

Hon. Financial Secretary would give all requisite explanations when he brought down the estimates.

Mr. Wade said that from the statement he held in his hand he judged that the deficiency was something like £43,000.

Hon. Provincial Secretary said that striking off the deficiency that may be attributed to the American troubles, the government had just as good a revenue as their predecessors had at a time when there was no civil war to derange commerce.

Hon. Finl. Secretary said that in the estimates of last year \$25,000 of revenue was expected to be derived from the railway.

Dr. Tupper said the hon. Financial Secretary could not fail to recall to his mind that he was told again and again last session that that item of \$25,000, was a fictitious one.

Mr. Longley thought the hon. Financial Secretary should state the exact amount of the expenditure above the estimate. He concluded that it would be something like £31,000. The position of the government was indeed most unfortunate as well as humiliating.

Hon. Atty. Genl. stated that so far from the \$25,000 estimate having been fallacious, it was more than fully sustained.

Mr. Tobin could not see where they were going to get the money this year for the roads and bridges of the country. Though we were £30,000 in debt, we could not do without £25,000 at least for the purpose just stated. There would be, accordingly, some £55,000 wanted. He could not for one see how this was to be met.

The government were somewhat under an illusion in laying the whole blame of our financial embarrassment on the civil war. He founded his opinion on the fact that but a small portion of the total amount of duties received was collected upon the articles imported from the States.

TUESDAY, Feb. 25th.

Petitions respecting Acts of Incorporation, Way Offices, School Monies, sea manure, nets, roads, prisoner, assessment, letters-patent &c., &c. were presented.

Mr. Tobin introduced bills relating to water supply, board of health, and medical officer.

Mr. Pryor brought in bills concerning a Stipendiary Magistrate for the City of Halifax, license law, sewerage of Halifax &c.

Hon. Prov. Sec'y laid on the table the report from Mr. Campbell of a survey of the Eastern Gold Fields, and a similar document from Mr. Poole on a similar survey of the Western District. Also, a short report from Commissioners of Crown Lands in reference to Indian Reserves.

From a memorandum also laid on the table, it appears that Mr. Poole's services have been paid for with \$618, and Mr. Campbell with \$520.

The report of the committee appointed to revise the Standing Rules of the House was then taken up. The report recommended the substitution of the following for the 14th Standing Rule of the Assembly.

"No member shall speak more than once except in explanation of a material part of his speech that may have been misconceived, and then he is not to introduce new matter—except the member who has proposed a distinct question, who shall be entitled to close the debate; nor shall any member be permitted to reply to a speech delivered in a previous debate during the same session."

A good deal of discussion, ensued in which Mr. Longley, Mr. Wade, Hon. Atty. Genl., Hon. Mr. Johnston, Hon. Prov. Sec'y, Mr. Tobin, and other gentlemen took part.

The report was finally carried by a vote of 29 to 19.

Mr. Chambers gave notice to rescind.

Mr. Bourinot thought that the best mode of striking at the evils complained of was to restrain gentlemen to time when they speak. He moved that no member be allowed to speak more than one hour.

Mr. Longley moved in amendment that the time be two hours.

After some few remarks from Mr. Shannon as to the practices pursued in the House of Commons, a motion for adjournment until 3 o'clock the next day was carried.

WEDNESDAY, Feb. 26th.

Mr. Wade presented a petition from C. A. Campbell Esq. of Victoria, complaining of the undue return of W. Gammell Esq., for that county. He moved that Wednesday be the day to draw the committee to take the subject into consideration.

Mr. Shannon introduced a bill relating to bankruptcies. He said he hoped that some useful act would pass during the present session, and added that if any gentleman on either side, or if the Government would undertake to deal with this important question, he would cheerfully withdraw his own measure.

Hon. Provincial Secretary had some idea he said, of passing a bill of a single clause to the effect, that if any body belonging to Nova Scotia should be driven abroad by misfortune in business, he should be allowed after having been expatriated for five years, to return without any danger, provided of course he had committed no criminal offence.

Hon. Mr. Johnston said that it was his intention to introduce a short bill in case that of his hon. friend (Mr. Shannon) failed to pass. It was to this purpose, Whoever in Nova Scotia makes an assignment of his property, either of the whole or any part, shall make that assignment for the benefit of all his creditors, without giving any preference whatever. He thought that such a bill would be exceedingly useful and remove many of the evils that now existed.

