were willing to engage it. And, at any rate, the Commissioner ~~ould be at liberty to consult lawyers if they thought proper to do so.

Hon. Mr. POPE observed, that if lawyers were to be admitted as pleaders into the Small Debts Courts, it would be much the same as extending a Term of the Supreme Court to the whole year. Lawyers were very wisely excluded from intermeddling in such Courts, with the petty affairs usually brought before them; and, in fact, were it otherwise, it would, at once be derogatory to the profession and insulting to the Commissioners. Even amongst such of the Commissioners as were least conversant with the law, through a patient hearing of both parties, in the most intricate and complicated cases, a fair determination was generally arrived at; but, if a Commissioner were on such an occasion, to be badgered by one lawyer on his right and another on his left, he would be completely bewildered, and rendered as incapable of giving a reasonable and equitable judgment concerning the matter at issue, as if he had never heard a single word about it. The Small Debts Courts were bad enough as they were; but should lawyers be allowed to plead before them, they would become a positive curse to the country.

Hon. Mr. COLES remarked, that if lawyers were admitted to plead in those Courts, every litigant in them, who had ten shillings to spare, would spend them in feeing an attorney. If the Commissioners, however, should find any suit before them to be so involved in legal ambiguities, that it was difficult for them to decide thereon, to their own satisfaction; they might, he thought, be allowed to consult the Crown Law Officers on the subject of such legal difficulties.

Mr. THORNTON. He would be very glad to find that Commissioners in the Small Debts Courts, and other individuals, having public duties to discharge, were entitled in cases of difficulty, to apply to the Crown Law Officers for advice, *gratis*. He had however, found that it was not the case; for having himself, on one such occasion, applied for such advice, he was told that he was not entitled to it, any more than any private individual, [without a fee. The fact was, that when any one appointed to a public office, entered thereon, it was taken for granted, that he conceived himself duly qualified to discharge the duties thereof, and the laws made no provision for his assistance in case of incapacity. With respect to the evils which would arise from the admission of lawyers, as pleaders, in the Small Debts Courts, they had, in his neighbourhood, sufficient evidence of them, in the persons of a few busybodies, who fancying themselves very learned in the law, frequently contrived to worm or intrude themselves into the Small Debts Court, as witnesses or otherwise, greatly to the obstruction of the business therein. If lawyers were admitted to plead, the Commissioners would, frequently, be more at a loss how to decide, after having heard them, than they were before; and the Court, instead of being able to get through their business in a day, would scarcely accomplish it in six.

The Clause was then agreed to without amendment.

Tuesday, Feb 3, 1851.
NOTICES UPON THE ORDER BOOK.

Hon. G. COLES will, at a future day, move for leave to bring in a Bill to secure to tenants ejected from their lands, compensation for their improvements.

Wednesday 4th.
MORNING SITTING.

The Bill to regulate the Sale of Leasehold Interest taken in Execution, on motion of Mr. Clark, was read a third time, and passed.

Divers petitions were presented by the Hons. Messrs. Pope and Warburton, and Mr. Laird, in favour of Free Education, which were referred to the Committee on that subject.

Hon. Mr. WARBURTON, pursuant to notice, introduced a Bill to regulate the publishing of Government Notices and Advertisements, which was read a first time, and ordered for a second reading tomorrow. His Honor briefly explained the principle of the Bill, which was a mere transcript of the former one, the object contemplated being a saving of expence, by providing that no advertisements, &c., shall be published in any other paper than the *Royal Gazette*, except in pursuance of special orders from Government.

Hon. Mr. POPE, pursuant to notice, moved that a supply be granted to Her Majesty.

Hon. Mr. WHELAN presented a petition from Jeremiah O'Brien, praying remuneration for the running of a Ferry Boat at Midgell, during a whole summer, for which service he had received no Government aid.

Hon. Mr. POPE said, if his memory did not fail him, the petitioner had previously applied to Government and received remuneration.

