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.

Vol. XII. Charlottetown, Prince Edward Island, Monday, April 21, 1862. New Series.---No. 15.

Colonial Parliament.

HOUSE OF ASSEMBLY.

WEDNESDAY AFTERNOON, March 19.

The consideration of the Award of the Land Commissioners was made the order of the day for Friday next.

Hon. Mr. Haviland introduced a Bill to regulate proof of certain documents in suits wherein foreign corporations doing business in this Island are parties. The Bill provided that the policy should be prima facie evidence of the contract. Read first time.

Hon. Mr. Longworth presented a petition of John Morris and others, for the repeal of the section of the Small Debt Act which prevented the imprisonment of debtors for sums under Ten pounds.

The Bill to incorporate the Presbyterian Church at Bedeque, was read third time and passed.

Hon. Mr. Wightman---a petition of inhabitants Lot 66 and others, for grant to repair Brothers' Road.

Hon. Mr. Hensley presented a petition of inhabitants of Souris, Bay Fortune, Rollo Bay, and the North and South sides of East Point, for grant to extend a breakwater at Souris. He trusted that it would receive the favorable consideration of the House, to which he thought it was entitled, from the fact that the people had, at their own expense, constructed 303 yards of the breakwater already. Laid on the table.

Hon. Mr. LONGWORTH, in moving the second reading of the Bill authorising the granting of the shores of the Island, stated that an Act on the subject had been passed in 1860, which contained a suspending clause. By a despatch from the Colonial Minister under date of the 2nd January 1861, it appeared that he thought it was, in some manner, connected with the question of the Fishery Reserves. The Act gave the Lieut. Governor in Council power to grant the shores of the Island between high and low water marks for the purpose of constructing wharves, breakwaters, slips, &c., for commercial purposes. The Colonial Minister was of opinion that the powers proposed to be conferred by the former Bill were not sufficiently defined. The present Act would affect merely the space between high and low water marks, and the only question on which a difference of opinion might arise, would be as to the mode of protecting the rights of parties occupying lands fronting on the shores. If they should refuse to allow a party to erect a wharf or other work in front of their farms, it appeared but fair that they should be heard on the subject of their objections. The Colonial Minister used the term proprietors, but there is no doubt that he meant the parties in occupation of the land; for a man having a long lease would be as much interested in the frontage of his farm as if he had the legal estate in fee simple. The Bill specifies that the consent of the owner shall be a pre-requisite to the obtaining of a grant, and defines the application of the term to mean any person having an interest of 100 years' duration in the land. If the House decided on giving the privilege without the consent of the owner of the land, the latter would be entitled to compensation. When the original Act was introduced, it was not contemplated to allow the grantee of the shore to attach buildings to the land without the consent of the owner. It was merely intended to convey what should be specified in the grant itself, but it was not expressed with sufficient distinctness. The present Act clearly defined the rights of the owners, whose consent to erections attaching to their premises, must be obtained, or some mode of adjusting the value of the part so to be occupied, must be devised. There were difficulties in the way of arbitrations on the point. The Bill was not a Government measure. The Government had no interest in the matter. It only affected individual rights and interests.

Hon. Mr. COLES---if it was not a Government measure, it ought to be. It dealt with the right to occupy the shores between high and low water marks, which were vested in the Crown. The rights of the occupants of the farms merely extended to high water mark, except where they had been specially extended to low water. He would not say that the owner should not be paid, but he should at least be heard in his own behalf, as is done in the case of shutting up a road where three parties are appointed to make their report to the Government. The Government should have had the Bill matured, and not have brought it to the House to be adjusted in Committee. He did not, however, object to the second reading.

House in Committee on the Bill.

Mr. HOWAT saw no reason why the consent of the owner should be necessary. The public had the right to all below high water mark. As at present drawn, the Bill would be a dead letter---for no party could avail himself of it, without paying an exorbitant sum, if it were demanded.

Hon. Mr. HENSLEY thought it would be better to give the right of preemption to the owners. If the question were left to the action of the individual owners, the Bill would in many cases be a dead letter. The Bill by making the consent of the owners of the backland necessary before a grant of the shore could issue, was limiting the power of the Crown, which had the absolute right in the lands to be affected by it.

Hon. Mr. LONGWOTRH---it was not in the power of the Government to enforce those regulations without the intervention of the Legislature. The Government were merely the trustees of the people. That being the case, it was proper that the legislative action should be taken to define the relative rights of parties. The Bill would facilitate trade, by sanctioning the occupation of the space between high and low water marks; but it should be borne in mind that the Crown had no right to the land above the former, and the grant would not be worth the parchment on which it was written, unless the grantee could obtain the privilege of attaching any erections he might put up to the adjoining bank, connection with which would also be necessary for the purpose of road communication. As the part granted might be used for different purposes, and to various extent, it would be impossible to ascertain the *quantum* of benefit or damage to the owner of the adjacent soil, as was done under the Road Compensation Act; and, therefore, it was better that the grantee should make his own bargain with the proprietor.

