unless it should be registered. The Act said expressly that all should be registered. It said that if deeds of lands so purchased were not made out previous to the passing of the Act, the purchasers should be allowed six months to procure them; but whether such deeds were executed before or after the passing of the Act, it expressly declared that they should not be valid unless they were registered. At the time the Act passed, Judge Peters was a member of the Legislative Council, and he then observed, with respect to the contemplated registration of such deeds, that unless none should be held to be valid but those which were recorded, it would be impossible for Proprietors to say when their lands were taken up; and they would, consequently, be unable to determine whether they had the power to sell or lease any particular portions of any township which had been levied on for non-payment of land tax, and of which portions had been sold in satisfaction of the levies. If the act of registration were intended to apply only to such deeds as were executed six months after the passing of the statute, the consequence would be a most perplexing and endless absurdity. Suppose fifty farms upon one township were so sold, not by description, not by metes and bounds? To the application of each purchaser for his land, the only answer would be: 'You must find it for yourself.' Such was the practice before the passing of the Act, and to make these sales good was one of its principal objects. Now if purchasers who had obtained their deeds, of uncertain tracts, before the passing of this Act, were to be allowed to put them into their pockets, or to commit them to the safe keeping of their own secret archives, without registering them, no one else, whom they might affect, would be the wiser; and, if their validity were allowed, it was very evident that they might be produced, at some future day, very much to the annoyance and embarrassment of other contracting parties whose lands would be forever subject to be taken by some one or other of the purchasers of those fifty farms. For this reason it was that the Act provided that all such deeds should be put on record; and that, until registered, they should not be valid. It was to be argued, he understood, that the Act did not apply to any case in which the sale of the land had been by metes and bounds; but he had already shewn, he thought clearly enough, that the Act, by its own words, related to 'all deeds of conveyance, and 'to the purchaser or purchasers of any lands whatsoever.' The meaning and intent of the Act were so obvious on that point, that it would be useless for him to say another word in support of the construction which he had put upon it. There would, he also understood, be another objection raised to the application of the Act to the Deed in question, which was that the land had been actually levied upon. But this was a consideration quite immaterial to a proper view of the question, for the Act provided that the Deeds of all Lands, without distinction, sold at Sheriff's sales, before the passing, should be registered, or otherwise they would be invalid. But what had the Sheriff said? He had told the Committee that he had not levied on the seventy-three acres in question, but that he believed the person employed by him to put up the notice required by Law, had done so upon some portion of the 450 acres proclaimed on the township. Now, (continued the hon. and learned member) he would go further than he had yet done. He would suppose that, on the 29th January, 1850, when Mr. Whelan took the oath of qualification with respect to that land, he had had it regularly conveyed to him, by Mr. Dawson, and that the conveyance of it had been made to him twelve months before that time; and he (Mr. Palmer) would shew that the Deed was invalid. On the 29th January, 1850, Mr. Whelan took the following Oath:

"I, Edward Whelan, do swear that I am *by Law* qualified to be elected for the Second Electoral District of King's County, and that the foregoing Schedule doth contain a full, true and particular account, to the best of my knowledge and belief, of the property in respect whereof I claim a right to be elected, and of my title thereto, and that the said property is for my own use and benefit, and is of the value of Fifty Pounds, *clear over and above all incumbrances that affect the same,* and that the same hath not been conveyed or granted to me fraudulently, on purpose to qualify me to be elected for said District. So help me God.

Now suppose the Deed was perfectly good in all respects, and that it would be impossible to call its validity in question under the Registry Act; still it constituted no qualification, for not one penny of the purchase money had been paid. So long as it was not paid, *it was an encumbrance upon the property*? it was a lien upon it; and, he cared not whether the payment of the purchase money had been secured to the vendor by Note of Hand, Bond, or a hundred Bonds; so long as it was not paid, it remained as a lien upon the land. In a very popular work "Sugden on Vendors and Purchasers," a work as often found in the hands of laymen having to do with the sale or purchase of estates, as in those of lawyers, the law was thus laid down. The hon. and learned member then read as follows:

"Where a vendor delivers possession of an estate to a purchaser, without receiving the purchase money, equity,—whether the estate be, or be not conveyed, and although there was not any special agreement for that purpose, and whether the estate be freehold or copyhold,—gives the lender a lien on the land for the money."

