THE EXAMINER:

A Weekly Journal of Politics, Literature, and News.

"This is true Liberty, when Freeborn Men, having to advise the Public, may speak free."—Euripides.

Vol. XIII. | **Charlottetown, Prince Edward Island, Monday, March 30, 1863.** | **New Series.---No. 12.**

The Wonder of all Nations!

THE MARCH OF INTELLECT FOR SPRING 1863!!

From the World's Fair.

THE best chance ever offered to the Farmers of P. E. Island, by which Time, Labour and Money are saved, the grand secret to us all, and can now be effected by getting one of those latest wonderfully improved

MANNY'S PATENT

Gold & Silver Prized Medal

Mowing & Reaping Machines,

WITH

Steel-lined Guard Finger Plate,

tempered same as the Knives, and is attached to the finger by a NEW PATENT PROCESS, thus making an entire new cutting face, with Horse Yokes and Swingle Trees, not in former machines, makes them now more valuable to farmers than any of the Gold Mines throughout the world, and are now warranted to cut one acre of Hay or Grain each hour, at one shillings cost, by forming a Club of five, which will be a fifth less expense than the old fashioned Scythe cutting, proved so injurious to the constitution and so fatal to many farmers.

With those unsurpassed Machines any quantity of Seed can be sown in Spring at one time, and no fear for hands to cut it, when ripe, need be felt, and the Crops secured a month sooner, and the cost of the Club saved. The expense now reduced to the wages of one man for a month.

In proof of same, Mr. W. Hyde, West River, whose butter and cheese are so highly prized wherever they can be got, certifies he purchased one of those

Wonderful Money and Labour Saving Machines

in 1861; cut all his Hay and Grain, nearly a hundred acres, and cut his brothers' crop also with it, and then hired it out, by which he cleared half the price of the Machine same year, and is now free, and had the crops of both farms cut in addition.

This certificate is more satisfactory on the Island, as it can be relied on, than one hundred names from other places.

The above and the following first-class Farmers and Stock Masters can be referred to, some of whom have MANNY'S PATENT MACHINES in use for three or four years, and have proved much more durable and beneficial than they ever calculated on, and consider they are the greatest boon that can be conferred on their brother Farmers, Professional men, teachers, sea captains, widows, tradesmen, and all those whose time ought be more valuable than at such unprofitable and severe work as cutting hay and grain for the horses that are at rest, and ought to be at such employment, in place of white men and women toiling themselves to death to keep the horses alive, and at more than four times the cost:

THIS IS NOT KEEPING PACE WITH THE TIMES.

P. Lane, Esq., J. P.	William Clements, Esq.,
W. Aoorn, Lot 49,	D. Creighton, Esq.,
R. Mutch, Gallows Point,	G. Harris, Esq.,
J. McInnis, "	Stewart & Owen, Shipbuilders,
R. Ings, China Point,	Hon. D. Beaton,
C. Vickerson, Vernon River,	Theo. DesBrisay, Esq.,

and forty-six others, who got those wonderful Machines that work like telegraph.

The demand is now so great, caused by the vast number of men killed in the war, and the order from Europe for 1800 of those invaluable money and labour saving Machines, with eighty-six more wanted last harvest that could not be finished in time, will now require all parties wanting those Machines to send the order to the Agent, or the Depot at Orwell, with as little delay as possible, to ensure having them in good time for harvest.

No payment will be demanded until the Fall of 1863 and 1864.

Farmers not up to the great benefit of levelling and rolling the land are strongly advised by all Agricultural Societies and chemists to try it, when it will be found to pay well for the little outlay and trouble. To encourage the experiment, two dozen field rollers can be had from the undersigned, if ordered soon, at COST, and 12 months given for payment.

AGENTS:

CHARLOTTETOWN—John Williams, who is so well known for keeping the best and cheapest Seed on the Island; W. E. Dawson, whose Cash Store is the cheapest on the Island for farmers. James McGill, Spring Park, who is so famous for securing prizes for grain at our Exhibitions.
GEORGETOWN — W. B. Aitken, Thomas Owen, F. P. Norton.
MONTAGUE—Thomas Annear, Philip Beers.
GRAND RIVER—R. Walker, J. W. Truelove, J. McDougald.
MURRAY HARBOUR—Thomas Clements.
SOURIS—Edward Kickham.
ST. ANDREW'S—P. Griffin.
CASCUMPEC—G. W. Howlan.
CAMPBELLTON—Jas. Broderick.

Other Agents and instructions in Circular from

PATRICK STEPHENS,

General Depot, at Orwell Cheap Store, cheaper than the cheapest. FROM A NEEDLE TO AN ANCHOR—both included.

Feb. 9, 1863.

BUSINESS CARDS.

GEORGETOWN.

WILLIAM SANDERSON,

Commission Merchant, Wholesale & Retail General Agent, Auctioneer & Broker.

NOTARY PUBLIC.

Agent for Col. Life Assurance Company in King's County. Agent for Pictou Iron Foundry.

Town Lots, Pasture Lots, and Farms for Sale in King's County.

Nov. 18.

Watch and Clock Maker.