Hon. Mr. COLES---The better plan would, perhaps, be to authorize the Government to grant the shore to the occupiers of the land abutting on it, who might by the Bill be prevented from going from one part of the shore of their farms to another, in consequence of a wharf projecting.

Hon. Mr. THORNTON was satisfied with the Bill so far as it did not disturb the possession of the holder of the soil, whether tenant or freeholder. He could, however, see no reason why tenants holding leases for periods less than 100 years should be excluded from the operation of the Bill. He was unwilling to give to any Government the power which the Bill would confer.

THURSDAY, March 20.

After the reading of the Journals, Hon. Col. Gray rose to call the attention of the House to the report of what fell from him in the debate on the evening of the 26th February, in which the words, "The explanation I am about to give reminds me," &c., occur as having been used by the hon. member. The words which the hon. member used were, "In asking for this explanation, I am reminded of an anecdote," &c.

Hon. Col. Gray had asked the hon. member, Mr. Coles to explain which leader of the Government was alluded to, as the hon. member, Mr. Coles, had distinctly alluded to acts affecting both Hon. Mr. Palmer and Hon. Col. Gray.

The following petitions were presented:---

By Hon. Mr. Yeo, from Archibald Gillis and others, for compensation to William Gillis and —— Bearisto for right of way through their farms to the Tignish road.

From inhabitants of the Linkletter settlement for aid to complete a new road.

From inhabitants of Summerside, St. Eleanor's, &c., for opening a new line of road to Summerside.

Referred to the Committee on new roads.

From Angus Campbell, Cascumpec, for indemnification of loss sustained by him as surety for John McDonald---withdrawn.

Inhabitants of Lots 13, 14 and 16, for grant to extend the wharf at Ellis River.

Inhabitants of Lots 14 and 16 for grant to complete the road on the line of division between these Lots.

Inhabitants of Lots 14, 15 and 16 for grant to build a bridge across Trout River, and to open a road in connection with it.

By Hon. Mr. Longworth, from inhabitants of Lot 65, and others for grant to complete the wharf at McEwen's point.

Another for grant to extend the wharf at Rocky Point. Tabled.

The House then went into Committee on the report of the special Committee appointed last Session to report upon the Bill to alter the License law. Mr John Yeo, Chairman.

The first clause having been read,

Hon. Mr. HENSLEY moved that it be agreed to. At present the City Council of Charlottetown had no power to limit the number of taverns. Any party who could get two members of the Council to sign his certificate could obtain a license. The alteration which transferred the application to the judgment of the majority of the Council was, in his opinion, a good one, and would obviate the objections which had been made to the present system.

Mr. BEER seconded the motion as wise and beneficial. At present it was competent for a party to obtain a license if he procured a certificate of two Councillors, although all the rest of the Council might be opposed to his application. There was no doubt that the intention of the law was that all tavern licenses should be subject to the decision of the Council as a body.

Hon. Mr COLES had been informed that there were but two Councillors who would sign the necessary certificates. He did not think it was a question for Charlottetown's sole decision, as the people from the country were interested in having proper accommodation when they came to town. On market days great numbers of them came here, and people would not be induced to keep public houses unless they had the privilege of selling liquor, from the sale of which alone they would derive any profit. The opinion was pretty general that it would be as well to do away with the Corporation altogether. It entailed a heavy tax without conferring adequate benefits. The civic affairs were in a worse state now than when the old system was in force. The Corporation had neither money nor credit, and before increasing their powers, it might be as well to see if they should not get rid of them altogether. If undue obstacles were thrown in the way of obtaining licenses, illicit traffic would increase, on which there would be no check, except through the agency of informers, whose employment was not a very respectable one. If parties were licensed and provided sufficient accomodation, the authorities could exercise control over them, and if it should be found that the taverns were too numerous, the evil would cure itself, for the business then would not pay. From the country parts of the Island petitions had been received, complaining of the refusal of magistrates to sign the certificates in cases where the accomodation was necessary for travellers. If people could not get licenses which would allow them to sell spirituous liquors, there would be no places at which a traveller could get accommodation for himself or his horse.

