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COLONIAL LEGISLATURE.

MONDAY, March 2.

(Debate continued.)

Mr. THOMSON said they ought not to confine justice to one case, but to extend it to all. If a Custom House was to be established at the door of Mr. Cambridge, they ought, in like manner to establish Custom Houses at New London, St. Margaret's, and other places. And why? because at both those places the duties collected were greater than at Cascumpeque. By the public accounts for duties collected at Cascumpeque the last year appeared to be one hundred and sixty and some odd pounds—a sum much less than the amount of duties collected at St. Margaret's, and only a few pounds over the amount collected at New London. It would thus take more than 30 per cent. to collect the duties at Cascumpeque, and at that rate all round the Island, they would have but a small Revenue. He would oppose the prayer of the petition, till he should see more reason to grant it.—The Hon. J. S. Macdonald said the hon. member for Georgetown ought to consider the exports and not the imports alone at Cascumpeque. The exports from Cascumpeque were fifty times greater than from those places which he had brought into comparison with it.—Mr. Yeo observed that the imports of Cascumpeque would appear very far from trifling, when hon. members should take into consideration that the goods imported for Cascumpeque, by way of Charlottetown, had amounted to £3000 in a year.—Mr. D. Macdonald said he would oppose the increasing of the number of Custom Houses. It could not be expected that they should be multiplied so as to suit the convenience of every individual engaged in trade.

The Petition was then, as stated in our last, received, and laid on the table.

CORONERS' BILL.

The Bill to authorize the appointment of Coroners in King's and Prince Counties, was, according to order, read a second time; and the House then resolved itself into a Committee of the whole to take the said Bill into consideration.—The Hon. Mr. Pope said it would almost be proper that they should see the Coroner's patent of office. He would like to see the Commission. It had only then occurred to him to be necessary, or he would have mentioned it before. He was satisfied of the necessity there was for the officer. From what he had heard and what he knew respecting the nature of a Coroner's duties, he was satisfied a Deputy could not discharge them. The duties devolving upon him as Deputy of the Sheriff, he might depute to a third party; such duty was merely ministerial. But the peculiar duty of a Coroner, the presiding as a judge, he could not perform by deputy. He had read Blackstone respecting this office, and he had heard the point very fully argued, as to whether a Deputy could discharge the duties or not; and the impression upon his (Mr. P.'s) mind was, that the duties could not be deputed. He pointed out the very heavy and most unreasonable expense, frequently thrown upon an unfortunate family, by the Coroner's taking with him (when called upon to hold an Inquest) a medical gentleman from Charlottetown. The medical gentleman's charge was sometimes £10 or £12. A Coroner might perhaps see in the toleration of such a practice, a tempting opportunity to put a few pounds into the purse of some medical friend or favourite, at the expense either of some distressed family, or, at all events, that of the Colony. Another existing grievance under the present system was, that, in cases where executions were to be levied upon lands, at whatever distance from Charlottetown, the Coroner, causing the levy to be made by some individual upon the spot, was yet at liberty to charge mileage from Charlottetown. He (the hon. Mr. Pope) had heard the Coroner say, that comparing his fees with the disagreeable nature of the office which he had to perform, he did not value the former (his fees) to the extent of one farthing. Some new light, however, it appeared, had lately broken in upon him; he had recently found there were important fees attached to the office, and derivable from no painful or disagreeable duty. When there were but few inhabitants in the Colony, one Coroner for the whole Island was sufficient; but, from the increase of population, the case was now very different. He did not expect that the bill would meet with any obstruction, except on the part of the incumbent and his friends. Any opposition in that quarter however, they ought not much to regard. The bill, if carried into a law, would relieve the incumbent from much disagreeable duty.—In answer to an inquiry made by Mr. Thomson, the Hon. Mr. Pope said, the appointment to the office of Coroner carried along with it no salary. By the law of England, a Coroner was allowed 13s. 4d. for every inquest held by him. There were fees attached to the office, but these were paid out of the effects of the deceased, if any, and if sufficient; if otherwise, they were paid by the County.

Mr. RAE said, if there was no salary there could be no objections to the appointment contemplated by the bill. Twelve or fifteen pounds was too great a sum to be paid to any medical gentleman for his attendance on an inquest. There was an instance of a medical gentleman's having charged £30 for his attendance on two inquests. He did not think there was any salary now attached to the office; but a salary might be in contemplation. If the Coroners were to have no salaries, there could be no objection to the appointment of one for each of the Counties.—The Hon. Mr. Pope said it was necessary the Coroner should be possessed of sufficient fees; owing to the great distance he had to travel, these frequently amounted to a large sum. Medical attendance alone had sometimes amounted to £15 or £20. He thought they ought to apply for a copy of the Coroner's Patent of Office, and meanwhile to allow the matter to stand over. The preamble of the bill, he thought he might then observe, was not sufficiently full.—Mr. Palmer said, the Coroner's Patent of Office ought first to undergo investigation. Without having it before them, the Committee knew not how far their own acts