Hon. Mr WARBURTON observed, that the hon. member was perfectly correct: the petitioner had received from Government, what was thought full compensation for his services.

Hon. Mr. WHELAN explained, that what was awarded by Government was for other services, and on account of other considerations, quite distinct from those, for which the petitioner prayed to be remunerated.

After a few remarks from Messrs. Thornton and Clark, the petition was laid on the table, with an understanding that enquiry should be made.

Mr. THORNTON, pursuant to notice, presented a petition from Henry Mooney, praying aid for the services of his wife and daughter in extinguishing a fire on a bridge, at Pisquid Road, Township 52, in the summer of the year 1849. The hon. member satisfactorily explained the reasons why no previous application had been made to the House, and said that the case had been strongly recommended by the Commissioner to the favourable consideration of the late Government, and his late Excellency had partly promised what the petition now prayed for.

Mr. FRASER had known similar praiseworthy conduct under similar circumstances, unrewarded.

Mr. YEO expressed himself in favour of the petitioner, and considered all such cases should meet with the favourable consideration of the House, as an inducement to others to act in the same way; as instances were not of singular occurrence, in which persons, instead of using their endeavours to extinguish fire, stood calmly looking on.

Hon. Mr. POPE said, in his opinion, but little commiseration ought to be felt for such unprincipled rascals, had they been burnt themselves.

House in Committee on the Market House Bill.

Hon. Mr. JARDINE in the Chair.

No debate took place on any clause excepting the one intended to give the Government the power to appoint the Market Clerk. On this clause being read, Mr. Palmer moved the following amendment:

"And be it enacted, That as often as the office of Market Clerk shall become vacant, by reason of death, resignation, incapacity to serve, or dismissal for misconduct, it shall be lawful for the Lieut. Governor, by and with the advice of Her Majesty's Council to fill up the said office by new appointment."

The hon. member said he was induced to offer the amendment, because when the Bill was introduced, he fully understood nothing new, as regarded the Market Clerk, was to be introduced, and as no fault was found with him, he took it for granted he was not to be dismissed; he could see no reason for the introduction of the clause into the Bill.

Hon. Mr. COLES said, neither could he see any necessity for the amendment. As no law was in existence relative to the appointment of Market Clerk, it was highly requisite that an Act of Parliament should pass to remedy the defect. Sufficient had been seen in the conduct of the late Fire Wardens to show how necessary it was that such questions should be made plain. They, (the late Fire Wardens,) because they found themselves in possession of the Old Court House, although without any lawful right,—the building having been erected at the expense of the public at large—annoyed, and almost defied the Government, to get possession of it, for the very convenient purposes to which it has since been applied, those of the Post Office and Meal Market. The Government have no fault to find with the present Clerk, nor any idea of dismissing him: the clause had not been introduced with any such intention.

Mr. PALMER did not consider that the allusion made by the hon. member who had just spoken, to the conduct of the Fire Wardens, bore any analogy to the present question. It was all very well to say, 'oh, the present Market Clerk has been and still is a fit and proper person, and the clause has not been introduced with any intention of turning him out of his situation;' but, continued the honorable member, many such professions and assurances have been broken—he had known several to be violated—under some pretext or another; and he should not be surprised, if no more feasible excuse could be found than that the officer's face might be found fault with, it should be made a reason for his ejectment. He (Mr. Palmer) wished to see things plainly stated, and no loopholes left; and therefore, did he move the amendment.

Hon. Mr. Coles was at a loss to understand why or wherefore the honorable member was so anxious about his amendment, unless indeed, as would seem to be the case, that the Government were to be compelled to continue the clerk, happen what might. A dozen things might happen, unconnected with misconduct, to allay the suspicious fears of the honorable member and to shew they were utterly groundless. He would now inform him, that the Law Clerk had prepared the Bill, without the (to him) obnoxious clause, but it was subsequently discovered, that there was not any law in existence, placing power in any party relative to the appointment of the Clerk in question, and the clause was introduced for no other reason than to supply the defect.

