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"This is true Liberty, when Freeborn Men, having to advise the Public, may speak free."---Euripides.

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Provincial Parliament.

LEGISLATIVE COUNCIL.

THURSDAY, March 1, 1860.

SPIRIT OF DISCUSSION ON CLERKS' SEPARATION BILL.

Hon. Mr. PALMER moved (order of the day) the second reading of the Bill intituled "An Act for separating the offices of Clerk of the Executive and Legislative Council of this Island, and for other purposes therein mentioned." His Honor then, on receiving a hint to that effect from his Honor the President, stated the reasons which had induced the Government to introduce this Measure, and also explained its several provisions. This Bill, said his Honor, as its title plainly indicates, has for its special object the separation of the offices of Clerk of the Executive Council and Clerk of the Legislative Council, and providing that these offices shall no longer be held by one and the same person, as, by the present Law, they are required to be held. You are aware, Mr. President, that, in 1851 I think, when the Civil List Bill passed, and when public salaries were placed upon as low a scale as possible, the salary of the Clerk of the Executive and Legislative Councils, as combined in one individual, was £120; but I believe a very short experience shewed that it was utterly impossible for one gentleman to bear the burthen or discharge the duties of the two offices combined; and, although the Legislature was not called upon to remedy the error by further legislative provision, yet relief was afforded by a side wind. The Legislative Council found it expedient to grant out of the contingencies, to their Clerks, a certain sum annually—which in a few years amounted to £150—to compensate him for the performance of services which were only nominal—the indexing of the Journal, but with the real intentions of suitably remunerating them for the discharge of their other truly onerous official duties. This allowance had not the sanction of law, but it was quite excusable; and all who are acquainted with the multifarious and perplexing duties which it is incumbent upon the gentleman holding the two offices to perform, must approve its having been made. Now the present Bill contemplates not only an increase of the duties of one of the two offices, that of Clerk to the Executive Council, but also, to a small amount, an increase of the salaries. As to the separation of the two offices, from all that I have seen concerning them, both in the Government and out of it, I am fully convinced the time is come, when, for public convenience, it is absolutely necessary that they should be separated and held by different individuals. The Clerk of the Executive Council should not, on any account, be withdrawn from his Office. During office hours he should always be in it. Public interests and convenience imperatively demand that undivided attention should be given, by the Clerk of the Executive Council, to the duties of the office. This must be evident to all who duly consider the amount of business to be transacted in the office, on the score of the demand of public creditors, with respect to petitions to His Excellency in Council, and through the multiplication of Treasury Warrants. The experience of the last few years has shewn it to be quite impossible, under existing arrangements, to do the business of that office as it ought to be done, for the public benefit and public satisfaction. For instance, as respects the demands of public creditors and their accounts against the Government,—then, hitherto, for want of time to keep them clearly and systematically in Books, under their proper heads, have merely been filed. In such a state, it is plain that they cannot, when referred to, be easily investigated; nay, perhaps, how carefully and patiently soever they may be examined, the result will not be clear and satisfactory. The law, hitherto, has not required that these demands and accounts should be kept in Book-keeping style; and when questions concerning any of such accounts have arisen in the House of Assembly, the originals, as filed, have often been produced and laid before the House; and it has occasionally happened that those originals have not been returned to the file from which they had been taken, but have been lost or mislaid; and, in the end, confusion and uncertainty, in consequence of such loss or misplacing, have perplexed both the Government and House of Assembly, to the preventation of a satisfactory settlement of such accounts. Mechanics are employed by the Government, from year to year, and it is necessary that their accounts should be kept according to a proper book-keeping system. This necessity was acknowledged in the other House before I ceased to be a member of it; and the propriety of making an immediate provision for such service was almost unanimously agreed to.

His Honor the PRESIDENT—A Financial Secretary would be the proper Officer to discharge it.

