

the power in the clause respecting breaches of contract, I fear it would be read more persons from the country into trouble, and encourage those runners to annoy many of them. One of these runners, for instance, may meet a man with a load of oats, speak to him about his grain, and offer him a price for it, and when the man comes to the market, he may say that he bought them, when perhaps the man had not sold them at all, when another of those runners may, in the same way, say that he bought them, and thus between them bring the poor man into trouble; therefore, I think, this clause should be left out for we know that too much of this has been already practiced upon the country people. I wish a clause had also been put in to prevent forestalling, as the practice of buying up by wholesale and selling out at the same day, is becoming so common here, and is one that is not allowed in the old country. A party comes into the market with a load when it is at once bought from him, when the purchaser turns round and sells it to another. The citizens come to the market to buy and find that everything is bought up, and have to buy from those forestallers at their prices. I have no objections, though, to the bill going into Committee.

Hon. ATTORNEY GENERAL.—Mr. Speaker, the clause relating to additional assessments is one we should have some pretensions asking for either from the city or the Mayor and Council, before it should be granted. Another clause requires that any person, not residing in the City, who sells property in the market, must pay a duty of three pounds. This I would not go for, unless it was put the other way, that is, that the town people should not be allowed to sell in the country, unless they paid the same duty. The clause is one to which I, as a representative of a country district, cannot agree to. Another section provides that unless a man is a native of the Island, he cannot do business in the city, unless he pays a duty to the Mayor and Council of four to six pounds. This appears to me to be tampering with trade. Another clause has reference to having drawbacks from importers who bring in goods here for sale, while the remaining clauses refer to the power to regulate the sale of property dealing with them. This last matter I have no objections to, as it is subject to the wish of the individual himself, and is the only clause in the Bill, I feel disposed to go for. Indeed, if a motion was made not to go into Committee on the bill, I would be ready to vote for it.

Mr. BRECKEN.—Mr. Speaker, I may say that I am myself in doubt with respect to the wishes of the citizens.

Hon. LEADER OF THE OPPOSITION.—Mr. Speaker, I think there is very little likelihood of this bill as a whole becoming law, for I believe one of the members for the city spoke against it when it was first introduced. I consider that the citizens of this town have had sufficient to do that such a measure as to be brought forward, and as no petitions have been sent in against the measure, and further as in accordance with the order of the hon. house last year, the bill was published for the information of those mostly to be affected by it. I do not see that we would be justified in waiting for such objections as might hereafter be presented. We, Sir, propose the Bill from the legitimate authorities of the city, the Mayor and Council. Who, as the hon. member for Belfast said, last night, are the Government of the town, and ought to have more power than an ordinary town council. I see a clause which proposes to lay a tax upon men of enterprise, such as merchants who may come here from any foreign country, but who, if the provisions of this bill are to become law, are not to be allowed to open shops until they are three years in the country. In this respect, where the towns are built up and completed, such stringent regulations may, perhaps, be tolerated; but as there is but one such town in these Provinces (Dublin) that is completed, the town council seem to wish Charlestown to be regarded as complete also. With respect to what was said by the hon. Leader of the Government about forestalling, as a practice which the hon. member said was not allowed in the old country. The hon. member is in error, for in towns in the old country, they have free trade, and parties who have a little capital, do not have to be prevented from purchasing a basket of goods for the purpose of retailing them out again. A countryman will not sell unless he gets his price, nor do I see but that it may be an advantage to the man to be able to thus dispose of them, and he would also be enabled to get a man who results them again in the market. I would allow free trade throughout. As regards the clause of giving the City Court jurisdiction in matters of trade, say, for instance, in the grain trade, where they have these runners I think it would lead to great deal of litigation, and I am afraid of some hard swearing also. I consider it better to leave the law as it is, as no serious difficulties have as yet arisen.

Mr. REILLY.—Mr. Speaker, Charlestown is a kind of sleepy hollow, and, maybe, perhaps, requires something to wake it up; but for my part, I am willing to allow them to have full control over taverns, but do not feel disposed to extend to the City Council jurisdiction to prohibit men from selling goods here, who may come from foreign countries indeed. I feel very little interest in the matter, and if any hon. member would move that the Bill be read this day three months, I would support it.

