

HOUSE OF ASSEMBLY.

FRIDAY, Feb. 22.

Mr. MUIRHEAD presented a petition of divers inhabitants of Township 19, praying aid to construct a covered drain, at Barrett's, Cross Roads, which was read and laid on the table.

Hon. Col. TREASURER presented a petition of divers inhabitants of Sea Cow Pond, Lot 1, praying a grant to complete the bridge over the Marsh above Bain's Mill, which was received and laid on the table.

Mr. MUIRHEAD presented a petition of divers inhabitants of Middleton, Lot 27, praying that a Mail bag may be left at or near William Wright's, in that settlement, referred to the Post office committee.

On motion of the Hon. Mr. MOONEY, it was resolved that a Committee be appointed, to whom shall be referred every petition praying for the opening of new lines of Roads, to examine the same and report thereon.

The following Committee was appointed:—Hon. Mr. MOONEY, Messrs. Perry, McDonald, Muirhead and McIntosh.

Hon. Mr. WIGHTMAN presented a petition of divers Inhabitants of the Back Settlement, Lot 52, praying a grant towards opening a Road in front of the said settlement, which was referred to the last named Committee.

Hon. Col. TREASURER presented to the House a petition of Alex. Munro, of the province of New Brunswick, setting forth the publication by the petitioner, at much labour and expense, of a work entitled "New Brunswick, with a brief outline of Nova Scotia and Prince Edward Island," and praying the House to take copies of the said work, to the value of Fifty Pounds, or of such other sum as to the House shall seem meet. The petition was read and laid on the table. He also presented a copy of the work referred to in the petition, which was laid on the table. He likewise presented to the house a petition of divers inhabitants of the County of Cumberland, Province of Nova Scotia, praying the House to adopt such measures in conjunction with the Legislatures of the other British American Provinces, as will encourage the placing of Fog Bells on Cape Traverse and Cape Tormentine, and the erection of a Lighthouse on Cape Tormentine. The petition was read, and referred to the Lighthouse Committee. He further presented a petition of divers inhabitants of Miminigaah, with reference to a post office, which was referred to the Post Office Committee.

Mr. CLARK, from the committee on expiring laws, presented to the House a Bill to continue and amend the Act relating to Light and Anchorage duties, which was read the first time, and ordered to be read a second time to-morrow.

Hon. Col. SECRETARY presented to the House a Petition of D. B. Stevens, Agent for the New York, Newfoundland, and London Telegraph Company, praying for an annual grant of money, to aid the laying down of the Submarine Cable across Northumberland Strait, during the efficient working of the said Telegraph line. He remarked that a party in Halifax had offered to lay a Telegraph line, if this House would grant them a Charter; and he was in favour of encouraging that Company. The petition was laid on the table.

On motion of the Hon. Col. Secretary, the House resolved itself into a Committee of the whole, on the second reading of the Bill relating to Ejectments and Distresses, &c. Mr. McDonald in the Chair.

Hon. Col. SECRETARY, as some of the clauses were read, offered some observations, remarking that the One Ninth Bill had not been productive of all the advantages which had been expected from it, and that many had considered it as making provision for preventing proprietors from demanding more than six years rent, but that by recent legal proceedings this had been discovered not to be the case, in consequence of the word 'covenant' not having been inserted in the Act. He considered it advisable to amend that Act, in this particular, so that no more than six years rent could legally be demanded.

After a few remarks by Mr. Haviland, Hon. Mr. Mooney, Mr. McIntosh, and Hon. Col. Secretary, the Speaker took the Chair, and the Chairman reported that the Committee had gone through the Bill without any amendment. It was then ordered to be engrossed.

Hon. Mr. WIGHTMAN presented to the House a statement of the management of the Worrel Estate, embracing the proceeds thereof, and expenses of management and sale, up to February 1st, 1856, which was referred to the committee on public accounts.

The following is an extract of the above statement:—Quantity of land sold, 39,000 acres; amount of deposit paid, £2,077 12s 10d; balance due, £6,161 6s 11d; quantity of lands unsold, including 12,000 acres of swamp, 67, 164 acres: supposed value after deducting Swamp Lands, £3,910 acres wilderness at 7s; 21,254 acres occupied, at 10s £22,495 10s 0d.

Hon. Col. SECRETARY presented to the House, Extracts from minutes of the Executive Council with reference to the Documents presented to the House on Wednesday last, which was then read and ordered to be referred to the Committee of the whole House to whom the aforesaid Documents were referred, and it was also ordered to be printed with those Documents.

The Bill relating to the Mackerel Fishery was read a third time and passed.

Hon. Col. SECRETARY then communicated information to the House with reference to the Normal School, stating that Mr. Stow, of Glasgow had experienced some difficulty in obtaining a competent Teacher, on account of the demand for Teachers in Australia, but that he had now succeeded in obtaining one, who expects to arrive in the Island towards the close of April next.

Hon. Mr. PALMER rose in his place and desired information from the Government respecting the winter mails, asking that a copy of the contract with the Mail Carriers might be laid on the table of the House, or, if that could not be done, that Members of the House might have the liberty of examining it, as he wished to call the attention of the Government to some particulars respecting that contract.

