

Mr End thought, that although there were a great many good provisions in the present law, yet there were also many deficiencies, which should be rectified. In former sessions, something had repeatedly been said about effecting this object, but each session had passed away and nothing was done. He hoped the House would not exist much longer without rectifying the abuses which now often occurred under the present Election Law. But it did not strike him that there was such great objection to the time allowed for holding the poll, and he did not think the proposed system of holding the poll at different places in the county at the same time, would suit the temper of the people. But he did think, that the House should limit the discretionary powers of all judicial officers as much as possible, by written laws. A check ought always to be put on them, and their path chalked out, so as to prevent people from being exposed to the exercise of too much discretionary power. By the present law, the Sheriff was not compelled to remove the poll at all. A lazy, indolent or careless Sheriff might sit down within two or three hundred yards of his own door, to take the whole poll, and might thus cause very great expense and difficulty in getting voters to the poll. This certainly was not right; justice should be at every man's door, and the Sheriff, therefore, should be compelled to remove the poll. A Committee should be appointed by the House, to ascertain in what place in every county, and in what time, the poll ought to be taken, and the Sheriff, therefore, should be compelled to remove the poll accordingly. He (Mr E.) would not keep the poll open fifteen days unnecessarily; he would not allow the poll to be kept open after a certain day, unless in a given number of hours a certain number of voters actually polled; he thought the number now required was too small; he would require more as the standard, to enable the poll to be kept open. He rejoiced the matter had been brought forward, and he hoped that a radical amendment to the election law would be effected.

Mr Kinnear thought it very important that some alteration should be made in the time allowed for the poll. In St. John, certainly, not more than from four to six days were requisite to poll all the voters; and he was quite sure, that from the present practice and evil consequences of keeping open the poll so long, it became perfectly necessary to shorten its duration. The practice of bringing such large assemblies of persons together, and protracting the contest for so long a time, had a most dangerous effect on domestic circumstances, with a most demoralizing influence on the voters themselves. He (Mr K.) heartily accorded with the hon. member who had started the subject, and would say, that so far as any legal assistance in preparing the bill might be required, he should be very happy to afford it.

The conversation here dropped; but at some time later in the day, after some other business had been gone through, Mr S. Humbert resumed the subject, by moving for leave to bring in a bill for the purpose intended by him in his observations; and we append the report of that motion here, although not in the order of occurrence, for the purpose of completing the subject under one head.—The hon. member in reply to questions, stated, that his bill would principally comprehend an alteration of the time for holding the poll, &c. a limitation of the power of the Sheriff, a simplification of the oaths, some provisions respecting elections on the demise of the crown, and also respecting members taking their seats. The hon. member would not pretend to bring in a bill in a perfect state; he would do his best, and leave it to the house to amend it as might be thought proper.—Leave was granted.

ACTIONS OF REPLEVIN.

The Bill to amend the Act, relative to actions of Replevin, was committed.—Mr J. Taylor in the Chair.

Mr Street, at some length, detailed the provisions of the Bill, the main object of which was to prevent Replevin from being improperly resorted to, or oppressively used, in cases of Trespass and Trover, which now frequently occurred under the present law.

Mr S. Humbert wished, that some provision might be introduced into the bill, to provide a more effectual remedy for landlords against refractory tenants, who were unable to pay their rent and obstinate of retaining possession of the premises occupied by them, after notice to quit.

Messrs Kinnear and Chandler, in reply to Mr Humbert, admitted the desirability of some other remedy besides an action of ejectment, but also shewed the difficulty and even impracticability of devising one; and therefore urged the propriety of passing this bill, without attempting to clog it with any such provision.

The Bill, therefore, after receiving some trifling amendments, was agreed to as amended.

STATUTE LABOUR.

Mr Street's Bill relative to Statute Labour was committed. The hon. member detailed its provisions a-

very great length, and with much minuteness; and from his extensive observations we may gather the principal features of the bill as follow:—to authorize magistrates to divide parishes in districts, to each of which districts one Commissioner of Roads should be appointed, over which district he should exercise the sole authority, although in cases where new roads were to be laid out, it should be done under the direction of a majority of the Commissioners; to authorize Commissioners to appoint their own Overseers, and direct their operations; to provide for the payment of both Commissioner and Overseers, by assessment, or out of the funds formed by fines on delinquents, as far as such funds would go, and the balance to be paid out of the Provincial Treasury; to impose fines on Commissioners, neglecting their duty, and to authorize and require Magistrates to levy such fines; to raise the price of commutation for labour from 2s. 6d. to 3s. per diem; to hold out an inducement to prompt payment, by allowing a certain number of days, after notice, for payment, at the rate of 3s. per diem, beyond which time a higher rate should be enforced; to make a notice affixed to the door of a house, sufficient notice for all the inmates of such house, so as to allow no plea for want of notice to inmates of taverns or lodging houses, who could not easily be got at; to authorize Commissioners or Overseers to remove refractory or troublesome persons from the road where work was being performed, and to carry them before a Magistrate to be fined; to enlarge the time for making returns from the 1st December to the 1st January, in order that the rivers might be in a fit state to travel on, before requiring Commissioners to send in their returns; to empower Commissioners to excuse indigent and infirm persons, and to certify the names of such persons and causes of excuse to the Sessions; to simplify the specific form of returns; and to empower the Sessions to make rules and regulations relative to making holes in the ice, during winter, on rivers usually travelled. The hon. member particularly contended that the present act did not work well; that the rate of commutation was too low for country parishes, where labour was scarce; that less work was done under it than under the old law; that payment to Commissioners was necessary, as an inducement to the better performance of the work; and that Commissioners and Overseers were at present by far too independent of each other.