Hon. Mr. LAIRD.—Mr. Speaker, last year I voted to give the Bill a three months' notice; but now as we have more time, I am willing to give that attention which I should consider would be paid to it, if the people of this town have objections to the bill, they have an opportunity to have them made known. The City Council represents the city, and petitions from that body should be respected by this hon. House. If the City Fathers are expected to improve the town, they must have means to do so, and if the people in the country can trust their representatives for four years, surely the City can pledge confidence in their Council for one. Objections have been taken to the paragraph which refers to the selling of goods or merchandise by others than natives of the Island, but the latter part of the clause says that if they will take an oath to the effect that they intend to remain in the City, the restriction is not intended to apply. We have to depend greatly on our merchants for many of our comforts in the winter, and it is well known that reckless speculators coming here with a large amount of goods into our market, may all but ruin some of our permanent traders, and it is to protect such that the present clause has been put into the Bill. Now, unless we have a certain number of regular dealers in certain goods, we shall have to deprive ourselves of many necessary articles commonly obtained from our merchants. Upon the whole I consider that it would be an injustice to the City to throw out the Bill.

Debate and House adjourned until to-morrow.

R. GORDON, Reporter.

BILL TO AMEND CHARLETTOWN INCORPORATION ACT.

WEDNESDAY, April 1.

Morning Session.

Mr. BRECKEN moved for the second reading of the Bill to amend the Charlestown Incorporation Act, and said: The Bill under consideration seems to increase the power of the Corporation. I believe the City Council are divided upon the question of increasing the taxation on property in the City. The object of increasing the taxes is to provide funds for making improvements, particularly for macadamizing and improving the streets. I believe a large number of the citizens are opposed to this measure; but there is a necessity that something should be done to remedy the present state of our thoroughfares. The clause that tend to increase the criminal jurisdiction of the Corporation would prove to be for the real benefit of the town, and therefore I hope this hon. House will allow the bill to go into Committee. If any clause is not approved of, it can then be struck out.

Mr. KICKHAM.—I move that the Bill be read this day three months. I think it would be imposing too many restrictions upon Americans and others, to prevent them landing goods without a license.

Mr. BRECKEN.—I think travelling merchants, coming from the neighboring Provinces and the United States, who remain merely while they dispose of their goods, should pay a license. Some time ago, a man brought a large quantity of books here and sold them. Such a person would, by this clause, be compelled to pay for a permit.

Mr. KICKHAM.—Who assisted and increased the trade of the Colony more than Mr. Dixon and Mr. Hall? I do not think they, or others of their countrymen, should be debarred from selling goods at any time.

Mr. POWERS.—It is not my intention to support the motion of my hon. friend from Souris (Mr. Kickham). I believe the object of the Bill is to empower the people of the city to govern themselves, as they wish to be allowed to impose a tax upon property for improving the streets, which, according to the remarks of some hon. members, is very necessary. If they do get the power to do so, it is not to be supposed that they will lay on a very heavy tax. Their powers at present are so limited that no person takes any interest in the Civic Elections, and I think if the citizens had full power in their own hands, they would take a greater interest in this matter, and in improvements in the town. They ask only for what is reasonable. The proposed tax upon merchants coming from abroad can be arranged when the details are taken up.

Mr. BELL.—It appears to me that this Bill has been before the Council, and that it will become this House to give it a three months' notice. If the Corporation have not power to carry out their improvements they should be empowered to do so.

Hon. Mr. McALPIN.—I think that courtesy demands that the matter should have a fair and full hearing, and therefore, I cannot support the amendment of the hon. member for Souris. When the Bill comes up clause by clause, objections can be offered to any part of it.