The Hon. Mr. PALMER—Yes, such an appointment was spoken of in the other House, but without any idea of providing a salary for it. Now should the arrangements proposed by the Bill for the performance of the duties of the Clerk of the Executive Council, take effect, the discharge of them will be made easy and effectual. We know well that the gentleman who now discharges the duties of Clerk to both Councils has unfailingly acquitted himself of them in a manner most satisfactory, nay, I will say most wonderfully satisfactory, both to the Council and the public at large; and that he is entitled to the most liberal consideration at the hands both of the Government and the Legislature, will not, nay, indeed, cannot justly be denied by any. I admit that the Bill does not go so far as to provide a sufficient compensation either for the past or the prospective labors and services of that gentleman; but the proposed arrangement, by greatly lessening the amount of his official duties, will afford him considerable relief and accommodation. The proposed arrangement, however, we are not, perhaps, to regard as intended for a permanent one; for if public business should go on increasing, as it has done for some few years back, it will be necessary to take up the question again, and to provide additional remuneration for the discharge of increased public duties. The extra allowance which, for some years back, has been made by the Legislative Council to the Clerk of the two Councils has not been legalized, but has been paid out of the contingencies. The Bill will legalize all the allowances; and they will be strictly limited to the several amounts set down in the Bill. The amount hitherto annually paid to the Clerk of the two Councils—the statutary allowance £120, and the allowance made by the Legislative Council, out of the contingencies, £200 has been £320. [His Honor the PRESIDENT—That was not the case last year.] I did not speak of last year. For three or four years past, taking into account the allowance made to the Assistant Clerk, the whole amount annually paid has been £320, and last year this would appear to be increased by the sum of fifty pounds. The present Bill proposes to deal with that amount with the addition of merely £5 and to create an assistant Clerk to the Executive Council; and, therefore, in pursuance of that intention, it provides an additional sum to remunerate him for his services. For the Clerk of this Council, it also provides a separate and suitable salary. These provisions necessitated an increase of £55—a very inconsiderable one—to the amount paid, for the last three or four years, for the services of the chief Clerk and the assistant Clerk of the Executive and Legislative Councils, making in all £375 Last year, in addition to the statutary allowance, £120 to the chief Clerk of this Council, the allowances granted, out of the contingencies, to the chief Clerk, the assistant Clerk and the extra Clerk, amounted to £250, in all £370, being £50 more than had previously been allowed.

His Honor the PRESIDENT begged to be allowed to set his Honor Mr. Palmer right touching the amount voted by the Legislative Council for the services of their Clerks last Session, with respect to which his Honor appeared to be labouring under a misapprehension. The total amount which, for those services, they voted last year, was exactly what it had previously been, but it was differently divided. The Journal proves the fact. To the extra Clerk they voted £100, to the chief Clerk £75, and to the assistant Clerk £25, in all (including the statutary allowance, £120 to the chief Clerk.) £320.

Hon. Mr. PALMER, looking at the Journal, resumed—I find I was in error. The Journal shews that the amount is as your Honor has stated it. It is always well to have the Journal at hand for reference. I understood that the £100, the £75, and the £25 in all £200, exceeded by £50 what had formerly been voted by the Legislative Council in a similar way.

His Honor the PRESIDENT—Then, perhaps, had you understood that this Council, in those votes last year, did not vote in all more than in a similar way they had, for some years previous, annually voted, you would not, as a member of the Executive Board, have sanctioned the withholding of the £100 which this Council voted to the extra Clerk.

Hon. Mr. PALMER—Yes, I would, because the Act of Assembly did not authorize or recognize such an appointment as that of extra Clerk to the Board. You cannot, Sir, be opposed to the principles or provisions of this Bill; for they are in perfect accordance with those which you profess and on which you have acted with respect to the discharge of the official duties in question, and the remuneration to be made therefor, except that the Bill allows £55 more than has heretofore been allowed. I quite agree with the Assembly as touching the necessity and propriety of the arrangements contemplated by this Bill, with a view to the more speedy despatch of public business; and so, I am sure, will the country at large. By these arrangements, when once made, such dispatch will be ensured; and besides the Clerks will be put in positions of much less difficulty than those in which they now stand—although the salaries, owing to the present great drain upon our revenue, will not be quite so high, as perhaps, generally both the Legislature and Government, were our financial prosperity more decided than it is, would desire to make them. The salary proposed for the Clerk of this Board is £75 per annum. This is very low; and, perhaps, it is not sufficient to ensure the services of such an individual as the Government and this Board would wish to see in the office. Your Honors would not, I am sure, be satisfied to see the office filled by any other than a gentleman and a scholar. But as for the discharge of its duties, there will not often, it is probable, be required more than three months of the year, the gentleman holding it may perhaps find other employment for the remainder of the year. The salary proposed for the first Clerk of the Executive Council, is £200, and that for the second or assistant Clerk, £100, per annum. His Honor then apologizing for the length of time for which he had engrossed the attention of the House, resumed his seat.

A long discussion then ensued, in which hon. members, without distinction of parties, seemed to vie with each other in rendering testimony to the great official merits of the present chief Clerk of the Councils, Charles DesBrisay, Esquire. Of necessity the Reporter can make only a very brief record of this discussion.

Hon. Mr. HUTCHINSON—I am perfectly astonished to find that the Government majority in the other House are so deficient in judgment as not to be able duly to appreciate the services of so long tried, faithful, zealous, and efficient a Public Officer as Mr. DesBrisay; or that whilst fully recognizing and duly estimating them, they have not, at the same time, had generosity sufficient to make him a suitable compensation for them. What have they done in acknowledgment of the official worth, and as a reward for the faithful, zealous and efficient manner in which, for a long series of years, Mr. DesBrisay has discharged the exceedingly onerous duties of his offices? Why, it is this: he is to be placed under the guidance or direction of a superintendant of the Office, and his salary is to be reduced from £275 to £200, per annum. This is Irish promotion with a vengeance.

