sault case? So little was I aware of what had taken place, or what was going on, but let us look at a specimen of those extraordinary extra judicial proceedings—(his honor then read to the House the interrogatories that had been put to him by the Committee of the House of Assembly and the answers he had given:—

Extract from the evidence before the Committee of the House of Assembly, on the Petition of Neil Darrach.

COMMITTEE ROOM, March 31, 1853.

Present—Mr. Davies, Mr. Macaulay, Mr. Fraser, Mr. Laird, Mr. Longworth.

Hon. CHARLES YOUNG called in and examined.

Question. Were you retained by Neil Darrach to defend him in an action at the suit of B. H. Cumberland?

Answer. I was retained by his son Archibald as agent for Neil Darrach, some time in the year 1851, in May or June, in an action brought by Bentinck Harry Cumberland and Wife against Neil Darrach on a Breach of Covenant.

Q. Was the case tried in Court and did you defend it?

A. To the declaration filed I put in two Pleas, One, the general Issue, and the other a Plea of Payment, both Please being issueable. The cases were not tried in Court, because the agent of the Defendant authorised me to confess the suit, which I did.

Q. What was the Agent's reason for authorizing you to confess Judgment?

A. When he first came to me he produced certain Receipts, on account of Rent severally signed by Capt. Cumberland and his Wife, which Receipts when added together would exceed the amount of Rent claimed under the Lease. On the face of these Receipts there was no apparent cause for supposing that they were incorrect. The Agent or Defendent informed me that he had had frequent conversations with the Plaintiff's Attorney, Mr. W. H. Pope, towards effecting a settlement, and authorised me to show Mr. Pope those Receipts for that object. Mr. Pope shortly after came into my office, and for the purpose of endeavouring to effect a compromise I exhibited to him the Receipts in my possession. So soon as Mr. Pope saw one of the Receipts he positively asserted that one of the figures in the year had been altered. From recollection, I think it was the year 1849 Mr. Pope alleging that by Capt. Cumberland's Books the money was paid and the Receipt given in the year 1843. Some time afterwards when I saw the Agent of the Defendant, Archibald Darrach, I asked him particularly about the Receipt, desiring him to tell me the whole facts connected with it, and telling him the consequences to himself and to his father if that Receipt could not be substantiated in evidence that if it were proved to be a forgery, the Receipt would be impounded in Court, and he himself made liable to an action and that a Verdict could be passed against his father which would carry costs and that unless he satisfied me the Receipt was *bona fide* I would not allow him to go into the Witness box. He positively asserted that the Receipt was substantial, that the figures had never been altered—that the money had been paid in '49, and that the Receipt had been given at the time, and that he would sware to it. No compromise could be effected between the Plaintiff's Attorney, and the Detendant. Notice of Trial was given for Hilary Term '52. I was ready for Trial on the part of the Defendant. On the morning before going into Trial, I showed the Receipt to the present Chief Justice "then practising at the Bar" and asked him if he thought it had been altered, knowing that he was acquainted with the hand writing of both Captain and Mrs. Cumberland. He carefully examined the Receipt, held it up to the light and stated that it had not been altered; but that the figures were 1843 and not 1849, and intimated that he could give evidence to that effect. I then took Darrach, the Defendants Agent, into the Lawyer's robing room, and told him what Mr. Hodgson had said and again cautioned him as to the consequences. He still persisted that the Receipt was *bona fide*. I asked him if he had paid the money in '49, and for the first time he prevaricated and stated that the Receipt had been given when the money was paid, I insisted on a positive answer to my question, and he refused to give me one. I then advised him not to run the risk of purjaring himself or of producing a Receipt that he knew to be false. He said that he would run all risks or words to that effect. I then told him I was satisfied the Receipt was for '43 and not for '49, and that I could not conscientiously ask the court to assume that Receipt as *bona fide* for '49. I then advised him, by all means, to compromise and told him that he would be certain to lose his suit. He seemed dissatisfied with my advice, and left me for the purpose as he intimated, of retaining other Counsel, which I believe he did and got from them they were two I believe, a similar opinion. He then returned and authorized me to make the best settlement that I could with Mr. Pope and which I effected, after much consultation with Mr. Pope and himself together.