PURCHASE,

Smardon's Corner.

A CHOICE ASSORTMENT OF WATCHES always on sale, and warranted to perform well. Price £3 10s. and upwards.

WEDDING RINGS, BROOCHES, &c. &c. in great variety.

Charlottetown, August 4, 1862.

MR. W. A. JOHNSTON,

OF HALIFAX, N. S.

Attorney and Barrister at Law, Notary Public, &c, &c.

☞ OFFICE—Mrs McDonald's, next door to Mrs. Forsyth's, North side of Queen Square.

Charlottetown, October 21, 1861.

JOHN & ROBERT SCOTT,

Coach & Sleigh Builders,

Kent Street,

INFORM the inhabitants of Charlottetown and the Country generally, that they have now on hand a number of new and second-hand CARRIAGES, open and covered, of different styles, which will be sold cheap for prompt payment.

☞ All orders punctually attended to.

April 14, 1862.

Queen Insurance Company

OF LIVERPOOL.

FIRE AND LIFE!

THE Subscriber, having been appointed agent for the above first class Insurance Company, is prepared to take risks on all descriptions of property.

J. S. CARVELL.

Charlottetown, Feb. 10. tf

[EXTRACTS FROM NEWSPAPERS.]

On reference to a return made to Parliament, and ordered by the House of Commons to be printed, 7th June, 1861, it will be seen that the increase of Duty for the year, paid by the "QUEEN," was £2567, being upwards of £1000 more than paid by any other office ever yet established in this City.

[From Gore's General Advertiser, Oct. 24, 1861.]

"Indeed, we believe that we are perfectly justified in saying that no other Company, within the same period, ever attained so large an income in either the Fire or Life Departments as the Queen Insurance Company. In making this statement, we make no exception even in favor of our older local companies, namely, the Liverpool and London, the Royal, and the Lancashire Insurance Companies."

[From the Civil Service Gazette, Nov. 2, 1861.]

"Among these important institutions stands eminent for its solidity, as well as for its success, "the Queen Insurance Company," which last week held its annual meeting of proprietors in Liverpool. A reference to the ample report in another page will fully satisfy every reader of the signal progress made by this association since its foundation. Such success is, indeed, rarely attained; and it attests at once the excellence of its management, and the public confidence in its constitution."

[From the Liverpool Mercury, Nov. 2, 1861.]

"It must be gratifying to the public generally, and especially to the proprietors, to find that its income during the past three years has increased at the rate of £20,000 per annum. We believe that no other Company, within the same short period, ever attained so large an increase either in the Fire or Life Department. This speaks highly for the activity and zeal of the management, while the promptness with which all the claims, arising out of the late disastrous fire in London were met, testifies to their financial ability and the care and prudence which marked the investment of these funds."

Co-Partnership Notice.

THE UNDERSIGNED have this day entered into CO-PARTNERSHIP as

IMPORTERS & DEALERS

IN

British, French & other Foreign DRY GOODS,

Under the Style and Firm of

VAUX BROTHERS,

WHOLESALE and RETAIL.

C. C. VAUX.
H. B. VAUX.

Tropolit's Buildings, 152 Granville street, Halifax, Nova Scotia, Sept. 9, 1862.

Premiums Reduced!!

THE Agent of the LIVERPOOL AND LONDON FIRE INSURANCE COMPANY has the pleasure to announce that he is authorised to accept risks in this City at much reduced rates.

W. A. JOHNSTONE, Agent.

March 2, 1863. 1i

FOR SALE!

A SHORE FARM, at Kildare Capes, on Lot Three, containing 100 acres of LAND, 70 of which are in a good state of cultivation, fenced off into eight acre fields, and the remainder covered with Hardwood and Fencing. The Main Road runs through the Farm, and it has a front of ten chains on the Gulf Shore, where abundance of Sea Manure can be obtained.

The Buildings are nearly new—DWELLING HOUSE 30 × 25; a FRAME BARN 40 × 30; a LOG BARN of about the same size, and a small FISH HOUSE at the shore.

Part of the Purchase Money can remain on the premises. Application for further particulars to be made to Mr. Thomas Mountain on the premises, or to GEORGE W. HOWLAN.

Alberton, March 9, 1863. 1sl

Valuable Freehold Property FOR SALE.

THE SUBSCRIBER offers for sale A VALUABLE FREEHOLD FARM, fronting on the west side of Morell River, containing eighty acres, of which about sixty-eight acres are under cultivation, and the remainder is covered with Longers. There are on the Premises A GOOD SUBSTANTIAL DWELLING HOUSE, and good Out-Houses for farming and mercantile purposes.

For further information application to be made to the proprietor on the premises.

RICHARD HAYES.

Morell, Nov. 17th, 1862.

FOR IMMEDIATE SALE.

THAT DESIRABLE WATER LOT, in GEORGETOWN, containing half an acre of LAND, with usual privileges, known as No. 1, or POINT LOT. Terms Cash or short time on security. Apply to the Hon. JOSEPH HENSLEY, Charlottetown.

December 2, 1862. tf

Rare Chance to obtain a FARM!