Mr. Shannon remarked that such a clause might with great benefit be introduced into the bill he himself had just brought forward.

Hon. Prov. Sec'y laid on the table a despatch addressed by Lord Mulgrave to the Colonial Secretary on the subject of fisheries and the answer thereto. Also certain communications from Dr. Dawson and Sir W. Logan, on the subject of a Geological Survey of this Province.

Several bills were read a second time.

The House went into Committee of the whole on the general subject of Patent Laws.

Hon. Mr. Johnston said he would move a resolution for the purpose of laying before the Committee a particular basis for debate. He was not sure but it was best to extend the granting of patents to persons beyond the province. The great object should be to introduce those useful improvements which will instruct and benefit our own people. He considered that the following resolution would subserve such a useful object. "The granting of patents for useful inventions shall not be restricted by residence or nationality."

Mr. Townsend opposed the granting of patents on so extended a scale.

Mr. Hugh McDonald was opposed to the granting of patents as in special cases. Already was the table of the house flooded with petitions and bills for patents, and it would be well to pause before they were granted indiscriminately.

Hon. Atty. Genl. thought that the first duty of the house should be to consider what course would best benefit the interests of the people. He did not think it advisable that we should place ourselves in such a position that our people would be obliged to import instead of manufacturing the inventions which would be required by the country. It struck him as infinitely preferable to get all the improvements we could into the country on the cheapest terms possible.

Mr. Longley thought that it would be good to adopt a general law, and to stimulate inventive genius in this province.

Hon. Prov. Sec'y alluded to the unsatisfactory practice now pursued of sending models of all inventions to the Secretary's office.

Mr. McFarlane alluded to the fact that in the States they had men of science and skill who can tell whether an invention was original, and whether it merited a patent. Without some such officer here, it was quite useless, in his opinion, to pass a law on the subject of patents. It was best, he thought to leave matters as they are than to have such an extended system as was advocated.

Mr. Ross presented the petition of J. B. Crowe in the County of Kings complaining of the undue return of Mr. Moore as member for the South-west district.

Mr. Moore stated that there was no such person in that county, and that therefore the petition must be a false one.

The 6th of March was the day appointed to draw the Committee.

THURSDAY, Feb. 27.

Dr. Tupper regretted that during his unavoidable absence from the house on the previous day, the very excellent rule which had been adopted on Tuesday had been subsequently rescinded. After a few remarks on the necessity of shortening the debates, he moved that no member be allowed to speak over an hour-and-a-half on a particular subject.

Mr. Bourinot thought it was requisite that hon. gentlemen should be confined to time, and he was glad that the hon. member for Cumberland had taken some action in the matter.

Mr. Morton said that he would have great pleasure in supporting the motion.

After some further discussion, the motion was carried by a vote of 32 to 18.

Hon. Atty. General moved the second reading of the bill for the regulation of the Gold Mines. He referred to the important result that had proceeded from the remarkable discoveries of the precious metal in California and Australia. In a few years the population of California, which had only been about 12,000, arose to 300,000, and a capital of \$6,000,000 was engaged in the development of the industry of that country. In Australia the effects had been equally surprising.

He defended the policy which the Government had adopted during the past year in relation to the subject, and concluded by pointing out that the bill endeavoured as far as possible to guard the rights of proprietors, particularly in the case of lands that had been made valuable by cultivation.

Dr. Tupper would not oppose the bill going to committee, but thought it quite proper that the policy of the Government in relation to this matter, should be reviewed.

He differed entirely from gentlemen opposite, and thought, instead of seeking the welfare of the country, they had rather adopted the course which would most injure the country and depress the energies of the people, and he was glad the time had come at length when the representatives of the people had to deal with the matter. He thought the delay in calling together the Legislature, was for the purpose of shielding the Government, and that the time had come for fixing a date for the Legislature to commence its sessions. He thought the former Government had conferred a vast benefit on the country by settling the question of Mines and Minerals. If the gold discoveries had taken place previous to that, it would have been impossible to settle the question now. The abolishing of the office of Inspector of Mines, he believed, was to enable the Government to appoint a person who might subserve their own interests. Putting the duties on Mr. Fairbanks, had taken him away from his office, and prevented many from having their changes in the Crown Land Office settled. The changes in the terms, by which Gold claims were held, he thought unjust and improper. He stated that reports had been current of members of gov-

ernment speculating in gold claims. He believed the bill unfair to many at present holding claims, and thought every inducement should be offered to capitalists and miners to engage in this new branch of enterprise and industry.