In the Report of the House of Assembly there is a clause accusing me of neglect of duty, and thus has this Honorable Body presumed to pass a condemnatory judgment upon my character as a lawyer by asserting that I signed a Cognovit or confessed a debt without the consent of the Petitioner or that of his son. I now hold in my hand a certificate of a person who most fortunately for me happened to be present on that occasion. And before I received it, I cannot tell your Honors the agony of mind that I had experienced and even now I can scarcely express the indignation that I felt at the base imputations that had so unwarrantably been cast upon me.

[Here his Honor read the Certificate of Mr. William Pope, testifying that the judgment was signed when the Court was sitting, the Petitioner being present, and he thereunto consenting.]

—What has the House of Assembly done! They have not hesitated to brand me with being incapable of conducting a suit in the Supreme Court, thereby endeavouring to fasten a charge upon me from which every lawyer would shrink with horror, but they have done so in the face of the evidence of two disinterested Barristers, who prove that this man had given his consent before the document was signed. Yes, this House of Assembly, or, more correctly speaking, a majority of it, was willing to believe that man, who was quite ready to perjure himself, by passing off a false receipt, rather than two totally disinterested parties. I have said, that this man was willing to perjure himself, and I think I shall establish this assertion to the entire satisfaction of Your Honors. This very man —this Neil Darrach—to whom the House of Assembly have lent so willing an ear, would, had I not restrained him by pointing out the sinfulness of the act and the temporal pains and penalties he would thereby subject himself to, actually have sworn, as indeed he professed himself willing to do, that a certain Receipt which had been given in the year 1843 by Capt. Cumberland, was given in 1849—the figure 3, having been in form similar to the shape of the figure 9. That Receipt several persons saw, for at the time to which I am referring the Supreme Court was sitting, and amongst others it was shewn to the present Chief Justice, then a practising Barrister, who also was of opinion that an imposition had been attempted. And now forsooth, merely because I would be no party to so infamous a fraud, that bad man, regardless of every other consideration but the attainment of his base design, trumps up a case of grievance, hastens to the House of Assembly, and that honorable body, by the course they have thought proper to adopt on the occasion, have bolstered up his unrighteous cause far beyond, I daresay, even his most sanguine expectations. I have been told too it was asserted by a very prominent member of the government in the House, that if thoseproceedings had been brought under the review of the Supreme Court, that the gown of the Attorney General would have been taken from him! Now your Honors, if ever I acted conscientiously in any suit, I did so in the case of that unhappy man. And why did I so? Just because I felt convinced that he would peril his immortal soul by perjury, and that he would unhesitatingly pass off the false receipt I have mentioned, if he could at all do so. I now come to the third shaft, and that is the Bill which is now under discussion. When the change of Government took place in the year 1850, whereby the blessings of responsible Government were conceded to the Colony, a Charter was granted—a new Constitution,—The Act is entitled "An Act to Commute the Crown lands Cap. 3.—I say when this act was passed and received the Sanction of Her Majesty that it was the Charter under which we were to have the blessings of responsible Government. It was under this Act the present Attorney General was appointed, and the following clause has reference to the appointment "unto the present or any future Attorney General of this Island, as and for the salary of that office, the sum of £150 of lawful current money as aforesaid per annum, the same to be over and above all fees and allowances now or at the time of the passing of this Act allowed by law to the said officer." Well, it was under this clause that I accepted office, and I should have thought that if there were any principle in men—any honor in a body of men, that they would have considered this clause inviolable; and, more especially, that very House of Assembly which passed the Act, and which is still in being. I conjure your Honors to bear in mind, that the same principle which has been made to apply in the attempt at the reduction of my salary, may, at the caprice of a few individuals, who may choose to band themselves together at any time, be brought to bear on the salary of any officer under the Civil List Bill—a bill which you all know the Imperial Government made a *sine qua non*—of without which it positively and explicitly declared that it would not concede Responsible Government to the colony. I say that the salary of