Suppose that the Deed of the land in question had been duly transferred to Mr. Whelan, by Mr. Dawson, twelve months before the 24th April, 1850; and suppose that Mr. Dawson had besides, at the same time, actually put Mr. Whelan in possession of the land; it was clear that, as the purchase money was not paid, there was a lien upon the land; and that it could not constitute, in Mr. Whelan, the qualification required by law, because he did not possess in it a property of the value of £50 clear over and above all encumbrances. Now then, what was the estate in fact? Nothing but an agreement to convey an estate on the payment of a certain specified sum of money; thus when he took the oath, at two different times, he had neither the estate itself, or any valuable interest in that estate! Now a great deal had been said about the value of the land; but all that had been, or could be, advanced on that head was quite nugatory. He (Mr. Palmer) had indeed called evidence for the purpose of shewing that the land in question was not of value sufficient to constitute a qualification; but when, after Mr. Dawson had given his evidence, he found that there was no freehold in Mr. Whelan to value, he saw at once that his (Mr. Palmer's) case was made out by the evidence of Mr. Dawson alone. The freehold had been in Mr. Dawson until Mr. Dawson and his wife transferred the Deed of it, by endorsement, to Mr. Whelan on the 24th April, 1850, a month after Mr. Whelan had sworn to his qualification and had taken his seat in the Assembly, as being legally qualified to sit therein, in right of his possession of a freehold, although that freehold had not then been conveyed to him. After having heard Mr. Dawson's evidence, he (Mr. P.) saw that it was quite unnecessary for him to offer any evidence as to the insufficiency of the estate, with respect to value, to constitute a legal qualification; and he had stated so to the Chairman and also to his friends on his right and left; and had only afterwards called the witnesses in deference to the opinion of his friends, who thought that it might be said, in case he did not, by those to whom he stood opposed in the matter, that he was afraid to allow them to give their testimony. If the property had been of the value of £500, it would have been the same; for, as Mr. Whelan was clearly not in possession of it, either as a freehold or as a leasehold, and certainly had it not in seizin, for twelve months before the time of his takeing the qualification oath; and, in fact, was not, in any of those ways possessed of it at all, so as to derive a legal qualification from it; for, to that end, the freehold in him clear of incumbrances could commence to reckon only from the time at which he paid the last instalment of the purchase money which was only a few days ago. With respect to the value of the property, were it at all material to the due consideration of the question to be determined, it would still, he thought be as difficult to ascertain it, as it was before any evidence concerning it had been given. On the one side the witnesses had said, they did not think it worth £50; whilst, on the other, it had been said that it was worth that sum. But what Mr. J. R. Bourke had said on that score ought not to be forgotten. He had said he was present at the Sheriff's sal, and that he would not have allowed it to go for £6, if he had thought it was worth more. Mr. Haszard who owned land nearly adjoining it, and who had examined it had said, that he would not give £10 for it now; and Mr. Kelly who had also surveyed part of it would not venture to say it was worth £15. But the value had been rendered immaterial to the question, for there had been no freehold in Mr. Whelan nor any beneficial interest to value. All that he had held was a promise of a freehold on the payment of £50, which had hung over it as an encumbrance on the property until within the last month. The question of value had been entirely superseded by what had transpired in evidence concerning the agreements, said to have existed, the transfer of the Deed on the 24th, April, 1850, and the payment of the last instalment of the purchase money about two weeks ago. It rested with the Committee then to say whether Mr. Whelan was or was not qualified when he took his seat in the Assembly on 5th March 1850. He (Mr. Palmer,) knew however, that the question would not be put in that way; but that the Committee would be called upon to decide whether he (Mr. P.) had succeeded in establishing a charge of perjury,—which he (Mr. Palmer) maintained his words, if correctly taken down, would not have identified with Mr. Whelan,—he would merely remark, that it was very possible that, when Mr. Whelan first swore to his qualification, he was persuaded he had one; and so was it also, that his friends might think the same. But how any hon. member could determine in his own mind—after the evidence which they had heard, both from living witnesses, and the written law of land, touching the subject matter of the pending investigation,—that Mr. Whelan had taken his seat in the House on the 5th March, 1850, in virtue of