

property into money, or into Treasury warrants, for instance, I do not see why it should not be as liable as any stock or any other property. I cannot see that there should be any distinction. It may be new here, but if a Sheriff enters a man's house he may examine all parts of it and take anything that is liable to seizure.

Hon. Mr. BERN: There is a possibility of judgment being obtained against a man who may have thousands of pounds in Treasury warrants or debentures, or in stock, and still there might not be anything upon which a Sheriff could levy. It is a possible case, though not a very probable one. But there is another clause in connection with that, by which the tools of a man's occupation, the necessary beds and bedding for himself and family, his last cow and five pounds in cash, shall not be liable to seizure for debt; so it will be seen that the bill is decidedly in favor of the poor man, though it enables the Sheriff to levy upon cash.

Hon. Mr. DINGWELL: I do not think it will affect the honest man very much, for he cannot be considered an honest man who is much in debt and has money in his possession, and I would let the dishonest man take care of himself.

Hon. Mr. ANDERSON: I think it is a very necessary Act, if a man knew that there was an execution out against him he might sell all his property and put the money in his chest. In such a case I think the Sheriff should have power to seize it.

Clause agreed to.

Third Clause.

Hon. Mr. McDONALD: I do not think it is a wise precaution to do away with the right of a Crown prosecution to take precedence of any other; because a Crown prosecution is generally for the payment of duties and taxes, and it is quite right that they should be secured. If Crown prosecutions are put upon an equality with those of private parties, then a man may seize and sell goods, and receive not only the value of the goods themselves, but also of the duty, for the goods must be sold with the duty paid. Still it may not be in reality paid but secured by bond. Therefore, I am not in favor of that alteration, for I think the Crown should have the first claim upon such goods.

Hon. Mr. ANDERSON: It is very well to protect the rights of the Crown, but the rights of a poor creditor should also be protected. When the Crown loses, the loss is borne by the whole community, and is not so heavily felt, as when it is all sustained by one individual.

Hon. Mr. WALKER: When a bond is given for duties, I think judgment is generally entered upon it; but it is the sureties who would suffer, and for that reason, I think the Crown prosecution should take the precedence. I am, therefore, opposed to making the change, but I think that when bonds are given for duties, judgment is entered up and that secures the property.

Hon. Mr. BERN: I think his honor is in error, with regard to judgment being entered up upon bonds, when they are given. Bonds are generally given for six months, and judgment is not entered up till that time has expired.

Hon. Mr. PALMER: It is optional with the authorities.

Hon. Mr. BERN: It may be optional, but it is not done unless the authorities are made acquainted with some facts which would affect the bond. At present a creditor may take out an execution against the property of a debtor, and the Crown may issue an execution six months later, and take precedence of the first execution. This Bill places them upon an equality, so that the first execution will take the precedence.

Hon. Mr. PALMER: I am not prepared to say whether this provision is in force in Great Britain or not, for the frequent changes they are making, and the practice in their Courts are not within our reach, more particularly as we do not take a copy of the British Statutes, as they are passed from year to year. There is good ground, however, for the observations of your honors, for though it is nominally the rights of the Crown, it is in reality, the revenues of the people of the Colony which are affected, as those bonds are generally given for duties. If a Crown prosecution is placed upon an equality with that of a private creditor, it may give opportunity for collusion, or avoiding the payment of the just dues of the Crown. I am not very ardently in favor of making the alteration. It is true there has been inconvenience felt, that has been the case, even in my own experience. While I was Attorney General, and in one case in particular, I was informed that goods had been seized, upon which the duty had not been paid; they were secured by bond, and the sureties urged me to issue an execution, and overreach them, which was done. There are objections both ways, but I have not heard any very strong reasons for making the change, and if it were left to my decision, I would probably leave the law as it is, but I assume that it is part of the new alteration, made in Great Britain, and that is the reason it is embodied in this Bill.

Hon. Mr. BERN: A person giving bonds for duties upon goods imported must find sureties, and in the case referred to by his honor who has just spoken, the sureties might have been left liable for those duties in which they had no interest. It would be hard in such cases, if the sureties could not fall back upon the goods. Under this Bill an importer of goods might have some difficulty in getting a bond signed, for it might prevent parties from going surety for him.