might interfere with the prerogative of the Crown. They knew not but that the Crown had reserved to itself, as it was competent for it to do when it gave the colony a constitution, the right to appoint Coroners' as it has always exercised in England in peculiar appointments, and continues to do so at the present day. He (Mr. Palmer) had no objection to the proposed appointments, provided no salaries were to be attached to them. The appointments without the salaries might in some degree, it is true, prove a saving to the country. As to the attendance of medical men, they might frequently be procured more immediately in the country than from Charlottetown; but it ought to be considered that the duties they were mostly called upon to discharge were of no ordinary nature; they had frequently to perform a skilful anatomical examination; and that the medical practitioners in the country were few, and perhaps of inferior abilities to those resident in Charlottetown. He adverted to the double official character of the Coroner. As Coroner, strictly speaking, he was a judge: as acting in the capacity or on the behalf of the Sheriff, his duties were ministerial. None should be appointed to such an office but persons of known ability, and of sufficient intelligence and standing in society. He (Mr. Palmer) had no objections to the bill, provided it were found to be no infringement on the prerogative of the Crown.

On the motion of the Hon. Mr. Pope, the Speaker resumed the Chair, and the Chairman of the Committee reported that the Committee had made some progress, and had directed him to move for leave to sit again.

THURSDAY, March 5.

SAILING PACKETS.—The Bill to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick, by Sailing Packets, having, according to order, been read a third time, the House resolved itself into a Committee of the whole upon the said Bill.—Mr. Hudson in the Chair. The Chairman having read the first clause, a discussion ensued thereon which principally related to the places in the immediate neighbourhood of Bedeque, at which the packet from thence to Shediac was to call on its going and returning trips. The discussion was maintained chiefly by the Hon. Mr. Pope, Mr. Speaker and Mr. Thomson. It was finally agreed that the packet to run between the harbour of Bedeque in this Island and the harbour of Shediac in the province of New Brunswick, should call at *Green's Wharf*, on her arrival at Bedeque, and proceed from thence to *Hurd's Point*, and return to *Green's Shore* previous to her departure from the said harbour of Bedeque. After the second clause, which fixes the annual amounts to be paid for the running of the two packets, and the times of drawing the said amounts by instalments, had been read, on the motion of the Hon. Mr. Pope, a proviso, to the following effect, was added to the said clause: "That if it shall be made to appear to the satisfaction of the Lieutenant Governor and Council, that any person or persons who shall or may have obtained a license to run a packet at either of the stations mentioned in the Act, shall have wilfully neglected or refused to fulfil the conditions prescribed by such license, it shall be lawful for the Lieutenant Governor and Council to cancel such license, and to grant a new one to any person or persons who shall be willing to comply with the provisions of the Act; and the person or persons so neglecting or refusing to comply with the regulations contained in such license as aforesaid, shall not be entitled to any portion of the bounty granted by this Act."—The Hon. Mr. Pope observed, that the disregard and violation of contract on the part of the proprietors of the *Cape Breton* was sufficient to prove to honourable members the great necessity of this precaution.—The Hon. the Speaker remarked, that there was a long time between Spring and Autumn, and he, therefore, thought the parties engaging to run the packets ought to be allowed to draw twice. In accordance with this suggestion it was agreed "That, during the continuance of the respective licenses to the persons running the packets, one half of each of the respective sums granted to those persons should be paid on the 15th August, and the remainder on the first closing of the navigation in each year." As restrictive upon this part of the clause, the following proviso, on the motion of the Hon. Mr. Pope, was adopted by the Committee: "Provided, that in every instance, before any of the said payments shall be made, the person or persons so licensed shall make it appear to the Administrator of the Government for the time being, and Her Majesty's Council, that he or they have, in all things, fulfilled and complied with the conditions in his or their license contained." The final clause was then agreed to. This clause provides, that any person or persons applying for a license as aforesaid shall submit a schedule of the several rates to be by such person or persons charged for passengers, goods and cattle, which, if agreed to, shall, with the stated times of sailing of such packet, be published three times in the Island Newspapers, for public information, and a copy thereof kept posted in a conspicuous part of such packet; and such person or persons shall not be entitled to the bounty allowed by the Act, if he or they shall increase the amount of such rates during the continuance of such license. The preamble was then agreed to. Mr. Speaker resumed the chair, and Mr. Hudson reported the bill gone through and amended.

Bill to authorize the Sale, in certain cases, of Vessels, &c. seized as forfeited under any Revenue Law of this Colony.

The Bill for the purpose above named was, according to Order, read a second time. The House resolved itself into a Committee of the whole to consider the same, Mr. Hudson in the Chair.