Hon. LEADER OF THE OPPOSITION.—I cannot support the amendment, but there are some clauses in the Bill of which I entirely disapprove. The clause extending the criminal jurisdiction of the Corporation would reduce the Supreme Court of a great deal of labor. Since the City has been incorporated there has been a great deal more time that Court to attend to important matters as trivial brocades and other minor matters are tried by the Corporation. Sutors have very often to hang on term after term of the Supreme Court, which of course increases the lawyer's fees; and therefore, under these circumstances, I think we would do well to enter into the subject. No party charged with felony can be tried by the Mayor's Court, unless he consents to it, but if he rejects the Mayor's jurisdiction he will then be transferred to the Supreme Court. In nine cases out of ten, parties prefer being tried without delay, and as our criminal court only sits twice a year, if a man commits a crime in the shape of felony or larceny, he will be incarcerated at the expense of the Colony until the ensuing term. If that one clause only becomes law it will save time and money. If the citizens be given power to tax themselves, perhaps they will not any longer want money from the Treasury to carry out their city improvements. I agree with one hon. member when he says that what will apply to the other provinces will not always apply to this Island, and in winter, if we run out of supplies or necessities, it would be almost impossible to obtain them, and consequently that it is the duty of the Legislature to encourage those merchants who are permanently engaged in trade or commerce, and to discourage transient traders. I give the hon. member for Charlestown credit for bringing the subject before us, and I think we ought to go into Committee on it, and strike out those clauses which would be prejudicial to the interests of the Colony, and retain what would be beneficial.

Mr. McNEILL.—I do not think it would be fair for the country members to prevent the House from going into Committee on this Bill, for there are some good principles in it which I believe would forward the best interests of the City. We should not prevent the citizens from taxing themselves; but to prevent transient merchants from selling goods in this Colony is against the principles of free trade. I do not understand what power the City Council wish to have over Tavern Licenses, but when I see it clearly, perhaps I may support the clause relating to it too.

Mr. McALPIN.—If the citizens of Charlestown wish to have power to tax themselves for the purpose of local improvement, I should be very sorry to throw any obstacle in their way, for it is quite right that they should have that power.

Hon. ATTORNEY GENERAL.—I shall support the second reading of this Bill, for no other reason, on account of the clause it contains relating to the criminal jurisdiction of the City Council, but in doing so, I am under the apprehension that the people of the town in general do not care to have this Bill passed, on account of the clause it contains relating to increased taxation. As it has been printed for general information, those who wished to oppose it had an opportunity of petitioning this House against it. This small sum which the Corporation wish to lay on real estate would assist them in laying down sidewalks, which every one must see is so necessary in all parts of the town. I will vote for the second reading of the bill, but I will oppose the clause restricting free trade.

Hon. Mr. DAVIES.—I do not think this Bill should be thrown out, for it has received the attention of the City Council, and of the hon. member who has introduced it. To give it a three months' notice would be unfair, for we should give it due consideration. I approve of what has fallen from the Hon. Leader of the Opposition on this subject.

The amendment was then put to the House and lost. On motion of Mr. Brecken the House then went into Committee of the whole on the Bill to amend the City Incorporation Act.

Mr. McLennan in the Chair.

The clause relating to the increase of taxation was read.

Hon. LEADER OF THE GOVERNMENT.—I think there are taxes enough on Real Estate; let the tenants be taxed for a part of the burden, as they derive benefit from improvements as well as the proprietors.

Hon. Mr. DAVIES.—There seems to be a great difficulty in enforcing the laying of sidewalks, therefore this House should allow the Corporation to lay them at the expense of the owner of the House. These sidewalks are of very great service, and I think this in itself, is a good reason why the powers of the Corporation should be extended. Although they ask power to lay on the taxes to the pound, they may not impose that amount—they only ask for the power to do so. An additional tax is required to construct the sidewalks as originally intended.

Hon. LEADER OF THE GOVERNMENT.—If the Corporation have a law that every person shall lay down a platform opposite his own property, why do they not enforce it. The sidewalks are wider here than they are in New York, and are only a trouble in winter, which shows that the Councils did not understand how to build them. It would be hard that proprietors should be compelled to build such great wide platforms, for when a man has two or three hundred feet of frontage, he expenses would be considerable. Let the platforms be built of a reasonable width, and they will not cost so much. The Corporation find plenty of excuses to lay on all the taxes we allow, and if we empower them to lay on a shilling in addition to the present tax they would exact every penny of it. With the funds they have they could do a great deal. The street that was macadamized they spoiled by removing the stone to another place.

Hon. Mr. DAVIES.—The laying down of the platforms should be empowered to a competent person appointed by the Corporation. The present law relating to the sidewalks cannot be carried out; but the present application to the Legislature is for power to carry out these improvements. I think the City Council are wisely laying down sidewalks with planks of a good length for in going down the Main Street on a market day, it is no uncommon thing to meet three or four persons walking abreast on the platform. In the Main Street at least the platforms should be wide.