every officer under that Act is equally liable to the same unjust encroachment which the House of Assembly, in the plenitude of their wisdom, have now thought proper to make on that of the Attorney General. On the same principle any Officer under that Act may have his salary changed. The Hon. Mr. Swabey may have his £200 a year cut down to £100—the Treasurer have his salary cut down to £300, and the Colonial Secretary's be cut down to £200; and so may it be with all the other officers. If they can touch one, they can touch all, and, therefore, I say when the House of Assembly attempt to alter my income by this Bill and cut me down to £300, it is a violation of the compact entered into—a breach of faith on the part of the Government. I reiterate, that I have heard of such things as robbing Peter to pay Paul, but never, until the present occasion, that Charles should be robbed to pay Joseph. Consider, your Honors, this Bill. The Attorney General received £435 last year, as may be seen by the public accounts—the Solicitor General, scarcely £20; and now the House of Assembly think proper to raise the Solicitor General's salary by giving him £100 a year, and reducing the Attorney Generals to the paltry sum of £300. I would ask, is that right,—is it fair—is it honest? Having some principle myself, I confess that I did feel indignant that every member of the Government, except one, should have voted for that Bill—so indignant at the unhandsome treatment I have experienced at their hands, that I this very morning, went down to His Excellency the Lieut. Governor, and told him that I placed my Offices of Executive Councillor and Attorney General at his disposal; and therefore now I retain these situations only so long as His Excellency may think proper to withhold his sanction to my resignation; and I hope that the vindication I have this day made will go forth throughout every part of the Island. I shall not, at all events, be considered a cringing creature. A sense of honor prevents me from tamely submitting to the censure—the bitter censure—of my colleagues in the Executive Council; and that too, without even having deigned to ask an explanation in regard to any matters wherin they may have differed from me in opinion, I have lived twelve years in this Island without public aid, and I care not for pounds, shillings and pence from the Government. Thank God, I have been able to live without being in the slightest degree dependent upon Government allowances. I can do so still; and little do those know of me or of my character who can for a moment suppose that it is either for salary or fees that I accepted Office or retained my situation. In taking the step I did, of tendering those situations I did not consult any person—not a living soul—not even a member of my own family, and I believe that until the present moment that I declare it, not a human being knew of it, except His Excellency. Therefore, I hope that your Honors will consider well this Bill, and be led to see how injuriously it affects the rights of those that will be subject to its operation, if it be carried into a law. It is unjust—altogether unjust—and I do hope that you will yet view it in that light. With respect to the mere matter of fees, of pecuniary recompence for professional services, I recollect, and that not very long ago, too, of a gentleman from the other province receiving, in one week, £120 for his services in this very town—that gentleman was my elder brother who was retained in a certain suit that was then pending in our Supreme Court. One of my own brothers, too, was retained in another suit, also, in this place, which occupied him only two or three days, and, during which he spent his time in the most agreeable manner possible, and he received his £120. It is quite a common thing in England for a Council to receive £400 or £500 for even one day's service, I need, however, dwell no longer on that point, but, if the Government of this Island think that they can get a person to do their work for £300 a year, it will not be Charles Young that will do it—that I know. Some other person may. I should fain hope that his Honor who has made the motion for going into Committee with this Bill, will, albeit at the eleventh hour, now see the impropriety of pressing his motion to a division. Members who voted on the Bill before are now absent; and I know well that if the Hon. Mr. Dingwell had had the slightest idea that it would have been brought on again, he would sooner have cut his hand off than have gone to his home. Two members are now laid on beds of sickness and unable to attend, and another absent, under the impression that the Bill has been lost. But it would seem that new light broke in on Wednesday, and I suppose that your Honors are ready, without the person chiefly interested being even asked a single word upon the subject, to reduce his income from £435 to £300, and to raise that of the Solicitor General from £25 to £100. If that be justice in the minds of some of the House, it most assuredly is not so in mine