Hon. Mr. McDONALD: It has just occurred to me that it might operate in various ways. For instance, a person buying land from the Government might have it signed by a private creditor, whose execution might be issued before an execution by the Government, and thus the claim of the private individual would take precedence of the claim of the Government, from whom the land was purchased.

On motion of the Hon. Mr. McDonald, seconded by the Hon. Mr. Walker, the Bill was amended by striking out the clause which had just been under discussion.

The next clause considered gave the Judge of the Supreme Court power to adjourn a cause till another term, and the Hon. Mr. Palmer observed that he did not see how it could be carried out. It might be all very well, his honor said, to allow the Judge to adjourn a cause till another day of the same term, but that same jury would not meet at another term, and some of them might be dead or off the island.

Hon. Mr. Walker said he did not see how it was possible that the case could be referred to the same jury at another term of the court, and he was, therefore, opposed to the clause.

Hon. Mr. Anderson thought it would amount to the same as setting the proceedings aside and commencing a new trial.

Hon. Mr. Palmer said that if the case were adjourned for two or three days, the court would commence where they left off, but to have it adjourned till another term was very different.

Hon. Mr. Gordon thought it would be better to amend the clause, for if a person was not prepared to pay the debt he might make oath that he was not prepared for trial, and the judge might then put the case till another term.

Hon. The President was not aware that there was any provision in the Act to summon the same jury at another term of the court, and such provision would have to be made, or one case would have to be tried by two different juries. He did not see how either could be done.

Hon. Mr. Gordon believed the present practice was, that of important evidences were required, the counsel of the party requiring it could make application to the judge and have the case postponed.

Hon. Mr. Palmer replied that he could before the case was called, but not after.

Hon. Mr. McDonald said there were some cases in the Georgetown court at the last term, when the parties interested had so attended the election, which was held on the same day, and judgments went against them on account of not being in attendance. He thought it was well to allow the court to adjourn a case till another day of the same term, but he saw no reason why it should be till another term.

Hon. Mr. Dingwell said if the alteration was made on account of the elections being on the same day as

the court, it was unnecessary, for he hoped such an occurrence would never take place again. It was very wrong, but he scarcely knew who was to blame.

Hon. The President observed that there could be no objection cast upon the Judges, for the time for holding the court was regulated by law; it must therefore be the party who called the election at a time to interfere with the court who were to blame.

Hon. Mr. Dingwell said it was very far from his intention to cast any reflection upon the Judges; he thought it was the Government who had cast a reflection upon the court.

Hon. Mr. Gordon said he had heard that subject explained by a member of the Government, who said that if they held the election on Monday there would be a cry that the Government had no regard for the conscientious convictions of the people, and any other day of the week would be as liable to the same objection as Thursday, the day on which the election was held. The season being so far advanced, it was not considered advisable to put it off for another week.

Hon. Mr. Dingwell was sorry to differ from his honor who had just spoken, but he was the first he had heard try to defend the Government for having the election at such an inconvenient time. Many persons did not know whether to attend the court or the election.

On motion of the hon. the President, the clause was amended by striking out all that gave the Judge power to adjourn a case from one term till another.

The House was then resumed and the bill reported from Committee agreed to with certain amendments.

A message was brought from the House of Assembly by the Hon. Attorney General, with a bill to repeal two certain Acts therein mentioned, to compel masters of vessels to exhibit a light while in harbor in the night time. Also a bill to repeal an Act of the 29th Victoria, chapter 29, relating to judgment in the Supreme Court, binding leaseholders.

Adjourned till tomorrow at eleven o'clock.

TUESDAY, MAY 14th.

CROWN PROPERTY EXEMPTION BILL.

A Bill was brought from the House of Assembly, by the Hon. Attorney General, to add to the Act Exempting Property belonging to Her Majesty and the Government from duties and assessments, which was read a first and second time, committed to a committee of the whole House, and reported agreed to without any amendment.

VESSELS' LIGHTS.

On motion of the Hon. Mr. McDONALD, a Bill to repeal two certain Acts therein mentioned, to compel masters of vessels to exhibit a light while in harbor in the night time and to make other provisions in lieu thereof, was read a second time and committed to a committee of the whole House.—Hon. Mr. McDonald in the chair.