a legal or lawful qualification, as sworn to by him on that day, and previously on the 29th January, 1850, he (Mr. Palmer) was totally at a loss to imagine. It was for the Committee to decide, with respect to Mr. Whelan's qualification or non-qualification, with as little of party feeling or political bias, as they would allow to weigh with them, if they were sitting as an Election Committee, and sworn to decide the question at issue without fear, favor or affection. It was for them then to say, uninfluenced by any other considerations than those of truth and justice, whether Mr. Whelan had or had not, at the time he took the qualification oath, in 1850, an estate of the value of £50, either in seizin or in possession, clear of encumbrances. The hon. and learned member then concluded by saying, that he had, throughout his address, kept to the point in question, as much as possible, without having made any unnecessary allusions to the misunderstanding, in which the pending investigation had had its origin. All that he wished to be determined then, was whether Mr. Whelan was or was not duly qualified, when he took his seat in the House in 1850. The Committee having arrived at a fair and impartial decision concerning the question, he would then be prepared patiently to submit to any censure which the House might deem it just to impose upon him, for the very improper and unparliamentary language, into the utterance of which he had been betrayed, under the influence of deeply wounded and highly excited feelings.

The Hon. Mr. WHELAN then rose, and spoke to the following effect:—Mr. Chairman, I will not, at this advanced hour of the evening, dwell at any very considerable length upon the various topics presented to my mind by this enquiry. Indeed I might safely refrain from trespassing upon your attention at all; and, relying upon the justice of my case, and my consciousness of innocence, leave the determination of the enquiry in the hands of the Committee, with the full conviction in my own mind, that they will give sucha verdict, as will completely exonerate me from the foul aspersion which has been cast upon my character. Some remarks, however, which have just been addressed to the Committee, require some reply from me, but I will not insult the good sense and independent judgment of the Committee by condescending to notice, by any direct replication, the deceptive arguments, based upon quibble and equivocation, and sustained by all the sophistical art of the special pleader, which have been brought forward to invalidate my qualification, as a member of this Assembly. As to my position before this Committee, it is one of the most novel and unprecedented in which any member of a legislative body has ever been placed. Without having been guilty of any violation of law or of duty, I am placed as a criminal before those, with whom I have an indefeasible right to stand upon a footing of perfect equality, as a duly qualified and duly chosen representative of the people; and I am placed in this position by one, who has no right to accuse me, and whose charge against me, I feel convinced the Committee are already fully satisfied, have no foundation either in fact or in law; and which, the highest forensic talent, could it have been prostituted to the disingenuous support of so bad a cause, would fail to sustain, before any honest and independent jury, possessed of merely ordinary discernment and common sagacity. Does the practice of the Imperial Parliament justify so indecorous an assault upon the rights and privileges of one of its members? I think not. Does even the more lax, and perhaps less dignified, usages of Colonial Assemblies, afford any precedent for so arbitrary and inquisitorial a proceeding? No: irregular and indecorous as their proceedings may sometimes be, I believe I might safely affirm, that the records of none of them will afford an example of any similar outrage upon the individual privileges of a representative of the people, or upon the collective dignity of the Assembly. And how has so great an outrage been accomplished? By the instrumentality of a single Section of the Election Law, which gives to any individual member of the House, who might wantonly and malignantly wish to insult and annoy a fellow member, power to demand the production of his qualification, and to call for an investigation of its validity. This is the first time, that a course, so utterly repugnant to every manly, honorable, or noble feeling, has been pursued by a member of this House, and, I hope the issue of the enquiry, and the manner in which the House will testify their disapprobation of it, will tend to make it the last. He could not—(continued the hon. member)—because it was hidden from him, except by outward manifestation, undertake strictly to analyse the composition of that mind which had devised the inquisitorial and hateful clause, which conferred so unwarrantable a power, upon any member of the Assembly who might desire to indulge his whim or caprice, or choose to gratify his malignity, in the character of a public accuser; but certain he was, that such a