Mr. DAVIES was not aware that only two Councillors would sign the certificates. He agreed with the hon. Mr. Coles that if they made the law too stringent, illicit traffic would increase, but the number of licensed taverns in the city should be matter for the decision of the Common Council. It was true that the City was in debt, but it should be borne in mind that their means were small. The repairs of their wharves has run them £1000 in debt, and it was impossible to carry out any public improvements without the requisite funds.

Hon. Mr. LONGWORTH---Many experiments had been tried with a view of preventing the improper granting of licenses. The object of erecting Charlottetown into a Corporation was that it should have the control of its own affairs. The rejection of the clause before them would be a denial of the legitimate functions of the Common Council. It was not to be presumed that they would exercise their authority adversely to the wishes and interests of those whom they represented. He agreed with the hon. Mr. Coles that it would be impolitic to withhold licenses, so long as they derived a revenue from the importation and manufacture of spirituous liquors. If the granting of licenses for their retail was contrary to morality, it would be equally improper to authorize their introduction into the Colony, and while they were imported they would be sold. He could not agree with those who would stop the sale of liquors. If such a course was adopted, illicit traffic would be the result. It was impossible to legislate a man into morality. The only way was to regulate the traffic. If no licenses were granted, they would be proclaiming to every man that he might sell as he pleased. Every licensed tavern could be under the surveillance of the police, and, if licenses were abolished, a policeman would be powerless to deal with places, many of which were hotbeds of evil. He thought that the present provision in the Act requiring the approval of the majority of the resident householders of a school district was a wholesome restriction on the improper granting of licenses. The householders of a district were the best judges of the necessity of a tavern in their neighbourhood. A certain number must be established for the accommodation of travellers, who would otherwise be without food or shelter. With reference to the City, it was but reasonable to assume that as in a multitude of Councillors was wisdom, so a majority of the Common Council would be found as capable of dealing properly with the subject as two of their body.

Mr. BEER---The hon. member, Mr. Coles, had misrepresented the Common Council, when he stated that but two of their number were willing to grant licenses.

Hon. Mr. COLES had been told so by a member of the Council.

Mr. BEER believed that no more than two were in favor of increasing the number of licenced houses in the City, and the Councillors were justified in trying to limit their number. The Council needed all the funds they could procure from licenses, and were desirous of obtaining them to any extent consistent with propriety, but they did not wish to see every third house a grog shop. They wished to have the power of diminishing the number of taverns, the increase of which should not be left to the discretion of two members. As to the debt of the City, alluded to by the hon. Mr. Coles, it was well known that it was occasioned by the cost of the wharves, which should have been defrayed out of the general revenue.

Hon. Mr. LAIRD could see no good reason for any alteration. It was true that the City Council was elected by the people of Charlottetown, but each Ward elected its two representatives, who were enough to decide upon the number of licenses, and should have the same power as the Act gave to two Justices of the Peace in the country.

Hon. Mr. HENSLEY reminded the hon. member that in the country it was requisite to obtain, in addition to the signatures of two Justices, the recommendation of a majority of the householders in the school district in which it might be proposed to open a licensed tavern. It was but right that the Common Council should have the regulation of the number, and supervision of the character, of houses of that description within the limits of its jurisdiction. He did not doubt that the hon. member, Mr. Coles had been told that no more than two of the Council were in favor of granting licenses. The members of that body would grant them if they thought them necessary. They were not opposed to the system of licensing on the principle of the Maine law. They were unwilling to deprive themselves of the source from which they derived a principal portion of their civic revenue. The occupation of a tavern keeper was as lawful as that of an auctioneer, or any other which required a license and was so acknowledged by the fact of a license being required. He did not recognise the truth of the assertion that taverns could not be sustained without the sale of liquors.

Hon. Mr. McAULAY could conceive no objection to the clause, with which the solvency or insolvency of the Corporation had nothing to do — and an allusion to which was quite out of place. It was but reasonable that the majority of the Common Council should control the minority, as was the case in every corporate body. If two of them were wise the chances certainly were that four would not be fools. He would support the clause; it was merely wasting the time of the Committee by offering opposition for which there were no tenable grounds.

Hon. Mr. POPE---As the Common Council was responsible for the proper management and regulation of the City, it was but right that they should have the power given them by the clause. He agreed with hon. Mr. Hensley, that the same check did not exist in Charlottetown as in the country, where, in addition to the certificates of two Justices of the Peace, the recommendation of a majority of the householders of a school district must be obtained before a license could be granted. If the citizens of Charlottetown should be dissatisfied with the conduct of their Councillors, they could elect others in their places. The clause would not effect licenses already issued, but he thought it would be an improvement if it should, and if two thirds of the present number of taverns were suppressed. He supported the clause with pleasure.