Mr. PALMER said, notwithstanding what had fallen from the honorable member, his opinion remained unshaken, that the Clerk was to be turnedout; and he was, he thought, borne out in this opinion remain by the fact, that other officers had been so served without any rhyme or reason.

Hon. Mr. POPE remarked, that if any thing hereafter arose to shew that it would be for the public benefit or convenience, that the Clerk of the Market should be removed : he ought to be dismissed; but it would seem according to the ideas of the honorable member for Charlottetown, that as it was, so it should be from generation to generation. He (Mr. Pope) was well aware of the calumnies that had been industriously circulated : such for instance, as that we, Her Majesty's servants were, not capable of carrying on the Government, and that corruption would follow in our wake. Such calumnies can be well and easily sustained, so long as it is a fact, that we carry with us the good opinion of the public. Let the honorable member look to the actions of the Government with respect to the changes which they have made in public offices, and then say, whether he has not reason to be surprised at the moderation of the Government on that score. Although it could not but be evident to the honorable member for Charlottetown, how much trouble had been unnecessarily given to the Government, by the contumacious conduct of the late Fire Wardens, it seemed nothing less would satisfy him than placing the Market Clerk in a position to offer similar resistance to the Government, should they ever think it would be for the public benefit or convenience to remove him; and his reason for pursuing such a course he would have it to be understood was that in his opinion, no confidence was to be placed in the Government. But, whether that were the opinion of the honorable member or not, he (Mr. Pope) believed the present Government were quite as trustworthy as their immediate predecessors; and, when they failed to do their duty to the public, doubtless the public would not fail to bring them to account.

Mr. CLARK confirmed the statements of the Hon. Mr. Coles, relative to the discovery, that no law existed, authorising the appointment of a Market Clerk.

Mr. FRASER could not see any reason why an omission was not to be remedied in this Bill, as omissions frequently had been with great propriety in others. The opposition to it carried suspicion with it.

On the question being put, the amendment was rejected. Bill reported agreed to, and ordered to be engrossed.

AFTERNOON SITTING.

Hon. Mr. COLES presented the School Visiters' Reports for Queen's and King's Counties, transmitted from the Board of Education.

Ordered, That the said Reports be referred to the Special Committee appointed to enquire into and report on Free Education.

Mr. DAVIES presented a Petition from Hugh Ross, contractor for the repair of the Wharf at Pinette River, (South Side), praying remuneration for the completion of the said Bridge.

Mr. DAVIES also presented a Petition from Richard Gill, Patrick Stephens and divers others, praying for the amount of compensation appraised on a proposed new line of Road between Newtown and Port Selkirk, surveyed by order of the Executive Government.

On motion by the Hon. Mr. POPE, the following Committee of nine members—3 for each of the Counties—was appointed, to whom shall be referred, all Petitions relative to the opening of new lines of Road, to examine the same, and report thereon.—Hon. Mr. Pope, Mr. Davies, Mr. Laird, Hon. Mr. Coles, Mr. Thornton, Mr. Beaton, Hon. Mr. Jardine, Mr. Fraser, Mr. Yeo.

Hon. Mr. COLES presented a Petition from Malcolm M'Kinnon, setting forth, that about Eight years since, he was induced, by the advice of friends, to place the principal part of his money in the hands of the late Treasurer, thinking it was invested in Government Security, but which he had since had reason to believe, went into the pocket of the Treasurer : that the petitioner is Eighty-nine years old, and in destitute circumstances : and praying relief.

Ordered, To be referred to the Committee appointed to consider all cases of Pauperism.

After the Petition had been read, a short discussion ensued, as to whether it should lie on the table or be referred to the Committee on Petitions from Paupers, in which the Hon. Mr. Coles, Mr. Montgomery, Mr. Davies, Mr. Fraser, Mr. Thornton, and the Hon. Mr. Pope, each bore a part.