FOR SALE, at ROSE BANK, that beautifully situated FREEHOLD FARM, fronting on Wilmot River, Lot 25, North Bedeque, containing seventy acres, fifty of which are cleared and in a high state of cultivation, the remainder being covered with Hardwood. There are on the premises a GOOD BARN, with shed and straw-house attached; a good Draw-Well within a few yards for the convenience of watering the stock.

—ALSO—

A comfortable DWELLING HOUSE, with a fruit and vegetable garden attached, and a never failing spring of the best water within a few yards of the Dwelling House. There are on the premises abundance of the best quality of Marsh mud which can be easily obtained. This desirable property is distant only three miles from the flourishing town of Summerside, and situated in one of the most flourishing settlements on the Island.

TERMS—One half of the purchase money down; the balance can remain on interest for a time agreed to by the parties.

Application to be made to the subscriber on the premises, CHARLES DONAHOE.

January 12, 1863.

Valuable Freehold Property FOR SALE.

THE Subscriber offers for sale that well known tract of Land, fronting on Bedeque Bay, Lot 17, commonly known as Crossman's Point, containing 390 acres of excellent Land, well stocked with building timber and cedar poles. There is a good Marsh attached to the property, from which a man, if industrious, can cut from forty-five to fifty tons of Hay every year. Three good Dwelling Houses, barns, and other outhouses erected thereon. An abundance of sea manure can be procured at any season of the year. It is an excellent place for fishing, and oysters and lobsters are in abundance. The above property is well fenced, and a large part of it in a good state of cultivation. It can be divided by a plan, in fifty or a hundred acres to suit purchasers.

ALSO,—250 acres of Freehold Land, fronting on Bedeque Bay, Lot 17, and within a mile or so of the flourishing town of Summerside, fifty acres of which is well fenced, and about 18 under cultivation, with a fine barn, and a new House, nearly finished, thereon erected, and a never failing well of water at the door, and is known as Harvey's farm. The remaining two hundred acres, adjoining Israel Green's farm, is well stocked with timber, and a small stream of fresh water running through it. There is a small Dwelling house and a large barn erected on the premises. The whole of the land is of an excellent quality, and not one foot of it but is fit for tillage, and level.

ALSO—The Leasehold Interest of Two Farms adjoining the above property, on the Linkletter road—one containing 100 acres of land, and known as Thomas Murray's farm, rent, £6 a year; the other containing 50 acres, and known as Jelley's farm, rent, £4 10s. per annum.

The above land is known as part of Welling's Point, and is part of the Estate of the late Lisle Ann Compton, of Chatham, Kent, England.

Part of the purchase money may remain on security on the premises.

For further information, application to be made to M. P. ROTCHFORD, opposite the Nunnery, Charlottetown, or to

MARIA ANN ROTCHFORD, Administratrix.

☞ If the above Property is not disposed of before the first day of JUNE next, it will be put up and sold at Public Auction.

Charlottetown, Dec. 8, 1862.

NOTICE!

ALL persons indebted to the undersigned are required to pay the respective amounts to BENJAMIN DESBRISAY, of Charlottetown, Attorney at Law, who is instructed to sue for the same, unless paid forthwith.

JAMES EVANS.

New Perth, Feb'y 6th, 1863

THE PRIDE OF NEW YORK.

1863's Specialty.

GRAND MIRROR OF AMERICAN GENIUS.

"Correct with spirit, eloquent with ease,
Intent to reason, or polite to please."

The New York Mercury

FOR THE NEW YEAR.

IT is with no fear of War's effect upon their literary fortunes, that the publishers of THE NEW YORK MERCURY acknowledge the unwavering loyalty of their TWO HUNDRED THOUSAND SUBSCRIBERS, and announce to them and to all, that the NEW YORK MERCURY for this year (1863) will be richer in every luxury of Polite Literature than ever before. It is no upstart speculation, no temporary "sensation," but a first class literary weekly, which has been familiar to the United States for a quarter of a century; and while the wishy-washy mushroom prints of yesterday are cutting down their talent even while they raise their subscription-price, THE NEW YORK MERCURY maintains all its great Staff of Romancers, Poets, Humorists, Essayists, Story-Tellers and Editors, and promises to make it still greater for 1863.

It is the one paper for every home. Its forty columns of reading matter per week constitute an unparalleled

CONSERVATORY OF THE ENTERTAINING,

and its Novels, Miscellaneous Tales, Beauties of Verse, Gossip, Feuilletons, Broadsides of Humor, and Polished Editorials, combine to epitomize all the charms of

WIT AND SENTIMENT!

The husband reads it to his wife, the mother to her children, the lover to his sweeheart, the soldier to his comrades, and the village schoolmaster to the circle around the stove. It is familiar to the sight of every man, woman, and child in our country, and has regular subscribers in several countries of Europe. THE NEW YORK MERCURY is also identified with the grandest patriotism of the age, for several members of its brilliant Staff hold high rank in our noble army, and have made themselves as famous with the Sword as with the Pen. The great illustrating artist of THE NEW YORK MERCURY, the inimitable DARLEY, gives the paper the highest attributes of Fine Art; and yet this largest literary weekly of the day promises to surpass itself in all these respects during the New Year!