The Hon. M. SWABEY. I would like to know, from his Honor the President, if it is just to proceed upon the consideration of this Bill at the present time! I wish to be put in possession of the rule that obtains under similar circumstances—I mean with respect to the effect of an equal division. I know that it was the opinion of the House the other day, that the division being equal, the Bill necessarily fell to the ground, and that there could be no further proceedings taken in it. In some kind of a manner this has been attempted to be explained away. Now, the only kind of a precedent that has been found, is one solitary case, in which there was an equal division; and I remember myself that in that case the Bill was said to have been "hung up"—that was the expression then used by an hon. gentleman since dead, as to the fate of that Bill. My purpose is to ascertain whether we are competent to go into this Bill at the present junction? With respect to the Bill I have mentioned, no further proceedings were taken, and it was lost. I asked you, Sir, the other day, whether you could state what was the proper step to take with regard to the Bill now under discussion, and you very properly asked the permision of the House to adjourn, in order to go and consult with our late President. I certainly did not mean that you were to take his advice as final. Well, you asked that gentleman, and, when you came back, I thought there would have been something decided; but you, Sir, told the House that he had declined to be the arbitrator in the point in dispute in this House. But, Sir, it was to you I looked for a decision, and not to him, and even up to the present moment, you have not said any thing to invalidate the course of procedure that was adopted in the only precedent you have succeded in finding out. I have much more to say; but, at present, I wish to confine myself to one thing, and that is, whether the consideration of the Bill can be resumed—whether the rule, or, more correctly speaking, the practice, of this House which was never to take advantage of absent members, is now to be departed from? Sir, I would never take the least advantage of the absence of any hon. member; nor have I ever done so. I could have carried the view I took of the Compensation Bill, the other day, but when I was appealed to and reminded that an hon. member who had taken an interest in it was sick, I was restrained by a sense of honor and of justice, and cheerfully consented to its postponement.

The Hon. the PRESIDENT. And have you not received equal courtesy in return?

The Hon. Mr. SWABEY continued—I have, Sir, and up to the present moment it has been the pride and the boast of this House that we have given to each other every courtesy and consideration, but, Sir, without the slightest intention of using offensive, language I do assert that this is a violation of that understanding.

The Hon. the PRESIDENT explained that the only case they could find where there was an equal division, was that of the Fishery Reserve Bill which was sent up to the Council several years ago.

The Hon. the ATTORNEY GENERAL. I remember the Fishery Reserve case well. I, with some others, took a deep interest in the Bill, and I recollect we were sadly displeased and mortified at its having been "hung up" and that in the absence of two or three members I got up and made a motion that it should be gone into: and I recollect too that his honor, our present President, said to me "will you Sir, take such an undue advantage as this in the absence of other honorable members?" We quarrelled upon the subject, and after getting into a towering passion, his Honor went into a detail of the injustice of the Bill, when I retorted that he could not have read a word of it. High words ensued, and the upshot of it was, that we were both placed in custody for an hour and a half—I remember too that we were made to bow to each other and to apologise. The matter then dropped—our present Chief Justice was then the President of the Council, and he explained to us both, that he did not consider it fair to bring the matter forward anew in the absence of members.

The Hon. the PRESIDENT. I put that question to the Chief Justice the other day, and he said that he had not the least recollection of it. But I consider that the House is not precluded from taking the present Bill into consideration, notwithstanding the division the other day.

The Hon. the ATTORNEY GENERAL. Then I move that absent members be sent for.

The Hon. Mr. HOLL. This has been fully discussed and we have come to the conclusion that the Bill has to be disposed of.

The Hon. the ATTORNEY GENERAL. Surely you will not refuse the motion?

The Hon. Mr. HOLL. I have no objection, but it is necessary to explain how the matter was brought under my observation. On Wednesday morning, on my way to the House, I met the Clerk and he told me that the Bill was not disposed of, and I replied that if such were the case, the usual course must be taken, and that I find is, that the Bill be recommitted.

The Hon. the ATTORNEY GENERAL. What has become of the Will Bill?

The Hon. Mr. HOLL. This is not the only Bill. The Tenant Compensation Bill is precisely in the same position.

The Hon. the ATTORNEY GENERAL. His Honor knows that the majority is the other way.

The Hon. Mr. HOLL. In both cases there is the same majority.

The Hon. the ATTORNEY GENERAL. Yes. In one case you will have 5 to 3, and in the other 3 to 5. The Salary Bill will be gained and the other lost.

The Hon. Mr. HOLL. Be that as it may, the Bills have to be disposed of, as they have been left by the proceedings of Tuesday last precisely in the position they were previous to the action that was taken on them upon that day.

The Hon. the ATTORNEY GENERAL. His Honor the President has decided that the Bill should be gone into. It is a dead lock, and in my opinion one of your Honors should retire.