Hon. Mr. HENDERSON.—Hon. members who are citizens should be competent to speak on this subject, and to inform us concerning city matters generally. Many owners of property in the city have placed expensive platforms opposite their premises in accordance with the laws of the Corporation. If all persons who are owners of Real Estate are not compelled to lay down platforms, those who have done so should have the sum which they have expended upon these improvements refunded to them.

Mr. REILLY.—I think this House should hold the Corporation responsible for making the proposed improvements and pass the bill as it is, without any amendment. If it is left as it is it will arouse the citizens to a sense of their neglect of improvement, and perhaps have a beneficial effect.

Hon. ATTORNEY GENERAL.—Although I intend to vote for this clause to impose an additional tax, I do not think the Corporation have properly managed the funds they already have, which I believe amount to three thousand pounds per annum. I understand that a good deal of money is expended on the Fire department, which of course must be sustained whatever else falls behind. If this money is to be expended in laying down platforms and macadamizing the streets, I will give it my support. If, as the hon. member for Saint Peter's (Mr. Reilly) has stated, an additional tax will arouse the people to a sense of their position with regard to improvements, it will do good.

Mr. BRECKEN.—The net revenue of the City may be reckoned at two thousand pounds, and the City debt on the 31st of December last, was

Hon. ATTORNEY GENERAL.—As the funds are now expended in an improper manner, we do not receive the advantages we should enjoy. I do not agree with the principle that Real Estate alone should be taxed, for the improvements that are made by the Corporation are for the benefit of all classes in the City, and for men engaged in every kind of business. The merchant, who may have his £5,000 or £10,000 worth of goods, escapes taxation, because he rents his shop, while his next door neighbor, a poor widow is taxed because she is owner of her house, which perhaps is a

property she possesses. The principle is not a sound one. I do not see why Real Estate should be the only property that should be taxed. According to this Bill the man who owns a fine house would pay no more tax than a man who owns a poor one; therefore the principle is unjust.

Hon. Mr. DAVIES.—I cannot agree with those hon. members who think that Real Estate should not be taxed in the present case for improvements to be made in the city. I think the working classes have enough to bear already, without having to pay ten or twelve per cent on their rented cottages. I think that is driving the working class horse to hard.

Mr. BRECKEN.—I said that proprietors should not be forced to take the whole burden of the taxes; the tenants should bear a part. We know this principle is carried out in Halifax, N. S., and if both parties bear a share of the burden, it will be lighter. No matter what business a man may be engaged in, he will find that good streets and sidewalks are necessary, and this will apply to all cities.

Hon. LEADER OF THE GOVERNMENT.—If merchants and traders are to be broken down by a light tax it is more than that a reform should be made among the mercantile community; but I believe merchants have been making more money lately than ever they made before, and consequently are able to pay a tax. This proposed tax should be levied in an impartial manner; therefore the principle embodied in this bill is incorrect. Some of the wealthiest people in the community merely rent their dwellings, and thereby they would escape this tax.

Mr. P. SINGLAI.—As this is a City Bill, hon. members from the country will not take much interest in it. I believe after all that has been said, that the tenant will have to bear the heaviest share of the burden, for the proprietor will raise the rent in proportion to the increase of tax on real estate.

Hon. Mr. DAVIES.—If a man chooses to invest money to a large extent in Real Estate, he should not be allowed to be taxed. For we know proprietors take very good care to throw the principal burden upon the tenant in the shape of increased rent. The people of the city are opposed to this tax, and a meeting was held some time ago at which it was shown that the opinions which this House held were against them. I think we should pass the clause under consideration as it is.

Hon. Mr. CALLECK.—I believe that the majority of the citizens would consent to a tax for it we take the Fire Department into consideration, we will find that large outlays are required, as a large proportion of the property in the city is uninsured. I believe that if the City had sufficient funds, that a destructive fire would not have occurred, and therefore the principle of the Bill is quite correct. As property increases in value, by means of these improvements, the rent will be increased also, and thus the burden will, after all, be borne by the tenant. Sidewalks must be kept up in front of vacant lots, as well as in front of buildings. I think the tax could not be laid on in a more equitable way, and that we should agree to pass the clause without amendment.