Hon. Mr. HAVILAND---The law tended to create confusion. In the country, no one could obtain a license in opposition to the wishes of a majority of the householders within the school district. Charlottetown was divided into five Wards, each represented in Common Council by two members; as the law was, any two of them could certify for a license in any Ward, although the majority of the inhabitants and the two Councillors of the particular Ward might be opposed to it. As an illustration, it might be that Ward number Five had taverns enough, or more than enough, but, notwithstanding that, a party had only to apply to the two Councillors of Ward number One, and he could get his license at once. Now, if the application were made to the assembled Council, it would be fairly and fullly discussed, and a deliberate decision arrived at. There was no doubt that the number of taverns in Charlottetown was excessive, and exercised a demoralizing influence. If their number was decreased, the character of the remainder would be improved. Many houses which have obtained licenses had not the accommodation for travellers which the law required. They were merely places where a man could only get a glass of grog and then go away.

Hon. Mr. COLES---If such were the case, it was not very creditable to the authorities of Charlottetown, for the law gave the Councillors the right of supervision, and power to suspend the licenses, in cases where the Act had not been complied with.

Mr. SINCLAIR---Did not object to the clause, in so far as it related to Charlottetown, which had a representative government---but he was, on principle, opposed to all monopolies. In the country districts he would prefer seeing strict regulations established, and then leave the sale of liquors to free competition. The best kept House would then get the best custom.

The clause was then agreed to.

The 2nd clause, providing for renewals of licenses was agreed to.

The 3rd, which provided for the treatment of confirmed drunkards as lunatics, having been read,

Hon. Mr. COLES expressed his approval of the principle involved; for a man who had reduced himself by habitual drunkenness to so disgraceful a state as to be unable to take care of himself, should be declared a lunatic and treated as such---but he presumed that, when he became sober, he would not be prevented from managing his own affairs, and resuming control over his property.

Mr. DAVIES---In such case, a jury should decide, and if they deemed it necessary, trustees should be appointed to take charge of his property. There was a similar law in the States, and it had been attended with good results.

Hon. Mr. THORNTON---The principle was a good one. A confirmed drunkard should be pronounced insane, but he would like to know where he was to be put? The present Lunatic Asylum was already full to overflowing. Was it intended to build another to be known as the drunkard's Lunatic Asylum? (Laughter.)

Hon. Mr. HENSLEY---There would be no necessity that the party should be sent to the Asylum. The Master of the Rolls could declare him a Lunatic, and put him in charge of two of his friends. As the hon. member, Mr. Davies had said, the principle had been adopted with advantage in the States; as the principle appeared to meet the approval of hon. members, the details could be adjusted when the Bill should be before a committee of the House. Every day bore testimony to the evils of drunkeness and to the necessity of a remedy. A great deal of distress would be prevented by putting the drunkard's property under the management of his friends.

Mr. SINCLAIR had no objection to the principle, but any Bill based on it should be carefully guarded, particularly with respect to the expenses of working it. A case had recently occurred in England, where an enormous amount of costs had devolved upon an individual, in proving his sanity.

Mr. DAVIES---If a man would get drunk whenever he could get liquor, he must necessarily be incapable of managing his affairs.

Mr. BEER---Perhaps, if magistrates had power to put an habitual drunkard into the Asylum for the space of two or three weeks at a time, if there was room in that institution it might induce a change of habits.

Mr. HOWAT---Although he had been chairman of the special Committee, he was not pledged to the clause, which was only a suggestion. The suggestion of the hon. member Mr. Beer, that a drunkard should be sent to the Lunatic Asylum for two or three weeks, might, if carried into operation have the effect of frightening him into a better course of life; but there might be instances of men getting drunk and continuing so, for three or four weeks at a time, for the purpose of being sent there, for the House had reason to know that many now applied for admission in vain. It was necessary to act with caution.

Hon. Mr. LONGWORTH---There was no doubt that a confirmed drunkard was insane; but he doubted the policy of incorporating the principle of the clause in a Bill. The law at present was sufficiently explicit. A lunatic and his property could be consigned by order of the Master of the Rolls to the care of his friends, and a magistrate could confine any degraded sot whom he found incapable of taking care of himself. If a man should be pronounced insane, on the certificate of two medical men, no matter from what cause his insanity might have arisen, his relatives could apply to the Master of the Rolls for the appointment of a committee to take charge of his person and property. If the recommendation of the special Committee be adopted, complicated machinery must be introduced, and if the lunatic had no property the general revenue would have to bear the expenses of his support.

Mr. DAVIES---The object was the relief of the drunkard's family. All habitual drunkards were madmen, and all knew that murders were frequently committed by individuals of that class. As the law at present stood, no one had authority to enter their dwellings.