His honor, in moving for the second reading of this Bill, said it was introduced to meet an objection which was raised against an act passed for the same purpose last session. That Act was found to conflict in some measure with the act of the Imperial Government, and under this act masters of vessels would be compelled to exhibit the same kind of light as that required by the Imperial Regulations.

Hon. Mr. DINGWELL said he had no doubt but it was a very safe provision, but he thought there should be some distinction made between large and small vessels. He would not oppose the bill, but he thought that as the lights had to be kept up all night, it would be a very considerable tax upon owners of very small vessels, and he would like to see some distinction made.

The bill was reported from committee agreed to without any amendment.

On motion of the Hon. Mr. Palmer, a bill relating to practice and pleadings in the Supreme Court, was read a third time and passed.

Adjourned till four o'clock, p. m.

AFTERNOON SESSION.

TRUSTEES' BILL.

Hon. Mr. PALMER, on rising to move for the second reading of the bill to amend the Act of the 29th Victoria, Chapter 29, relating to trustees, and an Act relating to judgments in the Supreme Court, binding leaseholders, said: your honors will remember that an act was passed last session relating to the transfer of property invested in mortgages and trustees, and since passing that act there have been various improvements made in laws of this kind which it is thought would be very advantageous if introduced into this bill. The law with regard to trust estates and trust deeds is in this country altogether regulated by the common Law of England; and as these consist of old stereotyped works modern circumstances often require that more extensive powers should be given to some proper authority to enable trustees to deal with trust property in such a way as to carry out the intentions of those who constitute the trust. When we are governed altogether by the rules, or the common Law of England, parties are very much hampered. There are amendments often required, and they must be introduced by statute Law. We are doing so from time to time, and are taking up such parts of those laws as are applicable to our Colonial circumstances and state of society. This Bill, it is considered, contains provisions which will greatly facilitate the transfer of property held in trust.

The Bill was then read a second time, committed, and reported.

On motion of the Hon. Mr. McDonald, a Bill to add to the Act to exempt property belonging to Her Majesty and the Government from duties or assessment, was read a third time and passed.

Adjourned till tomorrow, at eleven o'clock.

HOUSE OF ASSEMBLY.

SUMMARY OF PROCEEDINGS.

SATURDAY, May 11.

Continued from the fourth page.

Hon. Mr. Howland read from the Visitors' Report the books used in the School named, and failed to find any such books as were alluded to on the list. The hon. member for the City should not have made use of an assertion of that nature against one who, for the past 20 years, was favourably known as a teacher. It was ungenerous to brand that teacher, or his school, with disloyalty—an assertion without proof.

Mr. Brecken would not vouch for the correctness of the report, but he was told of it, and only referred to it in reply to the statements made by an hon. member touching books in Prince of Wales College.

Hon. Mr. Henderson—Giving grants for years did not make it right. In Scotland, the Visitor of Schools reported on similar schools. He would second the resolution of the hon. member, Mr. P. Sinclair.

Hon. Mr. Davies—He would also support the Resolution; and he was astonished to find that the hon. member, Mr. Henderson, had, for four years as a member of the late Government, sanctioned grants which he now condemned.

Hon. Leader of the Opposition—It would be found that tests would be indicated in any of the Schools in question, the grant could in future be withdrawn. He would, therefore, support the Resolution instructing the Visitor to report on said Schools. The children of all denominations were taught at the School in Georgetown.

Mr. Bell thought the Resolution invidious and would move in amendment that the hon. member, Mr. P. Sinclair, have leave to withdraw it.

The question was put on the amendment, and negatived as follows, viz:—

Hon. Colonial Secretary presented returns of various Small Debt Courts throughout the Island.

The Act to incorporate the Charlottetown Hotel Company was read a second time and agreed to.

Mr. McNeill directed the attention of the House to the disturbed state of the Indians on Lennox Island, and moved that T. Stewart, Esq., Indian Commissioner be heard at the Bar of the House on the subject of Indian claims on said Island. The Report of the land commission plainly stated that the Indians had been in uninterrupted occupancy of that Island for half a century, and had built a Chapel and made other improvements thereon, and gave it as their decided opinion that the title of the Indians to that small portion of the wide territory of their forefathers should be confirmed, and they left in the undisturbed possession of the last remnant of the race.