The Hon. the PRESIDENT. If you had not resigned your situation as Attorney General I should have said that you were the member who should retire.

The Hon. the ATTORNEY GENERAL. It affects not only the present Attorney General but his successors, and the Solicitor General and Clerk of the Crown. Had the Bill only referred to the Attorney General I would have retired.

The Hon. Mr. HENSLEY. After the proceedings which took place the other afternoon, we all went away under the impression that the Bill was disposed of, and I should have been happy if the matter had rested there, but when we received information that it was still in existence, it was our duty to proceed. Why should we pause? If the hon. Mr. Dingwell chose to go away, is that our fault?

The Hon. the ATTORNEY GENERAL. He (the hon. Mr. Dingwell) thought it was settled.

The Hon. Mr. HENSLEY. When we came to the Council and found these Bills still in existence, we had a plain public duty to perfom, and we were bound to dispose of them. His Honor the Attorney General had said something about a combination, but we have been left in the dark as to the nature of it. From the marked emphasis of his Honor one might have expected some treasonable combination, but as yet, nothing of the sort has been revealed. His Honor has also been pleased to notice an undue degree of excitement in me; if so, all that I have to say is, that I am quite unconcious of it.

The Hon. the ATTORNEY GENERAL. I rise to explain. What I meant to say was, that his Honor exhibited great excitement on the occasion of the second reading of the Bill, before he knew whether it was my intention to vote or not.

The Hon. Mr. HENSLEY. If so, I can only repeat that I was not conscious of it: but on your changing your course, after what you had stated to be your intention, not to vote, I certainly expected that you would abstain from voting. On that occasion we heard nothing of any future Attorney General. Many arguments have been brought forward by their Honors the Attorney General and Mr. Swabey, members of the Government, against a measure which has been introduced and supported by a large majority of their executive colleagues. I maintain that there has been no reduction of the Salary. The principle of the Bill is to convert the fees of that office into a Salary.

The Hon. the Attorney General. This might have been done with my consent.

The Hon. Mr. Hensley. I conceive that no injury is done to any individual, and were I in his Honor's situation I should prefer having one half the amount under a fixed salary than be open to the imputation of creating fees for my personal benefit. Having the example of his predecessor in office, the present Chief Justice, with respect to the mode of recovering the land assesment, I am of opinion that his honor should have been guided by his example of moderation, both for his own sake and that of the Government with which he was connected. That where too modes of levying fees were presented to his choice, that he would have done better for his own character and for the popularity of the Government with which he was connected, if he had pursued the more disinterested and merciful course adopted by his predecessor

The Hon. Mr. YOUNG. What in opposition to the Law?

The Hon. the PRESIDENT. Does his Hon. the Attorney General intend to persist in his motion to send for absent members?

The Hon. the ATTORNEY GENERAL. Please yourselves.

The Hon. Mr. SWABEY. I would have pressed the motion had time permitted, but in yielding to the convenience of the legislature I would only remark that it is incomprehensible to me how your Honors can reconcile your present intention of passing the Bill with a Salary of £300 after your vote of £400 as suggested to the House of Assembly.

The Hon. Mr. HOLL. I stated that if it went into Committee our intention was to rise the salary to £350. From what has fallen from the Hon. the Attorney General, the subject under discussion has assumed a different aspect. The Bill will go into committee under much more favourable circumstances—a great difficulty is removed by the resignation of his honor, and we can now approach the further consideration of the matter dispassionately. It has reference solely to his successor.

The Hon. Mr. SWABEY. I repeat, I am not aware of any reason which has led your Honors to come to a conclusion different from what you arrived at the other day. As I have all along maintained I concienciously think that the compact with the crown is inviolable, but notwithstanding all that, if you had the power of changing from fees to a fixed salary, it would be essentially, necessary, I should think, to examine what was the amount of his Honor the Attorney Geeral's fees. As to fixing upon £300, I do say that it is much too low, and all professional men will tell you that it is not a fair remuneration. If the time had allowed I would have removed an enquiry with regard to those fees and then after having ascertained what really was the amount of them—having made a fair computation and struck a fair avarage, I think that some proper and satisfactory conclusion might have been come to. The session is now however too far advanced to enter upon such an investigation—But whoever heard of legislators or business men taking a toss up sum, as you now seem bent to do! It is entirely wrong, and most assuredly it will receive no sanction from my lips.

