

the Tribunals to find them out, except in case of libels against private individuals, Law Officers, to be appointed in each Province for the purpose, or the Syndics of the Town Councils, are to inform *ex officio* against the offenders. A copy of every paper or work printed in the Province, is to be sent to the Law Officer. Complaints against libellers are to be laid before one of the Constitutional Justices, whose duty it will be to assemble, without delay, the *Jurors* mentioned in subsequent articles.

The general Cortes have abolished the rich Monastic orders, and have laid so many restrictions on the remaining orders of regular Clergy, that a considerable diminution, if not a total extinction of them, will be within a few years effected throughout the Spanish monarchy. In the debate on this subject, a member observed, with respect to the fears expressed by one of the ministers, least such energetic measures should shock the superstitious feelings of the Nation, "that the government which had shewn so much firmness in dissolving Riego's army, ought not to hesitate in proceeding with equal resolution against the Monks and Friars, whose influence with the people was no longer to be feared in this enlightened age." Even the power and influence of his Holiness the Pope, appears to be at a low ebb in the Peninsula; as in reply to a motion made during the same debate, that a Bill should be obtained for carrying into effect these salutary reforms, it was stated that Bills should be neither solicited nor regarded at the present time, and were necessary only in the barbarous ages, when the Sovereignty of the people was unknown; and, in fact, wholly absolute in the universal spiritual and temporal power of the See of Rome.

A Bill has been introduced for punishing with death, as traitors, all persons conspiring directly, and *de facto*, to subvert the existing constitution of Spain, in church or state.

#### HALIFAX ELECTION.

The Return of the Sheriff having been read respecting the Election of members to serve in General Assembly for the Township of Halifax; and also the Petition of sundry Persons relating thereto.

Mr. Archibald observed, it brought under the consideration of the House, that an agreement had been made between the respective Candidates to close the poll on the last day of Election, at Gun-fire, on the setting of the Sun. The return stated that the Poll was closed at the appointed time, but it also said, that, towards the close, Doctor Kegan presented himself for the purpose of voting, and that under the previous agreement he did not receive it. In the case of a Scrutiny being demanded, the laws of this Province required the Sheriff to receive evidence thereon, and to report the same to that House. It was for the House alone to judge of that evidence. Mr. Pryor had demanded a Scrutiny, and the parties met in conformity thereto, and adjourned for several days.—The name of Edward Lamercy it appeared had been struck out of the Poll Book, but the number in the column still remained. On reference to the words of the Sheriff it would be found that "an error was discovered in consequence of a Freeholder having voted for Mr. Grassie," then how, he would ask, was his name struck out? It had been stated that he had been objected to by Mr. Albrow. If he was a Freeholder, and had given a vote for Mr. Grassie, he should be glad to know who dare take it out upon the objections of that gentleman. The Sheriff should have collected evidence as to the objectionable voter, and brought the depositions of the parties for that House to determine on. Was it now required that the House should go about and fish for Evidence?—As the Scrutiny was afterwards abandoned by both the candidates, the vote in question ought to remain on the columns entire. If he had been incorrect in this view of the case, he should be happy to be corrected in the judgment he had formed, but at present he was convinced that as no Scrutiny had been persisted in, it was just the same as if none had been demanded. It was irreconcilable to his opinion that the Sheriff could close the Poll while there was a Freeholder to vote; and if one suffered he was certainly bound to receive it.—If the Sheriff had not so done, it was conformably to the authorities of the proceedings in the House of Commons their

duty, and in the power of the House, to allow it, consistent with Parliamentary usage. He should however be glad to bear the opinion of the Honorable Members, respecting this measure, previous to a Committee being formed on the subject.

Mr. Haliburton differed from the Hon. Gentleman, and was desirous to refer it to a Committee to report thereon. It might, for instance, be said—the person would not take the Freeholder's Oath. It was not for them, however, to presume facts.—There were two ways of proceeding—either to order persons to attend at the Bar and interrogate them as to the question before them, or to nominate a Committee to report thereon.—He preferred the latter mode. It was his wish, if he consistently could, to agree with the Hon. Gentleman, because he was averse to put the House to the trouble of a fresh Election, but there was no alternative as they were bound to follow the proper course. He had heard it intimated that violence had been used to prevent Freeholders from voting, if such was the fact it was but just that a Committee should be appointed to report on the subject.

