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FOR THE JOURNAL OF THE ISLAND OF PRINCE EDWARD ISLAND.

AND THE NEIGHBOURING PROVINCES.

AND THE CANADA MARITIME PROVINCES.

AND THE UNITED STATES.

AND THE BRITISH DOMINIONS.

AND THE BRITISH EMPIRE.

AND THE BRITISH COLONIES.

AND THE BRITISH SUBJECTS.

the tendency of consumption, and perhaps consumption itself in its incipient stages; but the violent changes are injurious when the disease is fully developed, or when the patient is far advanced in decay." This throws light upon what has been a vexed question, more particularly with us, relating to a somewhat loosely connected sentence in the *Papers for the People*. "To illustrate, that the Australian climate is either favorable or unfavorable to our respiratory patients, without classifying diseases, every one, however, is agreed, that a long & protracted period in Australia, would probably prove fatal at home; there can be no great harm in trying a change of air.

The colonists live a very exposed life, yet they suffer little from coughs, or cold at the chest; and cold in the head, face-sore, and rheumatism, are not more common than in England. The climate is unquestionably said to cure dyspepsia; but the opposite disease of diarrhoea and dysentery are induced more especially at the time of spring and the beginning of autumn, by the sudden changes of temperature. These maladies, however, are seldom fatal. During summer, cholera, croup, diphtheria, and small-pox, are the only serious diseases; although, as the disease is so rare, it could hardly be said to have proved fatal at home; there can be no great harm in trying a change of air.

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In some of the towns the mortality among the infants is great; while in the country districts it is less than in Britain. Children born in Australia, or transported thither in early infancy, arrive at maturity far better than with us, especially the females. Handicapped into debility by the genial climate, a girl of fifteen has all the charms, and many of the graces of womanhood.

We come now to two statements, which, taken in conjunction, are somewhat extraordinary; and we are the rather inclined to notice them in a special manner, that we have before met with them in private letters from well-informed colonists. We give them in the words of our author:-

"Healthy natives of the British Isles, of both sexes, who arrive in Australia in the heyday of life, and settle there, may expect to die about ten years sooner than they would, had they remained at home. Natives of Great Britain, either male or female, who have passed the meridian of life, will, in all probability, add ten or twenty years to their existence by going to either of the colonies, and thereby add three to four."

These two statements would appear to be inconsistent. In the heyday—which, we presume, means the full maturity—of life, we are at our strongest; and if we cannot then bear well the change of climate, how can we expect to do so when our decline has commenced? Yet we have no doubt the statistics of death in Australia would bear our sibior out in the opinion he has expressed—and we have as little doubt that the opinion is entirely erroneous. The condition of the savage native proves, as we have already hinted, that the climate is not healthy per se—that its vicissitudes and extravagances require to be met by the appliances of civilization. Now, the man exalting in his youthful strength, is just as fit for the prosecution of every kind of exertion as the victim of that dissipation of which our author himself gives us an instance. It is the vaunts of exposing himself to atmospheric changes unharmed, in fact, feels and gets, as if his own manhood were immortal. After a moderate duration of years, the fatal mistake is discovered. His constitution has been irreparably, though silently injured; he dies before his time, and leaves behind him as a mourner that senior who had found the necessity before leaving Europe at all, of inflicting upon himself against the assaults of climate and the pestilence of excess. Temperate climate next the skin, the avoidance of crude vegetables and fruits—shut-up from colonial ale and from water that is not well boiled, abstinence in the digestion, and care in exposing the heart and the right arm—these are nearly everything our author recommends, as young as by the means of, respectively, his two books.

These conditions, 1. must be owned, are few and simple; and even if otherwise, they would be well worth observing for the sake of enjoying health in a country where 280 days out of the 365 are 'undescribably pleasant,' and the remainder, with only a few exceptions, much less disagreeable than our average weather in England—in a country where the cold of winter is 14 degrees above the freezing point, and where the acclimated inhabitant is able to work hard in the greatest heat of summer. In the short Australian winter, a gale of wind or a deluge of rain is a variety lasting for hour or a day; at home, as we have heard by recent experience, we may be in the situation for a quarter of a year together, with all its attendant disturbance of the health and spirits.

We ought to add, that the subjects of climate and health, which appear in other respects to be a well-considered and useful manual. The reader will observe that the descriptions do not apply to North or Tropical Australia, where the attempts at colonization have hitherto been abortive. We trust, however, that our author has got it right to say, that Mr. Lamont attributes this want of success to the excessive heat, and the check to 'climate' generally.