Hon. Mr. COLES scarcely knew which course to recommend. The case of the Petitioner was a very hard one; and the less which he had sustained, through gross fraud on the part of a late public office, coupled with the consideration of his very advanced age and destitution, certainly entitled him to the sympathy of the House. If it were ordered to be laid on the table, an idea might get abroad that it was to be taken up, and especially dealt with, by the House, with a view to reimbursing the Petitioner in the amount of his loss; and this erroneous idea might cause others (for, he believed, there were many), who had been defrauded in a similar way, by the late Treasurer, also to petition the House for redress. It would therefore, perhaps, be the best way to include the petition amongst those of Paupers; although, from the peculiar nature of the circumstances which it set forth, it seemed entitled to some particular consideration. His opinion, however, was that the Petitioner had a claim upon the Sureties of the late Treasurer, for the amount of which he had been defrauded; for it was under the pretence of giving Government security for the money obtained by him from the Petitioner and other, that he had been able to act so fradulently; and there was reason to believe that the late government and his friends were cognizant of the manner in which he was dealing with such individuals as the Petitioner.

Mr. MONTGOMERY thought the only way in which the House could, with propriety, entertain the Petition, was by referring it to the Committee on Pauper Petitions.

Mr. DAVIES was of opinion, that from the peculiar circumstances of the Petioner's case—particularly as the late Government had sustained the late Treasurer in his place—that he (the Petitioner) had a claim upon the House. The Petitition might just as well be thrown under the table at once as to be referred to the Committee on Pauper Petitions.

Mr. FRASER was of opinion that the Petition should be laid upon the table.

Mr. THORNTON and Hon. Mr. POPE concurred in the opinion that to order the Petition to be laid upon the table might be, however erroneously, construed into a recognition of the Petitioner's claim to indemnification by the House. They both, therefore, advised that it should be referred to the Committee on Pauper Petition. The discussion then ceased, and the Petition was ordered to be referred accordingly.

House in Committee on the Hon. Mr. Whelan's Bill to regulate the Sale of Arsenic and other Poisons—Mr. FLYNN in the Chair.

The Bill, as submitted to the Committee, contemplated the regulating the Sale of Strychnine (Fox-Poison), Corrosive Sublimate, Oxalic Acid, Opium and Laudanum; but, on the shewing of the Hon. Mr. Pope, the Hon. the Speaker, Mr. Palmer and Mr. Thornton, that Opium, Laudanum, Corrosive Sublimate, and Oxalic Acid, were in daily and necessary use, either medicinally or in aid of the arts, and that such restrictions in the sale of them, as were proposed by the Bill, would occasion much trouble and inconvenience to both buyers and sellers, without producing any general benefit, it was unanimously agreed by the Committee, that they should be struck out of the Bill, and their sale be permitted as hitherto.

Mr. CLARK, Mr. Davies, Hon. Mr. Warburton, Mr. Palmer, and the Hon. Mr. Whelan, severally set forth the serious losses which have been and continue to be sustained, throughout the country, by the general use of Strychnine, (a most subtile poison) for the killing of foxes. Many valuable dogs and cattle have been destroyed by it; and the use of it is become so common, it was stated by Mr. Clark, that in his neighbourhood, almost every boy carried a quantity of it in his pocket.

Mr. HAVILAND suggested the necessity of prohibiting the sale of it by a penal clause in the Bill; and all concurred in the propriety of the proposal.

Hon. Mr. WHELAN according prepared a short clause for that purpose; which, having been submitted, was unanimously adopted by the Committee.

The House being resumed, the Bill was reported agreed to in Committee. The Report was agreed to, and the Bill ordered to be engrossed.

The Bill provides, that on every sale of Arsenic, or Prussic Acid, the particulars of the sale shall be entered in a Book, by the seller, in this form set forth in a Schedule to the Act; and it altogether prohibits the sale and use of Strychnine (Fox-Poison) under a penalty of £5.