Clause agreed to.

Hon. Mr. HAVILAND called the notice of the Committee to the subject matter of a petition from the North River, complaining of the difficulty of obtaining a license. The difficulty arose from the locality of the proposed tavern, which being opposite the house of a magistrate, he refused to sign the certificate, as, naturally enough, he did not wish to see a tavern established in that situation. The report of the special Committee contained no allusion to that petition.

Mr. MONTGOMERY---The petitioner would have to take his chance with the others. They could not legislate on special cases.

Hon. Mr. LAIRD---The petition should have been noticed by the special Committee. It was referred to them last year, for the purpose of obtaining their opinion on it this Session.

Hon Mr. KELLY---Last year it was considered that any two Justices out of the five nearest might sign the papers.

Mr. HOWAT---The special Committee did not feel bound to deal with individual cases. The law specified two *neighbouring*, not the two *nearest* Justices. If a license was improperly refused, the House could not interfere by legislation on an individual case.

Hon. Mr. HENSLEY---Some difficulty had arisen, as to the interpretation to be put upon the word *neighbouring*. It was desirable to define its meaning in the Act, as the law should be explicit. A short clause would settle it.

The Committee then rose.

(Debate on Legislative Council Bill continued from last No.)

Mr. HOWAT---I think we shall scarcely require any more almanacs after such a description of thunder storms. But to come to the point, the hon. member appears to think that the majority were not sincere in supporting the elective Council Bill of last session.

Mr. SINCLAIR---What I said was that I was surprised considering the aristocratic tendencies of some of the hon. members of the majority, that they brought in the Bill without a clause requiring a property qualification for electors.

Mr. HOWAT---It appears that the hon. member was wrong then and he may be wrong still. It is evident that whatever qualification this House may propose, he will give it his opposition. His conduct is just like that of a schoolboy who would undertake to lead one of his mates through a snow bank, and instead of doing so push him farther in. The Duke of Newcastle has recommended a property qualification for electors, and we cannot do otherwise than fix one if we desire the Bill to receive his approval. Did we not provide for such a qualification, and the measure thereby be lost, the hon. member for Princetown would be the very first to censure us Both sides of the House are dissatisfied with the present mode of appointing Councillors, and I, for my part, am willing to give the elective principle a trial; but I would prefer doing away with the Council altogether. And if we must have a property qualification for electors, I think to make it lower than £100 would probably endanger the Bill.

Mr. BEER---I think this House has proved its liberality by passing the Bill last year on the universal suffrage principle; but as the Colonial Minister has said that he would enforce a tolerably high qualification, it is very doubtful if the measure would receive the Royal assent, did we insert a less amount than £100. Hon. members on the other side propose £50; but had the Government moved that sum, I have no doubt that the leader of the Opposition would have moved one-half the amount.

Hon. Mr. HENSLEY---The hon. member for Charlottetown appears to think it will be very difficult to please hon. members on this side of the House. I may have cause to differ from the supporters of the Government; but if so, my opposition will not arise from factious motives. I supported the Bill of last session through all its stages. I think it would facilitate the decision of this Committee if we had information respecting the amount of the qualification of electors in Tasmania and South Australia. I see by the Canadian Act that the qualification of candidates is £1000; that, however, is not much to the point at present. I, however, observe by "Martin's British Colonies," that the qualification of electors for the Legislative Council at the Cape of Good Hope is a property of the annual value of £25, and that it is stated the reason it is made so low is to give the Hottentots a right to vote. (Laughter.) But that sum is not much criterion for us in this Colony, because I see that the salaries of the public officers there, such as the Chief Justice and others, are about six times as high as they are in this Island. I will support the motion for £50; but I reserve the right, if I should think proper, to change my opinion before the Bill has passed through all its stages. I am not altogether in favor of having no property qualification for candidates; I think it would be preferable to fix a £50 qualification for electors, and also a small qualification for candidates. I am not aware that a property qualification for candidates has been dispensed with in any of the Colonies.

Mr. COOPER---I would not object to require a qualification of the Candidate, for a member might be sent to the Council who was unable to support himself. I think it would be well to have a qualification for candidates.

Mr. MONTGOMERY---I am sorry that the Bill was not assented to without a qualification for electors. But as the Duke of Newcastle appears to decline recommending the measure to Her Majesty's approval without such a qualification, I suppose we must agree to the resolution before the Committee.