The Hon. Mr. HENSLEY. It will be remembered by your Honors that a determination was come to, in the event of the suggestion of the Council not being agreed to by the lower House, that the Bill should not be lost. We all considered that the salaries were not upon so liberal a scale as could be wished, but that when the Attorney General's was compared with those of the Colonial Secretary, The Treasurer and the Post master who is so shamefully ill paid, he had no right whatever to complain.

The Hon. Mr. HOLL. It appears that "with the consent" of his Honor the Attorney General, (as he has just stated) that the compact under the Civil List Bill might be broken. Now, if it be a compact, all including that officer himself, are equally bound by it—but if with his consent it can be interfered with, according to his admission, it is evident that it is quite in our power to alter the Act in question without his consent, as it effects the future occupant of the office equally with himself. I cannot admit that we are effecting our object in an improper manner or that we can be fairly charged with taking an unfair advantage. The Bill has to be disposed of, and we cannot be held accountable for the absence of members of Council—With a large majority of the Government and nearly the whole of the House of Assembly supporting the measure, and stating it to be their opinion that the proposed Salary will afford adequate remuneration for the services performed by the Attorney General, I feel imperatively called upon to press the motion for recommitting the Bill. It has already been allowed by the Council that the salary under this Bill is too low, and his honor (Mr. Swabey) had admitted the principle of the Bill by advocating an increase of the salary to £400. [Here the Hon. Mr. Swabey explained, that he had moved that the amendment of the Council which had been disagreed to by the House of assembly, be adhered to; but was, at the same time, opposed to the Bill. The Hon. the Attorney General also interposed in support of the Hon. Mr. Swabey] The Hon Mr. HOLL continued—I cannot but must decline the interference of the Hon. the Attorney General. The Hon. Mr. Swabey and I are able to fight our own battles, and it will be early enough for his honor to render his aid when called upon; admitting, however, the explanation, the amendment for raising the salary to £400 emanated from that side, and was supported by us. This being the case, I cannot see upon what grounds your Honors can object to what will be proposed in Committe, namely, to raise the salary to £350, and to allow the fees under the Land Assessment Act to the Attorney General, in addition. By this arrangement the emoluments of the office will amount to perhaps £20 less than was proposed by your own amendment; and it is not improbable that it will reach the full amount of £400. Under such circumstances, and with a firm belief that our suggestion will be agreed to by the House of Assembly, I can discover no sufficient reason for further opposition. If I considered it right to support this measure on a former occasion much more do I deem it advisable to do so now. The chief object, as I have asmarked before has been removed by the announcement of the resignaton of the Hon. the Attorney General. It is now no longer a matter of personal interest. We are now placed in a position to treat the subject merely as it affects the future Attorney General, and it cannot be denied, that a more befitting opportunity could not be afforded than the present for carrying out the principle of this Bill. The principle itself is worthy of support both as regards the public interest and that of the officer himself. Imputations of increasing the amount of fees for his own benefit can no longer be cast upon the officer, and with such advantages, I think, you must admit that I am giving good and substantial reasons for supporting the Bill. Under the amendments about to be submitted, the Attorney General, if the Bill pass into a law, will hold the best situation under the Government. The Compact under the Civil List Bill is left untouched as regards the salary of £150, and the only alteration effected by the present Bill, is the commutation of the fees into a fixed amount, in addition to the said Salary. This is evidently the opinion of the House of Assembly, and of a large majority of the members of the Government. I need not add any thing more as the subject has already been so fully discussed, I therefore, move that the Bill be again referred to a committee of the whole House

And the motion was carried on the following division viz:

Contents—The Honbls. The President, Mr. Holl Mr. Hensley, Mr. Birnie, Mr. Haythorne.

Non Contents—The Honbls. the Attorney General Mr. Swabey, Mr. Beete.

The House was then put into a Committee of the whole, of which the Hon. Mr. Holl was Chairman, when the following Salaries were agreed to, viz:

The Attorney General—the sum of £200 per annum, in lieu of all fees of office, except the fees under the Land Assessment Act, and in addition to his salary of £150 per annum.

