

Continued from first page.
 alter it? If this section is pressed through he wished to place upon record his strong opposition to it.

Hon. Mr. Winter—If the hon. and learned member had been upon the Select Committee he would have seen the necessity for such a provision as this. He could not see any force in the objection of the hon. and learned member. The simple meaning of the section is this: suppose, for instance, a writ is issued after term, and the defendant pleads simply that he is not indebted, he is called upon under this section to come into court and make an affidavit, in answer to the affidavit of the plaintiff that he does not owe the money. Other wise judgment will be entered against him and execution issued in the ordinary way. This provision does not work unjustly upon the defendant, and would have the effect of precluding defendants from taking advantage, as is frequently done, under the existing practice, of keeping plaintiffs out of their money for six months under the ordinary plea of what is called the general issue. The Bill now proposed to be made law is the law at present operative in Great Britain and the Dominion of Canada. Mr. Parsons—If the hon. the introducer of the measure would strike this section out, and introduce, in its stead a section abolishing imprisonment for debt, would be doing an act for which the public would feel grateful. It has been done in many other places, and he saw no reason why they should not do so here. Sometimes it happens that unfortunate debtors are arrested and kept in the penitentiary at the expense of the colony, in order to satisfy purely vindictive feelings upon the part of plaintiffs. The committee then rose and reported bill with some amendments. Ordered to be read a third time to-morrow.

Committee on bill to provide retiring allowance for Sir H. Hoyles Knight, Chief Justice of the Supreme Court. Mr. Skelton in the chair.

Hon. Receiver General, in moving the reading of the Bill to provide for the retirement of Sir Hugh W. Hoyles, Knight, Chief Justice of the Supreme Court of the Colony would draw the attention of the House to a memorial of that gentleman sent to his Excellency the Governor in Council. Here the Receiver General read for the House the memorial from his Lordship. It is a matter of deep regret that one so highly respected, and so able and experienced a public official, should be compelled to seek from this House a retiring allowance, in order to his withdrawal from a position, which has so long filled, with honor to himself and credit to the land of his birth. He has occupied the position of Chief Justice of the Supreme Court Bench for a period of over sixteen years, and the house and country are well aware how able he had discharged the duties of his high position. We all regret that failing health should deprive the country of so able a man, but from representations made, it is feared that any longer continuance in the active discharge of duties would endanger his life. He requires rest from his labors, and after his well spent life, he [hon. R.G.] believed he was eminently entitled to it. The amount proposed as an allowance to the Chief Justice on his retirement is £750 currency. This amount is not equal to the retiring allowance received by former Chief Justices. Sir Frances Brady received £300 sterling, and proportion to his salary this amount is considerably over the amount proposed to be given to Sir Hugh Hoyles. Sir Bryan Robinson received £666 currency upon his retirement, while his salary as Assistant Judge, was only £1000 currency. He [hon. R.G.] believed that no hon. member would consider the amount proposed as too large, and he was sorry that the finances of the colony would not warrant any higher sum. He thought it unnecessary to refer to the Chief Justice's services to his native land. Whether as a statesman, a lawyer, a judge, or a citizen, he has left an example for future generations, and his loss causes a void in the social ranks of the country, which it will be difficult to fill. He had much pleasure in proposing the first section of the Bill.

Hon. the Premier could not say that it afforded him pleasure to discharge the duty of seconding the proposition for the reading of the first section of the bill before the chair. It was at least with mingled feelings of pleasure and regret that he did so. When he looked back upon the life, career and character of the Chief Justice, he beheld a man during all the years of his laborious life among us, had been distinguished socially, politically and forensically, and while on the bench of the Supreme Court, he has by his impartial conduct, under every circumstance, won the esteem, regard and ad-

miration of his countrymen, of all shades of political social and religious standing. The application before us for retirement, is the result of failing health, that too at a period of life, counted by years when we should not have looked for. We might easily have anticipated for the Chief Justice many years of active life, but unfortunately he has been compelled by rapidly waning health, to make the application, and such an application coming from one of his known integrity of character, is one we cannot, however regretful we look upon his loss, help responding to. He (hon. the P.) was conscious of the position which one, who has been a public official, occupies in coming before this House to ask for a returning allowance, since unfortunately there is no statutory provision made this country for the retirement of such officials. In every other country at least in every country under the English constitution, there is a law making provision for officials in the shape of a stipend payable after a number of years services, and he (hon. the P.) considered that it was a great reflection on us that we had no such law in this country. The absence of such a provision from our Statute Book compels such as the Chief Justice, when failing health prevents them from any longer discharging their duties of office, to come before this house and pray for a retiring allowance. He (hon. the P.) was aware that there were several petitions expressed to any considerable extent the opinions of the country. The people, however, should be made aware that when, through their representatives, they asked for and received the existing form of constitution, they were bound to accept all the obligations which that constitution brought along with it. One of the obligations of the Constitution granted to us in 1855 was that of suitably providing for our own working officials, and also for those who after the granting of that Constitution, should be compelled to retire either by reason of ill health or other good and valid cause, from active official life. Most of the officials now on our pension list were officials at the time of the introduction of Responsible Government. At that time a bill was introduced by which nearly all the officials then in the Government, the Colonial Secretary, the Attorney General, the Surveyor General and others were pensioned for life. Some of these have since passed away others (a few) still draw the small allowance then made by the Government and from time to time it has been found necessary since then to come before this house to ask for a retiring allowance for some official who has been, after a number of years employed in any of the official departments of the Colony, compelled to retire from ill health or inability arising from increasing years, so any longer perform his duties. Such a duty has devolved on various governments in turn. He would call the recollection of hon. members to the days of the Bennett Administration when the Government pensioned Mr. Nugent, the then Sheriff, and appointed the hon. Thomas Talbot in his position. Mr. Canning, a highly respectable old gentleman, was also pensioned and another gentleman placed in his office, although Mr. Canning was unwilling to retire to the last. It was at length found necessary to pay Mr. Canning a sum of \$800 in order to propitiate him and at the same time provide a position for a member of the then executive Council. The Bennett Administration had introduced however, the new principle of pensions for political officials. When they proposed to pension Mr. Glen, they had recorded a minute of council to that effect, but the succeeding Government had refused to endorse such a principle, and consequently our venerable Auditor of Public Accounts was rendering yet valuable services to the country. With regard to the retirement of Sir Hugh Hoyles, he (hon. the P.) was inclined to look with disfavor upon his retirement at first, and was disposed to answer his application with the reply that we were unwilling to pension him unless he was totally unable to any longer discharge the duties of his important office, because he (hon. the P.) like many others in the country was of opinion that the colony could not afford to allow him to withdraw from the Supreme Court Bench. He [hon. the P.] looked upon Sir Hugh Hoyles' vacation of the office of Chief Justice of the Supreme Court Bench as a great public calamity. As a Barrister who has practiced with him at the Bar, as one who was associated with him in politics as a citizen who admires his public spirit and propriety of character, as one who wishes him the tranquil enjoyment of the last years of his well-spent life. To be Continued

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