Mr Chandler went through most of the principal features of the Bill, and expressed his conviction, after stating various objections to its several details, that although there might be some beautiful points in it, which a further inspection might more fully disclose, as a whole, the Bill would not better the present law, and that it would therefore be more advisable to let the present act stand, and merely make some few amendments to it. The hon. member's principal objection to the present act was, that its scale did not produce, in country places, quite so much work as the old law, and he therefore thought the old law, in that respect, rather better than the new; but he was not favorable to any great alteration of the law at present.

Mr Partelow was not at present quite prepared to go with all the details of this bill. One thing, however, had been particularly alluded to; viz. the scale of labour. He thought the most objectionable part of the present law was, that under its scale, the road labour fell almost exclusively on the middle classes; so great was the disproportion between their state of labour and that of the rich. He believed, however, with respect to the machinery of the Act, that it worked well generally; but there might be some parts of this bill which would be improvements, and probably something might grow out of it, which might induce an amendment of the scale of labour.

Mr Simonds expressed similar opinions with Mr Partelow, respecting the present scale of labour, observing, that the rich now paid no proportion whatever, in comparison with the middling and poorer classes; and he thought therefore, that if the House intended to sustain this bill at all, particular attention should be paid to revising the scale of labour. Some parts of this bill might be very good; but he did not approve of the proposition to put so much power into the hands of the Commissioners.

Mr Vail briefly expressed his approbation of the operation of the present law, and his opinion that this bill was unnecessary.

Mr Allen stated his conviction that the rich did not pay a sufficient proportion of the statute labour money, and that the present scale had diminished the amount of labor, and thought that unless that scale could be beneficially revised, it would be better to revert to the old law. The hon. member did not approve the propositions of the bill relative to Commissioners; with regard to the bill generally, he thought its operations would be very difficult, and that, on the whole, it would be better to allow the existing law to stand, rather than adopt this bill.

Mr End gave great credit to the hon. mover of the

bill, for the skill and care with which he had prepared it, but thought the present act, on the whole with regard to the scale, a very good one; and although he admitted that the rich should pay more proportionately than they now do, yet he could not see how that could be effected, except by establishing turnpike gates on the roads, to take tolls for all carriages, not being employed in farming or transport of goods. The hon. member was convinced that services paid for were always better performed than those which are gratuitous; and he would therefore not object to the payment of Commissioners, provided a proper fund could be created; and whenever gratuitous services could be obtained, they should be accepted, and the amount of the commission on them should go towards paying others. He saw no reason why Commissioners of Bye Roads should be paid, and not those of Great Roads.—He thought there was much useful matter in the Bill, and that it deserved great consideration.

Mr Slason considered the Bill as wholly uncalled for and unnecessary. He did not conceive that any alteration in the present law was requisite, and thought it much better to give it a further trial, than to adopt any other. He thought it suited the people generally better than any other that had ever been tried, and that this bill would only be making the machinery more complicated than ever.

Mr Gilbert said that in his county the present law was generally complained of, because it caused less work to be done, and gave great trouble to the Commissioners and Overseers. He would prefer reverting to the old law, and thought the new proposition to give further discretionary power to Commissioners wholly uncalled for.—He was however, better satisfied with the existing law than with this bill, and thought it better, on the whole, to allow the former to stand its appointed time, than to adopt the bill.

Mr Clinch agreed with Mr Slason, that this bill was quite uncalled for; and the hon. member at some length animadverted on the evils of too frequent legislation on the same subject, and concluded with moving the postponement of the bill for three months.

This motion, however, was not seconded; and after a reply from Mr Street, the Chairman, on motion of Mr Partelow, reported progress and obtained leave to sit again.

IMPROVEMENT OF CIVIL LAW. February 14.

Mr Kinnear brought in a series of five Bills, all founded on the recommendations contained in the Report of the Law Commissioners; three of which were for the improvement of the administration of Civil Law, and the other two related to criminal Jurisprudence. Their objects are as follow:—

I. A Bill to regulate Summary Actions in the Supreme Court.

II. A Bill to regulate the practice and proceedings in the Inferior Courts of Common Pleas.

III. A Bill to regulate the proceedings before Justices of the Peace, in civil suits.

IV. A Bill further to improve the administration of Justice in criminal cases.—This Bill is founded on that part of the Law Report which recommends that Clerks of the Peace shall be called upon to advise the Magistrates in Session on the mode of proceeding in all cases of Felony, &c.

V. A Bill more effectually to punish the crime of Forgery.—The punishment of Forgery was formerly Death; that penalty, however, was abolished, and the crime made a *misdemeanour* only; but it having been thought advisable to make the crime of Forgery again a Felony, punishable, not with death, but, as in cases of Bigamy and other felonies of that degree, with a certain term of imprisonment, this bill was prepared accordingly.

The whole of these bills were brought in and read.

TO LET, for one or more Years, as may be agreed upon.

That excellent HOUSE with GARDEN and BARN, adjoining, owned and formerly occupied by the late Robert Graham, deceased, at the lower part of the town of Chatham; possession will be given on the 1st May next.

That FARM in Napan, with Barn thereon, adjoining Mr Kerr's property, on the upper side of Napan bridge, known as the property of the deceased.

Lot No. 15, containing 225 acres, adjoining Mr William Gillis's lot, on Napan river.

For particulars enquire of the administratrix, in Chatham, or

February 24, 1834.

JOHN M. JOHNSON.

SCHOOL MASTER wanted for the Settlement of Napan. Intending applicants are requested to lodge their applications with the Subscriber, who will give every information respecting the situation. No person need apply who cannot produce satisfactory testimonials of character and qualifications. The School House will be vacant on 1st May next, and the examination of the Candidates will take place in the same on the following day.

Napan, Feb. 24, 1834.

JAMES JOHNSTON.