The first NEW YORK MERCURY Novelette for the New Year to be commenced in the issue of January 3, 1863, is called

VICTORIA;

OR,

THE HEIRESS OF CASTLE CLIFFE.

BY COUSIN MAY CARLETON,

AUTHOR OF "GYPSY GOWER," "SYBIL CAMPBELL," "ERMINIE," "LA MASQUE," &c., &c.

The productions of this distinguished authoress need no eulogy. Public opinion has long since pronounced them superior to any other novelettes published on this side of the Atlantic; and the true test of their merit is found in the fact that they are eagerly reproduced, after their publication in the MERCURY, by the English press. We may add that the new tale, "Victoria," is fully equal in interest and depth of plot to either of those which have secured so large a share of public approval, and we can earnestly recommend it to all story-readers.

THE NEW YORK MERCURY is sold by all newsmen and periodical dealers in America. To Subscribers, it is regularly mailed every Saturday morning for $2 a year; three copies for $5; six copies for $9; eight copies for $12, with an extra copy, free, to the getter up of the club. Six months' subscriptions received. Always write plainly the name of your Post Office, County and State. We take the notes of all solvent banks at par. Payment must invariably be made in advance.

☞ Specimen Copies sent free to all applicants. Address all letters and remittances, post paid, to

CAULDWELL & WHITNEY,
Proprietors of The New York Mercury,
113, Fulton Street, New York City.

Feb. 2, 1863.

CARGO EX "GEORGE DUNDAS,"

FROM NEW YORK.

THE Subscriber has JUST RECEIVED per Schooner "GEORGE DUNDAS," the following GOODS, which he

Offers for Sale at the LOWEST PRICES:

100 bbls choice Pastry FLOUR
200 do Extra Family FLOUR
100 do Baker's FLOUR
10 hhds Bright Muscovado SUGAR
20 do Best Porto Rico MOLASSES
10 do Bright Cienfuegos do
20 do Cuba Muscovado do
100 bbls Choice Russet APPLES
20 do PEARS
20 do WASHING SODA
10 Kegs BAKING SODA
100 sides SOLE LEATHER
50 doz BROOMS 30 doz BUCKETS
100 boxes Oriental and Patent Candles
50 do Pale and Extra SOAP
20 do CLOTHES PINS
15nests TUBS 25 boxes assorted Candies.

ALSO, IN STORE,

A Quantity of Tea, Boots, Shoes, Spices, Lozenges, &c.

J. S. CARVELL.

Peake's Buildings, Dec. 22, 1862. tf

Farmers, Attention!

THE Subscriber thankful for past favors, respectfully informs his customers and the public generally that he has ready for sale

Sleigh and Cart Harness

of every description, and of the best quality, suitable for winter driving, which he will sell reasonably for prompt payment.

He is also prepared to execute all orders in his line, and to supply country wholesale dealers, as formerly, on liberal terms.

JOHN BOWERS,
Richmond Street.

Charlottetown, Jan. 15, 1863. 9in

Grain, Grain.

THE highest price given for BARLEY and OATS, at

Coles's Brewery and Distillery,

Constantly on hand, at prices cheaper than can be purchased in the Market, the best of Rum, Brandy, Gin, Whiskey, and a superior article of Malt Whiskey. Also—X, XX, and XXX Ale.

Charlottetown, November 14, 1862.

500 Cords of Hemlock Bark

Wanted at the City Tannery.

TENDERS will be received at the office of the above Establishment, up to the 31st March next, from persons wishing to supply the above quantity of Hemlock Bark.

No tenders will be received for a less quantity than Fifty Cords, and good security will be required for the fulfilment of each contract.

Charlottetown, Feb. 9, 1863.

Holland Gin!

200 CASES, 1 doz. each, and 5 Hhds. De Kuyper's BEST GIN,
20 chests Congo TEA, (very superior),
1 Bale No. 1 Buffalo Robes,
100 Boxes Lozenges,
all at LOW prices.

WILLIAM DODD,
Queen Square.

Dec. 22. isl

BENZOLE,

OR SPIRITS TURPENTINE SUBSTITUTE. One barrel of this article, now generally used in the place of Turpentine, and sold for less than HALF its COST, for sale at the CITY HARDWARE STORE.

H. E. STARBIRD & CO.

Jany. 12, 1863.

A Beautiful Set of Teeth.

PERFECT freedom from premature decay, and Teeth of a pearl-like whitness, by the use of JOHN GOSNELL & Co's CHERRY TOOTH PASTE. For sale at the City Drug store of W. R. WATSON.

Ch. Town, Nov. 10, 1862.

No More Choking!

THE Hairs of Hopkin's Adamantine-Cemented TOOTH BRUSHES will not come out by main force. For sale at the City Drug Store.

W. R. WATSON.

Ch. Town, Nov. 10, 1862.

COLONIAL LEGISLATURE.

COUNCIL CHAMBER,

TUESDAY, March 17th.

PETITIONS.