Hon. ATTORNEY GENERAL.—Before that clause is sent to the House, I intend to move that this provision be added to it, viz: that the funds arising from this increased tax shall be expended only in improving the streets of the City. The object of this provision is to prevent the Corporation from using the moneys arising from the proposed tax for any other purpose than that for which it is asked. I think it will remove all the objections complained of as to the possibility of these funds being applied to any other purpose. An expense incurred by making permanent improvements in the City should be levied upon real estate. I move that this proviso be added to the clause.

Mr. JENKINS.—If we increase taxation I think it should take another direction from the present time, because if this tax is or improvements, it will be a direct benefit. I am informed that this three pence in the pound was to be made a sinking fund, to enable the City to repay up a proposed loan in twenty years from the present time. I think this would be a better plan than to apply it for the construction of sidewalks, because this sinking fund is sufficient to carry on extensive improvements, which are really required. If the loan can be repaid at a reasonable rate of interest, and the tax be applied as a sinking fund, I think it would be an advantage to the City generally. If this tax is not to be used for that purpose, nothing important can be accomplished by means of the funds arising from it. I do not see why merchants and traders should not contribute something towards the revenue of the City, as they are doing unconsciously well in their line of business. But if this tax is intended solely for sidewalks, it should be imposed on Real Estate alone.

Mr. POWERS.—I will support the clause, for I think it is a hard case that the City authorities should not be allowed to tax property in the City for improvements. If we lay down a law to prevent the inhabitants of the City from taxing themselves, how can we find fault with the House Government for not allowing us the entire control of our own affairs. I would be better pleased to have the bank in this clause filed up with the words "not because I wish to see the citizens of Charlestown overtaxed, but to let the City authorities have the power to tax for improvements as they may think proper. The City Council should be accountable to the people of the City alone for the manner in which the funds of the Corporation should be expended; and if they do not please the people, better men would specify to be put in their places.

Hon. LEADER OF THE OPPOSITION.—According to the principle laid down in this clause, only one class of citizens are to be taxed, viz: the proprietors. This clause must be amended so as to lay the burden on both the owner of property and the tenant. For instance, I was a piece of land to a tenant for twenty-one years (which is commonly the case), and he builds an expensive house upon it, he would escape the tax during the whole of that period, while I would be charged to pay it, which would be unreasonable. In some cities valuers are appointed who annually go round and value the houses and then report to the City Council and upon that valuation the assessment is founded. I think we should allow the Corporation to levy a tax upon both proprietors and tenants for both these classes derive benefit from City improvements.

Mr. REILLY.—As the majority of the people are tenants and very poor, they have just enough to do in paying the present rent. If the value of property increases by having sidewalks in front of it the proprietor will lose nothing by paying the tax, as he will receive a higher rent. So the tenant has to bear the burthen after all.

Hon. LEADER OF THE OPPOSITION.—That may apply in a case of those who take short leases, but not when the lease is taken for twenty-one years, and in comparison, the proprietor receives only a nominal rent, the case would be different.

Mr. P. SINGLAI.—If a tenant holds a five years' lease, he would soon have a share of the increased tax to bear; but if the tax is to be brought to bear equally upon proprietor and tenant, it will be better to charge the whole estate at once.

Hon. LEADER OF THE OPPOSITION.—It will be better to alter the clause altogether, as the hon. member for New London has proposed.

Mr. BRECKEN.—I move that the debate on this clause be adjourned for further consideration.

The debate on the clause was accordingly adjourned. The next three clauses were severally agreed to without amendment.

The next clause was disagreed to. The clause relating to a tax on travelling merchants and traders in the City, was then read.

Mr. BRECKEN.—I think this clause is more objectionable than the first, for if a trader does not become a British subject, this would be a violation of the principle of free trade; therefore I move that it be disagreed to.

After a few remarks were made by one or two hon. members, the clause was disagreed to, and, as the seventh followed in the same strain—it was also disagreed to. The eighth clause was read.