The Solicitor General, £100 per annum.

The Clerk of the Crown £160 per annum, for his public services

HOUSE OF ASSEMBLY, March 1853.

DEBATE ON THE SALARIES BILL.

[The Debates on this Bill—the several questions arising out of which occupied so much of the time and attention of the Assembly—have already extended to so great a length, that the Reporter, in order to secure publication of the whole, has been obliged to give the conclusion in a much condensed or summary form.]

ATTORNEY GENERAL'S SALARY.

HON. MR. WHELAN. He was glad to find that what had been stated by the hon. member from Murray Harbour (Hon. Mr. Thornton) respecting the amount of the Attorney General's fees of office, was a full corroboration of what he (Hon. Mr. W.) had previously advanced concerning them; but he could not agree with that hon. gentleman that by his statement, he had made it appear that the Attorney General was better paid than either the Chief Justice or the Assistant Judge. To each of those law dignitaries, for the discharge of his administrative duties, there was assigned an ample salary, and each of them was, besides, in receipt of fees; but the duties of neither were so extensive or laborious as those which the Attorney General had to discharge. As to the suggestion of the hon. member that the Solicitor General might, with propriety, be made, *ex officio*, the Law-officer of the Assembly, he (Hon. Mr. W.) was of opinion it could not be acted upon; the present House of Assembly certainly could not appoint officers for the next.—A due regard to impartiality on the part of the House would, he thought, require the provisions of the Bill to be so extended as to embrace the office of Prothonotary. He had perfect confidence in the integrity of the gentleman at present filling that office; but he was of opinion that there would be quite as much propriety in commuting the fees of that officer for a fixed salary, as there would be in establishing a salary in lieu of fees, for either the Attorney or Solicitor General.

HON. MR. COLES. A gentleman who, not long ago, was one of the Crown Law Officers, was, at the same time, the agent of one of our largest land-proprietors; and therefore that union, the country had lost a large sum of money. He meant to cast no reflection upon the gentleman to whom he alluded; but he would much rather that public officers held their official appointments independently of those of a private nature; and, he thought, the best way to provide against a clashing of duties or of interests, arising out of an individual's holding a high and important public appointment and his being, at the same, bound to attend to the protection and furtherance of certain private interests, would, with respect to all such public appointments, be to establish such salaries, for the incumbents, as would place them above the necessity of accepting others of a private nature.

On motion of the HON. MR. COLES, the clause for establishing a salary, in lieu of fees, for the Attorney General, was then agreed to with a blank.

MR. CLARK. The Committee were not yet agreed as to the average annual amount of the Attorney General's fees; and he was, therefore, not quite prepared to say precisely with what amount the blank should be filled.

HON. the SPEAKER. When they got in the last quarter's account, it would, he expected, be found that the Attorney General's fees of office for the last official twelve months were over £500.

HON. MR. COLES explained that the reason of the last quarter's account not having been sent in, was that it had not yet been certified by the Judges. The salary ought to be a fair remuneration for all the official services, required by the Government, at the hands of the Attorney General; and its amount ought to be determined, he thought, either according to a fair estimate made by legal gentlemen, or according to the average annual amount of the fees for the last four years.

MR. MOONEY. He was very glad such a Bill had been brought in; for he was satisfied that, if duly proceeded with and carried, it would be the means of effecting a saving of public money. He saw by the Journals that a Crown prosecution, instituted against a man for having stolen a whip, had cost the country £6. It was time that offences of so petty a character should be tried elsewhere than in the Supreme Court; and, he thought, the establishing of a fixed salary for the Attorney General, would pave the way for such a reform.

MR. CLARK disputed the correctness of the average (£437) made by the Hon. Mr. Whelan. The average of four years, according to his (Mr. Clark's) calculation, leaving out the retainer (£150,) was £206. If the Attorney General should be required to enforce the payment of arrears of land-tax, without being allowed to charge fees for his services on that account, the salary ought to be higher, than if he were separately, and in addition to his salary, paid for those services; but he (Mr. Clark) was not, by any means, in favor of establishing a large salary for that officer: his public-