#### LOUIS NAPOLÉON.

An unmitigated despotism—deriving its power from the universal suffrage of the people—exists, in the opinion of Napoleon III., to overcome all but two things, order every day, and a man occasionally. Napoleon III. admits no other liabilities in his high position. How he has discharged those Europe knows full well. He has maintained order with an inflexible will, and with a hand of iron, pitiless as a flinty serpent. If the French are satisfied with orders of such a price, Europe has no right to complain. It seems odd, however, that such despotism should imitate the constitutions of states in free states, and think itself bound to deliver a speech from the throne to an assembled Senate and Legislative Assembly, in explanation of the wants of the country, and the intentions of the Government. But Napoleon III. considers the nation has a right to demand it of him. It is almost the only right which he acknowledges. Through his Senate he has just made a speech to his constituents and to Europe, and entered into an explanation of the policy he intends to pursue. The documents will be widely criticised, as all such documents must be. An air of supreme complacency pervades

it. The colour of the honeysuckle around it, everything is painted in calico dresses. Fashion, however, the national wealth increased by "two milliards" public works commenced without loans or debts—demonstrated to the existing exhibited revenue made equal to expenditure—commercial confidence restored—the national dignity maintained at home and abroad—peace assured—these are the comfortable topics on which the Emperor dwells, and for which he claims credit from the peasants and soldiers who placed him on the throne. We shall not inquire whether the picture he paints is somewhat too flattering; but, we must admit, that at the close of the year 1851, what France, above all things, desired, longed for, prayed for, hungered and thirsted for, was peace; and that Louis Napoleon, *prospero sed non poterit*, through right and wrong gave her what she sought, and deserved her. For he did this, which has not yet been done, that Louis Napoleon, *prospero et poterit*.

Bill of present Attorney General against one class of Loids, viz. Pasture Loids in Charlottetown Royal. D. do, being one Bill of Costs against all the Township Lands in areas throughout the Island, namely 19 Township, included in one information, and

ABSTRACT OF THE RETURNS SUBMITTED BY THE HON. THE COLONIAL SECRETARY. *Pasture Loids for the Land Assessment Act, 1842.*  
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assessments, and of enforcing the payment of arrears could not be devised. The defect, under existing circumstances, seemed to be irreconcileable; for, as a magistrates court was not a court of record, it would be highly improper to allow proceedings to be therein instituted and determined, against large and valuable estates, which, if such were the case, would lead to their sale by a common constable, and no sufficient security would be afforded as to witness to which reference could afterwards be made. He did not blame the Attorney General for the course which he had adopted, with reference to filing separate informations for the law submitted in it; but he was *very* anxious to know that it was to be left in his hands, for the time, practice for the future; and, with his (Hon. Mr. Pope's) consent, he certainly should not.

Mr. THOMAS COLES.—He agreed that a strict interpretation of the Law was out of the Attorney General's hands from the mode of proceeding adopted, and returned to, by his predecessor, and assumed him (the Attorney General) in which he had pursued. But although he (the Hon. Mr. Thornhill) was not the Attorney General, he had a strong copy of *one* which, in a former Session, had been prepared by Mr. John Longworth, at the instance of his late member himself (Mr. Coles) and by himself. The *one* was a copy of the Committee's Bill, and render less expensive the proceedings against lands under default of payment of assessment: it was a *new* copy of *one* which, in a former Session, had been prepared by Mr. John Longworth, at the instance of his late member himself (Mr. Coles) and by himself. The *one* was a copy of the Committee's Bill, and render less expensive the proceedings against lands under default of payment of assessment: it was a *new* copy of *one* which, in a former Session, had been prepared by Mr. John Longworth, at the instance of his late member himself (Mr. Coles) and by himself. The *one* was a copy of the Committee's Bill, and render less expensive the proceedings against lands under default of payment of assessment: it was a *new* copy of *one* which, in a former Session, had been prepared by Mr. John Longworth, at the instance of his late member himself (Mr. Coles) and by himself.

Mr. PALMER.—He could not sit still and allow such erroneous opinions concerning Courts of Law to be delivered in the House, without opposition.