Mr. J. I. Chipman, did not think there was sufficient matter before them to enable them to order the Sheriff to amend his Return. In reference to the law deciding the time an Election should be closed, they ought to bear in mind the usual and proper hour for closing the general transactions of business, and apply the inference to this case; were they to put a construction upon it that the Poll might remain open till twelve o'clock—certainly not. From the English Statutes he could shew them that even without the consent of the Candidates the Sheriff might have determined the hour, and closed the Poll; but, in fixing a period, he must give a reasonable and fair opportunity for all persons to come forward to vote. If then, in this instance, a proper time had been afforded, and the Electors had designedly kept back their votes, they were not entitled to complain and should not be allowed to avail themselves of it. The Hon. Member then quoted authorities to confirm his statement. When Candidates agreed to close the Poll earlier than what the Law allowed, the Sheriff was bound to make Proclamation hourly to that effect. Such, he insisted, was done in England, as for instance—in the Bedfordshire Case, and the Nottingham Election, which he read to the House. The case of Doctor Kegan however, under all the circumstances, deserved their serious consideration, because he tendered his vote before the Poll was finally closed; and he thought the Sheriff ought to have taken it, but they should not lose sight of the customs and precedents before them. The Sheriff's Return did not state for whom Doctor Kegan intended to give his vote, and they ought not to take it for Mr. Grassie, without finding the fact to exist somewhere else—Mr. Grassie did not say in his Petition that it was so intended, neither did Dr. Kegan say so. He merely says he tendered his vote, but not for whom; and, upon the Documents as they stood, he could not take the fact for granted, although he had reason to believe, if enquiry was made into it, the truth would appear that it was in favor of Mr. Grassie. With respect to the erased vote, it could only be altered in the case of a Scrutiny, and that Scrutiny not having taken place, he still considered them as standing equal.

Mr. Dewolf was in hopes of finding some one better acquainted than himself with the rules of the House, offering a specific motion on the subject—he had prepared one on the occasion, which he begged leave to submit for their consideration, viz:—"That the declaration of the Sheriff should be taken as conclusive, as to the numbers on the Poll Book, at the close of the election."

Mr. Thos. Roach considered that the Hon. Gentleman for the County of Shelburne, had candidly and ably stated the case. The House had not the means of knowing why the vote was objected to, but he was inclined to think it would ultimately turn out that he was not a Freeholder, for he could not suppose Mr. Albrow would wantonly object to a vote if he did not think it illegal.—There were other facts that might be presumed with respect to Dr. Kegan. If that Gentleman came and tendered his vote for Mr. Grassie, it certainly ought to have been received, but it did not at present appear so; and if it should be shewn that Dr. Kegan had been about the Court House the whole of that day, and did not tender it

earlier, the case would assume a different complexion, and therefore he could not help expressing his wish that the House should be put in the possession of more proof on this head than they were at present.

Mr. Ritchie had concluded not to offer an opinion on the subject until some specific resolution was before the House, and to that resolution he should confine himself. As a reference had been made to the Laws of England, in a case similar to the present one, he begged to observe that the Sheriff had to act in two capacities—as a Ministerial Officer—and as a Judicial Officer, and distinctly pointed out the difference between them. Were the Candidates dissatisfied it was for them to demand a Scrutiny. By the Law of this Province, it is the Sheriff's duty to return the member who has the majority on the books, and not to proceed further without a Scrutiny was requested, but when the Scrutiny is abandoned they ought not to take information from the Sheriff, which the Law did not require him to give. It was the duty of the House to bear evidence, and to ascertain if the Sheriff had refused to take a vote which had been properly tendered, and to declare whether he did right in not taking it; upon these grounds the resolution of the hon. Gentleman from Liverpool had his hearty consent.

Mr. Haliburton considered that as the votes were equal, there ought to be a fresh Election. The declaration of the Sheriff should be taken in the whole, and not in part.—Had Doct. Kegan's vote been taken, Mr. Grassie would undoubtedly have had a majority, and ought to have been returned. The House in former cases had frequently considered the return of the Sheriff as not conclusive, for instance—the Digby Election; they were bound to make every enquiry before they decided, and should they find that man's name improperly struck out, the House had the power to rectify it.—He could not resist remarking how very minute the Sheriff had been, he had produced several letters from Mr. Pryor, stating that he had declined the Scrutiny, and they formed in fact a part of his report. He could not agree to the resolution, because he thought the measure proposed irregular.

(To be continued.)

#### LEGISLATURE OF NEW-BRUNSWICK.

[Extracts from the Journal]

Wednesday, 31st January.

Mr. Chipman, presented a Petition of the Governor and Trustees of the Madras School in New-Brunswick, praying for further aid in the support of that Institution, also a Petition from Nehemiah Merritt, praying to be relieved from the payment of certain Provincial duties. Which were ordered to lie on the table.

Mr. Johnston, obtained leave to bring in a bill, "to prohibit Foreigners selling by retail in the Port of Saint John."