Hon. LEADER OF THE OPPOSITION.—That is a clause which I cannot support, as parties coming from the country would run a great risk of being imposed upon. We have a new class of men commonly called runners, who look out for oats, potatoes, &c., and as a general rule receive a halfpenny per bushel for all they can bring to their employers. There is so much rivalry among these men that a countryman can hardly get along without being assailed by half a dozen of them

at once. The man who has the most muscle generally wins the day; and this kind of work should be prevented, for these men tell the farmer that grain, potatoes, &c., are lower in price in the market than they really are, and thus the farmer is cheated. When he finds out that the market price is higher, he repudiates the bargain he has made, and a quarrel ensues. I think it would be better to leave the law as it now stands.

Hon. ATTORNEY GENERAL.—I do not know that the City Council could give satisfaction in these matters. I recollect some years ago that they exercised a jurisdiction which they had not received. Because the runners had broken their agreement Mr. Bell was kept in Jail from Saturday night till Monday morning, which was owing to a deficiency in the City laws.

Mr. McNEILL.—I think these Commission Merchants have had instances enough of the trouble occasioned by these runners. When these fellows come to the store to which they had led the farmer, they would escape after having duped him, and he had to take just what he could get. I think the clause should be disagreed to.

Hon. Mr. DAVIES.—This law was in operation in operation in Halifax some years ago, and gave the Corporation of that City such power over those people who had farm products for sale, that any evil disposed person could put them to trouble by bringing a false charge against them. There were many instances where citizens of the Corporation had taken things from the country people under that law. As people were led off to trial upon a false charge, their farm products were often taken from them on false pretences.

Hon. Mr. LAIRD.—It appears to me to be a very hard case that this clause should be disallowed, for it would enable the citizenry to bring up these runners before a court of justice. I do not think the clause is so objectionable as hon. members would make it appear.

Mr. McNEILL.—It would be a poor consolation for a countryman who had been duped, to find out these runners to bring them up before the Court and prove them guilty, when perhaps he had not the time to spare.

Hon. LEADER OF THE OPPOSITION.—And if you did get them, you could not get blood from a turnip.

Hon. Mr. HENDERSON.—Perhaps two of the runners would agree to testify against the farmer, and so the case would go against him and he would be under a disadvantage.

The clause was disagreed to.

The clause relating to fine and imprisonment for larceny was then read.

Mr. BRECKEN.—Under the present law the City Council have power to hear and determine larcenies when the value of the goods taken does not exceed ten pounds. They have power to punish by a fine not to exceed ten pounds, and imprisonment not to exceed six months. This is a very well for the trial takes place at once without obliging the guilty parties to stay in jail to await their trial. Large sums of money are sent to the Crown prosecutors; and, therefore, I would suggest that the City Council be empowered to hear and determine larcenies, when the value of the goods taken amounts to a sum under twenty pounds, and that they be granted leave to fine to the extent of double the present amount as well as to imprison twelve months instead of six as at present. Of course the party apprehended still has the choice of being tried by the Supreme Court. The Corporation have lately received the Supreme Court of some of these criminal cases, that they have saved a great deal of time and money; and, thereby, greatly benefited the Colony.

Hon. LEADER OF THE OPPOSITION.—There is one principle in that clause which I do not approve of, that is the punishing of the crime of theft by a fine. I do not think theft should ever be punished by demanding a sum of money, it should be rewarded by imprisonment and hard labor, for money is no compensation for crime. We know it is a great temptation for the City Council to punish by fine when they are short of funds. In the early ages of the world there was a regular scale of fines for crimes from an ordinary theft up to manslaughter, according to the position of the parties implicated. As this crime is prohibited in the decalogue, a punishment by fine is unsound.

Hon. Mr. LAIRD.—I think it is a principle in British jurisprudence that no man is to be judged except by his peers. We should not empower the City authorities to imprison a man for a whole year, for that would be too much power to place in their hands, without referring the criminal to his peers.

Hon. ATTORNEY GENERAL.—A man cannot be deprived of a trial by his peers, unless he submits himself to be tried by the City authorities. If a man has a valuable watch stolen out of his pocket and the thief was apprehended and fined, the City would have the benefit of the crime by getting the fine imposed upon the offender. It would be well to give the City Council power to imprison a criminal a whole year, but it would be a dangerous principle to allow a criminal to escape by paying a heavy fine, for evil disposed persons would soon make a business of theft by stealing property which would be worth a larger sum than the fine imposed upon them.