mind must be wholly destitute of all the fine and more ennobling feelings of human nature. It was a clause which gave one man a most unjustifiable power over the conventional and constitutional rights of another, in the very highest character with which he could be invested by his fellow men, that of a legislator and a representative of the people. It gave one man power to destroy, with impunity, the moral life of another, against whom his malignity might be roused by the ranklings engendered in his bosom by disappointed ambition, defeated intrigues, and political humiliations; and it bore, in all its features, the most unmistakable evidence of its being the legitimate offspring of a mind prone to every species of tyranny and oppression. Look to the consequences of such a Law to him, (Hon. Mr. Whelan), to the public, and to the House! A member of the House had thought proper to rise, and by implication, to charge him with the foul, the detestable crime of perjury. The charge was not, nor could it be, confined to the House, to Charlottetown, or even to Prince Edward Island. It had been made in the hearing of all the members and of all the strangers in the House; and, by their instrumentality and that of the newspapers, would—unfounded and unsustained by evidence, as it was,—find its way, not only into every corner of the Island, but into and throughout every Province and country with which we maintain political and commercial intercourse. And little to him, to his family, or his friends, might it avail, with respect to many at a distance, amongst whom the unfounded calumny might be circulated, that it was afterwards most triumphantly refuted. Many who might see the accusation, might never learn that it had been proved to be a most unjustifiable and villanous slander; and, wherever his name was known, it might, most unjustly, be coupled with the infamy. Not only was the foul slander carried into the bosom of his family; but it would be circulated in every circle and every country, in which he had friends or relations. Not only was it calculated to injure and embarrass him in his business connexions abroad, by destroying his credit; not only was it calculated to wound and harass him, at present; but the evils, arising from the wide-spread, though most unwarranted calumny, might prove prejudicial to his family and his name, long after he himself should have passed away from the earthly stage. And by whom had the foul and unjustifiable calumny been uttered? By one who well knew that no legal proceedings could be instituted against him for the utterance of it within the sanctuary afforded him by the walls of that House. That man—he spoke advisedly—that man would be a bold villain who, out of doors, would dare to accuse a member of the House of the foul crime of perjury; but he would do it in a place, in which his words could not be legally noticed, in which he knew himself to be sheltered by its privileges, from being called to an account for the libellous calumny, in a Court of Law—he who would do it, in such a place, would not be a bold villain; but he would be something worse, he would be a cowardly villain. [Here Mr. Palmer rose and claimed the protection of the Chair; and the Hon. Mr. Whelan was called to order.] The hon. member then resumed. He stated simply what he would consider any individual who should act in the manner which he had indicated. He did not apply the epithets which he had used to the very honorable and learned member for Charlottetown. He would, however say, that it was very fortunate for that hon. member that the accusation which he had thrown out against him (Hon. Mr. Whelan) had been made within the sanctuary of the Assembly; for, had it been made elsewhere, he would have dragged him before the tribunal, where he was so often obliged to seek assistance from the quirks and quibbles of the law, to sustain him in his advocacy of a bad cause. Yes, he would have bearded the lion in his den. But he must beg that noble animal's pardon, for having likened him to one who resembled him in none of the nobler traits of his savage character; not in his magnanimity and courage, but the comparison might hold as to his cruelty and ferocity. [Here again Mr. Palmer rose and claimed the protection of the Chair; and, nearly at the same moment, the Hon. Mr. Pope rose to call the hon. member Mr. Whelan to order.] The hon. member again resumed: If not allowed latitude of speech upon the floor of that House, he would take care to do himself justice, before the public, by his remarks through another channel. The accusation set forth against him was of a two-fold character. In the first place, he was, by implication, charged with the crime of perjury; and, in the next, he was accused of sitting as a member of the House, without having a legal qualification. And the accusation was, in no way, mitigated by any hesitancy on the part of the accuser, by no dubious or qualified expressions, but, on the contrary, was directly, positively, and confidently urged; and to make the mode of accusation still worse, the alleged crimes were set forth by one who, besides, arrogated