Hon. Col. SWABEY was not by any means opposed to the proposed separation of the Office of Clerk of the Executive Council from that of Clerk of the Legislative Council; on the contrary he highly approved of it. He had, however, some objections to make to the Bill. In the first place, the proposed salary of the Clerk of the Legislative Council was, in his opinion, much too low. It ought to be remembered that this Officer was intrusted with the custody of all the papers and books belonging to this Council, and with all the Acts; and as it would be very wrong to repose a trust in any one but a person of character, abilities and education, so it would be proper that the salary should bear a fair proportion to the importance of the trust, and the endowments and acquirements requisite for its due discharge. Granting that all the duties of the Office, as respects the Journal and the copying of the Bills, could be performed in four months, still £75 would be an insufficient salary, for all the papers, documents, &c., which were in his keeping and under his care during the Session, would be equally in his keeping and under his care during the recess; and it would be necessary to provide him with some suitable place wherein to deposit these papers, documents, &c., and to be used by him as an office. Such an accommodation to him would also be a convenience to members of the Council, who might then have free access when they desired it, to consult any legislative documents on file, or otherwise kept in office. This was a privilege of which he had often sought to avail himself. The proposition for paying the Clerk of the Legislative Council quarterly was evidently an oversight, and could surely be rectified. He ought to receive his whole salary as soon as it should be duly certified that the whole of his sessional duties had been duly performed. His Honor Mr. Palmer had said it was irregular to make any allowances to the Clerks out of the contingencies; and he has also said that the difficulty originated only since the change in the Government in 1851. Now, in this assertion His Honor is astray: for the irregularity or innovation was first introduced long ago at the instance of the present Chief Justice, when he was President of this Council. To the allowance which, by the Bill, it is proposed to make to the Chief Clerk of the Executive Council, who, we all understand, is to be Mr. DesBrisay, I object on account of its inadequacy to indicate the high estimation in which that gentleman, in his official capacity, is, and has been, for many years past, held by the whole community; and also of its insufficiency to remunerate him for the amount of official labours which he will actually have to perform. As an old, faithful, zealous, and efficient public servant, Mr. DesBrisay is clearly entitled to a much higher consideration than is meted out to him by this Bill; and I think it is clearly our duty to endeavour to secure him a higher allowance than the Bill provides for him. I am always careful of the privileges of the other House, and the fixing of the salaries of public officers is one of them; but I must be allowed to say, on this occasion, that, as respects Mr. DesBrisay, by lowering him in position, and by lowering his means of life, they have fallen upon a very strange and new mode of acknowledging official worth, and of requiting long and valuable official service! That the Colonial Secretary should be both a member of the Executive Board, and a member of the Legislature, I maintain; but I cannot see that he can with any propriety be allowed to fill the office of Head Clerk or Superintendant in the office of the Clerk of the Executive Council, although the Colonial Secretary was formerly the Clerk thereof.

His Honor the PRESIDENT said he would wish to be informed by his hon. and learned friend, Hon. Mr. Palmer, whether the Bill before their Honors was a Government measure or not.

Hon. Mr. PALMER—It is, I believe, a Government measure.