Hon. Prov. Secretary made a brief reply. He denied that the government had taken two partisans and given them a thousand a year—their salary was to that amount a year, but they were employed but for a few months. He had little doubt, however, that the reports of both Mr. Poole and Campbell would be found to contain a vast deal of most useful information.

Some of the members of the government were charged with being speculators in the mines. He was not one, at all events. But what had been the effect of the discoveries in California? Why every man, from the Governor down, rushed off to the diggings to benefit himself in what way he could. If any of his colleagues had been foolish enough to venture a portion of their capital in such speculations, they had done no more than what had been done wherever discoveries of the precious metal had been made. He expressed his desire to uphold the honest claims of the poor man, whoever might be his opponents. He would rather smash a dozen governments than oppress the poor people of the country.

The Government desired throughout to give every man who wished to work the mines, all the advantages they could, and give to emigrants every requisite information respecting the best gold districts, where they might expend their labor with every probability of sufficient remuneration. He did not think the country would approve of the policy enunciated by the hon. member for Cumberland. If providence had given us a new source of industry and wealth in the shape of gold fields, we should neither make such regulations as would tend to drive off labor and capital, nor lose sight of the opportunity of deriving some revenue, as was done in Australia and elsewhere.

Hon. Mr. Johnston was astonished to hear the Hon. Provincial Secretary so plainly and explicitly admit the fact that some members of the Executive are engaged as speculators in the gold mines of the province.

The Provincial Secretary says that they have been very liberal to certain individuals, that some one or other got forty and fifty acres upon their own terms. Does that meet the imputation that our own people, our own labouring population, who had not capital or the means of falling back upon rich capitalists, who had nothing but their labour to depend upon, were ground down? No sir, it does not. What we complain of is, that the poor people of our own province were placed in such a position that their labour was saddled with expenses which they were altogether unable to bear. Last autumn he happened to be a good deal in the country when persons were going to and from the gold mines, particularly to Lunenburg; and then heard a great many complaints.

Brief explanations were given by the Hon. Provincial Secretary and the Hon. Attorney General, and the discussion dropped.

FRIDAY, Feb. 28th.

After the routine business had been disposed of the House went into committee on the Gold Bill, and several clauses were agreed to.

Dr. Tupper said that the bill was full of incongruities. He objected to giving such extensive judicial powers to salaried officers, as it provided for.

Mr. Harrington moved that no Chief Commissioner or his Deputy shall own any claim or gold mine, or act as Attorney.

After which Dr. Tupper moved the reconsideration of the 6th clause, which clothes Commissioners with judicial powers, and proposed that that part of the 6th clause be omitted which gives the officer the powers of a Justice of the Peace.

Hon. Prov. Sec'y did not consider that any such injurious results as anticipated would actually ensue.

Hon. Mr. Wier supported the bill as it stood, and referred to some remarks that had fallen from the hon. member for Cumberland on a previous day. He considered that that hon. gentleman was in the habit of propagating such false slanders, and then bringing them to the House as rumors.

Dr. Tupper moved that the Speaker take the chair.

After the Speaker had taken his place, Dr. Tupper said he had no intention of allowing the decorum and order that should prevail on the floors of the Assembly continually violated. He asked that the words of the hon. member for Lunenburg be taken down.

As this was a question of order, the Speaker ordered the galleries to be cleared.

The House then sat for some time with closed doors, and finally adjourned until three o'clock the next day.

SATURDAY, March 1.

The Prov. Sec'y laid on the table the report of the Superintendent of Education. Also Dr. Forrester's Report on Agriculture.

Mr. Shaw presented a petition from Clementsport against granting large tracts of lands to foreigners.

Hon. Prov. Sec'y stated that the company who were carrying on the Iron Mines at the above place had been granted 1000 acres of land.

Hon. Mr. Johnston said nothing could more effectually prevent the settlement of a country than the acquisition of large tracts of land by mere speculators who will lie by until these lands are rendered valuable. He did not, however, underrate the importance of encouraging important manufactures, such as are going on at Clements.