The hon. learned member then intended to take a review of the proceedings of the Assembly with respect to Land Assessment Acts, commencing with the Legislative Session of 1824, and ending with that of 1852; and said, that in 1824, when a Bill was brought into the Assembly to simplify and render less expensive the proceedings against lands under default of payment of assessment: it was a *new* copy of *one* which, in a former Session, had been prepared by Mr. John Longworth, at the instance of his late member himself (Mr. Coles) and by himself. The *one* was a copy of the Committee's Bill, and render less expensive the proceedings against lands under default of payment of assessment: it was a *new* copy of *one* which, in a former Session, had been prepared by Mr. John Longworth, at the instance of his late member himself (Mr. Coles) and by himself. The *one* was a copy of the Committee's Bill, and render less expensive the proceedings against lands under default of payment of assessment: it was a *new* copy of *one* which, in a former Session, had been prepared by Mr. John Longworth, at the instance of his late member himself (Mr. Coles) and by himself.

Information against one Township; while his predecessor had charged only £6 to £10 for one information against thirteen Townships. And neither did he think there was any better foundation for the assertion of that last number, that all the sales under the procedure established at the instance of his late Attorney General were to be accounted as to which he could not conceive of any method. No Judge, to (Mr. Macaulay's) full satisfaction, could be found to decide so absurdly.

Mr. COLES.—He said, that in comparing the Costs of the late Attorney General with those of the present, it ought to be borne in mind, that for one Information filed by the Attorney, the late, had laid claim to, and that, consequently, in the former (the Hon. Mr. Pope) had had thirty

days, in which *without* writing to the former, to have the same practice for the future; and, with his (Hon. Mr. Pope's) consent, he certainly should not.

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Mr. COLES.—He explained to the Committee, that the difference between the amount of expenses incurred in the recovery of Land Assessment Arrears, according to the mode of proceeding pursued by the late Attorney General, the present Chief Justice, and that of the course adopted by the present Attorney-General, on his coming into office, and, hitherto, followed by him, was owing solely to the different interpretations put upon the Land Assessment Act of 1842, by these two gentlemen, in their official capacity; and, concerning the proper legal interpretation of which, laymen appeared to be divided in opinion.

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while his predecessor, for one information, had been induced to insist for the removal of sales under the preface of the Attorney General's Act could be set up (Mr. Montgomery) as do so absurdly. As a consequence the Costs of the trial were incurred, but, for an informer, (a latter) had had thirty-the former.

could not sit still and concurring Courts of Law, without opportunity to take cognizance of the case of the Attorney with whom he was in collision with him, and, siding with the assessment Act, in that

and learned gentleman. He attempted to simplify his practice by means of a concession : it was a former Session, he argued, at the instance Mr. Colas and by his through the House. He Committee appointed sat when its principle of the Colony, on which, he therefore, wanted to assimilate to that proffered him the Pump and Well convinced of the great of the necessity to the Se- and, if not one Informa- tor all the lands in interest tions, if not being placed out Lands one class, Town Lots another class, and only should he find himself adopted, and introduced by him and, by his wife rejected : this had also suggested it is on it fell to him to bring out, he adopted the lands—in fact, copied in by the hon. mem- ber, he held in his hands, and, when he received; he accepted the Committee with the present law and, as regards the clause: he therefore left the to recollect with these a few minutes ago, viz., the consideration that when in the Assembly, it was a separate Information, and that not the whole Information—and that as open to the entire General. He did, and did to show that the entire Action of Government against virtuous citizens, while the the present Government was £5,500. When, in the course of debate, managing public business to liberty and a due regard assumed to show that, it would be impossible to goad, with, or if, upon his trial before the no idea of the justice of rectitude of his conclusions they then were, by sit- of the Attorney General, by his colleague in ate in that House, in much same was not England; on proceedings, have been public score, as an extor- by the very individuals from the illegality of his from time to time. The ends, clearly showed that had been illegally taken out men and proprietors; but, of abuse, as well as other ways, and had long in his power; still the law and in itself; to be recognized as righteous, right there, he would all and effectually retained, or, individuals, in the favour of the Attorney General, the Justice (Hon. Mr. Palmer) would stance that no such opinion as confirmation of same. In fact, the ques- they ever heard, indeed before any one who had been sub- stituted had, as yet, foolishly thought. But, if he lived, time, he never would have done the better, which, per- the late, or that of the—qua stand the ten of legal acts. He had been induced to support the Bill before the House should allow that the bill, in particular, for the Government, in its principles, to pass, without the committee, to be done by the