His Honor the PRESIDENT—Well then, if so, I must say I think it rather singular, that, with his high estimation of the official worth and deserts of Mr. DesBrisay, His Honor, as the leader of the Government, should consent that the allowance to that gentleman in his official capacity should be reduced from £270 to £200 per annum. The allowance of £270 was a remuneration small enough for the work performed and the responsibility undergone. He was harder worked and more confined than any other public officer of the Colony. Every day and all the year round, he was, in a manner, bound to his desk. In his labors he experienced no respite, except the hours and seasons due to the refection of his body, by food and sleep. He has grown grey in the public service; and £200 a year as a retiring allowance, on account of past services, might now, with the greatest justice, be awarded to him, without requiring anything more at his hands. The mode for the recompensing of an old, most faithful, and most efficient public servant, as exemplified by this Bill, as respects Mr. DesBrisay, is certainly paltry. By it not only is that gentleman's salary reduced to much below what he is positively entitled to, but he is—I will not say degraded, but has, very unfairly, another put over him, as his superior in his office. His salary ought to be at the least £250 per annum. Indeed I would go for £300, by suggestion to the House of Assembly. They would, perhaps, not agree to it; but, by making it, we should be acquitting ourselves of what we should consider a bounden duty. Another part of the Bill is not quite satisfactory; for it is somewhat obscure. It repeals so much of the Civil List Act as enacts that the Office of Clerk of the Executive Council shall be separate and distinct from the Office of Colonial Secretary, and that the two Offices shall not be held by one and the same individual; and, after providing for the appointment of an Assistant Clerk or Clerks to the Executive Council, it goes on to say "and such Assistant Clerk or Clerks, in the performance of their respective duties, shall be subject to the supervision of the Clerk of the Executive Council." Now who this Clerk of the Executive Council is to be, is not candidly stated in the Bill as it ought to have been; but yet, by implication, we disctinctly gather from it that he is to be one and the same individual with the Colonial Secretary. If so, I beg leave to congratulate my hon. and learned friend, Hon. Mr. Palmer, having seen and practically acknowledging the necessity of having the Colonial Secretary in the Executive Council. He should also be in the Legislature; but as the party in power are evidently coming round to our views,—the views for which I was almost going to say we fought and bled in 1850—we shall, perhaps, before any great length of time shall have elapsed, find him there also. Nay, now that the light of true responsibility in Government is beginning to dawn upon their minds, and we find them ready to make practical admissions of our views—our liberal views—we may expect that, before long, they will also take steps to give the Colonial Treasurer a seat both at the Executive Board and in the Legislature. I congratulate my hon. and learned friend, Hon. Mr. Palmer, upon the coming change of policy on the part of himself and his hon. colleagues, which is indicated by their practical admission of the positive necessity which exists for having the Colonial Secretary at the Executive Council Board; and, indeed, said his Honor jocularly, I take great credit to myself for having discovered the incipient liberal purposes of the Government. As to the annual salary, £75, proposed by the Bill, to be paid to the Clerk to this Council, I think it would be a fair compensation, seeing that the discharge of his official duties would seldom occupy more than three months out of the twelve. [Hon. Col. SWABEY—It would require more time than that.] This would be at the rate of £300 a year, a rate surely liberal enough. But I do not agree with the proposition that it should be paid quarterly. The payment of it should be under the control of this House; and, when a Committee thereof, appointed for the purpose, shall have certified that he has fully performed all his official duties of the bygone Session, he should be entitled to receive his full salary immediately. I mean to propose an amendment to the Bill to this effect; and I anticipate no objection to it. There is another thing which demands the peculiar attention of this Council: the Bill does not say by whom our Clerk is to be appointed. We know that the power to appoint the chief officers of the Upper House is a prerogative of the Sovereign, or of the Sovereign's representative; and, although one Governor, Sir Alexander Bannerman gave it up, another may resume it. But of that prerogative the Governor was deprived by Statute in 1851.

(*To be continued.*)

R. B. IRVING, Reporter.

HOUSE OF ASSEMBLY.

SHERIFFS' BILL.

THURSDAY, March 1.

Mon. Mr. Haviland moved the second reading of the Bill to amend the Act relating to Sheriffs.

Hon. Mr. COLES.—I am opposed to the Bill, as it provides for taking the power of appointing Sheriffs out of the hands of the Government, and vesting it in the Judges of the Supreme Court. By this measure Sheriffs may be appointed who are so violently opposed to the party in power, that they may seize every opportunity of bringing the Government into trouble. Cases somewhat of this nature occurred when the system proposed was formerly in operation. The Executive alone is responsible for carrying out the Government of the country, it therefore should possess the power of appointing the sheriffs, as well as other public officers, and be held in like manner accountable for their actions. Here the Government has no control over the Judges; we are even told that it cannot impeach them; they might appoint the greatest blackguard in the country as sheriff. The Judges of the Colony, it is well known, were appointed from a certain party, and though I have evey confidence in them, I believe they still retain a little party feeling. The measure is a purely party question, for the majority are aware that the Judges hold the same political principles as themselves. If any alteration is required in the Sheriff's Act, it is that a clause be introduced for choosing them by ballot. A better method than what is proposed by the Bill would be to empower the Judges to appoint three persons, and the Government three, from which six the Governor should choose one. But the Colony has had some experience of the present law, and I defy any person to show that injustice has occurred under its operation. As the Government have the power now of appointing Sheriffs of their own party, I do not see what more they need desire. I move that the Bill be read this day three months.

Hon. Mr. LONGWORTH.—I am surprised to hear the remarks of the hon. member who has just sat down. He said that the Bill was a purely party measure. If the Government wished to make it a party question, they would leave the power of appointing Sheriffs as at present, and not vest it in the Judges of the Supreme Court. I contend that if we desire to make the Sheriff an independent officer of justice, we will take his appointment out of the hands the of Executive. He is not an officer of the Government, and they have no control over him. Whenever they interfere with him in the performance of his duties, they pollute the fountains of justice. The hon. member stated that party feeling might influence the Judges in their appointments to this office, thereby causing trouble to the Government of the day. But the Judges are sworn to do justice, and would not be influenced by any mere party consideration. Sheriffs are also bound by the solemn engagement of an oath, and can not, or ought not, to be controlled in any other manner than by a writ being placed in their hands. He said that the Judges might appoint the greatest blackguard in the country to the office. This is certainly stamping them with no very high character. He appears to think the late Government had sufficient reasons for the alteration which they made in the Act; but I can see no argument at all in favor of the change. The Sheriffs should be appointed by persons who stand entirely aloof from the Executive Government. He remarked that it would be better to allow the Judges to appoint three, and the Government three. This method might do very well, provided the Government had any right to interfere in the appointments, but they have not. This is the time for the present Government to show that they are opposed to the existing law; and it speaks well of them that they have come forward at this early stage of their career to amend it, before the power passes from their hands.