Hon. Col. SECRETARY stated that any hon. member who desired information on that subject, would be allowed to examine the contract by calling at his office.

Hon. Mr. PALMER knew very well that he might properly apply for a copy of that contract, though he was not aware

that the Hon. Col. Secretary was under any obligation to furnish it; but he thought if the House required the Government to lay a copy of the contract before that body, that they would comply with the request. He had merely asked the question for the purpose of dispensing with form, but as his request had appeared objectionable, he would make a motion on the subject.

Hon. Col. SECRETARY explained that, if the hon. member or any other individual should require to see copies of contracts, considerable expense would be incurred; but that the contracts might be seen in his office. He had heard no complaints respecting the carrying of the winter mails, and believed that the service was well performed.

The House adjourned till the afternoon. And being met,—

Mr. LAIRD presented to the House the following Petitions, which were read and laid on the table, viz:—

A Petition of divers Inhabitants of Township 21 and others, praying a grant to repair a Road and two Bridges.

A Petition of divers Inhabitants of Township 21, and 67, praying a grant to repair a Road and three Bridges.

A Petition of divers Inhabitants of the settlement East side of Mill River, and others, praying a grant to extend the Road from William Mackay's to Hugh Mackay's.

Hon. Col. SECRETARY introduced a Bill to protect Justices of the Peace in Prince Edward Island, from vexatious actions, stating that, as it was a Government measure, no notice had been given respecting its introduction.

Hon. Mr. PALMER did not see what right members of the Government had to introduce Bills without notice, more than other members of the House, nor by what particular authority the rule of the House was to be dispensed with.

Hon. Col. SECRETARY explained that the rule applied to all Bills; but he presumed no one would give notice of a Message from His Excellency. The Government ought to be prepared to meet measures, and therefore they required to know the intentions of other members.

Hon. Mr. LONGWORTH thought that a change in the system of procedure was necessary, and that members of the Government might as well pass the Bill in conclusion themselves, as introduce it without any notice. They say the minority has no right to introduce a measure without notice, but because they are the majority they claim that privilege. He considered the bringing forward of measures in such a manner was an extreme exercise of power.

Hon. Mr. WHELAN had observed since the change of the system of Government in this Colony, that in the sister Provinces, particularly in Nova Scotia, the Members of the Government introduced measures *pro forma*, without any notice of their intentions.

Hon. Col. SECRETARY moved that the rule of the House be suspended on this occasion. There appeared to him no difficulty respecting the question, yet he thought hon. members should not unexpectedly be called on to consider any subject. He thought that the course which he was pursuing, had been adopted by the old system of Government.

Mr. LAIRD thought it prudent to adhere to the rule contained in the Statute Book, as such a course of proceeding allowed hon. members time to consider the subject, and could not injure the Government in any respect.

Hon. Col. SECRETARY could perceive a great difference in the two methods noticed, and thought that Government ought not to be restricted to any particular course of procedure.

Mr. COOPER thought that, since the House had a rule on the subject, it ought to be guided by it.

Mr. MACHTOSH considered that the rules laid down for the guidance of the House had been cheerfully acquiesced in by all parties, and that they should not be changed without sufficient reason. He fully concurred with the opinion, that nothing could be apprehended from the minority, but that such was not the case with respect to the majority; and stated that while he said this, he did so, not from any desire to injure the Government.

Hon. Mr. MOONEY thought that if notice was not given respecting the introduction of measures, it might possibly be the means of inducing every member to be in his place lest any measure should be brought forward; he, however, was in favour of affording every member an opportunity of knowing what was intended to be brought before the House.

Hon. Col. SECRETARY.—By command of His Excellency I lay that Bill before the House.

Hon. Mr. PALMER wished to know if he rightly understood the hon. member when he said he introduced that Bill by command of His Excellency?

Hon. Col. SECRETARY.—I presume all Government measures are introduced by command of His Excellency.

Hon. Mr. PALMER considered it a most unprecedented course of proceeding that an hon. member should rise and say that His Excellency commands him to lay a Bill before this House, and he doubted it very much if His Excellency would prefer having it said that any hon. member had done so. If Bills were to be introduced into the House by command of His Excellency, he supposed they would have to be passed by the same authority; but he thought that any hon. member who duly considered the rights and privileges of the House, would feel very much in discharging his duty if he gave his countenance or sanction to a motion of this nature. If one step of that kind were allowed to be taken it would, perhaps, be one of the most dangerous ever permitted in a Legislative Assembly, because it would prepare the way for other innovations, and the first intimation which the House would have of the introduction of any such measure would be the appearance of a member of the Government on the floor of the House with a Bill just pulled out of his pocket. The hon. member said he did not rise to offer any objections to the principle of the Bill itself, but thought the time had arrived for taking notice of that mode of introducing measures, because the courtesy which the minority, on many previous occasions, had shown to the Col. Secretary, had the effect of inducing him now to claim the privilege as his right. If notice was to be dispensed with on one side or the other, it should be on the side of the minority, because, as had been observed by an hon. member, there was always a majority present to protect the public from any improper measure; but the minority must see a Bill brought in and read which might, perhaps, involve some important principle, without any notice of its introduction. He (Hon. Mr. Palmer), would not have risen again to address the House on the subject, had not the Col. Secretary stated that His Excellency had commanded him to