The House having adopted the motion, Mr. Stewart appeared at the bar and addressed his honor the Speaker and the hon. Members of the Assembly on the subject of Indian claims to Lennox Island and their condition generally. He alluded to his recent visit to London when he took occasion to lay before the annual meeting of the Aborigines Protection Society, held in London, in May, 1865, and which meeting he had the honor to address, the claims of the Mic Mac Indians on that Society.

In the said Report of that Society, from which a pamphlet form, Mr. Stewart quoted, a Resolution appeared, which had been adopted by the meeting alluded to, expressive of the deep interest the Society felt in the welfare of the Indians, and the hope that the statesmen engaged in carrying out the Confederation of the British Provinces in North America would guard the existing rights of the Indians, and also make provision for their admission to the privileges of citizenship. The Report also expressed the readiness of the Aborigines Protection Society to assist in alleviating the grievances of the Mic Mac Indians of P. E. Island. Mr. Stewart then proceeded to show that negotiations were pending between the proprietor of the Island and the Committee of the Aborigines Society for the purchase of Lennox Island. He also submitted a letter from one Martin Francis, an intelligent and educated Mic Mac, on behalf of self and fellows, dated 15th of August, 1865, setting forth that R. B. Stewart, land proprietor, was at Lennox Island demanding rents, and on being refused, threatened to enforce payment by sending Soldiers, Sheriff and constables to collect rent from all the Indians on the Island; that letter, he said, caused great alarm among the Mic Macs on the Island. He (Mr. Stewart) then appealed to the Hon. House on behalf of those aborigines of the Colony, and submitted that it was the duty of the Legislature to address His Excellency to take the necessary steps without delay, to secure to the Indians in the matter of the negotiations now pending between the Aborigines Protection Society and R. B. Stewart, Esq., a fair and impartial representation of their true interests in the property in question.

Mr. Stewart having closed his address respectfully withdrew.

The House took no action on the subject, but warmly commended the indefatigable labours of the Indian Commissioner, Mr. Stewart, on behalf of the remaining portion of the Mic Mac race on the Island. The negotiations alluded to, it was hoped would terminate favourably to the Indian inhabitants of Lennox Island.

THE LOAN BILL.

On motion of the Hon. Attorney General, the Bill to authorize the Government to raise a loan of money for the public service, was committed to a Committee of the whole House. Mr. Bell in the chair.

Hon. Attorney General said, that having explained the leading features of the Bill on its introduction at its first reading, it was unnecessary for him to detain the Committee with any lengthened remarks at that stage of the proceedings. He hoped that both sides of the House would approach the question of a loan in the spirit of candor, and that with freedom from party bias so essential in deliberating a measure having for its object the general relief and benefit of all classes of the community. That a financial crisis of more than ordinary depression would follow the withdrawal from the Colony of the large instalments yet due, and soon to be made payable for the purchase of the Cunard estate, appeared to him inevitable. The subject was one of more than ordinary importance, requiring the serious consideration of the House.

Hon. Leader of the Opposition said that he was not aware that any proprietary lands were at present offered for sale. The Government had not informed that House of any negotiations pending relative to the purchase of any Estate or Estates. The case was different with the late Government last session, and when the extension of the Land Purchase Act was introduced, the purchase of the Cunard Estate was offered to that administration. The extended provisions of the Land Purchase Act left a large margin for the present Government—sufficient to purchase the Sullivan Estate, should it be offered for sale. He could not, therefore, see the desirability of a Loan, on the principles contemplated by the Bill. Borrowing money in a foreign market which could be procured from citizens of the State, was not a sound policy, and was contrary to every principle of political economy, unless it could be shown that it could be procured abroad at a cheaper rate than at home. If the Confederated Provinces of British America, with all their resources and their revenues pledged, backed, too, by the Imperial guarantee, could not obtain a loan for the building of the Intercolonial Railway at a less rate of interest than 4 per cent., without which guarantee the money could hardly be got at 6 per cent., how, he would ask, could this small and insulated Colony expect a loan on more favourable conditions. He then alluded to the expenses that would be incurred in negotiating for a loan in England. The services of an agent would be required, which would cost an additional sum. In regard to the commercial aspect of the question, the Government should not attempt a remedy for any temporary depression resulting from overtrading. He could, therefore, see no reason for supporting the Bill under consideration.

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