Hon. Mr. HAVILAND.—I concur in what has been said by the last speaker. The Government would not be justified in allowing the present law to remain any longer on the Statute Book. The method proposed, is that carried out in England, where it has been in operation for centuries. When the officers of justice there were appointed at the beck of the Crown, a person's life was unsafe, if he belonged to the opposite party. Macaulay, in his essays, says, when such was the case, men arraigned calculated their chances for life according to the party to which they belonged. For some time, in the county of Westmorland, the office of Sheriff was hereditary, but an act was lately passed to abolish such an unfair system; and if it had then been thought necessary that the appointment should be vested in the Government, it would have been so stipulated. A Sheriff should be appointed by men who are in a situation which would place him above suspicion. The Judges are the authorities in whom is vested the power of maintaining justice: in whose hands then can the appointment be more safely placed? But should they appoint an individual to that office for party purposes, they would be highly culpable. One reason that the Government ought not to have the appointment of Sheriffs is, that just on the eve of an election they might nominate an opposition candidate to the office, and thus subject him to a fine.

Hon. Mr. WHELAN.—I never knew of a bill being introduced by the opposite party which was not defended in the same singsong manner. They would say it was so just, they were certain nothing could be said against it, and they were surprised to hear the remarks of hon. members. I may adopt the same style of language, and say I am surprised at their want of argument in support of the bill. Much has been said against the existing law. I believe I had the honor to introduce the measure, and thought then, and still think it safe to vest the appointment of Sheriffs in the eight or nine gentlemen who are entrusted with the Government of the Colony. The hon. member for Georgetown stated that a Sheriff should be above suspicion. Will he tell us that if the appointment be taken out of the hands of the Government, and placed in the power of the Chief Justice, he will then be above suspicion? I am ashamed to hear a sentiment of this kind, as it hints that the whole Government may be suspected, and that the Judges are the only persons in the land who are above suspicion. I will not say that the Chief Justice has no right to be interested in politics; Judges have always had their predilections, and always will have to the end of time. The majority know very well, when they propose this measure, that the appointments will be in accordance with their own wishes. It has been asserted that the Sheriff is an officer over whom the Government have no control. I do not say that they should tell him to do this thing and that, but certainly he is in some measure under their authority. But to go back to the argument of the hon. member, Mr. Longworth, that they have no right to appoint an officer over whom they have no control, I would like to ask, who appoints the Judges? If a vacancy were to occur in the judgeship of the Colony, who would appoint a successor but the Government? If, then, they can be entrusted with the appointment of judges, why not also with that of Sheriffs? We are reminded that the Sheriff is sworn to the faithful performance of his duties. The members of the Executive Council are also under oath, still we are told, if the Sheriff is appointed by them, he is liable to suspicion. The hon. member for the Second District of Queen's County remarked, that he saw no argument in favor of the existing law. I believe the chief reason for passing the Act was, that it changed the appointment from one irresponsible to nine responsible individuals. The hon. member for Georgetown spoke as if he would not entrust his life to a Sheriff appointed by a party to whom he was opposed. I entertain no similar fears, but can assure the hon. member that while he and his party remain in power, I shall consider my life perfectly safe from any such danger. But his favorite argument is, that the existing method is unconstitutional—it is not in accordance with the time-honored institutions of Britain. When it suits his own purpose, however, he can set aside British principle. Will he tell us that the present system of government in this Colony is an imitation of the departmental government of Britian? The hon. member may say as much as he pleases in reference to the necessity of this Bill, but I defy him to show that the people have given veritable evidence of their opposition to the Act at present in operation. There are, at least, no petitions before the House on the subject.

Hon. Mr. YEO.—The late Government took power into their hands, to which they had no right. I think we have had quite enough of the present system of appointing Sheriffs, for the last five years. Only look at the returns which some of them made at a late election. The opposite party say that there has been no complaint, but this is false. The people in many parts of the country are strongly opposed to the system. I wonder that men can stand forward and vindicate such a course as that pursued by the late Government.