Several other petitions were presented, after which the House went into Committee on the Gold Bill.

Hon. Mr. Johnston urged a separation of the ministerial and judicial powers given to the officers of the government—the Gold Commissioner and his deputies. It was injurious to the best interests of the country to entrust such large and excessive powers to any administration, for they were likely to be abused at any moment.

Hon. Atty. Genl. remarked if a man goes upon a piece of Crown or private property, finds a mine, and continues there in opposition to the wishes of the Commissioner, then the bill gives authority to deal with him. It was not possible, in his opinion, that any Commissioner could abuse the power—no government would dare to allow it, an appeal could be made to the judicial authorities of the country.

Hon. Mr. Johnston argued that the fact of an appeal was no sufficient protection. A man might be seized upon, tried, put in jail—all on the mere view of the officer in question, he had a right of appeal, but he might have to remain in prison for three months, or until such time as the Judge of the Supreme Court might enquire into the circumstance of his case.

Hon. Prov. Sec'y did not apprehend that the evils anticipated would actually ensue.

Dr. Tupper could not see the propriety for making an officer, the creature of the government, witness and judge at the same time.

Mr. Tobin and Mr. James McDonald contended against such arbitrary and excessive authority.

Mr. Pryor said, that as our mining districts were not hundreds of miles away from the haunts of civilized men, nor beyond the reach of the jurisdiction of magistrates, he thought, after mature deliberation, that the office of Gold Commissioner should be ministerial and not judicial. In the present case, the prosecutor, the judge, and the jury, were all one. Could any one for one moment, in a British country and under British rule, uphold the necessity of instituting such a tyrannical doctrine?

Mr. Shannon, Mr. Morrison, Mr. McLellan, Mr. Hugh McDonald, Mr. Henry and Mr. S. Campbell took part in the debate.

Hon. Mr. Johnston expressed his surprise at the determined opposition to all suggestions. Let the house look at the precedent to which those gentlemen had alluded. The model from which the Hon. Attorney General had drawn his act was a proclamation of the Governor of British Columbia. The hon. gentleman here read to show that in British Columbia the rights of individuals were more carefully guarded, than by the present bill.

The hon. gentleman next referred to the Australian law, and showed that it too was by no means so extreme and arbitrary. There the ordinary functions of law were deemed sufficient for all purposes. There, the law was that a man shall be liable upon a conviction before a Justice of the Peace.

Hon. Atty. Genl. contended that the bill was actually founded on the practice of Australia to all intents and purposes.

Dr. Tupper said that under this bill they were going to clothe fifty men with power whose object it would be to serve the interests of the government in every way possible.

The clause passed by 18 to 24.

MONDAY, March 3rd.

After receiving a number of petitions, several bills were read a second time.

The House then went into Committee on the Gold Bill.

Several clauses were passed without discussion. The 14th clause which imposed rents of \$40, \$80, \$160, \$240, upon the four different areas respectively, caused a good deal of debate.

Hon. Mr. Johnston considered that the people of the country should be invited and encouraged to work their mines, and that they should not be placed under greater pecuniary burthens than absolutely necessary to meet the expenses entailed by the supervision and regulation of the enterprise.

Hon. Prov. Sec'y differed from the hon. gentleman. It was proper, in his opinion, to raise a revenue as had been done in Australia.

Mr. Longley moved that \$20, \$40, \$80, and \$120 be the sums to be asked for the rentals of areas 1, 2, 3, 4, respectively.

Mr. J. McDonald thought that the only legitimate mode of raising a revenue was by a royalty on the proceeds of the successful miner. It was not fair to tax the unsuccessful man more heavily than he who was fortunate.

If the mines turned out as good as was anticipated, the inevitable result would be a vast acquisition to our population, and consequently a large increase in our revenue.

He moved that \$10, \$20, \$40, and \$60, be the prices for the areas, respectively.

Hon. Fin. Sec. did not think himself that the people of the province were to be benefited by the poor men working the gold mines; what we actually wanted was the introduction of foreign capital and skill.

Mr. Tobin was inclined to believe that the persons engaged in mining operations during the past year had not earned a shilling a day a piece.

Mr. Longley having withdrawn his motion, that of Mr. J. McDonald was put, and lost.

The Committee then rose and reported progress.

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