Mr. DAVIES---I expressed my views on this subject last year, and then stated that as the present system of appointing members to the Council did not work well, there was a necessity for a change in the constitution of that body. The Duke of Newcastle says he would enforce a tolerably high qualification for electors; but of the candidate he would only require that he should be a British subject, resident in the Colony, and thirty years of age. These are his opinions or suggestions; but I think though we even passed the Bill with just the same provisions as the one of last year, he would not object to submit it for Her Majesty's approval. I, however, agree with the Duke, that a respectable constituency will choose a respectable representative. As this is a constitutional question, I think we ought to adopt the suggestions of the Colonial Minister, and reap the benefit of his experience in those matters.

Hon. Mr. LONGWORTH---I do not consider that there is any necessity to prolong this debate; however, I wish to offer a remark or two, as I conceive that some of the principles laid down by two or three hon. members on the opposite side of the House cannot be supported by sound reasoning. I am somewhat surprised that they should advocate a property qualification for candidates; and particularly that this course should be taken by the hon. and venerable member for East Point, who has always been in favour of the democratic principle. The whole scope of the Colonial Minister's despatch is to give power to constituencies, and is in accordance with the enlightened sentiment now beginning to prevail in England, that it is not necessary to require a property qualification of candidates. We have had a lengthy speech from the hon. member for Princetown, but he has not thrown much light on the subject. His whole reasoning appears to have been intended to prove that by requiring a property qualification of electors we would bring about antagonism between the two branches of the Legislature. He seems to think that a person who possesses no property, or a property of the value of £50, is a safer man to deal with, or one less likely to bring about a collision, than the individual who owns property worth £100.

Mr. SINCLAIR---The hon. member has misunderstood me. I said that two classes of electors would be likely to cause a clashing between the two branches of the Legislature.

Hon. Mr. LONGWORTH---I understood his remarks perfectly, and what I have said is a fair inference to be drawn from his statements. He pictured out political storms, and I may assume, from his manner of reasoning, that he thought if there was no property qualification for Council electors, or a qualification of only £50, these storms would be prevented so far as the two Houses are concerned. A qualification of £100, I contend will include nearly all the landholders in the Colony. There is danger also in fixing the qualification too low, as the elector is to be the judge of the value of his own property. The hon. member for Princetown certainly paid the majority a high compliment, when he said he doubted their sincerity in supporting the Bill of last session.

Mr. SINCLAIR---The hon. member puts a forced construction on my words. I said I was agreeably surprised at the liberal provisions which the Bill contained, and that considering the aristocratic tendencies of some hon. members of the majority, I could not account for their supporting it on any other ground than that they thought it would not receive the Royal assent.

Hon. Mr. LONGWORTH---The hon. member has not improved his statement by this explanation.

Hon. Mr. COLES---The hon. member for Princetown is quite correct. Did not the hon. leader of the Government in this House state the other day that he did not think it would receive the sanction of Her Majesty?

Hon. Mr LONGWORTH---In his opinion the Bill was too liberal, and perhaps he did not expect it would receive Her Majesty's assent; but he was not alone in this opinion, for the friend of the hon. leader of the Opposition, the member for St. Peter's, also thought it would not meet the approval of the authorities at home. We cannot obtain at present correct information respecting the amount of qualification for electors in South Australia and Tasmania. The only authority in the library in regard to the British possessions generally is that referred to by the hon. and learned member for East Point, which does not give the qualification in these two Colonies. The qualification proposed in the resolution before the Committee is not at all equal to that required at the Cape of Good Hope, which is the annual value of £25. The interest of £100 would be about £3 6s. 8d.; this, therefore, shows that we are purposing to fix a very moderate qualification for this Island. In regard to the question raised yesterday that the resolution would exclude certain persons from voting---squatters, I presume, I may say that these have no vested interest in the soil. They hold by possession, it is true, and that is very good; but it is not sufficient when we come to settle a qualification for the Legislative Council. I may remark that the resolution as it stands requires that the property must be either all leasehold or all freehold; but it is our intention to amend it so as to include that the qualification may be partly leasehold and partly freehold.