Mr. DAVIES.—I commend the Government for introducing this Bill, and shall cheerfully give it my support. I believe that the alteration made by the opposite party in the method of appointing Sheriffs was that which placed them where they are The day on which they passed the Act they lost a thousand supporters. Under Responsible Government, the Executive have quite sufficient power in their hands, without having the appointments to the office in question. Under the existing law, partizan Sheriffs have been appointed, both by the late, and by the present Government. Sheriffs should be above the influence or control of the Executive. This is particularly necessary at the time of elections, for even under the former system my brother, I have heard, was appointed to the office to prevent him, if possible, from offering himself as a candidate. The hon. member, Mr. Whelan, stated, that the present law was passed to change the appointment from irresponsible to responsible individuals. I do not consider the Judges are altogether irresponsible; their actions are pretty well canvassed by the public. I am of opinion that hon. members on the other side of the House found it to their cost that they passed the Act now in operation.

Hon. Mr. WHELAN.—Allow me to say, that the party who passed it were returned with an overwhelming majority at the next general election.

Mr. CONROY.—With respect to what has been stated by the last speaker, in regard to partizan Sheriffs, I may say, that I was offered the appointment by the late Government, when they believed I was opposed to the party. I do not think that, under the present system, partisan men have always be appointed. I am satisfied to allow the Act to remain as at present.

Mr. DOUSE.—I am disposed to place the appointment in the power of those two individuals in whose hands, it may be said, our lives are entrusted. The Judges are the proper parties to appoint the Sheriffs, who are officers of justice. In several cases the present Act has worked injuriously; and I think we are quite safe in returning to the former system, which is the one adopted in the Old Country. I am in favor of British institutions.

Hon. Mr. WIGHTMAN.—We have heard no complaint in the country respecting the present Act. Since this is the case, I think it is unnecessary to introduce any change. Sheriffs hold a very responsible situation. On this account, I am opposed to their being appointed annually; as many who take the office are at first almost wholly unacquainted with the duties which they have to perform. They should not be appointed for a less period than two or three years. If the hon. member for Georgetown will introduce a clause to this effect it shall have my support. I see no necessity for the change contemplated by the Bill.

Mr. MONTGOMERY.—It is not so much with the appointments made by the late Government, or by the present, that we have to do, as with the principle of the existing law. Suitable persons may have been appointed by both parties, yet this does not say but the tendency of the present system is to place partisans in the office. I know there is a general feeling against it in the country. I will give my support to the Bill under consideration.

Hon. Mr. POPE.—If the present majority have introduced any measure for which they deserve more credit than another, it is this Bill. It shows that they are willing to take the responsibility of doing right, without being asked, by petitions from the people, to pursue any particular course. The hon. member, Mr. Coles, stated, that the Judges might appoint the greatest blackguard in the country to the office of Sheriff. I would like to ask, if the Government might not do the same? The Judges of the Colony are respectable men, in whom every confidence may be placed, but there are sometimes men in the Government of whom this can not be said. A few years ago we had a Government of this description; even life, I think, was scarcely safe in their hands.

Mr. SINCLAIR.—I have listened attentively to the discussion, but have heard very little in favor of the Bill. I admit it is desirable that violent partisans should not be appointed to the office, but do not think the method proposed will prove a remedy, for the judges have their party feelings as well as other men; and whatever little feeling of this kind they may possess, will no doubt influence them to appoint men of the party to which they belong. But the Government are responsible to the people, and will not appoint men who would violate the sanctity of an oath. If they do, the country will stamp them with disgrace. The Government appear to take great credit to themselves, because they are taking the power out of their own hands, and vesting it in the Judges of the Supreme Court. They, however, well know that the Judges belong to their own party; and that though they shift the power from themselves to these gentlemen, it will still be exercised in their own favor. I do not think any advantage will accrue from the proposed alteration in the law, as it has been shown that partisan Sheriffs were also appointed under the former Act.

Mr. HOWAT.—The last speaker says that the Government are responsible to the people, and, therefore, will appoint proper persons to the office. But what is their responsibility in this case? They have only to give an account of their doings every four years, while the Sheriffs have to be appointed annually. The Judges are more free from partisanship than any Government can be; so, of two evils, I would say, let us choose the least. It has been stated, that there is no complaint against the existing law. But there is objection to it; yet it cannot be expected that the farmers in the country have time to be running about telling every person their complaints. Their representatives are here to express their opinions, and I, for one, inform this House that there is much dissatisfaction in the country respecting the present system of appointing Sheriffs.

Mr. BEER.—With regard to the remark, that the people have made no complaint in reference to the existing law, I must say, that I scarcely ever heard an assertion so unfounded. There has been a very general complaint against it. I think if it is at all possible to get the appointment of Sheriffs clear of partizanship, it is by placing it in the hands of the Judges. An hon. member on the other side of the House stated, that the people have not petitioned for the change. I would ask him, when the Act was passed for increasing the representation of the Colony, how many petitions were before the House praying for that alteration? I believe the Bill under consideration will give general satisfaction.