Hon. Mr. WALKER presented a petition of Alexander Smith, an old soldier, in indigent circumstances, praying for relief. Also a petition of Edmund Sha, and old teacher praying for relief. Both laid on the table.

The House again in committee of privileges in elections.

The evidence of the Hon. Mr. Hensley and Manoah Roe, respecting a Sheriff's Deed of part of Lot 66 sold for land tax; the votes of the residents thereon being objected by McGowan on the ground that they were squatters.

Hon. ATTORNEY GENERAL said it was quite competent for any member of the Committee to ask for any documentary evidence that he desired to be furnished with, there being no rule by which such evidence would be excluded, but there would be a distinction with respect to living witnesses. His Honor wished to know from the petitioning Candidate whether those voters on Lot 66 all stood in the same position—whether the same objection applied to the whole—whether the decision of one should settle the whole.

Mr. McGOWAN.—It was the opicion of the Sheriff's Court that the examination of one should settle the whole.

Counsel JOHNSTONE.—If such was the decision of the Court it was entirely unknown to me. I objected to taking them up together, and I think it will be necessary for your Honor's to refer to the Poll Books as some of those men had property in other places.

Hon. ATTORNEY GENERAL.—If all those votes have been objected to on the same ground, and if they are all equally effected by this title Deed, I see no objection to taking them up in a class. I do not think we should be bound by any technical rules. I wish to do justice to both parties, and to arrive at as speedy a decision as possible. I think it will be an advantage to both parties to take them up in a class. If five or six cases came before the Supreme Court which were all equally effected by the same instrument, when one was decided the judge would turn to the opposing Counsel and enquire if he was not satisfied with the decision of the one.

Hon. Mr. BEER.—If the petitioning Candidate would state the grounds of objection—if he would state whether they polled as freeholders or leaseholders—it would be sufficient; it would then devolve upon the opposing Candidate to show that they had legal titles.

Mr. McGOWAN.—I think Mr. Chairman, that I have already stated the grounds of objection. We bring forward a Deed to show that the land was sold in 1850 for land tax, and that the Deed was drawn in favour of Mr. Hensley.

Hon. Mr. RAMSAY.—I wish to know whether those parties have been in possession of the land for 20 years, and if so would their titles be legal and their votes good.

Hon. ATTORNEY GENERAL.—What we wish to ascertain is whether such a Deed as has been described by the witnesses was executed to Mr. Hensley in 1850, and whether it conveyed to Mr. Hensley the various tracts of land on which those persons voted; because if so, and the Deed is proved to be valid, it would change the title of land no matter under what title it was held before. That must be plain to all whether Lawyers or Laymen. We have also to consider whether those parties lands were reserved in that sale.

Mr McGOWAN.—Mr. Rowe indentifies the parties whose votes were objected to, and Mr. Pope, who is acquainted with the parties and with the locality, represented me at Lot 66. House resumed and progress reported.

Adjourned till half-past three o'clock.

TUESDAY AFTERNOON.

The Bill to authorize the House of Assembly to commit persons to the common jail for contempt was read the third time and passed. The House then went into committee of privileges on the case of scrutiny.

