

courage the people of Nova Scotia to apply by Petition to His Majesty, to relieve His Representative here from the responsibility of nominating the Magistrate. The Upper Canadians obtained this boon by consolidating their Township Laws, including the nomination of Magistrates with the other Township Officers, by the Freeholders; this act, after receiving the sanction of the three branches of the Colonial Legislature, obtained the Royal Assent.]—ED. BEV

NOVA-SCOTIA.

PROVINCIAL PARLIAMENT.

From the Novascotian.

Tuesday, Feb. 9.

The Bill for the abolition of Oaths, much to the credit of the House, passed this morning, unanimously, and was sent to the Council.

The amendments made to the Fishery Bill, by the Council, were taken up, and passed in part, and a Committee was appointed to explain in conference, the reasons for rejecting the remainder.

Temperance Societies.

Mr. LAWSON presented a Petition from Thomas Miller, Guy's River, on Temperance Societies, which being read, Mr. SMITH moved that it be referred to the Committee, to whom all petitions on the subject of Temperance and the Licence Laws were referred. Messrs. DOYLE and WILKINS opposed the motion. The Petitioner complained that he had been injured by the persecution of Temperance Societies, and if his complaint was referred to the Temperance Committee, it was like asking for justice at the hands of those who were friendly to the parties who had done the wrong. He did not like the way in which it was sought to make that house the agent and auxiliary of these societies. Mr. UNICAKK remembered that once, when coming home from the Eastward, the only house upon the whole road at which he could get a glass of beer was that kept by the Petitioner. And a friend who was with him remarked, at the time, that if his example were more generally followed—if the innkeepers in the country would only keep a supply of good porter, ale and beer, for the refreshment of travellers, they would not be compelled to drink the bad rum and brandy with which they were now half poisoned, and there would not be near so much drunkenness as now notoriously prevailed. If the facts stated in Miller's Petition were true, why then the man had been injured—and if a pint of wine could not be carried from his house to sustain a sick neighbour, without drawing upon him the persecution of a powerful combination, the matter certainly called for the interference of the House; and the subject ought, in the first instance, to be referred to a select Committee. Mr. WILKINS thought that it would be like sending the lamb to the wolves, to refer him to the Temperance Committee.

Mr. JOHNSON said, that the Petitioner stated two facts—in the first place he complained that the licence tax was too high—and secondly, that he had been ill treated by one of the Societies. He was often amused at the remarks made by learned and honorable Gentlemen on the subject of Temperance; and by the sneers which they attempted to cast on those, who, in the House, were supposed to be friendly to its progress. As regarded the first part of the Petitioner's complaint—if blame attached anywhere it was to the House itself, for it had fixed the amount of the tax. That the Temperance Societies had done good, he thought no man would be hardy enough to deny—and that they stood upon firm ground which could not be assailed, he verily believed—as regarded the Temperance Committee, as it was called, it was no such thing—it was a Committee of the House, and there were members upon it who were not connected with any of the Societies.

Mr. WILKINS reminded the House of the Minister's child, that ruled its mother, who ruled her husband who ruled the kingdom. The House was, perhaps, too much subject to similar influences.

Mr. ROBERT referred to those clauses of the Licence Laws which were passed at the close of the last Session, after many members had returned to their homes, and which had frustrated the efforts of the friends of Temperance. He praised the cause and its advocates—and referred to the opposition which he had met on a former day, when he moved for a Return of the Spirituous Liquors consumed. He wanted to send abroad information, that it might be seen whether or not the Societies had done good. It enlivened his heart to see the cause flourish, for though he had passed the early part of his life in a country where spirituous liquors were consumed to a great extent, he had always been temperate and hoped so to

remain. What right had that House to appoint a Committee, to ascertain whether the Petitioner was improperly fined or not—were they to enquire into every petty complaint that was made against a Magistrate or a Court?

After some brief observations from Mr. O'Brien, the Petition was referred to Messrs. Doyle, Uniacke, Archibald, Cochran, Dickson.

The Speaker submitted the School Returns, which were handed over to the School Committee. Also Despatches and Orders in Council, referring to the Acts which had received His Majesty's Assent. That relating to liberated Slaves landing on the Coast, was disallowed.

Petitions were presented from Presbyterian Congregations in Pictou, and the Trustees of the Pictou Academy, stating the situation of that institution, and asking for aid from the House.

Provincial Appointments—The Customs.

Mr. DOYLE moved a Resolution, the object of which was to appoint a Committee, to draw up an address to His Majesty, expressing the dissatisfaction of the Legislature at the mode so generally pursued, of sending out persons from England to fill situations in this Colony, and particularly in the Department of the Customs. There was scarcely a petty Tide Waiter wanted, who was not sent out from home. The system was insulting and injurious to the natives and residents of the Country, from whose pockets the salaries were taken, and who ought of right to derive whatever benefit resulted from their expenditure. In New Brunswick a Judge had been sent out from home, and placed on the Supreme Court Bench, over the heads of all the Native members of the Bar; and recently in the adjoining Colony of Prince Edward Island, in consequence of their having raised the salary, an old School fellow of his own was to be sent out from Ireland, to preside in one of their district courts. These people came out to the Colonies knowing very little about them, and with little disposition to sympathise with or benefit the Countries by which they are paid.

Mr. WILKINS moved an amendment, giving to the Resolution a less general application.