Hon. Mr. COLES---This alteration shows the necessity of opposition in this House, because if we had not opposed the resolution it would have been passed as it was introduced. We know, Sir, that a certain person who was returned as a member of this House, though he had a leasehold and a freehold property, yet he could not conscientiously take the oath in regard to either that it was worth £50. The case is quite different between this Island and the Cape of Good Hope, because landed property there is no doubt generally more valuable than it is here; besides, the qualification of electors there seems to have been fixed so as to give the Hottentots a right to vote. But, Sir, we have none of that class on this Island, though some appear to think that there are persons here not much better. It takes a tolerably good farm to be of the value of £100; therefore, I think we should not fix the qualification so high as that, for some persons might scruple to swear within a pound or two. We know that there may be doubts in regard to the value of land; persons have been at the bar of this House who would not swear that 75 acres of land was worth £3. Before a farmer could have a property qualification of £100, he would require with stock, crop, &c., to be worth £400 or £500. I am anxious to be liberal in this matter; and the more I think on the subject the more I am in favour of the motion which I made hastily yesterday, that the qualification should be £50, the same as for members of this House. As to the measure not being approved of at home, if the qualification should be made as low as £50, we do not know what may be the opinion of the Colonial Minister of the day, or even of any person here before another year; for I see by a resolution of this House, respecting a change in the constitution of the Legislative Council before it was thought of by the hon. member for Georgetown, that the present leader of the Government, Mr. Palmer, considered it was a delusion to hope for such a change. [The hon. member here read the resolution, which declared in effect that it was absurd to speak of a change in the constitution of the Legislative Council as the Home Government would not accede to it.] The hon. leader of the Government voted for this resolution, and, as he gave his support to the Bill of last session, this shows what changes take place in the opinions of men. I believe that there is not on record a document containing more liberal sentiments than the despatch before the Committee; and hon. members may rely upon it that the Duke of Newcastle, after writing that despatch, will not refuse to recommend the Bill to Her Majesty's approval, though the qualification of electors be fixed at £50.

Progress was reported, and the House was adjourned for one hour.

FRIDAY Afternoon, March 21.

Hon. Mr. Thornton presented a petition of Samuel Nicholson for a grant to open a road, on Township Number 55.

Dr. Davies from the special Committee on the petition of Hon. W. W. Lord and others, complaining of the Light dues exacted in the Strait of Canso, reported, recommending that a fixed sum be annually paid to Nova Scotia, and that a tax be imposed on Island vessels sufficient to meet it.

The Committee on the despatch relating to the Constitution of the Legislative Council was resumed.

Hon. Mr. COLES---I am in favor of a lower qualification for electors, notwithstanding that some hon. members assert that the Colonial Minister will withhold his assent to the Bill if we reduce the electoral qualification below £100. The hon. member for the City, Mr. Beer, told us so last evening. That may be his opinion, and he may take it upon himself to decide what shall be beneficial to the people, and also, what the Duke of Newcastle may do. I am in favor of a property qualification of £50, but, of course, if the majority have made up their minds on the subject, it is useless for the minority to argue the question. I will move that the qualification of an elector be £50 instead of £100.

Hon. Mr. WIGHTMAN---Not having spoken on this question, I deem it my duty to state the reasons for the vote I shall give. I object to the qualification being fixed at £100 as being far too high, and, consequently, as disfranchising numbers of the people, as there are many men occupying farms of not more than 50 acres, who would not wish to swear that their property was worth £100. Another objection is to be found in the fact that the qualification for a member in this House is fixed at £50, and the result of sanctioning the proposed amount would be that a party qualified to hold a seat in this branch of the Legislature, would not have the right to vote for a candidate for election to the other. The higher standard will not satisfy the country, and, while I am willing to aid in carrying out the suggestions in the despatch, I shall vote for £50 instead of £100, as the former amount, I believe will be more in accordance with the wishes of the country.

Hon. Mr. POPE---The reason why the qualification for a candidate had been fixed in the previous Bill at £600 was, because it required no property qualification in the elector. It is not to be inferred, that, because a candidate is not required to hold property, therefore no man of means will be elected to the Council, and the objection to the qualification of an elector will not have so restrictive an operation as hon. members appear to think---for any tenant owning a reasonably good house and barn can qualify for £100. It is necessary that the Council should be constituted on a basis different from that of this House, and, if no property qualification should be required of an elector for that body, it will be a mere duplicate of the House, and consequently will not afford the check upon our legislation which it was intended to have. By adopting the suggestions of the Duke of Newcastle, we will improve the character of the Council, at the same time that we provide for the safety of the interests of the public, who will be fairly represented under the proposed qualification. The elective principle was admitted last year, in fact, the only members who opposed it were, Messrs. Whelan and Kelly. The best course for the House to adopt is to give effect to the views of the Duke of Newcastle whose despatch shews that he has given the subject ample consideration, and in that despatch he assures us that his suggestions are offered in no spirit of antagonism to our right to the management of our own affairs. The Bill, as sent up to the Council last year, was rejected, and protests were entered on the Journals against it. The Colonial Minister, however, takes a different view of the measure from that of the members of that body, and plainly tells them that their seats are not to be considered their property, but that they must be surrendered when the wishes and interests of the people require it. The majority pay proper attention to the rights and property of every individual, and the people will not be deceived by the misrepresentations of members of the minority, whose object is to regain the position they formerly held. I do not include in this remark all of the minority, as there are gentlemen among them who would scorn to follow the example of some of their party. In conclusion I may say that rather than I would reduce the qualification for an elector below £100, I would support universal suffrage.