Counsel JOHNSTONE—Mr. Chairman and gentlemen, if your honors please, I will address myself more particularly to the legal arguments. I will draw the attention of your Honors to the poll book itself, and I think that I will show that of the number of votes on Lot 66, attacked by the petitioning candidate, there are at least six which are unassailed and unassailable; therefore I wished to have the investigation confined to the poll book, and to have the votes taken up separately. Two of the votes are not marked objected in the poll book, and four others are not marked objected by any particular candidate, they must, therefore, stand good to all intents and purposes. I also observe that some of those parties who reside on Lot 66 have given in property which they hold in other Townships; and if their vote on one property is bad it does not follow that the other is bad also. By the present Election Law it appears that when a doubt is cast upon a vote it devolves upon the candidate, for whom it was polled, to prove it good. Some of those men have given in two properties, only one of which has been attacked, and therefore their right to vote on the other stands good. (Here the learned Counsel enumerated several persons resident on Lot 66 who held property on other Townships and endeavoured to shew that they had a legal qualification.) Then there are two of the other voters on Lot 66 which are unimpeachable, namely John Gill and Hugh Rooney. They purchased their land from Goverment, and therefore their votes cannot be affected by this Deed, for they must have purchased their land after Lot 66 came into the hands of the Government. Then your Honors will perceive by tho evidence that Edward Rice has paid land tax for 21 years, and surely the Government cannot say we will take your rent for 21 years, and then say you have no title to your property and cannot vote upon it. Then there is John Smith another voter on Lot 66. It can be proved that he paid his land tax in 1850, and that is the year in which this Deed is said to have been executed. Consequently, if his land was sold in that year for tax it must have been illegally sold. As to the three votes not marked objected by any particular Candidate, I submit, your Honors, that Mr. McGowan cannot scrutinize them as they are not marked objected by him. And now, having dispo-ed of the objections against those six votes, successfully as I believe, the list is reduced to 19. Another circumstance which tends to throw doubt on the validity of this Deed is, that the parties themselves were not aware of the land being sold for tax. For instance, Lawrence Murphy, Patrick Rice, —— Lawler, James Wickham, Murdock Nicholson, and James Evans were not aware of their land being sold for tax in 1850. Donald McPherson does not think his land was sold. Donald McInnis heard it was. It is very extraordinary that those men's farms were sold and they not be aware of it. Those men, it appears, were living on their land in 1850, and I think we may fairly assume that at least a number of them have been on that land for 20 years. If so, though there is often an odium thrown upon squatters, yet, if they have been 20 years in possession, it gives them a title which cannot be disputed. Now this Deed is brought forward to disfranchise a large number of citizens, and your Honors should be well satisfied that it is a legal instrument—that all the requirements of the law, with respect to it, have been fulfilled. There is no evidence that the Deed was duly executed, and it is incumbent upon the opposing Candidate to show that it was. If land can be sold in this way, and a Deed given without the parties who reside upon it knowing anything about it, then I ask your Honors who is safe? A sheriff might sell a whole Lot and give Deeds without the parties who reside on it knowing anything about it. It is a legal maxim that all things must be supposed to be done well; but if this Deed is to be brought here to disfranchise a large number of citizens, without any further evidence, then almost every law might as well be swept from our Statute Book, and everything left to the Sheriff for the time being. But while the superstructure may appear magnificent the foundation may be rotten. If that land was sold 13 years ago and the parties have not been dispossessed, surely that is strong presumptive proof that the sale was not legal. The evidence of Mr. Pope is strong on this point; it shows that they held the land in defiance of him. There is, then, strong presumptive proof that the proceedings with regard to this sale were not legal. The Act under which this land is said to have been sold requires that it should be sold by meets and bonds. Now I ask this Committee, as honorable men who are to be guided by the evidence before them, where is the proof that the Sheriff fulfilled the requirements of the Act in this particular? The evidence of Mr. Ball shows that he did not and could not do so; but a block of land containing 5000 acres was sold, reserving those parts on which the tax had been paid. The Sheriff sells the land without describing it by meets and bounds — without the parties residing on it being aware of the sale; the persons have been in possession ever since, and now you come and say, you have no right to live here, you are mere squatters, because the Sheriff sold your land 13 years ago without your knowledge. But I feel that I would only be offering an insult to the understanding of your Honors were I to insist any further upon this point. There is another circumstance, however, that I would like to bring to the notice of this hon. Committee, which is, that 4171 acres of land were sold for the mere nominal sum of £12 13s. 8d. If such a state of matters were allowed to exist it would be disgraceful to any Legislature. But I am happy to say that the Statute has supplied the remedy. It has stretched the arm of mercy as well as the hand of justice. The fifth clause of the Act says that so much of the land shall be sold as will pay the charge with reasonable costs; and there is another clause which says that no land shall be sold, unless it is absolutely necessary, on which there are buildings. Now, did the Sheriff comply with this clause when he sold this land on which there were buildings? Was mercy extended when 4171 acres of land were sold for £12 13s. 8d? The same might happen to any of your Honors. I asked before if the requirements of the Law had been complied with, now I ask if the higher considerations of humanity have been complied with? I think I have shown that this proceeding is antagonistic to the intention of the Act, for there is a clause in it which says that improved land shall not be sold if there is sufficient unimproved to satisfy the demand. I think this is the construction which every humane person would put upon it.

Hon. ATTORNEY GENERAL.—I think the intention of that clause was to allow the Sheriff to sell any part of the land, and only to reserve the buildings when there was sufficient without them.

Counsel JOHNSTONE.—I would refer again to the sixth section of the Act which says that only so much of the land shall be sold as shall pay the demand. Though it is necessary to lay on a tax, and though it gives the Sheriff authority to sell the land for the tax, yet it is intended that that authority should be exercised in a humane manner.

Hon. Mr. BEER.—Till a squatter is 21 years in possession he has no title.

Counsel JOHNSTONE.—No, but every moment he is in possession increases his right and gives him a more *bona fide* title. A man who has been in possession 19 years has a better title than one who has only been six months. Every year his title is more favourably regarded by the law. It is just like a man paying for his land in instalments, when he has paid the second he has a better right than when he paid the first. Therefore those men who were there 10 years prior to 1850, and now 23 years in possession, have a much more meritorious claim than a man going there perhaps only a day before the election.

Hon. ATTORNEY GENERAL.—When a man is in possession 20 years his title is good; but the question is, has that possession been uninterrupted? The Act says it must be Freehold or Leasehold, or both, then it must be a legal title.

Counsel JOHNSTONE—Mr. Ball's testimony shows there was no plan recorded with the Deed, which is necessary in order to make it valid; neither has the land been sold by meets and bounds, and these requirements of the Act not being complied with, the Deed cannot be legal; the possession of the occupants is therefore uninterrupted. Now, the Deed being 13 years old, and no action of Ejectment brought against the parties, I ask your honors, are you going to do that which the party who holds the Deed has not done? Are you going to say that those men have no legal right to their land? I advance this argument with a great deal of confidence for I consider it fatal to the operation of this Deed as it is sought to be given.

