by and with the consent of the Executive Council, may, from time to time, cause stamps, with their value printed thereon, to be sold and used as postage.

His Honor the President—This House signified their entire approval of this provision last year.

This clause having been agreed to *nem. con.*, the House was resumed, the Bill reported, agreed to in Committee, without any amendment, and the report received.

An Act for the amendment of an Act passed in the sixth year of the Reign of Her Majesty Queen Victoria, intituled "An Act to repeal an Act made and passed in the twenty-first year of the Reign of King George the Third, intituled 'An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates' and to make other provisions in lieu thereof."

Hon. Mr. PALMER moved the second reading of this Bill. Hon. Col. SWABEY asked for some explanation touching the changes which were proposed by the Bill.

Hon. Mr. PALMER—I was not aware that this Bill was to come up just now; and, therefore, I am, perhaps, not so well prepared to explain its provisions with respect to those of the Act which they are intended to alter as I might otherwise have been. I apprehend the principal object of the Bill is to amend the 7th clause of the Act, 6th V. c. 26, which provides that no Will shall be valid unless it shall be signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction. Of late years some cases have arisen wherein the signatures of the testators were placed so far from the foot or end of the Wills, or otherwise so placed as to render it doubtful whether it was intended by the testators that such dispositions as preceded the signatures should complete the Wills, or whether they had not intended to make additions thereto. This induced the British Parliament to pass an Act containing a certain clause providing that the testator's signature should be placed at the end of the Will within a certain distance of it. By this very exact prescription they ran, I think, into the opposite extreme; and when it came to be acted upon, it rendered that doubtful which would not have been doubtful before. The difference between the old law and the new law, consists in this: the old law was vague or silent as to where the signature was to be placed; but the new law directed that it should be placed at a certain distance after the end of the Will. Now the leading object of the present Bill is to render, so far only as regards the position of the signature, every Will valid, the signature to which shall be so placed at or after, or following, or under, or beside, or opposite to the end of the Will, that it shall be apparent, on the face of the Will, that the testator intended the writing so signed to be his Will.

Hon. Col. SWABEY—With respect to the placing of the signature, the old law was vague and indefinite; and, consequently, under its operation the signatures to Wills were variously placed, sometimes on the side margins, sometimes at the end, and sometimes even at the top of the blank page; immediately, or next after the last written page of the document purporting to be a Will. Many Wills, or writings purporting to be Wills so signed were set aside as null and void; although very probably, many or most of such writings, so set aside, were intended to be the real Wills of those whose signatures were appended to them. The provision of the new law, which directed that the Wills should be signed within a certain distance of the last line, or end thereof, was found to be too precise, too exact; and it has, therefore, been repealed by the Parliament of Great Britain; and, by its last enactment on this most important subject, Wills, however signed, when it shall be apparent on the face thereof, that they were intended by the testators to be their Wills, are to be held good and valid in Law. It I understand it right, the Bill now before us is designed and calculated to remove the difficulties of both laws; and, such being its object, it shall have my support.

The Bill was then read the second time; and, on motion, the House was resolved into a Committee of the whole thereon; his Honor Mr. Palmer in the Chair.

His Honor the Chairman having read the first enacting clause—which provides that every Will, whether the signature thereto shall be placed at, or after, or following, or under, or beside, or opposite to the end of the Will, or otherwise, shall be held to be good and valid in Law, if it shall be apparent on the face of the Will.

His Honor the President, taking up the first volume of the Laws of P. E. Island, and referring to the 7th Section of the 6th V. c. 26, said: This is the Section which the Bill before us is intended to rectify. This Section provides that no Will shall be valid, unless it shall be signed at the foot or end thereof. This provision was, in the Old Country, found to be very inconvenient; and, under its operation, many Estates were made Intestate, the last proprietors of which had thought that by the writings which they had signed as their Wills they had duly and legally made a full disposition thereof; and, very frequently, no doubt gross injustice was thus done to widows and children. I move that this clause be agreed to.

The question having been put thereon, the clause was agreed to *nem. con.*

The second enacting clause, which, in substance, is as follows, was also agreed to unanimously:—"The provisions of this act shall extend to and be applied to every Will already made where Administration or Probate has not already been granted or ordered, by a Court of competent Jurisdiction, in consequence of the defective execution

of such Will, or where the property, not being within the jurisdiction of the Ecclesiastical Courts, has not been possessed or enjoyed by some person or persons claiming to be entitled thereto, in consequence of the defective execution of such Will, or the right thereto shall not have been decided to be in some other person or persons than the person claiming under the Will, by a competent Court of jurisdiction in consequence of the defective execution of such Will."

The third and fourth, which are as follows, were also agreed to unanimously:—

3rd. "The word 'Will' shall, in the construction of this Act, be interpreted in like manner as the same is directed to be interpreted under the provisions in this behalf contained in the said Act of the sixth year of the Reign of Her Majesty Queen Victoria, intituled 'An Act to repeal an Act made and passed in the twenty-first year of the Reign of King George the Third, intituled 'An Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates' and to make other provisions in lieu thereof.'"

4th. "This Act may be cited as 'The Wills Act amendment Act.'"

His Honor the President—I think this Act should have a suspending clause. It directly affects the disposition of Real Estate; and according to the Royal Instructions, all Acts so affecting Real Estate must have suspending clauses. I think His Excellency cannot give his consent to this Bill without a suspending clause.

Hon. Col. SWABEY—Yes; according to the Royal Instructions this Bill requires a suspending clause.

On motion the House was then resumed, his Honor Mr. Palmer reported that the Committee had made some progress, and that he was directed to move that they have leave to sit again.

Ordered, That the Report of the Committee be received and leave granted.

R. B. IRVING, Reporter.

### HOUSE OF ASSEMBLY.

Monday, March 5, 1860.

#### AFTERNOON SITTING.

##### ELECTION BILL.

Mr. OLIVER—I do not attribute selfish motives to the hon. member from P. E. Island, Mr. Sinclair, in the suggestion he made this morning. That gentleman is undoubtedly very popular among his constituents, who returned him at the head of the poll. The residents of the District naturally feel aggrieved at the possibility of a change in the representation of the District, and they are coming from a distance and voting on property of little value; but it will not do to make a distinction in the individual case of P. E. Island. I believe that Summerside will be the principal place in the County, and it is not to be supposed that the P. E. Island is to be considered as of no importance. It possesses the finest harbour on the North side of the Island, and the increase of the Fisheries must contribute to its advancement. No sufficient reason has been adduced in support of the hon. member's views. Very few lots in P. E. Island are worth the purchase money. A voter in that District resident in Charlottetown is not to be considered as of no importance. It possesses the finest harbour on the North side of the Island, and the increase of the Fisheries must contribute to its advancement. No sufficient reason has been adduced in support of the hon. member's views. Very few lots in P. E. Island are worth the purchase money. A voter in that District resident in Charlottetown is not to be considered as of no importance. It possesses the finest harbour on the North side of the Island, and the increase of the Fisheries must contribute to its advancement. No sufficient reason has been adduced in support of the hon. member's views. Very few lots in P. E. Island are worth the purchase money. A voter in that District resident in Charlottetown is not to be considered as of no importance. It possesses the finest harbour on the North side of the Island, and the increase of the Fisheries must contribute to its advancement. 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