lay that Bill before the House. He trusted that at present he entertained as much respect for His Excellency as he did when that gentleman first landed on the Island, and that he respected His Excellency as highly as any member of the House; but when he saw such a dangerous innovation attempted he was constrained to raise his voice and protest against it in his own name and in that of his constituents. That His Excellency had commanded any member of his Government to introduce a measure into the House of Assembly, he (Hon. Mr. P.), could not possibly believe; and he considered that His Excellency was too well acquainted with the duties of his office, having himself sat in Parliament, thus, knowing its rules, to demand such a privilege; if the Queen's representative had, he could not suppose that he had so far forgotten his duty in that respect.

Hon. Col. SECRETARY wished to ask what was the difference between introducing a Bill by command of His Excellency, or by permission of His Excellency, as no Government Bill could be introduced without his authority. If he had introduced a measure as a private member of the House, he would have given notice of its introduction, but when he introduced a Government measure, he thought there was no necessity for adopting that course; it was by command of the Governor that such a measure was introduced, and if the House threw it out it was well known that such a step was tantamount to a vote of want of confidence in the Government. He also remarked that the hon. member, Mr. Palmer, was so inclined to complain, that having now discovered what he considered sufficient reason, he (Hon. Mr. P.), thought that the Government had become tyrannical. He (Hon. Col. Secretary), had been a member of the Government during five or six years, and in that capacity had introduced, perhaps, a hundred Bills, but never had been requested to give notice before. He asked the hon. member why, in past years, he had not opposed the system pursued, which had been the course of proceeding ever since the Government was formed. If hon. members considered the Bill objectionable, they could oppose it on its second reading.

The motion for suspending the rule of the House was then agreed to, and the Bill read a first time, and ordered to be read a second time to-morrow.

Hon. Col. SECRETARY wished to know if, by the resolution then adopted, notice required to be given of all measures proceeding from His Excellency, and read some of the rules of procedure on the subject.

Hon. Mr. PALMER observed that it was His Excellency's privilege to send messages to the House without notice, as the rule was not intended to apply to them; but he considered that the rule operated, as it was intended, to prevent members of the House from introducing measures in that manner. He hoped that no member of the House would betray such an ignorance of parliamentary usage as to rise and say he wished notice to be given before a message would be received from His Excellency. The rule, he thought, applied well, and was a good one.

Hon. Col. SECRETARY remarked that His Excellency and his Government were inseparably connected with each other, and contended that it was not in accordance with the principles of Responsible Government to give notice of the introduction of Government measures; but admitted that with reference to Bills introduced by members of the Government, as private members of the House, the principle did not apply.

Hon. Mr. MOONEY was very desirous to arrive at a proper conclusion on the subject. He remembered that some years ago hon. members could not present a petition to the House without permission from His Excellency. He desired the House to pass a resolution on the subject, that it might be distinctly understood whether the Leader of the Government should be allowed to pursue the course which he had adopted, or whether he should be required to comply with the rules of procedure, as other members of the House.

Hon. Mr. LONGWORTH stated that the rule requiring permission from the Governor, before a petition could be presented to the House, had been abolished long before the introduction of Responsible Government, and that Sir Henry Huntly had said it was only a *pro forma* mode of presenting petitions. The hon. member could not understand on what ground the privilege of coming before the House from time to time, and introducing a Bill as a Government measure, was granted to the Leader of the Government more than to any other member of the House. He could see no advantage in such a course of proceeding, because measures for the benefit of the people should be brought forward by members of the House, and not by command of His Excellency. Unless the rule of the House were abolished entirely, he was of opinion that the Leader of the Government ought to give notice of the introduction of measures, as required by it.

Hon. Col. SECRETARY observed that the hon. member was quite mistaken respecting the presenting of petitions, as Sir Henry Huntly had only granted members of the House the privilege of presenting them without his permission, as far as he himself was concerned; and he (Hon. Col. Secretary), stated that the rule before noticed respecting petitions was still applicable.

Hon. Mr. PALMER stated that Sir Henry Huntly having considered that rule quite a useless one, had entirely dispensed with it; that his successors had done the same, and so had the present Governor.

Hon. Col. SECRETARY begged leave to inform the hon. member that the rule was not dispensed with, but that His Excellency placed that confidence in his Government which he ought to possess, and trusted that they would proceed in a proper manner.

Mr. McINTOSH would not offer opposition to any measure that was calculated to benefit the country in general, but thought that, as the House had a rule on the subject, it would not be acting prudently by departing from that rule. Hon. members ought, at least, to have notice of what measures were intended to be introduced, without reference to the party from whom they originated, otherwise advantage might be taken of the absence of members.

Then the discussion closed.

Mr. McDONALD asked and obtained leave of absence till Tuesday next.

Hon. Mr. WIGHTMAN also asked and obtained leave of absence till the same time.

The House did not meet on Saturday.