Taxed Bill of Costs for a Land Assessment Act which he held in his hands, clearly showed that the most information, under the pre- face of the Assistant Judge had been proceeding in obli- gatory General informed him of the Act, and his knowl- edge, with that interpre- assistant Judge, both pro- and in pursuance of the authorized by the Law, he was quite certain, of course, of the Assistant Judge. He had given notice in the Order Book, first days after the opening of the Session, his intention to bring the subject before the House. That that alone was sufficient to show that the Government were anxious to quiet themselves promptly and impartially of their duty with respect to the whole matter. If the proceedings or charges of the Attorney General could be shown to be illegal, he (the

hon. Mr. Pope) would not defend him: he would leave him to stand upon his own legs. The friends of that gentleman, after all that had been said about it, had not most wisely in allowing it to stand. The Attorney, however, would tell him, that it was not necessary that he should institute a comparison between them. But, with respect to the Attorney General, he would say, convict him first—prove that he has been guilty, before you call for a sentence of condemnation: and should they succeed in proving that he had overstepped the law, or put a wrong interpretation upon it, for his own benefit, he (Hon. Mr. Pope) would not stand forward to defend him; and neither, he believed, would any other member of the Government. The Government had not allowed him to charge more than had previously mentioned, nor contained in his original message, what they had nothing to do. If it could be shown that the Government, in what they had paid him, had auctioned one illegal sum on his part, that he (Hon. Mr. Pope) would plead guilty.

Mr. MACALAY. The Attorney General had convicted himself by the excess of his charge for a certain service in 1852 over that for the same service in 1851: and if he had done wrong, what security was there that he would not do so again.

Mr. WIGHTMAN. He was of opinion that, the late Attorney General was fully as competent, to say no more, to put a proper construction upon the Law as the present one; and he (the late Attorney General) had thought the proper course was to file one Information against all Township Lands in arrear. A departure from that practice, by the present Attorney General, had enabled him to make enormous charges; and he (Mr. Wightman) was convinced that the country would not think that the House had done their duty, if they left it any longer in his power to do so.

Mr. LAIRD. It was evident that, since the Chief Justice had acted, under the Statute, in the capacity of Attorney General, he had given his opinion, with respect to the legal proceedings, to take under it; and that he now held the present Attorney General's, and not his own practice, to be unauthorized and proscribed by the law. Although he had not, perhaps, given an opinion, to that effect, in express words from the Bench; yet, as the hon. the Leader of the Government had observed, his having sanctioned the practice of the present Attorney General, by allowing his information, in accordance with it, to be read in the Court, was a sufficient proof that he no longer held his own practice to have been correct.

The existing Militia, or any others which could be despatched, could only supply materials for aiding your Major General's troops; but none for adequately equipping their fleet.

The Colony having so recently been called upon by the Imperial Government to provide for its Civil List, it is liable to make provision for a permanent military force, in addition to its other resources; whilst its position, without such force, would be, in a particular manner, exposed to imminent, and not only to peace, but to war.

Mr. DAVIES. We consider that, your Majesty's faithful subjects in this Island, is impossible to ensure their peace and independence, without the aid of a regular and permanent military force on which to fall back, should any adverse circumstances, external or otherwise, arise.

It may be remissly to remind your Majesty, that we are in a different position from any other Colony, in respect to your dominion; and, in this respect, we are in a wholly different position from any other of your Majesty's dominions; nor should it be forgotten, that, during the Fishing Season, there frequently occurs greatest danger of foreign, and other pirates, in our waters, to take under it, and that he now held the present Attorney General's, and not his own practice, to be unauthorized and proscribed by the law.

The existing Militia, or any others which could be despatched, could only supply materials for aiding your Major General's troops; but none for adequately equipping their fleet.

Mr. COOMBS. The Attorney General ought to be severely reprimanded, if he had given any indication of being connected with the Attorney General; and, if the course pursued by the latter was legal, then that pursued by the other was illegal. In no acts of Legislation did it baffle the House to be more vigilant, than in those which regarded the powers with which law functionaries were to be invested. The charges could not be justified in any way, and neither could the Government be justified for having paid or sanctioned them. The Attorney General ought to be severely rebuked for his conduct with reference to them. If it ought to be determined that his having made them disgraced him for the retention of his office.

Mr. COOMBS. His own opinion was that the Attorney General had a right to increase the law charges he had done, in an estimate of his practice under the Statute. On comparing his charges with those of his predecessor in office, it would be found that he had increased them thirty fold; and that, therefore, he had charged thirty times more than he ought to have charged. The charges could not be justified in any way, and neither could the Government be justified for having paid or sanctioned them. The Attorney General ought to be severely rebuked for his conduct with reference to them. If it ought to be determined that his having made them disgraced him for the retention of his office.

