

The Herald.

VOL. III.

CHARLOTTETOWN, P. E. ISLAND, WEDNESDAY, JUNE 26, 1867.

NO. 37

THE HERALD

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BY EDWARD REILLY,

EDITOR AND PROPRIETOR,
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JOB PRINTING.

Of every description, performed with accuracy and despatch on moderate terms, at the Herald Office.

ALMANAC FOR JUNE.

MOON'S PHASES.

New Moon, 2d day, 11h. 0m, morning, S.
First Quarter, 9th day, 2h. 25m., morning, N. V.
Full Moon, 17th day, 0h. 42m., morning, S.
Last Quarter, 25th day, 1h. 15m., morning, E.

DAY	DAY WEEK.	SUN	High Moon	Low Moon
HOURS	MINUTES	SECONDS	MINUTES	SECONDS
1	Saturday	4 17 7	37 9 26	3 57 15
2	Sunday	17	38 10 52	21
3	Monday	16	39 11 48	23
4	Tuesday	16	40 10 00	25
5	Wednesday	16	41 0 36	26
6	Thursday	15	42 1 28	27
7	Friday	14	43 3 21	28
8	Saturday	14	43 3 15	29
9	Sunday	14	44 4 7	30
10	Monday	14	45 5 5	31
11	Tuesday	14	46 6 2	32
12	Wednesday	13	46 6 59	33
13	Thursday	13	47 7 51	34
14	Friday	13	47 8 45	35
15	Saturday	13	47 9 31	36
16	Sunday	13	48 10 16	37
17	Monday	13	49 10 57	38
18	Tuesday	13	49 11 40	39
19	Wednesday	13	49 12 17	40
20	Thursday	13	50 1 0	41
21	Friday	13	50 1 59	42
22	Saturday	14	51 2 11	43
23	Sunday	14	51 2 11	44
24	Monday	15	49 3 47	45
25	Tuesday	15	49 4 36	46
26	Wednesday	15	49 5 29	47
27	Thursday	17	49 6 27	48
28	Friday	17	49 7 31	49
29	Saturday	17	49 8 38	50
30	Sunday	18	49 9 35	51

Prices Current.

CHARLOTTETOWN, June 21, 1867.

Provisions.	
Ref. (small) per lb.	6d to 8d
Do per quarter.	4s to 4s 6d
Flour (medium)	6d to 8d
Do (small)	6d to 8d
Muston, per lb.	6d to 8d
Veal, per lb.	6d to 8d
Ham, per lb.	6d to 8d
Butter, (fresh)	11d to 12d
Do by the tub.	4s to 5s
Cheese, per lb.	6d to 8d
Tallow, per lb.	6d to 8d
Lard, per lb.	6d to 8d
Flour, per lb.	6d to 8d
Oatmeal, per 100 lbs.	20s to 22s
Eggs, per dozen.	7d to 8d
Grain.	
Barley, per bushel.	3s to 4s
Oats, per do.	2s 4d to 2s 6d
Vegetables.	
Peas, per quart.	2s to 3s
Potatoes, per bushel.	2s 4d to 3s
Poultry.	
Geese.	5s to 6s
Turkeys, each.	1s to 1s 6d
Fowls, each.	none
Ducks.	none
Fish.	
Codfish, per qn.	20s to 30s
Herring, per do.	20s to 30s
Mackerel, per dozen.	20s to 30s
Lumber.	
Boards (Hickock)	4s to 6s
Do (Spruce)	4s to 6s
Do (Pine)	4s to 6s
Shingles, per M.	7s to 10s
Sundries.	
Hay, per ton.	80s to 100s
Straw, per ton	20s to 25s
Timothy Seed,	18s to 20s
Clover Seed, per lb.	4s to 6s
Home-spun, per yard.	6d to 8d
Califinis, per lb.	6d to 8d
Hides, per lb.	1s to 1s 2d
Wool.	9d to 1s
Sheepskins.	9d to 1s
Apples, per dozen.	2s to 4s
Farringtons.	2s to 4s

GEORGE LEWIS, Market Clerk.