Mr. BRECKEN.—It is certainly a rather novel principle to punish a felon by demanding a fine, but it is not peculiar to Charlestown. The same principle prevails in Halifax, Nova Scotia, and I think it might be left to the City authorities to punish either by fine or imprisonment as they may think fit. With respect to the remarks of the hon. member for Gedeque (Mr. Laird) the principle that a man should not be deprived of his liberty without the judgment of his peers is not involved, for the criminal can appeal to the Supreme Court, if he chooses to wait in prison or give security for his appearance at the proper time. I have never heard any complaints of the judgments passed by the Mayor and City Council, and therefore, they might very safely be entrusted with this matter.

The Committee then rose and reported progress.

House adjourned till ten o'clock to-morrow.

OXENHAM, Reporter.

THURSDAY, April 2.

Afternoon Session.

On motion of Mr. McNeill, the "Bill to prevent accidents to persons travelling on the Ice," was read a third time and passed.

On motion of the Hon. Mr. Calbeck, the "Bill to incorporate the Minister and Trustees of the Baptist Church at Long Creek," was read a third time and passed.

On motion of Hon. Attorney General, the "Bill to consolidate the laws therein mentioned, relating to the Savings' Bank," was read a third time and passed.

Hon. Mr. DAVIES.—Mr. Speaker, I presented a petition to the House a few days ago from William Jardina, showing that he labored under a great disadvantage and inconvenience in having to keep and repair a house and a half miles of private road, and asking the House to take the matter into consideration and allow him to perform his statute labor on this private road, and that he be allowed to vote the same as if he had performed his statute labor on the public road. I move that a Committee be appointed to report on this petition by Bill or otherwise.

Hon. ATTORNEY GENERAL.—Mr. Speaker, the case of the petitioner is no doubt, a peculiar one, but we would have to make a change in the Election Laws, if we granted the prayer of his petition, and it would be a most extraordinary thing to do this for the sake of one man. I should think that if the Commissioner pointed out this road as the place where this party was to perform his statute labor, he would give him a certificate to enable him to vote the same as if he had performed his statute labor on the public road. It would detract from the dignity of this House to change the Election Laws for the sake of a small piece of road at Chain Point. And besides, if the prayer of this petition were complied with, we should soon have numbers of others from parties similarly circumstanced, and we should require twenty or thirty clauses in the law, stating that such and such persons have a right to vote because they have performed d statute labor on roads leading to their houses. This gentleman is, I suppose, a constituent of the hon. member for Belfast, and he would like to see him relieved from any unnecessary trouble, but under the circumstances I think it would be better for him to withdraw his motion.

Hon. Mr. DAVIES.—This gentleman is a constituent of mine, and a man of sterling integrity. But I wish to show the peculiar hardship of this case—the Road Commissioner although he allows him to perform his statute labor on this private road, will not give him a certificate unless he will vote according to his wishes.

Hon. LEADER OF THE OPPOSITION.—Mr. Speaker, I fully agree with the remarks of the hon. Attorney General. I think that if the motion of the hon. member is granted, next session we shall have the Clerk's Table inundated with petitions of this nature. There are a number of settlers on the North Shore who have built their houses on a long distance from the shore, in order to escape the cold winds, and if the prayer of this petition is granted, they will all send in petitions to allow them to perform their Statute Labor on their own farms. Mr. Jardina may be a very sterling man, but I do not see what that has to do with the question. If we were to grant the prayer of his petition, it would be legislating for an individual, and that is a principle which this House should not allow. If you release this man, it can only be done by an Act of Parliament, and how dignified it would look for this House to spend so much time and go to the expense of several pounds to save this man a few shillings every year.

Hon. LEADER OF THE GOVERNMENT.—I should like to give this man the privilege of performing his Statute Labor on the road leading to his house; but if we legislate upon it, many more will want the same privileges. I do not think the House can entertain petitions of this nature.

Dr. JENKINS.—If the prayer of this petition is complied with, I shall petition to have my Statute Labor performed on my own farm, as my farm house is a quarter of a mile from the main road.

The question was then put on the motion that the hon. member (Mr. Davies) have leave to withdraw his motion, and carried.

MILITIA BILL.