Hon. Mr. McAULAY.—There is one argument in favor of the Bill, which has escaped the notice of hon. members who have spoken, namely, that when the appointment is vested in the Judges, it is then in the hands of individuals who are among the most intelligent and learned in the community; whereas, under the present system, it may devolve upon ignorant men. The intelligence of the country rose against the Act now in force when first introduced, and well it might, for justice was endangered. Sufficient arguments have been adduced to convince me of the necessity of this measure.

Hon. Mr. THORNTON.—I was very careless about the alteration formerly made in the method of appointing Sheriffs, and am very indifferent respecting the Bill under consideration. The Governor can not know so well as the Council who are proper persons to appoint to the office. Even the Judges have not so good an opportunity of being acquainted with the people of the country as the members of the Council, and would probably be under the necessity of consulting them before they could make an appointment. The Governor, too, could scarcely make a choice without asking the advice of some of the members of his Council. Taking these things into consideration, I cannot see that the appointment will be better in the hands of the Judges, than at present; and think there must be some ulterior reason for introducing this Bill. I have heard that the Government are unable to please their numerous friends who are seeking after office. Probably, then, the object of this measure is to remove a part of the responsibility from their shoulders, that they may not be under the necessity of disappointing a number of their supporters.

Hon. Mr. COLES.—The hon. member from Georgetown, Mr. McAulay, says that the appointment is safer in the hands of the Judges than in the power of the Government, because the former are always intelligent men. Now, I maintain that, notwithstanding their learning, they are not always the best judges in reference to the appointment of Sheriffs. Once, under the old regime, a person was appointed to the office who was unable to sign his own name, and had to be excused on that account from serving. But who, other than the Executive, appoints the Judges? Surely, then, if the Government have sufficient intelligence to appoint the higher officers of justice, they may also be entrusted with the appointment of Sheriffs. The hon. member, Mr. Davies, referred to the case of his brother, and said that he understood he was appointed to the office to prevent him offering as a candidate at an approaching election.

Mr. DAVIES.—I only said, I heard that was the case.

Hon. Mr. COLES.—What the hon. member heard is true. There can be no question, but the appointment was made with that intention. Now, this does not show that the Judges are above suspicion. They may make appointments for party purposes as well as the Government. The hon. member, Mr. Pope, remarked, that a few years ago we had a Government, in whose hands life was scarcely safe. I suppose he alludes to the late Government. But, Sir, there never was a Government in this Colony under which the laws were more respected, than under the late administration. They never had occasion to send soldiers to the East Point to quell riotous proceedings, nor constables the way of Georgetown to apprehend sheriff-shooters. The other summer a great crowd was called in from the country to censure that Government, but they had too much confidence in the people to suppose that they would raise any disturbance. But I contend that, if the Sheriff then had not been a nominee of the Government, a riot could not have been prevented. The arguments advanced by the opposite party in support of the Bill, have, I think, been more against it than in its favor.

The House then divided on Mr. Coles' amendment, that the Bill be read this day three months:—

For it—Hon. Messrs. Coles, Kelly, Perry, Wightman, Whelan, Messrs. Conroy, Cooper, Doyle, Knight, Sinclair, Sutherland.—11.

Against it—Hons. Col. Gray, Haviland, Laird, Longworth, Pope, Yeo, Messrs. Beer, Davies, Douse, Holm, Howat, McNeill, Montgomery, Ramsay.—14.

The Bill was then read a second time, and committed to a committee of the whole House—Mr. McNeill in the chair. When the committee rose, the Chairman reported the Bill agreed to without amendment.

D. LAIRD, Reporter.

FRIDAY AFTERNOON, 2nd March.

Hon. Mr. HAVILAND, in moving the second reading of the Bill to authorize the Government to open an account with the Bank, explained that the measure was intended to enable holders of Treasury Warrants to get them cashed without the loss of discount, to which, for some time back, they had been subjecte—a loss which had been seriously felt by a large class who could ill efford it, as schoolmasters, contractors and others, who had been compelled to submit to large deductions from the nominal amount of their claims, in consequence of the want of cash in the Treasury. A similar Act was in force in New Brunswick, and in Nova Scotia the Government had on several occasions adopted the practice. It was proposed to limit the amount of the credit asked to £10,000 currency; and while the Bank was to charge interest on its advances, it was to allow it on moneys paid to it by the Government.

Hon. Mr. COLES presumed that the supporters of the Government were prepared to pass it, whether it were right or wrong. If a similar Bill were in force in the other colonies, he thought they were foolish in passing it, as this measure did not specify what rate of interest the Bank was to charge. There was nothing to prevent them taking nine or ten per cent, if they saw fit. Besides, the circumstances of the neighbouring colonies were different from ours. The Bill should limit the rate of interest, and should specify whether it was to apply to Debentures as well as to Warrants. The Bank could get no better security for their money than those securities, and might, if they pleased, purchase them without the intervention of the Bill. He did not rise for the purpose of opposing the Bill. When the late Government was in power, he had been anxious to enter into an arrangement of the kind, but the Bank would not accede to the proposition. His objection was that the Bank might take advantage of the Country, if the Bill did not limit the rate of interest.