A Bill for the Extension of the Elective Franchise was introduced by the Hon. Mr. Whelan, and read a first time. The principle and details of this Rill will be duly noticed in the Report of its censideration in Committee.

AFTERNOON SITTING.
Thursday, 5th.
GEORGETOWN ELECTION.

A short time having been spent in presenting and receiving Petitions, the House then resolved into a Committee of the whole on Privileges,—Mr. Davies in the Chair, when

Hon. Mr. COLES rose and observed, that the House was in Committee on Privileges and Election, with a view to the examination of the gentleman who acted as Returning Officer at the late Georgetown Election, for the purpose of ascertaining whether he had any reason to assign for his having failed to make the affidavit prescribed by the Election Law, owing to which omission, the House had declared the said Election void; that that Officer, (Mr. McCallum) was then in waiting; and he therefore moved that he be called to the Bar of the House.

Mr. DOUSE insisted, that before the Returning Officer should be called to the Bar of the House for examination, it was due to him that he should be furnished with a copy of the charges which had been preferred against him.

Hon. Mr. WARBURTON observed, that the honorable member for Belfast (Mr. Douse) was the fittest person in the House to explain to the Returing Officer the nature of the charges preferred against him, and to make him aware of the position in which he would stand before the Committee; for it was chiefly owing to the pertinacity of that honourable member in insisting upon the necessity of that Officer's being examined by the House, that the Hon. Speaker's Summons had been issued for his apearance.

Mr. SPEAKER. It had always appeared to him, that when an individual was about to be examined, touching any matter or business, out of his connexion with which, a prosecution might possibly arise against himself, he ought to be cautioned, that he was not bound to answer any questions, his answers to which, might tend to a criminating of himself; but that he might answer or not, as should appear to himself to be most for his own interest. Such was the course prescribed in all courts of law, with regard to the examination of an individual, liable to be prosecuted, on account of the charges, touching which he was to be examined.

Hon. Mr. POPE denied that any such course as that prescribed to the Committee for their observance by the honorable Speaker was ever pursued by the House of Commons. Were an individual, under examination before a Committee of that body to refuse to answer such questions as might be put to him, relative to the subject matter of enqury, he would be committed to prison for contumacy. That the Returning Officer had done wrong, the House already knew. That evidence of his having done so was before them in the Poll Book; and, in consequence of it, the House had declared the Election void. The Presiding Officer was to be called before them, not that he might criminate himself, and so render himself obnoxious to a prosecution; but that he might explain the reason or cause of the omission in his Return, by which the Election has been rendered void, so that, should his reason be sufficient to incline the House to a favourable consideration of his neglect of duty, he might escape prosecution for the recovery of the penalty to which he was liable.

Mr. SPEAKER sustained his opinion, and in support of it, cited a case, which, he said, was exactly in point, from the Journals of the House of Lords; that of an individual who had criminated himself, by his admissions, in the course of his examination by their Lordships; when it was held, that it would be contrary to all rules and sense of law and justice, to direct a prosecution of the individual, to be sustained by the admissions so made by himself.

Hon. Mr. POPE argued, that if the Committee should admit the propriety of the course insisted upon by the honourable Speaker, it would be useless to summon any individual to the Bar of the House for the purpose of eliciting from him, by examination, any information of which they might deem it requisite that they should be possessed; for, in that case, such individual might refuse to answer almost every question put to him, alleging that it would tend to implicate or criminate himself.

Mr. WIGHTMAN observed, that the House had, unanimously, concurred in the propriety of summoning the Returning Officer to the Bar of the House, after the had been Election set aside, from the evidence of the Poll Book; the declared object of the House being, not to ascertain whether the Returning Officer had, or had not, been guilty of any neglect of duty—for they were convinced that he had—but to shew that his offence was one of a very serious character, and such as ought to draw down an infliction of the penalty to which he had made himself liable, unless he could satisfy the House, by explanation of his conduct, or apology for it, that his offence might receive a lenient consideration. There was therefore, he thought, little occasion for the quoting of precedents with reference to the procedure. The Officer had been sent for; he was there; and the Committee were sitting to examine him; they had before determined what course they should pursue; and he would, therefore, advise that Mr. McCallum be immediately placed at the Bar, as moved by the Hon. Mr. Coles, and that his examination be then proceeded with.