Mr. Wetmore, presented a Petition from the Rector, Wardens, and Vestry, of the Parish of Norton, in King's County, praying aid towards finishing the Church in that Parish, also a Petition from the Wardens and Vestry of the Parish Church in Greenwich, King's County, praying aid towards erecting a new church in that Parish. Which were referred to the Committee of Supply.

Mr. Chipman obtained leave to bring in a bill, "to repeal part of an Act, intitled An Act for the further regulation of Fisheries and for preventing their decay."

Mr. Smith, presented a Petition from Toler Thomson, praying aid towards cutting Canals on the Marsh between Point Miggie and the Halifax road, and Mr. Agnew, a Petition from the Trustees of Schools in the Parish of Saint Mary, County of York, praying that an allowance may be made to certain Teachers of Schools in that Parish. Which were referred to the Committee of Supply.

Mr. Chipman obtained leave to bring in a bill, "for the more speedy and effectual administration of Public Justice in this Province, and for lessening the costs attending the trial of causes on the Circuits."

Thursday, 1st February.

On motion of Mr. Johnston, resolved, "That an humble Address be presented to His Excellency the Lieutenant-Governor, praying that His Excellency will be pleased to direct, that a full size Portrait of His late MAJESTY, KING GEORGE THE THIRD, be procured, to be put up in the House of

Assembly, and that the House will defray the expense attending the same."

Mr. Johnston, Mr. Ritchie, and Mr. Wilson, were appointed a Committee to wait on His Excellency with this Address.

The House in Committee, Mr. Peters in the Chair, took into consideration His Excellency the Lieutenant-Governor's Speech. The Chairman reported that he was directed to report progress, and ask leave to sit again.

The House waited upon His Excellency the Lieutenant-Governor, with their address in answer to His Excellency's Speech—and being returned, Mr. Speaker reported, that His Excellency was pleased to make the following reply thereto:

"Gentlemen,

"I have much satisfaction in receiving this Address, which assures me of your readiness to give attention to the objects recommended to your consideration, as well as all others tending to promote the improvement and welfare of the Country."

Mr. Chipman, pursuant to leave, brought in a bill, "to repeal part of an Act, intitled An Act for the further regulation of Fisheries and for preventing their decay."

Which was read the first and second time, and ordered to be committed to-morrow.

Mr. Campbell obtained leave to bring in a Bill, "to repeal the Laws now in force regulating Pilots, and to make further regulations relating to the same."

Mr. Stubs obtained leave to bring in a bill, "to ascertain ratable Estates in this Province, and for other purposes therein mentioned."

Mr. Wetmore, presented a Petition from the Wardens, and Vestry, of the Parish of Springfield, in King's County, praying aid towards completing the Church in that Parish. Which was referred to the Committee of Supply.

Mr. Chipman, from the Committee appointed to examine what Laws have expired or are near expiring, and report thereon, reported that the Committee had attended to that duty, and that "An Act for raising a Revenue in this Province," 58 Geo. 3, c. 20, will expire 1st April 1821. "An Act to continue and amend an Act, intitled An Act for raising a Revenue in this Province, and to repeal the one made in amendment thereof," 60 Geo. 3, c. 1, will expire 1st April 1821.

A Message from His Excellency the Lieutenant-Governor, by the Secretary, as follows:

"Mr. Speaker,

"His Excellency the Lieutenant-Governor, has commanded me to lay the Treasurer's accounts before this Honourable House."

Mr. Peters, Mr. Miles, and Mr. Stubs, were appointed a Committee to examine the same.

Mr. Johnston, pursuant to leave, brought in a bill, "to prohibit Foreigners selling by retail in the Port of St. John."

Which was read the first and second time, and ordered to be committed on Saturday next.

Mr. Smith obtained leave to bring in a bill, "to repeal an Act, intitled An Act for the further increase of the Revenue of this Province," passed the 25th of March 1820: Also an Act, intitled An Act in addition to an Act, intitled An Act for the further increase of the Revenue of this Province," passed the 29th of March 1820.

The House adjourned till evening, at 7 o'clock.

The House met pursuant to adjournment, and resolved itself into a Committee of the whole House, on the further consideration of His Excellency the Lieutenant-Governor's Speech.

Mr. Peters in the Chair.

The Chairman reported the two following Resolutions:

1. Resolved that it is the opinion of this Committee, that it is expedient that the Law regulating the Militia of the Province should be revised and amended, and that a Committee be appointed for that purpose.

Mr. McKay, Mr. Allen, Mr. Miles, Mr. Munro, were appointed a Committee for that purpose.

2. That some permanent provision should be made to defray the expenses of the Members of the House of Assembly, during their attendance in General Assembly, and to defray their travelling charges; and that a Committee be appointed to make provision for the same by bill.

Mr. Chipman, Mr. Ritchie, Mr. Wetmore, were appointed a Committee for that purpose.