to himself the functions of both judge and jury, and who, he verily believed, would, wish little reluctance, discharge those of the hangman also. His accuser had said, that he (the hon. Mr. W.) had no right to sit as a member of that House; he had charged him with being a perjurer; and he said, that he ought to have his ears cropped off. And when he (Mr. W.) would fling back the foul expressions with detestation and scorn, he was told he was out of order. But he would put it to every individual of honorable feeling in the House, to every one who heard him, and who was worthy the name of *man*, whether, if so foul a charge had been so broadly and openly preferred against him, he would not have felt the blood boil in his veins, and have longed for an opportunity to avenge the insult. If the accusation were true, what should he be? He would be the most degraded being in the community. He would be expelled from the House; he would be stripped of his honors; he would be divested of reputation; he would be deprived of his office; he would be driven from the country; and he would go forth an outcast and a loathsome thing, entitled to no commiseration, and altogether unworthy of confidence or protection. But if the charge were true, the offence had been committed at a time when his accuser was the sworn Law Officer of the Crown; and when it was his duty, as prosecutor, if he believed him (Hon. Mr. W.) to have been guilty of perjury, to have had him indicted for the crime. But if the charge were true, the offence had been committed at a time when his accuser was a member of the Government, and was sustained, by a majority in that House, ready to do his bidding. And, if true, why was not the charge then made, and an investigation concerning his qualification demanded? It could not be said, that he (Mr. P.) was withheld from pursuing such a course, through the influence of my charitable feelings for him (Hon, Mr. W.); for he was then opposed to him, with little less apparent vindictive hostility than now. He (Mr. P.) was not then restrained by any feelings towards him (Mr. W.) of a more kind and gentlemanly character, than those which he harboured in his bosom now. Why then was the charge withheld? Was it because he knew, that there was not the smallest foundation for it, either in fact or in law? If so, what apology could be offered for his conduct now? what satisfaction could he give for the gross insult and cruel wrong which he had inflicted upon him (Mr. W.) by having placed him in the position in which he now stood before the House? It had been said, by his (Mr. Palmer's) friends, that his ill humour had been provoked by some observations of his (Mr. W's.), in the course of the Debate on the Lawyers' Bill, in which, it was supposed, he had severely reflected on the memory of his (Mr. P's) father. But the truth was, that, having stated his belief, that members of the Island Bar had occasionally overstepped the bounds of justice, in their exaction of professional fees; and a belief, so derogatory to the professional character, having been met by a warm eulogy on the professional purity of the Bar of this Island, from the hon. member for Charlottetown, he (Hon. Mr. W.), in support of his belief, had quoted a simple fact, recorded upon the Journals of the House, to the effect that a legal practitioner had been so expelled: he simply stated the fact: and was that a provocation sufficient to justify the foul abuse which Mr. Palmer then showered upon him? It had been said, with respect to the expulsion of the legal practitioner alluded to, that the majority of the House had treated him in a most tyrannical and unjustifiable manner; but he (Hon. Mr. W.) knew nothing of the reasons or motives by which they were actuated; and neither was it his business, to make any enquiry concerning them. He stated a fact, recorded in the Journals of the Assembly, in the year 1828; but how was he to know, whether the expulsion had been warranted by the circumstances of the case or not. He had been told, indeed, that those circumstance were enquired into, by a subsequent House; and that the decision of the former House was reversed by them. But was it not quite as likely, that the decision of the former House should be a correct one, as that that of the subsequent House should be so? [Here Mr. Palmer again rose to order.] The Hon. Mr. Whelan again resumed: He wished merely to show that his having stated a simple fact, recorded upon the Journals of the House, could be no justification of the infamous charge which Mr. Palmer had preferred against him (Mr. W.) But, even admitting that it was a justification, it could not be adduced as a justification of what Mr. Palmer had advance, to his (Mr. W's.) prejudice, in a similar way, on a former day. The truth was, that no one could conceive it to be a justification; but it had been eagerly seized upon, as affording some pretext for the gross and infamous abuse which Mr. Palmer had poured upon him. If he (Mr. P.) was so extremely sensitive himself, it would surely be wise in him to shew more regard for the feelings of others, than he was