Mr. COOMBS. If he had charged thirty times as much as his predecessor, he had had thirty times as much writing to do for it. And he (Hon. Mr. Coombs) supposed that the hon. Member (Mr. Davies) did not fairly estimate the amount of money he had to spend for travelling once to and from Belfast, he would think himself fairly entitled to demand and receive thirty times as much, for travelling the same road, in the same manner, thirty times.

Mr. DAVIES. The impracticability of the Attorney General's charges was too evident to admit of its being, in any way, mystified. It could not be denied that he had charged thirty times as much as the precedent established by his predecessor affixed him a warrant for doing.

Hon. Mr. COOMBS. If he had done thirty times as much work as his predecessor, he had cut it out for himself.

Hon. Mr. COOMBS. The Government said they had not sanctioned any illegal exactions of the part of the Attorney General; but he (Hon. Mr. P.) said they had, when last year they allowed him to proceed as he did, they sanctioned his illegal exactions. Instead of doing so, it was their duty, although he was a brother in the same, to demand a full and entire account of the propriety of his proceedings as to him, and to afford them; as there was another Crown Law Officer in the Colony, they ought to have consulted him.

Hon. Mr. COOMBS. However the general practice of the Attorney General in his proceedings for the recovery of arrears of land-tax, could be justified by a literal interpretation of the Land Assessment Act, not all the waters in the sea could wash him clear, in his (Mr. Mooney's) estimation for the increase, in 1852, upon his own charges in 1851—the section, both years being exactly the same. For the information, in 1852, he charged £5,174, and for the same service, in 1852, he charged £5,146. That was a specimen of extravagance in law charges, on the part of the Attorney General which could not be defended.

Hon. Mr. COOMBS. He had never before, on the part of the Government, to screen an irregularity or abuse under the law. The Government, as soon as they became aware of the change in the practice under the Land Assessment Act, had questioned the Attorney General concerning the propriety of it. He had assured them it was in accordance with the statute, and was sanctioned by the Assistant Judge; and, further, that he considered it was in duty bound to pursue it to its conclusion. The fourth clause of the Act would, as a careful reading, be found to be total nonsense, unless its intention was strictly as forth in the margin. The amendment he thought could not be made, and, to the end that no future mistakes or undue exactions should occur under it, he would recommend that a Schedule be annexed to the Bill before the Committee, setting forth distinctly the fees—those of the Attorney General, of the Prothonotary, of the Sheriff, and any other which were to be allowed under the operation of the Act.

Hon. Mr. COOMBS. In this great Attorney General was convinced that a new interpretation ought to be given to the Law, why he did not communicate his discovery at once to the Executive Council! And, if he did communicate it to the Council, why did not the Government take the earliest opportunity of bringing it before the Assembly? (Hon. Mr. COOMBS.) He did state his opinion to the Council. Then even if he did, he (Mr. Macaulay) could not see why then, any more than before, an opportunity should have been afforded the Attorney General to indulge in an increase of his law charges. He should have been required to abide by the procedure which had been established by his predecessor; and, not have been allowed to grab the property of his subject according to the measure of his own whims.

Hon. Mr. COOMBS. He had given notice in the Order Book, first days after the opening of the Session, his intention to bring the subject before the House. That that alone was sufficient to show that the Government were anxious to quiet themselves promptly and impartially of their duty with respect to the whole matter. If the proceedings or charges of the Attorney General could be shown to be illegal, he (the

hon. Mr. COOMBS) would invite

the sanction of the Judges as being in accordance with the law, otherwise they would not have allowed them. It could not be supposed that they had thought them wrong; which he had just read out in the Bill of Costs.

Mr. COOMBS. However, when I consider that it was not necessary that he should institute a comparison between them. But, with respect to the Attorney General, he would say, convict him first—prove that he has been guilty, before you call for a sentence of condemnation; and should they succeed in proving that he had overstepped the law, or put a wrong interpretation upon it, for his own benefit, he (Hon. Mr. COOMBS) would stand forward to defend him; and neither, he believed, would any other member of the Government.

Mr. COOMBS. At least it would be to whatever extent that they had subjected were unreasonably heavy. But the expenses as taxed by the Judges, were not all. To these was to be added those of the Sheriff—in most cases, he believed, amounting to 1s. or 1s. 6d. for the recovery of some such amount as £s. 4d. or £s. 6d. These, however, could not be ascertained with any degree of certainty; for some of the Sheriff's fees made no return, and they had had, it in their power to make what charges they pleased.

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