Mr. DOUSE having again insisted, that it would be unfair to subject the Returning Officer to an examination until after he had been furnished with a copy of the papers containing the allegations against him.

Hon. Mr. COLES replied, that there could be no necessity for his being furnished with a copy of the Poll Book, for that had been supplied by himself, and afforded most conclusive evidence against him. All that was now sought to be ascertained, was, whether he could offer any satisfactory explanation of his conduct as concerned the omission of the affidavit.

Mr. PALMER then rose and said, he was not present when the order was made for the summoning of the Returning Office, or he would have objected to it. He should like to know why he had been summoned. It appeared to him, that there could be no just reason for it. All that could be ascertained by his examination, would be, that he either had or had not done his duty. If he had done his duty, he would say so. If he had not, he was not bound to answer. But it was needless to seek to conceal the object of the examination. It was to ascertain, whether or not he was guilty of neglect of duty, to an extent that would subject him to the payment of the legal penalty of £200. The honorable member then proceeded to denounce in the strongest language, what he conceived to be the design of the examination, the entrapping of an individual into the condemnation of himself, out of his own mouth. Such a proceeding, he said, would be contrary to common sense and common justice, and could not but strike with abhorrence every man living under the operation of the laws and constitution of Great Britain, and who was capable of duly appreciating the protection which they bestow. By the terror inspired by a reference to the Sergeant-at-Arms, perhaps to a dungeon, it was expected that the individual to be examined, would be so far intimidated, as to furnish proof of his liablity to the penalty of £200, as would enable the Crown Law Officers to prosecute him for the recovery of it. Honorable members knew, they said that the Returning Officer had been guilty of a most serious neglect of duty. But that did not satisfy them. They desired to arrive at the easiest and shortest way of putting the Returning Officer completely in the power of the Crown Law Officers; and that was the object of the proposed examination. So arbitrary, so unjust a proceeding, was never before contemplated by any British Assembly, bearing the semblance of a Court of Justice. He for one, would not make himself worse than ridiculous by admitting the propriety of the outrageous course intended to be pursued—seeking to make a man criminate himself. With respect to the individual who it was intended should be the victim of it, he (Mr. Palmer) would say, that unless he were totally regardless of his own interest, he would not reply to any questions tending to criminate himself. It would be worse than folly, it would be madness in him to do so.

Hon. Mr. POPE, in reply to Mr. Palmer, maintained, that the contemplated proceeding of the Committee was perfectly in accordance with the practice of the House of Commons in similar cases. But, he supposed, it was opposed by the honorable member for Charlottetown out of his love for good old times when men were privileged to break the law with impunity. It might appear to that honorable member, that the country's being put to the expense of a new Election, through the Returning Officer's neglect of duty, was an occurrence of no consequence. It might, in no way, concern him, that both the late candidates had been seriously inconvenienced, and subjected to much expense through the misconduct of that officer. It might be, to him, no cause of regret, that the Electors of Georgetown had, for a time, been deprived of due representation in the Legislature, by the fault of that individual. These evils, serious as they are, may now appear trifling or unimportant to him; but happily there was no prospect of his being able, with all his powers of mystification, to cloud the perceptions of the Committee, and induce them to take the law from him, and trust to his guidance. If the House had, as they might have done, proceeded on the evidence of the Poll Book, to order the Returning Officer to be committed to jail, the honorable member (Mr. Palmer) might have had good grounds for charging them with arbitrary and tyrannical conduct; but no reasonable man would say, that they had forgotten to be discreet in adopting the very mild course of allowing the Returning Officer to offer the best apology in his power for his misconduct. With respect to the course which the honorable member for Charlottetown would recommend the Returning Officer to pursue, he (Mr. Pope) did not hesitate to say, that should the Returning Officer refuse to answer such questions as might be fairly put to him, he would immediately move for his commitment.