Hon. ATTORNEY GENERAL.—The parties were left in possession, but were they left in seizin.

Counsel JOHNSTONE.—It was necessary under the old English Law, when the ownership of land was changed, for the parties to go upon it and go through the ceremony of giving and receiving twig and earth. That is not necessary now; but still, it was necessary, after the land was sold, to make the occupants attorn. I think I have now addressed myself to all the proof which has been brought forward respecting the validity of this Deed; and I think I have successfully shown that the occupation of those parties has ripened into a legal title. This committee is sitting here as a Court of Justice; and I may say on behalf of my Client that he casts himself with confidence upon your hands, feeling assured that he will receive full and ample justice; he asks nothing more.

Mr. McGOWAN.—I have listened with the greatest attention to the learned Counsel, but I have failed to discover evidence for anything he has adduced. He thinks the onus of proving those votes falls upon me; but I insist that there is a clause in the Act which throws it upon the Candidate for whom they were polled when there is a doubt thrown upon them. Those Electors on Lot 66 knew that the Court was sitting in Georgetown and they should have come forward with evidence to prove their votes good. An objection has been raised against the Sheriff's Deed on the ground that the land was not sold by meets and bounds, but, in my opinion Mr. Ball's evidence goes to show that it was.

Adjourned till to-morrow at 11 o'clock.

WEDNESDAY, March 18th.

Hon. ATTORNEY GENERAL presented a petition of the Mayor of Charlottetown, praying the Legislature to guarantee the interest on a loan of £5000 for the purpose of building a Market House.

Hon. Mr. HENDERSON presented a petition of Donald Scott praying for a sum of money alleged to be due to him from the Government.

A number of petitions were received praying aid for roads and bridges. All laid on the table.

The House then went into Committee of privileges and elections to take into further consideration the petition of W. S. McGowan against the return of Andrew A. McDonald.

Counsel JOHNSTONE asked if a man had been twenty years in possession would it not be a sufficient answer to an action of ejectment.

Hon. ATTORNEY GENERAL—No matter if he and his ancestors had been in adverse possession for 500 years. Adverse possession amounts to nothing in opposition to a land tax sale. The question then simply is, is this Sheriff's Deed a valid Deed? All we would have to do, were we a Court of Law, would be to refer to the Judgment Roll; but in this case we are bound by a clause in the Act which says that if there is *prima facie* evidence sufficient to cast a doubt upon a vote, then he (the voter) must prove it good. The question may be asked, what amount of evidence is sufficient to make the vote appear doubtful? If the assertion of the learned Counsel were correct, that the opposing Candidate would have to prove the title bad, then there would be no need for this clause. The clause is a very important one, and when it is properly understood, it will be seen that it was conceived by the dictates of good sound sense, and for the advantage of the weaker Candidate.

Hon. the PRESIDENT—It has been stated by the Counsel for the sitting member that two of those votes on Lot 66 are not marked objected in the poll book.

Hon. Mr. BEER—There is a clause in the Act which prevents a man from voting in any other polling division than that in which he resides, consequently a man could not vote in Lot 66 upon property held in Lot 51, unless he were acting as a representative at the former place.

Counsel JOHNSTONE—Their votes were not attacked upon that ground.

Hon. ATTORNEY GENERAL—I think the better course will be to decide the main question first in regard to those votes on Lot 66; and the first thing to be considered is, has the petitioning Candidate shown sufficient evidence to raise a reasonable doubt in the minds of your Honors, so as to call for evidence from the sitting member to show that those men had a right to vote. Formerly, when a vote was objected to, the party objecting had to prove it bad, and had to get at the evidence the best way he could. But that Law was liable to great objection and abuses, because a wealthy Candidate might get a large number of votes objected, while his poorer opponent could not go to the expense of proving them bad, and therefore might as well give up at once.

House resumed.

A Message was brought from the House of Assembly by the Hon. Col. Gray with a request that this House would appoint a Committee to join a Committee of the House of Assembly to prepare an Address to Her Majesty the Queen on the Land Question.

The Committee of privileges was then resumed.