COLONIAL PARLIAMENT.

DEBATES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

Council Chamber.

WEDNESDAY, May 15th.

BILLS FORWARDED.

On motion of the Hon. Mr. GORDON, a bill to repeal two certain Acts therein mentioned, to compensate vessels to exhibit a light while in harbor in the night time, and to make other provisions in relation thereto, was read a third time and passed.

A message was brought from the House of Assembly by the Hon. Mr. Howland, with a bill to amend the establishment of an additional Small Debt Court at Summers, and at Moutague Bridge, and for other purposes therein mentioned. Also, a bill to amend certain Acts therein mentioned, relating to the revenues.

The said bill was read a second time, and, on motion of the Hon. Mr. McDonald, the first name was read a second time and committed to a Committee of the whole House.

Hon. Mr. DINGWELL thought this bill was an improvement upon the former Small Debt Act, inasmuch as it named the places at which the Commissioners were to hold their Court, and he considered it necessary that the Courts should be confined to the places for which they were appointed. Bay Fortune Court had not been held in the place for which it had been appointed during the last seven or eight years, but was sometimes held in Grand River, and sometimes in Dundas. He questioned the legality of the business transacted at the Court when it was removed from one part of the country to another, without any authority. He wished to know whether it was competent for the Commissioners thus to remove the Court, so that all parties interested might know what they had to expect.

Hon. Mr. ANDERSON asked if the Court had been removed to a different Township from that in which it had been formerly held.

Hon. Mr. DINGWELL replied that Bay Fortune, the place for which the Court was appointed, was in Lot 43, and it was held part of the time in Lot 56, and he believed part of the time in Lot 54 or 55.

Hon. Mr. BEEZ remarked that by the present Act the precise locality where the Court was to be held was to be decided by the Governor in Council.

Hon. Mr. DINGWELL said that he wished to know, was whether it was a legally constituted Court when it was removed without the sanction of the Governor in Council.

Hon. the PRESIDENT said he could not see how it could be a legally constituted Court when it was held at a different place from that named by the Governor in Council.

Hon. Mr. LORD wished to know if it would be an advantage to Bay Fortune to have another Court established there. It was considered by many that the further people were from a law Court, the better, as distance from a Court had a tendency to prevent litigation.

Hon. the PRESIDENT said that what his honor Bay Fortune (Mr. Dingwell) wished to know was whether a Court was legally constituted when it was held at a different place from that named by the Governor in Council. It was Bay Fortune Court, though it was held at Grand River. It was not whether another Court would be an advantage.

Hon. Mr. DINGWELL said the President exactly understood his question; but in reply to his honor from Prince Court (Mr. Lord) he would say that he did not desire another Court. It was Bay Fortune Court, though it was held at Grand River.

Hon. Mr. GORDON said he was sorry that this bill, which was intended as an amendment to the Small Debt Act, did not go further, as that Act required many amendments. By the 8th section the defendant arrested by virtue of a Capias could put in security before the Justice of the Peace nearest to the place of arrest, that he would appear at the Court for the district. What district? It should mention the Court nearest to the district where the Capias is issued. He was also of opinion that the Clerk should have power to issue a Capias for £10 as well as a Commissioner or Justice of the Peace.

The 24th section also required amendment. It required that notice should be given to a surety ten days before the issue of an execution, but there was no form of notice in the Act, neither was there any time fixed for the issue of a writ. He thought it might be a good idea to require that notice should be given to a surety ten days before the issue of an execution, and a summons issued for each, mileage should only be allowed upon the one further off, and the fee for service on each of the others. In case of a writ becoming liable on account of some error, he was of opinion that no action should be maintained against him or less it should be commenced within six months after he became liable. When the Court is opened he thought the Clerk's functions, with respect to persons acknowledging judgment, should cease, for a considerable amount of confusion was caused by parties coming in to confess judgment to the Clerk while the Court was sitting.