Dr. JENKINS.—According to notice, I beg leave to introduce a Bill to amend the Militia Law, now in force in this Island. The object of the Bill is to increase the efficiency of the Militia Force, and at the same time to relieve the people from some of the inconveniences which they are subjected to under the law as it now stands. The Inspector General approves of the spirit of the Bill, and I do not think he would approve of anything which would militate against the welfare of the people. The law provides that in time of peace only one half of the people shall be called out, and if any one is unwilling to serve, he can provide a substitute who will be obliged to undergo a medical examination. The militia are to be called out only five days in the year, and drilled four hours a day. Under the present law a man is liable to be called out ten days, and drilled one and a half hours per day. When a man is obliged to drill one and a half hours per day, he loses the whole of the day, for he is unfit to do anything the remainder of it. If a man drilled four hours a day for five days, he would have twenty four hours' drill instead of fifteen as under the old plan and at the same time he would not lose so many days.

It was moved that this Bill do have its second reading to-morrow.

Hon. LEADER OF THE OPPOSITION.—This Bill, Mr. Speaker, I enter my protest against, as I did against the Bill introduced by the hon. member for Tryon. It is contrary to the principles of constitutional government, that a Bill of such a nature should emanate from a private individual. If the Government wish to shrink the responsibility, let them come down and say that they do not think there is any necessity for a militia law—that it is a useless expenditure of the public money. The hon. member said that the Inspector General approved of the principles of the Bill; if such is the fact, and the Government consider that the Bill is required, let them come forward and take the responsibility of it. I take two exceptions to that Bill—the first is that the principles enunciated in it have been before the House this session already, in the Bill brought forward by the hon. member for Tryon (Mr. Howatt), and it is a rule of Parliament that the same Bill shall not come up twice in the same session, and the second is, that it involves pains and penalties, and consequently must originate in a Committee of the whole House.

Hon. ATTORNEY GENERAL.—When a subject has been before the House once during the session, it cannot be taken up again. I also agree with the hon. Leader of the Opposition, that the Government is the proper party with whom the militia Bill should originate; but any independent member is free to introduce any Bill, and I do not know of any rule that will enable the Government to prevent him from so doing. As to the Inspector General of militia approving of this Bill, I can only say, that although I am in almost daily communication with him, he has never spoken to me on the subject. The object of this Bill is to lessen the number of days in which the militia can be called out. The reason I oppose the Bill is this, that the matter is now left in the hands of the Government. The law says that the number of days shall not exceed ten, but if it is found inconvenient to call the people out so often, the Government can reduce the number of days to five or six; therefore I do not see any necessity for introducing this bill. In the ordinary the people have never been called out more than six days, and in Charlestown only seven. I am not prepared to support this bill of the hon. member, I accord to him a good desire in bringing it in, but I don't think it necessary.

Dr. JENKINS.—I contend, Mr. Speaker, that none of the principles of this Bill were before the House in the Bill introduced by the hon. member for Tryon—that Bill limited the time during which the militia should be called out, but this only limits the number of days. As regards the question of pains and penalties, of course I shall have to bow to the decision of the House in this matter. The hon. Attorney General has said that the people in the country are only called out six days, and if that is the case, I think it is unfair for my constituents to be called out seven. It is a matter of more importance in town than in the country, for the value of labor is greater. If there was any danger of war I should be very sorry to lessen the militia force of the Colony, but I believe this Bill would increase the efficiency of that force. Even in case of war between Great Britain and the United States, I think we should not be interfered with.

Hon. LEADER OF THE GOVERNMENT.—A Bill of this nature which imposes any tax or penalties should originate in a Committee of the whole House.

Hon. Mr. HENDERSON.—I should be very sorry, Mr. Speaker, to see any measure unconstitutionally rejected that has for its object the efficiency of our militia force. I am at a loss to understand the sentiments expressed by the mover of this Bill—we are to defer from what he has said, that even in the event of a war between Great Britain and the United States, all the chances are in our favor, but if I am not totally astray, I believe it to be a matter of history that a Governor of this Island was carried away bodily in time of war. We should endeavor to keep in harmony with the British Government on the question of defenses.

His Honor the Speaker decided that the Bill could not be introduced this Session.

Mr. Bell presented a petition from George Maggieson, Read and ordered to be referred to a Committee to report thereon, by Bill or otherwise. Ordered that Mr. Bell, Hon. Mr. Davies and Hon. Mr. Howatt, do compose said Committee.

(To be Continued.)