wont to do. What had been said to justify the bitter language which he employed about Printers from Nova Scotia having been raked out of the gutters and having sought refuge here? Was it his dread of the superior talents of the NovaScotian Bar? some members of whom might, possibly, in the event of the Lawyers' Bill passing into Law, enter themselves of, and practice at, the Bar of Prince Edward Island, greatly to the diminution of his credit, practice, and profit. Was it a disgrace to him (Mr. W.) that he had sought refuge in this Island? No, it was not. He had come hither, as a free-born British subject, to establish himself in business,—and, by devoting whatever talent he might possess to the service of the people and the furtherance of their interests, to secure to himself the esteem, confidence, and support, which they are ever gratefully ready to bestow upon those who prove themselves to be possessed of ability, honesty, and perseverance, sufficient to sustain them (the people) in their conflicts with those, who are ever but too prone to their systematic oppression. He had, it was true, if it was to be so phrased, sought refuge here, and had found it. He had devoted himself to the service of the people; and satisfied with the sincerity of his purpose and the measure of his ability, they had freely chosen him for one of their representatives, and advanced him both to honor and to office. The Nova Scotians had talent enough among themselves to render any accession to it from abroad quite unnecessary; they wanted none of our indigenous geniuses; but if we had any such curiosities to spare, so far were they from entertaining any of the petty professional jealousy which was the constant plague of inferior ablities; so far were they from repudiating or feeling a dread of the noble rivalry of mind with mind, that he doubted not, the Bar of Nova Scotia could cheerfully give admission, to the ex-Solicitor General of Prince Edward Island, to their ranks; but in such case, he (Mr. W.) feared that the ex-Solicitor's practice would scarcely be sufficient to keep him out of the gutters from which Nova Scotian Printers were said to have escaped, by seeking a refuge in Prince Edward Island. What had been said by him (Mr. Whelan) to justify the foul assertions which had been thrown out in the debate alluded to by the member for Charlottetown, about individuals coming from Nova Scotia to take refuge here. He (Mr. P.) had on more than one occasion evinced the most nervous alarm at the incursions of the Nova Scotians. Are Nova Scotians so degenerate a race, that the hon. member affects a pious horror at their intrusions? Or must we believe (what is more likely to be the truth) that the stunted intellect of certain individuals at the Island Bar (which could not well exist, without the fever heat of monopoly) dreads to be brought in competition with the active talents and acquirements which the neighbouring Provinces can supply. It would be well, indeed, for the member for Charlottetown, if he could prohibit, by law, the immigration of Nova Scotians and others who have displaced his poltical friends from the long-cherished situations,—he and his friends would then, perhaps, stand a better chance of enjoying those public honors and emoluments to which they believed they had an inalienable and inborn right. He had been a member of the House for six years; and during that period Mr. Palmer had had frequent opportunities to try the validity of his (Mr. Whelan's) qualification, had he been desirous of doing so, and bringing the question of alleged perjury to an issue. That allegation, however, had now, at length, been fully disproved; and he (Mr. W.) would scorn to make any further allusion to it. With respect to the second particular of the pending investigation, the validity or invalidity of his qualification in 1850, the evidence before the Committee was such as to prove, in the most satisfactory and direct manner, that his qualification was, at the time, as well as at the present, indisputable. But Mr. Palmer maintained that he had then no valid or sufficient qualification as respected his title to the 73 acres of land purchased by him (Mr. W.) from Mr. Dawson; although Mr. Dawson had, on his oath, stated to the Committee, that he (Mr. Dawson) had sold the land to him (Mr. W.) in 1846, for £50., by an agreement to that effect, duly entered into and executed at the time; and that he had handed over to him (Mr. W.) the Sheriff's Deed of the same at the same time, in further confirmation of the sale and relinquishment of the property. The title to the property must certainly have been in some one at that time; and that it was not in Mr. Dawson, he had himself clearly stated. He (Mr. D.) had told the Committee that, after he had entered into the agreement for the sale of the land to him (Mr W.) he (Mr. D.) considered, that he had nothing more to do with it; but that it, at and from that time, became the *bona-fide* property of him (Mr. W.); and that he (Mr. D.) had positively no further claim upon it. He (Mr. D.) had sworn, that he (Mr. W.) had a prefect right to sell it