

the wishes of their employers. There may, therefore, be some reason for adopting the vote by ballot in those countries, but I deny that this applies to Canada. The practice is not British—it is anti-British; and I lament exceedingly that the measure should have been introduced into this house by a countryman of my own. Viewing it in this light as anti-British, and as being inapplicable to this country, I will not allow any part of the bill to be adopted with my concurrence. I look upon it as an insult to the freeholders of Upper Canada. I will therefore move that the committee rise.

Mr. PRICE rose and said it was not his intention to detain the committee with any lengthy remarks; he was called up however by the remarks of his friend and countryman the hon. and learned gentleman from Essex, who states that the system of voting by ballot is anti-British. It is a matter of little consequence to this committee whether it be Anti-British, if it be calculated to secure the rights of British subjects; and it is a singular mode of reasoning to say that is anti-British when in almost every institution in England, it is no use except in the election of members of Parliament; and even in the elections of the Scotch and Irish Peers it is practised, and in choosing committees in the British house of Commons it is also practised. Now this being the case it cannot be so very anti-British if members were to be elected in the same way. With regard to individuals not having the moral courage to come up to the polls and vote openly, that is evidence of cowardice on the part of voters. But will not hon. members admit that there are both direct and indirect causes which influence voters, and which in many cases compel them to vote against their conscience? He [Mr. Price] would put the case of a man of family perfectly independent in his own mind, but somewhat embarrassed, as many people are, and that the sheriff has an execution hanging over his head without exercising any other than the legitimate power which he possesses, yet the very knowledge, that he has the power of putting him to great inconvenience will operate materially upon the vote he gives. This of itself is a sufficient consideration to induce this house to adopt some mode of relief for those who have the misfortune to be similarly situated, and the number is not small. At the election of the city of Toronto the sheriff was himself a candidate in opposition to his hon. friend who originated this measure, and although he [Mr. Price] had not supposed that the sheriff had not exercised his power unlawfully to influence his voters, yet the very consciousness that he possessed that power, was in his opinion sufficient to operate injuriously, whereas if the vote by ballot had been established every man might have voted according to his conscience. Many elections he [Mr. Price] fully believed had been carried in this province contrary to the wishes of the people, [hear, hear], from the very circumstance of this desirable method of voting not having been adopted. It is a measure which is absolutely necessary to the liberty of the subject. [Hear, hear.] There is a feeling throughout Canada which is disgusting and infamous, there are persons prowling about through the length and breadth of the land denouncing as rebels those who oppose the government. [Hear, hear.] If we are to be coerced in this way and threatened with club law, we might as well give up the idea of responsible government altogether. [hear, hear] or any other government. [Hear, hear.]

Mr. DURAND said he must confess he was surprised at the summary and cavalier manner in which the learned and hon. gentleman

from Essex had treated this measure. That with the privilege of demanding a jury of six freeholders, and with the power of appealing from the decision of the commissioners to the Quarter Sessions or District Court. With these amendments the present law will be quite sufficient for all useful purposes, less expensive, more expeditious. I hope hon. gentlemen will seriously reflect before they attempt to introduce a new law, which, in its place of one which is now in full operation. (Hear, hear.) Mr. DURAND said he looked upon this measure as one of that magnitude which should go sure as one of that magnitude which should be passed hastily. He was satisfied there were people who were differently situated. He knew perfectly well that influence was exercised, and that not on the right side either. [Hear, hear.] He was perfectly aware that at the late election large sums of money had been laid out; extremely injudicious. He was satisfied that where they come from he was unable to say, it was not the sort of measure which would give satisfaction to the country. [A laugh.] A good deal of chicanery had been used, and no doubt other tricks would still be resorted to. (Cries of "question.") I am not going to be tedious, I shall forego my own feelings and vote in favor of the bill, because I think it absolutely required.

The question was then taken for the committee to rise, which was carried. Yeas 25. Nays 20.

Tuesday, August 3.

#### COURTS OF REQUESTS.

The order of the day for the third reading of the bill introduced by the Hon. Mr. Draper, amending the law relating to the Courts of Requests, having been read,

Mr. MERRITT moved certain amendments to the provisions of the bill.

Mr. THORBURN, in seconding this motion, said he would state the reasons why he was opposed to the bill in its present shape. In the first place the bill is calculated to effect a complete revolution in the law relating to these small courts, which have always been confidently styled the poor man's court; it takes away the power of adjudicating from the commissioners and places it in the hands of one man in each district; it changes the time for holding these Courts, making the intervals between its sittings two months instead of a fortnight, as formerly, and making the divisions extend to the limits of each township, which will compel suitors in many cases to travel twenty and twenty-five miles. Business will accumulate within the two months sufficient to keep the court sitting for three or four days, and under such circumstances, how is the poor man to obtain the recovery of his small demands? he is completely deprived of justice! this will be the effect of the bill. It is absurd to suppose that a man can go a distance of twenty miles to attend one of these courts, and remain three or four days, for the recovery of a small demand. The expense would be greater than the debt; he is, therefore, virtually deprived of justice. The people have no desire for such a change, as their petitions are coming to this house upon this subject remonstrating against the passing of a law of this kind. They are perfectly satisfied with the system as it is at present. It may perhaps be capable of some slight improvement, such as this amendment would have the effect of giving to it. But I think it is a dangerous matter for the legislature to force a law upon them contrary to their desire, although it may be a better law: it may be perfectly equitable and just in its provisions; but this is not the question, (hear, hear), the main point is, do the people require it?—(Hear, hear.) The effect of this amendment will be to extend the jurisdiction of the commissioners to twelve pounds ten shillings, and in cases of confession of judgment to £25) no doubt aware that there are upwards of

Mr. BALDWIN said he would vote for the bill; if for no other reason at least for this, that by this means they should get rid of upwards of one thousand commissioners, sixty per cent or two-thirds of whom are altogether unfit for the responsible situation in which they are placed. Whether it be attributable to improper appointments or not, persons have no confidence in these courts; they will not go to them because they cannot expect to receive justice. He would support this bill because he believed the principle upon which it was founded was better calculated to promote justice; but he did not entirely approve of some of its details, such as holding the court only once in two months. These details, however, could be amended either now or hereafter, whenever it might be found advisable.

Mr. VIGER said when a measure of this description was proposed in Lower Canada he had set his face against it, but he had been in a minority on that occasion. He had, however, in some degree changed his mind with regard to it. The longer the system went on the more he had reason to believe that the people were satisfied with it as being a cheap and expeditious remedy for the recovery of small debts. It would seem, however, that the people of this part of the Province are desirous of adopting a new measure, at least a majority of their representatives are so, and this being the case, and as the law is only to be a temporary one, I shall of course offer no opposition to it.

Mr. MERRITT said he was really surprised at the apathy which seemed to prevail regarding this subject. He was completely astonished at the reasons assigned by the hon. gentleman from the city of Montreal, and the hon. and venerable member from Richelieu, for supporting the measure, that because a majority appears to be in favor of it they will go with that majority. Those hon. gentlemen say, we are not by any means satisfied ourselves of the beneficial results to be expected from this measure, but if you desire it we will sustain you. Those hon. gentlemen are no doubt aware that there are upwards of