Hon. the PRESIDENT remarked that formerly a writ, when he had a number of summonses for parties residing at or near the same place, only received mileage for one, but the rate of mileage was higher at that time. There was a good deal of difficulty connected with it, and to obviate that, the mileage was reduced and the present arrangement made. As to parties confessing judgment to the Clerk, he thought they should not be compelled to go into a trial. Parties who had business at the Court might arrive after the Court was opened, and it would be unfair to deprive them of the privilege of confessing judgment to the Clerk.

Hon. Mr. GORDON thought they should have the privilege at any time before the opening of the Court, but not after.

Hon. Mr. ANDERSON was of a different opinion. He thought they should have the privilege at any time before the case was called, and he had known Commissioners wait a whole day without having a single case before them.

Hon. Mr. BEEZ said that he had seen the business of the Court very much delayed, and a good deal of confusion caused, by parties coming in to confess judgment to the Clerk, and he thought they should either do so before the Court was opened or wait till the case was called.

Hon. Mr. LORD said that after the case was called the parties had to pay the judgment fee, but if they confessed judgment to the Clerk that fee was saved. He supposed some of the gentlemen who had spoken for a personal interest in the matter. He did not think it was the intention or desire of the majority of the Legislature to introduce any very extensive amendments this session; but if his honor who had found so much fault with the Act would introduce an amendment to require that the parties should have a certain period of time to appear before the Court, and that a change took place in the Government it was necessary to make changes in various departments. It was intended by this bill to establish some additional Courts, and he thought there should have been provisions made to establish one at the head of Murray Harbour and one or two other places, but he hoped no amendment would be introduced at this late hour of the session.

Hon. Mr. DINGWELL said that though it might be a little inconvenient to the Court, it was an advantage to the people. Perhaps some parties might not rightly understand their position till they came to the Court, and they should have the privilege of confessing judgment to the Clerk. He would like to see further amendments made to the Small Debt Act, but they had very little time to devote to it at present. Before another session they might ascertain the views of the people, and they might then have time to consider it more fully. He did not think it was necessary to establish so many Small Debt Courts, if there were fewer Courts, their sittings less frequent, and their jurisdiction extended, they would answer the general purposes of the country much better. He did not approve of having law too cheap, nor did he think it was an advantage to have a court near his door.

The House was then resumed, the Chairman reported the bill agreed to without any amendment, and, on motion of the Hon. Mr. McDonald, it was read a third time and passed.

A message was brought from the House of Assembly by the Hon. Attorney General, with a bill to appropriate certain moneys therein mentioned for the service of the year of our Lord one thousand eight hundred and sixty-seven, which was read a first and second time and committed to a committee of the whole House—Hon. Mr. McDonald in the chair.

Respecting a grant of £200 for the purpose of procuring steam communication between Sours, Georgetown, Murray Harbour, Pictou and Charlottetown, Hon. Mr. DINGWELL remarked that he was sorry that the Government had not thought proper to include Grand River. It was a good harbor, perhaps as good as any in the colony, and he would like to see a steamboat run to it. He did not know whether £200 would be sufficient for the attainment of the object contemplated. However, as it was a step in the right direction, he would not oppose it, though he would rather the resolution had said "a sum sufficient."

Hon. Mr. WALKER quite agreed with his honor who had spoken. Grand River was an important place, and it was entirely overlooked. The amount was too small to induce any person to run a steam boat to these places. £200 would be something like what was required. It was not what they would expect, but he supposed the House would not admit of a larger grant being given.

Hon. Mr. DINGWELL said if the Government were sincere in desiring to get steam communication to these places, as he supposed they were, they should have had a larger grant. He would not have been so long in neglecting it in that respect, and he would not have been so long in neglecting it in that respect, and he would not have been so long in neglecting it in that respect.

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