in 1846, had he chosen to do so, And the evidence of Mr. Mooney had fully corroborated that of Mr. Dawson, on that head. Mr. Mooney, on oath, had told the Committee that on his applying to Mr. Dawson, some years ago, to purchase the land in question, Mr. Dawson told him, that he had sold it to him (Mr. W.) and that he had nothing to do with it. Yet Mr. Palmer insisted that, at the time, it was not his (Mr W.'s). Whose then was it? Nobody's, if they were to believe Mr Palmer. He (Mr. P.) apparently first satisfied himself, that he (Mr. W.) had not no title to the land; and then he attempted to shew, that even supposing he had a right to it, his qualification could not be good, because the provisions of the Act 8th Vic. cap. 17, had not, as alleged, been complied with. Now, said the hon. member, let us see what this Act requires. [He then read part of the preamble and first section of the Act as follows:—]

"And whereas in many instances, it is uncertain whether an actual levy of the Writ of *Fieri Facias* hath been made by the Sheriff or Coronor, on the Identical Lands so sold before the sale thereof, *and in most instances it has happened that the locality of such Tracts of Land was uncertain at the time of sale*, and the metes and bounds thereof certain only by, and made subject to the election of the purchaser after such sale, whence doubts have arisen as to the Titles of the purchasers and their Heirs and assigns, in and to such Lands; for remedy whereof: Be it declared and enacted, by the Lieut. Governor, Council and Assembly, That from and after the passing of this Act *all Deeds of Conveyance, executed by the Sheriff or Coroner*, or which shall within Six Calendar Months after the passing of this Act, be so executed for sales already made, under and by virtue of the said recited Acts, or of any, or either of them, to the purchaser or purchasers of any Land whatsoever sold by him, for non-payment of the Assessment charged thereon by the said recited Acts, or either, or any of them shall, and they hereby declared to pass effectually and completely to the purchaser or purchasers, his her or their Heirs and Assigns, a good and valid Title of and in the Lands therein, or to be therein mentioned and described, and intended to be thereby conveyed, notwithstanding such Sheriff or Coroner *may not have actually levied the Execution on the identical Lands described in such Deed or Deeds of Conveyance*, and notwithstanding the locality of such Lands may not have been certain, or decribed, or known by metes and bounds previous to the time of the sale, thereof. Provided always, that this Act shall not be deemed to give valadity or effect to any Deed or Conveyance of Land, purporting to have been sold for non-payment of the Land Assessment, and which, before the passing hereof, might have been shewn to be invalid, by reason of the Assessment on the Land purporting to be therein conveyed, *having been actually paid in conformity with the said Acts*, and that the person so claiming, on the ground of having paid the Assessment, had actually paid for all the Land on such Township then claimed by him."

Now (continued the hon. Mr. Whelan,) it must be borne in mind, that his land was purchased two years before the passing of this Act—that if it had been purchased subsequent to the passing of it, his title could not have been invalidated under the provisions of the Act, because the Act has reference to the sale of lands upon which "the Sheriff or Coroner may not have actually levied the execution," whereas the levy had been actually made upon his (Mr. Whelan's) land, and the metes and bounds thereof duly described. But even supposing, that the Sheriff had not levied upon his (Mr. Whelan's) land, or that it had not been described by metes and bounds, still his title would not have been invalidated under this Act, for the first part of the clause he had just read rendered valid all deeds *heretofore* made of lands sold under the Land Assessment Acts, or made within six months after the passing of the Act, *even if the Sheriff had not levied upon such lands, and even if the same had not been sold by metes and bounds;* whilst the second part of the clause went to invalidate such deeds, if the assessment had been found to have been paid, for which the land was sold. Now the assessment due upon the land he (Mr. Whelan) purchased from Mr. Dawson, had not been paid previous to the sale of it, and his title was therefore good and valid under the very clause he had just quoted. Now, the last clause of the Act under consideration, which appears to be a supplementary clause or proviso, is the one upon which the member for Charlottetown has expended most of his ingenuity, quibbling, and special pleading, and by which he hoped to prove the invalidity of his (Mr. Whelan's) title to the land in question. [He then read the clause as follows:]

"And provided also, That no Deed of any sale heretofore made, shall be deemed valid, unless such Deed be executed within Six Months after the passing of this Act, nor shall any such Deed as aforesaid be valid before the same be duly registered."