The Hon. Mr. POPE explained the object of the Bill. He said it was almost *verbatim* with the Imperial Law on the same subject. He said it differed from it only with respect to goods already seized. It provided that no such goods shall be deemed and taken to be condemned, and dealt with in the manner directed by Law, unless the per-

son from whom the seizure shall have been made, or the owner of the goods seized, shall *not*, when such seizure was made, prior to the passing of the Act, or within one calendar month from the passing thereof, have given notice in writing to the person or persons who seized the same, or to the Collector of Excise for the District, that he claims the goods seized, or intends to claim them. He (Mr. Pope) also further explained, that the Bill provided that no person should be admitted to enter a claim to any thing seized, until sufficient security should be given in the Court wherein such seizure was to be prosecuted in a sufficient penalty to answer and pay the costs which might be occasioned by such claim. In default of such security, it was provided that the goods seized should be forfeited.—When the amount of security to be given by the person entering a claim to any thing seized was under consideration, and the Hon. Mr. Pope had proposed £60—

Mr. SPEAKER objected that the sum proposed was too much; a man, he said, might not be able to procure security to that amount; he would like to have some idea of the amount of costs likely to be incurred. He would propose £20.

The Hon. Mr. POPE thought £20 would be a sum inadequate to defray the expenses—it would in reality be no security at all—and the expenses would fall upon the Government, and not upon the person preferring a claim.

Mr. SPEAKER pressed his proposal of £20 penalty, and the question having been put thereon by the Chairman, it was negatived.

Mr. THOMSON then proposed that the amount of security to be required should be £30. This was put to the vote and carried.

Mr. PALMER proposed that the word "Sterling" should be added after "£30."

Mr. LE LACHEUR said he would object to the amendment. He was opposed to the word *Sterling* altogether. It was not to be found in either *Johnson* or *Entick*. Some said, to bring *Sterling* money into *Currency*, add one ninth, and to bring *Currency* into *Sterling*, subtract one tenth. There were some individuals in the Island, however, who, taking advantage of the word "*Sterling*," in certain agreements, cause the obligee to give the *Shilling* or *Sovereign* for one third less than he received it. By this most unjust advantage, such individuals obtained a premium of 50 per cent. upon what was paid to them in *Sterling* money. If the penalty were *Currency*, there would be no room for ambiguity or misunderstanding; but the value of *Sterling* money in *Currency* was fluctuating and uncertain.

Mr. PALMER answered, that in Bonds and other legal instruments, any sum of money mentioned was generally "*Sterling*," and so it was with respect to fees. When the amount *Sterling* was paid in *Currency*, he had never, in his experience, known more than one ninth additional to be exacted. Honourable gentlemen, he thought, would find it much more difficult to say what was the *Currency* of the Island, than to ascertain the value of *Sterling* money.

Mr. MACINTOSH said that fees, fines, reservations of rent, and the sums named in all agreements, should be in *Currency*: people would then know what they had to pay or provide for.

Mr. SPEAKER moved, in amendment, that instead of the word "*Sterling*," the words "*lawful current money of the Island*" should be added after £30.

Mr. THOMSON said that that would be more than had been proposed by Mr. Palmer. The lawful current money of the Island was *Halifax Currency*, and the rate of exchange between this Island and *Halifax*, at present, was one sixth in favour of *Halifax*; whereas the difference between the *Island Currency* and *Sterling*, according to general practice, was only one ninth in favour of *Sterling*. The fact of the matter was, the hon. the Speaker had proposed to give one eighteenth part more than Mr. Palmer had proposed.

The question having been put on Mr. Speaker's amendment, the said amendment was agreed to.

Mr. SPEAKER having resumed the Chair, the Bill was agreed to with amendments.

CORONERS' BILL.

The House resolved itself into a Committee of the whole, on the further consideration of the Bill to authorize the appointment of Coroners in King's and Prince Counties; Mr. Le Lacheur in the Chair.—A copy of the Coroner's Commission having been procured, the same was read.

The Hon. Mr. POPE observed, that from the copy they had procured of the Coroner's Commission, it appeared that it was no more than a patent under the great seal of the Island, like all other commissions granted in the Island. It was just the same as the Sheriff's commission had formerly been, when the Sheriff of Queen's County was the Sheriff of the whole Island. As soon as it was thought necessary to confine his commission, there was no hindrance in the way of the desired change. The object of the bill was not to raise to office one or two individuals, or to do a pecuniary injury to another. It was to accommodate the country. It was to prevent persons in whose families it might unfortunately be necessary to hold inquest, being burthened with any large or heavy expenses. The Coroner, owing to having taken upon himself the duties of sheriff in cases of executions, issued under land assessment judgments, charged the party, in all cases, with mileage from Charlottetown instead of from the Court of the County. The Land Assessment Act, in that particular, had opened a door to the most gross partiality. The Sheriffs had thereby been visited with a very great hardship; indeed he might say they had been subjected to a very great injustice. The duties which the Sheriffs had to perform often tended to break their friendships, without, in any way, compensating them for the loss; and advantage had been taken of the wording of that Act (the Land Assessment Act,) contrary to the intention of the Legislature, to deprive them of almost the only part of their business carrying an emolument along with its discharge.