Hon. ATTORNEY GENERAL—Mr. Chairman, having shown that, by the present election Law, the burden of proving votes good, when a reasonable doubt is cast upon them, rests upon the Candidate for whom they were polled, I was proceeding to enquire what constitutes a reasonable doubt, and whether such a doubt had been cast upon the votes under consideration as would warrant us in calling upon the opposing Candidate to prove them to be valid. Now, supposing those men were living upon that Lot for 20 years, this Deed, assuming that it is valid, would sweep away any title they could have acquired by possession. The learned Counsel has taken objection to this Deed, and his first ground of objection was that sufficient evidence of judgment against the property was not produced, and he argued very clearly that if the foundation were rotten the superstructure would fall to the ground. In a Court of Law it would be indispensably necessary for a man to prove judgment and execution, as foundation of the Deed—to prove in short that his title was good—otherwise the Court would non-suit him. But in this case it is different, for the Law says you shall give as much evidence, *not* as shall prove the title *bad*, but as shall render it doubtful upon our minds; then it rests upon the other party to prove it to be good. If that clause intended that the party objecting should prove the title bad, what would be the use of the clause at all; you would just have to work the same way as under the old Act. The learned Counsel for the sitting member says that the 13 years possession since the land was sold should strengthen their titles, but if the Deed is valid in itself, subsequent possession gives them no right, for, at the date of the Deed, they are deprived of any title, and 13 years gives them no title. If they are there 7 years more, it is true, they will acquire freehold titles. Then another objection which the learned Counsel advances against the validity of this Deed is, that a sufficient description of the land was not given when it was sold. Well, the Law is clear that when a Sheriff sells land under the land tax Act he should describe it publicly. That is laid down in the Act of 1848. Here a question is often raised at law. If it were a question at law it would be incumbent upon the plaintiff to show that it was sold by meets and bounds, so that the purchaser might be able to find out the land. Now the plan adopted in this case appears to have been to describe the whole quantity, 5000 acres. This is stated by Mr. Ball, whose testimony, I must say, is not as satisfactory as might have been expected from a scientific surveyor. They appear to have sold the whole block by meets and bounds, saving and reserving that occupied by those who had paid their land tax, and the names of those who had paid were read out by the Sheriff at the sale. All the rest was understood to have been sold. The person purchasing could then get the list of those who had paid their tax, and in this way could find out the land. A sale of this kind would be deemed quite sufficient. If a man were to sell me a piece of land describing the boundaries, excepting such pieces as are held by A. B. and C., that would be deemed a sufficient description. Decisions in point are often come to in our Courts of Law. One was given not many weeks ago. If the land is described so that the purchaser can go and lay it off it is sufficient. It is not necessary that the Sheriff should lay it off. Therefore I think the description was given with sufficient accuracy to enable the purchaser to get his Deed. Perhaps it would not be deemed sufficient in a Court of Law, though I do not see why it would not; but then we are not a Court of Law. All we have to consider is whether sufficient doubt has been raised to call upon the Candidate to prove those votes good.

House resumed. Adjourned till 3½ o'clock.

AFTERNOON SITTING.

Hon. Mr. BEER presented a petition of certain Inhabitants of Lot 37, praying for the establishment of a Small Debt Court at Mount Stewart bridge.

Hon. Mr. DINGWELL presented a petition of the Minister and members of the Presbyterian Congregation, St. Peter's, praying for an Act of Incorporation.

Both laid on the table. The Committee of privileges and elections was then resumed.

Hon. ATTORNEY GENERAL.—I was proceeding to say that another ground of objection raised against the Deed, by the learned Counsel for the sitting member, was the fact of such a large quantity of land being sold for such a small amount. That is perhaps the strongest objection that has been raised against it; and it would have great weight in a Court of Law. Now suppose some stranger bought this land and got a Deed; and Mr. Worrell, whose property it was, afterwards finds that it has been sold; the enquiry then comes who is to blame for this? The stranger may say, the Law authorized the Sheriff to sell the land, and he has given me a Deed. This Deed will be considered good and valid till it is set aside by showing that there was some fraud practised, or that the Law was in some way evaded. Suppose Mr. Worrell should endeavour to hold the property and put the Deed at defiance, when the man who holds the Deed goes into a Court of Law and shows it, the Judge would be bound by it, and Mr. Worrell would be non-suited. If he considered that there was fraud practised he would have to go into a Court of Chancery, for a Court of Law could not set the Deed aside. The Law favours the purchaser, and if the Sheriff has sold the land improperly the man has his remedy. The Sheriff is not bound to examine what the title was before. A Court of Chancery might set the Deed aside, but a Court of Law could not. Surely then there is sufficient doubt raised upon the validity of the titles of those men who voted upon this land to call for evidence to prove that their votes were good. Another objection that has been urged is that there was no plan registered with the Deed. Now, thousands of Deeds are registered without plans. Indeed it is rarely that they are recorded. If the land was described in the plan and not in the Deed, then the plan would be part of the Deed; but here the Deed states and describes the boundaries of this land. It is therefore perfect without the plan. Again it has been said that some of those men who voted on Lot 66 had property on other Townships—that they voted not only upon land on Lot 66 but on 51 and 59. Well I think it would be a dangerous decision to say that their votes were good upon that account. A man might say his land lay in small patches in different places. He might have 20s. worth of property and claim a right to vote saying he had property in other Townships. When there was a doubt raised upon a part of the qualification of those men it was incumbent upon them to give evidence to show that they had sufficient property elsewhere. The Sheriff's court was open to them, and they should have come forward and proved that they had good votes. I do not hesitate to say that if this Deed was a "rotten foundation" it would have been proved to be so before the Sheriff's Court. I do not see how it is possible for us to say that those votes are good; for if we regard the privileges of the people we will uphold this Law in every possible way, for it is in favour of the poorer Candidate. Without that Law the poor Candidate who had no money to expend would never feel safe. I do not know if I am thoroughly understood, but that is the effect of the evidence before us upon my mind. I only wish to do that which is just and right, to act as I would were I sitting as the only Judge, and I do think that those persons who voted on occupancy on Lot 66, and included within that Deed, have failed to make good their votes.