Was it necessary for him to ask what was the simple, common sense, obvious meaning of the words he had just quoted? Could any hon. member so far stultify himself as to suppose, that by the use of the words "heretofore made," the law was to have an *ex post facto* operation upon deeds executed perhaps ten, twenty, or a hundred years before the passing of the Act when those who executed them had been mouldering in their graves, or removed from the Island, or from office, and when no person was to be found invested with the power of renewing those deeds. The Act, he repeated, was passed in 1845—his land was purchased and the Deed executed in 1843 Are we to suppose, that the Act contemplated that the deed was to be destroyed, or he was to be deprived of his right in the property, and a new deed to be executed after the passing of the Act; but suppose no new deed could be obtained—suppose the officer who executed it was dead, or out of office, or off the Island, as might be the case with regard to hundreds and thousands of Sheriff's deeds, then we must likewise suppose, that the aim and object of legislation was occasionally understood and allowed to be the effecting of positive wrong and injustice, and not the protection and establishment of rights. The construction put upon the clause by the member for Charlottetown, was a paltry and contemptible quibble; a construction utterly at variance with common sense and reason, and not borne out by the spirit and letter of the preamble and first enacting clause of the Act. This proviso, it could be easily seen, by the words, "unless such deed be executed within six months after the passing of this Act," had reference to sales of land made heretofore, and of which no deed had yet been executed when the Act came into operation. To warrant the interpretation put upon the proviso by the member for Charlottetown, it should read as follows, and not as it is:—"And provided also, That no deed heretofore executed of any sale heretofore made, shall be deemed valid, unless such deed *be again* executed *or renewed* within six months after the passing of this Act, nor shall any such deed as aforesaid (meaning the deed that is to be re-executed or renewed) be valid, before the same be duly registered"—which would be an impossibility and an absurdity. He had now (continued Hon. Mr. Whelan) fully demonstrated the fallacy of the hon. member's argument on this head, and exposed the incredible nonsense with which he had attempted to deceive the Committee. A proposition quite as nonsensical as any that had been adduced by the member for Charlottetown, had been gravely propounded by the ingenious and learned member for Belfast, (Mr. Douse,) to the effect, that the relinquishment of dower by Mrs. Dawson, had been taken by a Justice of the Peace, who was not in the Commission for Queen's County, in which such relinquishment was taken, and, that therefore it could not be legal. For the information of this very learned gentleman, he would direct his attention to the Act 36th Geo. III, Cap. 3, relating to the conveyances of real estates of married women, by them made, or to be made during their coverture, which provides, in the third section, that the sealing and execution of deeds by such married women, shall have been acknowledged in the presence of ANY Justice of the Peace of this Island.

The hon. member for Charlottetown had next argued, that the conveyance of the deed to him (Mr. W.) by Mr. Dawson, did not constitute him (Mr. W.) a freehold proprietor. according to the meaning of the Election Law, in the clause setting forth the qualification of candidates, because the estate so conveyed was not unencumbered, inasmuch as the purchase money was not paid at the time the conveyance was executed. But what was the fact? It was, that a receipt for the purchase money was endorsed upon the deed; and although it had been shewn, that the payment was by a Promissory Note of his (Mr. W's.) own, that did not alter the case. His Promissory Note was as much a species of paper money, as Treasury Notes or Bank Paper. His Note of Hand was analagous to a Treasury Note, which is a promise to pay a certain sum of money, without specifying on what account. The difference between it and a Treasury Note was, that the latter was issued on the public credit, and the former on the credit of an individual. It could not have been exhibited in proof of an encumbrance upon the land, any more than any other Note of Hand which he might have given in acknowledgment of and as a promise for the payment of a debt or obligation which he might have contracted on any other account. The receipt was sufficient evidence that the purchase money had been paid—it mattered not in what species of money—and, to quote the hon. member's (Mr. Palmer's) own words, his having paid for the land was the strongest and best evidence of his title to it. But in attempting to prove his (Mr. W's.) disqualification, the hon. member for Charlottetown had proceeded to the supposition, that he (Mr. W.) had had no claim to any other property, on which