

Hon. PROV. SECY. replied that perhaps the hon. member for Victoria would furnish the house with the reasons that the sessions in his county had not complied with the law. All that he himself could say was, that the circular was sent to that county, and the Government had now only learned that nothing had been done in that county. He thought, under existing circumstances, it would be advisable for the hon. member to bring in a bill for the purpose of enabling the court of quarter sessions to take such action as would meet the case. He was desirous that the house should not lose the hon. member in case of an election, but that they should long continue to have the pleasure of seeing his face present among them.

Mr. ROSS said that he would state, for the information of the hon. Provincial Secretary, that it was his intention to come back to the house as often as the people chose to send him. All he now asked was for the compliance with the law that would enable him to do so when the proper time arrived. He was quite prepared, however, to introduce a bill for the purpose of enabling the sessions to carry out the law.

Hon. ATTY. GEN. said that he had received a letter from the Custos, stating that the Clerk of the Peace had a correspondence with him, (Mr. H.), in order to get directions how to proceed to remedy the omission to call a special session. In consequence however, of the absence of the custos, it appeared, the sessions had not been called at all. He had however, never received the letter from the Clerk of the Peace, though he had one from the Custos on his return. In reply, he had stated that an act could be readily passed by the present Legislature to enable the special sessions to carry that law into effect.

Mr. STEWART CAMPBELL asked what guarantee the house had that those persons who defied the law in the first instance would not do so again. The hon. Provincial Secretary would find that in the county of Guysboro a party majority decided at the special sessions not to carry the law out. He thought the government should state how they were prepared to deal with these magistrates who declared, with the law in their hands, that they would set themselves up as a superior authority to the Legislature, and refuse to obey its enactments. The time had now passed when the action of the sessions was to take place, and he was anxious to know if the government were disposed to place any act that might now be passed to give effect to the franchise law, in the hands of those who had already so flagrantly acted in violation of their duty as magistrates.

Mr. KAULBACK said that he considered it would be best for the government to repeal the law altogether. As far as his county was concerned the people, irrespective of party, disapproved of it altogether, and he would, therefore, be glad to see the opinion of the house tested on the subject.

Mr. ARCHIBALD said that nowhere was this question considered in a party light except in Guysboro. In his own county both parties combined to carry out its provisions. Every magistrate was bound to obey the law, and if he was not prepared to do so, he should resign his position. If he violated the law, he was not only liable to be superseded, but also to an indictment for misdemeanor. He had no doubt that if the magistrates in Guysboro, af-

ter the discussions that had taken place in the house, should continue to act in defiance of the law, the government would not fail to pursue that course which, as administrators of the law, they were bound to take. He, however, was inclined to believe that these magistrates committed the indiscretion of which they had been guilty, in a moment of excitement, and that they would not offend again.

Mr. LEVESCONTE thought it was most advisable to have the law repealed, for it was most obnoxious to the people at large. The bill was unjust in its provisions. He knew of one district in his own county where out of four hundred men who had voted last election now only fifty-five could exercise the franchise, though they largely contributed to the revenue. These men were fishermen in tolerable circumstances, but because they had not a large amount of real estate, upon which they are taxed up to the requirements of the law, the greater number were disfranchised. He considered it but right for the government to take this matter into their most serious consideration and repeal the law which now disfigured our statute book.

Mr. KAULBACK said that in some cases it was not any of the magistrates but the grand jury that were to blame, and he did not see how they were to be dealt with. He again expressed the hope that the government would not fail to take the matter up as soon as practicable and restore the old act. He was desirous that the same people, that sent him to the House should have an opportunity of his case of an election, to continue or reject his services.— The means for educating the people were now largely increased, and he was in favour of giving the intelligence of the country its due influence in the election of the representatives to the general assembly.

Hon. PRO. SEC. replied that gentlemen were mixing up two questions. One question was the observance of the law on the statute-book, and another the policy of changing it. If any gentleman wished to repeal the law, he could move in that direction, but as he (Dr. T.) had observed on former occasions an insuperable difficulty lay across the path in the way of any change. As to the other question there was no doubt as to the obligation that rested upon every grand jury and sessions to pay implicit obedience to the law. In the county of Lunenburg the difficulty lay with the grand jury and not with the magistrates, and therefore the government could take no action in respect to the latter. Looking at the district of Guysborough, he was inclined to take a more charitable view than the hon. member for that county, for he found that the reason assigned was not a settled determination to obstruct the law, but that the gentlemen who voted on the occasion referred to were under the impression that as no election was likely to occur for some time, therefore no immediate action was requisite, and they therefore postponed taking the step required by law until they were able to approach the house by petition, with the hope of having the Franchise act repealed. Under all the circumstances, he was inclined to believe that if measures were taken to remedy the difficulty, there would be no opposition on the part of the magistracy of the county in question.

Mr. STEWART CAMPBELL said that he was glad to notice that the Provincial Secretary did