(To be continued.)

LEGISLATIVE COUNCIL.

TUESDAY, April 8th.

The House again in committee on Statute Labour Bill.

Hon. Mr. HUTCHINSON---If a person looses his certificate, I think he should be entitled to vote on making affidavit that he had performed Statute Labour.

Hon. Mr. SIMPSON---You might as well do away with the certificate altogether. If a person looses his certificate the Law provides that he can get another. I would like to see swearing at the hustings abolished.

Hon. Mr. PALMER---When that clause was introduced, there was a great outcry made that if a person should happen to loose his certificate, or should light his tobacco pipe with it, he would be prevented from voting. A remedy has now been provided. If a man looses his certificate he can get another. In the common course of circumstances it cannot occur very often, and it is not imposing a very heavy task upon any person. A man who would swear that he was of age, when he was only 18 or 19, or that he had not polled a vote, when he had done so, would swear to a certificate.

Hon. Mr. RAMSAY---I do not like swearing at the hustings, and would like to see some other mode adopted. If the Overseer kept a book and entered every man's name to whom he gave a certificate, it could be referred to; would not that be sufficient?

Hon. Mr. HUTCHINSON---I agree with His Honor Mr. Ramsay. If such a book were kept and placed in the hands of the Returning Officer, I think it would be sufficient.

Hon. Mr. PALMER---How would you get the book to the Hustings?

Clause agreed to.

On the 34th clause, which provides that Statute Labour must be performed between the 20th of June and the 20th of July, being read,

Hon. Mr. ANDERSON observed that if the Statute Labour were performed earlier, it would be much more effectual in helping the roads in repair.

Hon. Mr. DINGWELL---Even if one day were taken from the time demanded, and the work performed earlier it would be better. At the time the labour is performed the roads are dry, in some places they are all in dust, and the work does not cement together. In the Spring there are places cut down, they continue getting worse, and having a little dry clay thrown into them is very little benefit.

Hon. Mr. SIMPSON---If it could be done earlier, I have no doubt but it would be better; but I do not think you can get it done. The people are not prepared to leave their farms at an earlier period. The only way to remedy this is to make the commutation so low that people will pay instead of working. The work should be done in the month of May at the furthest. When the soil becomes dry it is very little benefit.

Hon. Mr. PALMER---If the Statute Labour could be performed at an earlier period it would doubtless be better; but it is not that alone but the convenience of the people that is to be considered. There can be but one object, the good of the country, in fixing this period. I am therefore willing to leave it as it has been fixed by the other Branch of the Legislature, which is more competent to judge of this matter, and in which the country districts are more generally represented.

Hon. Mr. RAMSAY---The places chiefly in want of repair are low swampy places. The ditches in those places are often full of water till the first of June. Men are not fond of working in the water, and the roads are often so soft in the month of May that they cannot cart upon them. I do not see then how the work can be done at an earlier period.

Hon. the PRESIDENT---Almost every man fancies himself the best roadmaker; but it is almost impossible to have good roads here for want of good hard material of which to make them. In my opinion, throwing up soft clay upon the roads is ruining them; what we want is the virgin soil; and we want the roads well rounded up so that the water will run off.

Hon. Mr. DINGWELL---His Honor Mr. Ramsay says that men do not like to work in the mud; neither do they like to travel on bad roads. When the work is left till July the roads are not good on account of the places which are cut down in the Spring; after those places are filled up they are not fit to travel on for a considerable time, and the first fall of rain washes the loose clay out of them, so that we have bad roads all the time.

Hon. Mr. HAZZARD---I must say that it is better to have the Statute Labour performed early in the season. In the Spring we cannot travel on account of the ruts made by the water. In the Summer we cannot travel on account of the sods which are thrown on the roads; and the first fall rains open the ruts again, so there is no time to travel with comfort. I remember once that the Morrell River road became impassible, and the inhabitants turned out early in the Spring and repaired it. It became completely consolidated, and I have never seen it so bad since. If half the time were spent early in the Spring it would be more beneficial.

Hon. Mr. RAMSAY---His Honor Mr. Dingwell says that less time spent on the roads early in the Spring would be more beneficial; but I would ask His Honor if 2 days are not more valuable to the farmer in seed time than 4 when his crop is in. I would like to see the farmers protected.

Hon. Mr. DINGWELL---I hope His Honor Mr. Ramsay does not mean to insinuate that I would not protect the farmers. I would protect them as much as any member of this Board. But farmers should never have any idle time, and the roads could be repaired before seed time commences.