Mr. THORNTON said, with the Petition against the Return they had now nothing to do. The question arising out of that, had been determined. The object of caling the Returning Officer to the Bar to allow him an opportunity to justify himself, if he could. It was to allow him to give reasons, if he had any, for his not having done what the Law required. He might be able to make it appear that he had erred from a want of knowledge, and quite unintentionally; and in that case, the House would incline to deal leniently with him. There was no desire to find or prove him guilty beyond the extent to which they already knew he had offended.

Hon. Mr. COLES denied that the House had brought up the Returning Officer, in order that, he might be led into a crimination of himself. There was no necessity for that. The Poll Book established his offence. But if he showed that it was owing to any misapprehension of the law, or he had any other valid excuse to offer in extenuation of his misconduct, the House would, doubtless, extend their indulgence to him. The misconduct, however, was one of too serious a character to be passed by without proper investigation. If such omissions or neglect of duty should altogether escape notice and censure; it might, perhaps, at a general election, happen that through party prejudice and bad feeling, on the part of Returning Officers, half the elections would have to be declared void, in consequence of similar omissions purposely made.

Mr. PALMER. He maintained that the Returning Officer was not compellable by the law of Parliament, or any other law known to the British Constitution, to reply to such questions as he could not truly answer without criminating himself. It had been said by some hon. members, that it was not the wish of the House to deal rigorously with him. But, admitting that to be true, it ought to be remembered that, if made to criminate himself, by his answers, in the course of his examination, these answers might be laid hold of, by the late candidates, and urged in a Court of Law, in support of proceedings instituted against him for the recovery of their expenses. It had been said, to justify the contemplated examination, that Returning Officers had been examined by the House of Assembly aforetimes. It was true they had; but for an object very different from that then entertained: not to cause them to criminate themselves, but to give evidence touching matters affecting the candidates only.

The question was then put on the motion of the Hon. Mr. Coles, and the same having been agreed to, the Sergeant at Arms withdrew, and, returning with Mr. McCallum, placed him at the Bar of the House. Mr. McCallum's examination then commenced, and was prosecuted by a series of questions, which were proposed according to the usual parliamentary mode, and to all which, he unhesitatingly gave clear and direct answers.

[In the course of the examination, which occupied but a short space of time, it was admitted by Mr. McCallum, that he did not take the affidavit required to be taken by the 39th section of the Election Law, because he conceived that his acting as Sheriff, and not Presiding Officer, rendered it unnecessary for him to take that affidavit.]

His examination having been concluded, Mr. McCallum was ordered to withdraw. After a short discussion, touching the propriety or impropriety of certain questions, contemplated to be put, which it was finally agreed should be withdrawn.

Hon. Mr. Pope moved that the witness be called in, and that he be informed, that he is at liberty to make any statement, which it may seem good to him to offer to the Committee, with reference to the omission of the affidavit. This motion having been agreed to, Mr. McCallum was called in, and, it having been intimated to him, by the Chairman, Mr. Davies, that he was at liberty to address the Committee, with reference to the subject of his examination, he spoke to the following effect:

"He had nothing to say further than that he had been desirous to discharge his duty legally and constitutionally, without partiality. If he had done wrong, he had done so through an error in judgment. Wilfully to have committed an error could have done him no service; and he could have had no motive whatever for doing so. With both candidates he was on a friendly footing. He had never had any dispute or misunderstanding with either of them; and even had it been otherwise, he would not when on oath to discharge his duty impartially, and according to the best of his knowledge and ability, have improperly done any thing to the injury of either. If he had done wrong, he was sorry for it; but he had done so only from an error in judgment. He thought that as he was presiding at the election as Deputy Sheriff, and not acting as Returning Officer, in virtue of a precept from the Sheriff, the law did not require that he should make the affidavit. The error was purely unintentional; and as a proof of the fair and impartial manner in which he had presided at the election, the parties complimented him by a vote of thanks, and cheered him."