Mr. SMITH reminded the House that the Custom House Department in this Province swallowed 75 per cent of the whole amount of revenue it collected; and he trusted that if the resolution passed, it would be followed up by another, bringing the whole question of those salaries fairly to review before His Majesty's Government. The office of Warehouse keeper at Pictou had not yet been filled up, because no native of the province could make sufficient interest to obtain it—and the Collector there had to do all the duty. After some further conversation upon the subject, Mr. Doyle consented that Mr. Wilkins's amendment should be substituted in place of his Resolution, which was carried without a division, and a Committee appointed to draft an Address.

The Judiciary.

Mr. CREIGHTON reported a Bill to abolish the Inferior Courts. The Bill left blanks for the compensation to be given to the Judges, and did not touch the County of Cape Breton.

Mr. BLANCHARD thanked the House for the indulgence granted to him of sitting while he addressed the Chair, in consequence of the state of his health, and said that he had a resolution to offer, which was not at all connected with the Bill which had just been read. If there was any probability of this Bill passing, and the Inferior Courts being abolished, they should be careful that strict justice was administered in those which remained. The evils which he wished to remedy, arose out of the practice introduced by the Act of last session, by which one Judge was sent upon the circuits. There was, in fact, no responsibility in such an administration of the Laws. The single Judge was omnipotent and could do as he pleased—he need not listen to one word of the argument for a new trial unless he chose, and in fact there was no means of getting relief from the very worst judgment that might be given. There was no hope of redress for no other tribunal had power over him. He meant to make no charge, but thought it was the duty of the House, at all events, to see that the law was administered with correctness. The object of his resolution was to obtain a Bill to provide some relief from erroneous decisions, and that one Judge should not always go the same circuits. If there were differences in point of legal accuracy and attainments, let all parts of the country, at least, enjoy the advantages of having the best sometimes. Judges always going the same route naturally made acquaintances; and were, perhaps unknown to themselves, liable to be influenced by prejudices—and of course, where there were cross trials, the decision of one case decided the whole.

Resolved—That a Committee be appointed to enquire as to the mode and course of Trials and practice in the Supreme Court upon the Circuits, and to report thereon by Bill or otherwise.

Mr. STEWART seconded the Resolution. As things wore, one Judge was absolute—there was no appeal—it was any thing but the *Nisi Prius* system of the Province of New Brunswick. No one man should be entrusted to decide upon the property, and it might be the life of the subject. In England and the adjoining Provinces the Judges continually changed their circuits. A Judge always going one circuit naturally acquired friends, and partialities and prejudices—the House had the power to enact a law by which the Judges, whatever arrangements they might make among themselves, would be compelled to change their circuits.

Mr. ROBERT hoped that the Committee would report that it was not necessary to have the Supreme Court sit twice a year in all the Counties. It was, certainly, not for the benefit of Annapolis, to have one Term in June and another in September, when the people were busy with seed time and harvest. If two Courts were held, the Judges should come at a season when time was of less value to the people.

Mr. OXLEY remarked that in Cumberland, the people were obliged to leave their homes and travel forty miles, when in the middle of the harvest.

Mr. STEWART said that if it was deemed advisable, the House could make the Judges hold their Courts in winter as well as in summer.

Mr. UNICAKK thought that any Bill, so enacting, to obtain the object, must provide for the expenditure of at least £10,000 upon the roads in Cape Breton. He did not like those various propositions for abolishing and reforming the Courts—there was a cloud before his eyes that was not yet cleared away; but he should be mistaken if they did not find that there was some object behind it, and that before they were done it would be found that they would have another Supreme Court Judge to provide for. They were, perhaps, like Cadmus, sowing teeth that would yield a dangerous kind of crop. As he intended to oppose the Bill at the second reading, he would not now trouble the House with any thing further on the subject.

Mr. HOMER did not like such continual changes and alterations. The practice pursued in that house was to alter one year every thing that had been done in the other. When the Inferior Court Bill passed there was a great deal of excitement in the country against it—the mode in which it was done was objectionable—but now he believed these courts were popular. He had often seen in the proceedings of them prior to this time, the want of a head—an Executive. It was better to go on as we were, than to be continually changing. One part of the duty which these Judges performed was, in revising the returns of statute labour—a service very necessary and important.

Mr. MORTON would willingly support any general scale embracing the whole Judicial system of the country, and founded on an enlightened view of the wants and resources of the Province; but he did not like these partial changes, and reformations, by which much mischief might be done; and, so far as he could yet see, very little was to be saved. He was satisfied that we had too many Judges and too many Courts—by which time and money were needlessly wasted. As respected the Inferior Court, the people in King's County were very much pleased with it—it was deservedly popular—and the business of it was done much to their satisfaction. If the Inferior Courts were done away, the Judges of the Supreme Court ought to preside in the Sessions—but they should not alter things by peace meal. If they were to pay the Judges, and he did not see how this could be avoided, where would be the use of abolishing the Courts.

Mr. STEWART could not shut his eyes to the fact, that in the extensive Province of New Brunswick four Judges did all the business, including that of the Court of Equity. He was not perhaps prepared to support the Bill reported, but he thought that the Inferior Courts ought to be abolished.

Mr. BLANCHARD thought it was not fair to encumber his proposition, which stood by itself, and was not connected with this or any other Bill, with other matters which might be better disposed of by a general measure.

Mr. SMITH wished to meet the question fairly—there were two many Judges and Courts—two at least could be disposed of, and thus they would be able to give the relief that the country required.

Mr. HUNTINGDON was anxious to see what was to be substituted for the Inferior Courts. If the Sessions sit as they now do, the Grand and Petit Juries would have to be called out, and there would be very little relief after all. If a general arrangement could be made, so that the Sessions should sit immediately after the Supreme Court, he should support it. The Resolution was referred to a member from each county—Mr. Stewart, at Mr. Blanchard's request, being appointed Chairman.