Hon. Mr. LONGWORTH said that no argument was necessary to prove that great benefits would result from the Bill. Every public creditor would feel the advantage of it. As to the objection of the hon. member, he would tell him that the Bank would take and allow interest at six per cent on the account. The holders of Debentures were secured by having prior claims on the general revenue; and the Bill would enable teachers and contractors to get their Warrants cashed at the face. The Bank asked no security; it was ready to open an account of £10,000 with the Government, and the object of the Bill was merely to authorise the Government to enter into the arrangement. The Government would lose nothing by the operation. It was very often necessary to call in Warrants for payment, as funds might accumulate in the Treasury; thus the Colony was losing interest on these funds, which the outstanding Warrants were earning from the public. By the Bill, interest would be allowed on all payments by the Government, as in the case of a private individual. Therefore there was no force in the objection of the hon. member. The public must derive benefit from the Bill, as Warrants would be no longer at a discount, and the public credit would be sustained by its obligations being promptly met.

Hon. Col. GRAY was happy to hear the explanation of the hon. member, as he was a director of the Bank. The Government had appointed himself and the Hon. Mr. Palmer, a Committee to negociate with the Bank on the subject of the account, and he was happy to say that their overture had been met in a spirit of liberality most gratifying, and nothing could exceed the courtesy with which the President and Directors had received the proposals of the Government. No one could deny that a great boon would be conferred upon the holders of Warrants, by affording the means of converting them into cash without submitting to the heavy discount which they previously had to pay. The benefit would be especially felt by country school teachers, who would, after the bill became law, be no longer under the necessity of losing their time in Charlottetown hawking their Warrants about until they could find a discounter at an exorbitant rate to take them; and any unprejudiced mind must admit the great improvement which the Bill would effect, when it should be considered that this amelioration would involve no additional cost to the country, which, on the contrary, would gain to a considerable amount, for of late a party purposing to enter into a contract with Government well knowing that he would receive the amount of his contract in Warrants, which could not be paid at the face, but be subjected to heavy discount, the exact amount of which he could not foretell, would, as a matter of self-protection, tender for any public work at a price which might leave him reasonable remuneration, after paying the discount on his Warrant. After the passage of the Bill, he would tender at a much lower rate, because he would be sure of receiving the amount of his contract in cash. Besides that advantage, the Treasurer, as had been said, was at present obliged to keep a large amount of cash lying idle, for certain periods, in the chest, on which the Bank would allow interest—thus effecting a direct saving to the country, according to the amounts from time to time paid in. Never in the history of any country had a Bank acted with more liberality towards a Government than the Bank of Prince Edward Island had in this matter. He had not expected that that institution would have done business with the Government on lower terms than they demanded from individuals, but it had offered to do so in the present case, for while the rate of interest in the one case was 7½ per cent, the Government were to be charged but 6.

Hon. Mr. WIGHTMAN would give the Bill his hearty concurrence, as he considered it a measure much called for by the circumstances of the country, and he had listened with much pleasure to the statement of the Hon. Mr. Longworth that interest was to be allowed by the Bank on all deposits to the credit of the account. This would ensure the country against any great loss by the transaction. He was glad to think that teachers and others would no longer be under the necessity of losing heavy discounts on their warrants. Such discounts had been exacted as high as 20 per cent of the value. Every one acquainted with the circumstances of the country should support the Bill.

Mr. BEER congratulated the House and the country on having at length a Government which possessed the confidence of the capitalists of the Island. The late Government, owing to the reckless extravagance which characterised their administration, did not obtain such confidence. Formerly warrants were passed from hand to hand at ten, fifteen, or even twenty per cent discount. At present it was difficult to get them. The only reason for their great depreciation was, that formerly the people were convinced that the late Government was going beyond their means, a course which they believed their successors would not pursue. He hoped there would be no opposition to the Bill.

Mr. DAVIES, from what he had read in the reports of the Legislative Council's debates, was of opinion that an erroneous impression of the nature of the arrangment with the Bank had gone abroad. Those reports conveyed the idea that the Bank would not allow interest on surplus moneys of Government in their hands; he was happy to hear that such was not the case.

Hon. Mr. LONGWORTH—In case of such surplus, the Government would employ it in paying off outstanding warrants.

Hon. Mr. HAVILAND would answer the objection of the hon. member Mr. Coles to the Bill not limiting the rate of interest. The Bank could not charge what they pleased, for the law limited the rate to six per cent, unless where another should be specifically agreed upon. He could not understand why that hon. member was so particular on that subject. The House could trust the Government to make the best bargain they could for the public, and if their conduct should not have the effect of easing the public burdens, they could—and he presumed would—be turned out of office. Some two years since that hon. member and his party, then in power, manifested no such anxiety