On motion by the Hon. Mr. Pope, it was then agreed, that the Returning Officer be excused from further attendance.

The House was then resumed; and the Chairman of the Committee asked leave to sit again, which was granted.

The House was then adjourned.

HASZARD'S GAZETTE.

TUESDAY, FEBRUARY 10, 1852.

Had we not, from the beginning, been satisfied that the leaders of the present majority in the House of Assembly were both unaware of the extent of the duties which they were so ready to undertake, and incapable of performing them when undertaken; their first measures in this their first session, would have convinced us of both these facts. We were told, and the tale was repeated *ad nauseam* in every form of anticipatory triumph, that the proceedings of the Provincial Parliament were to be in exact accordance with that of the Parent State; that as self-government, Responsible Government had been conceded to us; the Representatives of the people would have to look to the ministry chosen from out of themselves, for the manner in which their deliberations were to be conducted, and the ends to which they were to be directed. Now, as the speech from the throne is, in England, always considered and treated as that of the ministry; we did not for a moment doubt that such would be the case here; and we were, we honestly confess, not a little anxious for the forthcoming of a document, upon which the credit of the Administration, as to the fulfilment of the promises so liberally made upon the hustings, must materially depend. It was expected to be, or rather it ought to have been, a comprehensive and compact epitome of what they intended to do for a people who had been suffering under an accumulation of ills and grievances, engendered by upwards of half a century of the most infamous misrule that had ever been inflicted upon a colony, now brought to the very verge of destruction, from which nothing could have saved it but the interposition of the varied brilliant and elevated talent of those who, in a fortunate hour rushed forward and rescued the helm of the all but submersed vessel of the State from the gripe of the ignorant crew, which however incapable, still affected to direct her course. For ourselves, we looked for a "Declaration of Rights," printed, or at least worthy to be printed in letters of gold, to which the eyes not only of the present but of future ages would be directed as the Magna Charta, the Palladium of the liberty of Prince Edward Island. But it was not to be. The Speech, in the first place, is not that of the Administration, but that of the Governor. The Hon. Mr. Whelan repudiates the notion, "that the speech of the Governor, like that of the Sovereign in Great Britain, was an act of the Government;" so that we are still under the old *regime* as far as that goes, and the Governor is the Governor still, aye, and has a will of his own; and one would think, that he had made Mr. Whelan morbidly sensible that such was the fact. But beside all this, Mr. Whelan tells us "that in a young colony like this (not twenty years younger than Nova Scotia, but ten years older than New Brunswick, and in possession of a Legislature before the United States had a Congress) where Responsible Government had only been just established, it was not to be expected that the Governor's Speech should specify all the measures of which his Government contemplated the introduction. ***Their ideas with respect to many questions might not be yet clearly developed ! !***" We believe not: this is a more candid admission of their inferiority than we had any reason to look for; we sincerely, however, believe it to be true; they have no ideas to be developed; they have not been able to agree upon any thing in the slightest degree resembling a system of government, and they never will. The Speech, however, is delivered, and the address in answer to it is moved, when strange to relate, the only opposition to it is from Mr. Davies, one of their own supporters; he and some others beside, the majority, we think, of their own constituents, are dissatisfied because that most important of all questions—the settlement of which was the inducement with all, or nearly all of the voters to elect them—has been unnoticed, viz: The resumption of the township lands by the Government, a measure which, as Mr. Davies says, and very truly, "the public were led to expect on the introduction of self-government." But as we have no right to intermeddle in domestic differences, and as Sir Lucius O'Trigger says, "the quarrel is a very pretty quarrel as it stands, and any explanation might make it worse," we will leave them to settle it between them.

With respect to the Georgetown election, nothing could be more completely farcical than the attempt on