

The Examiner.

AND SEMI-WEEKLY INTELLIGENCER.

"THIS IS TRUE LIBERTY WHEN FREE-BORN MEN—HAVING TO ADVISE THE PUBLIC—MAY SPEAK FREE."—MILTON'S EURIPIDES.

NEW SERIES.

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HOUSE OF ASSEMBLY.

TUESDAY, 12th March.

House in Committee on His Excellency's Reply to the Address of the House in answer to His Excellency's Speech at the opening of the Session.

MESSAGE FROM HIS EXCELLENCY.—Just as Mr. MONTGOMERY, the Chairman, had taken his seat, a Message from His Excellency was announced; whereupon Mr. COLES instantly rose and strenuously opposed the resuming of the House and the admission of the Messenger. He insisted that it was the duty of the Speaker to preserve entire the privileges of the House, and to prevent their infringement by a due exercise of the constitutional powers vested in him for that purpose. Under the sanction and protection of that power, it was their duty to proceed to a due consideration of the question before the Committee; and to resist any attempts from without to interrupt their proceedings or abruptly to terminate their deliberations. When the Committee should have determined upon the course which they should deem it most advisable to pursue, the House would be prepared to admit the Messenger, and to receive His Excellency's Message with all due courtesy. His opposition to the admission of the Messenger arose from a suspicion which he (the hon. member) entertained, that the object of the Message was the prorogation of the Legislature.

Mr. HAVILAND called upon the hon. member for Queen's County to produce a precedent for the course which he had recommended to the House; and begged that hon. members would not make themselves ridiculous by taking so uncalled-for and unusual a step.

Mr. SPEAKER replied that, as to precedents, it devolved on him, rather more than any other member to speak, and he would seek a precedent from the British House of Commons subsequent to 1688, when their privileges, and still more their powers, had been so fully established, that the Monarch had never ventured to interfere. But, unfortunately, this House was not in that position, but rather like the British Parliament in that stormy time which reached from the beginning or middle of the reign of Charles I. down to 1688; and, in that time, many precedents would be found equally bold in respect to the Monarch as that now purposed in regard to His Excellency; since they must go by precedent.

Mr. WHELAN said that, seeing a member of the Government in his place, he would distinctly put the question to him: Was the Message to summon the House to the Legislative Chamber for prorogation; or was it a Message of the ordinary character?

The hon. E. THORNTON replied that if he thought it were a message summoning the House to be prorogued, he would be as little disposed to sanction it, as any hon. member in the House; and that he was prepared to act, with respect to the question of Responsible Government, with perfect independence, and to go as far as procure its introduction into the Colony as any of its warmest eulogists, and would take an early opportunity to explain his reasons for a change of opinion touching the question. The Message from His Excellency he could, however, assure the Committee was one of an ordinary nature.

After this assurance from the hon. member, all opposition to the admission of the Messenger was withdrawn. The House was therefore resumed, and the Messenger, Mr. Secretary Haviland, admitted, who, by His Excellency's command presented Copies of certain Despatches, being orders in Council confirming certain Acts passed by the Legislature of this Colony in their last Session.

STOPPAGE OF SUPPLIES.

House again in Committee as above stated. Resolution of the House to stop Supplies.

Mr. COLES stated that the Committee appointed to wait upon the Lieut. Governor and present to His Excellency the Address of the House, in answer to His Excellency's Speech at the opening of the Session, had respectfully presented that Address, and received His Excellency's reply, which had been read to the House by the Clerk. The hon. member then observed that His Excellency, in his reply, stated that he regretted to observe that the House expressed a want of Confidence in Her Majesty's Executive Council, that it was his duty to administer the Government in strict conformity with Her Majesty's instructions; and that he had received no intimation, either of a public or private nature, authorizing him to depart from, or alter, the system of Government as at present established in this Colony. His Excellency, continued the hon. member, in so re-

plying appeared to have quite forgotten a certain paragraph in the Despatch of Earl Grey, which was laid before the House on the first day of the Session, to the effect that it was Her Majesty's desire that the Government of the Colony should be administered according to the wishes of the People, as expressed through their Representatives in Colonial Parliament assembled. It seemed also to have escaped His Excellency's recollection that in another paragraph of that Despatch His Excellency was told that the Executive Powers were placed in the hands of the Lieut. Governor, who knew that he should conduct his Government in accordance with certain principles laid down in a preceding paragraph of the same Despatch. Now, continued the hon. member, what were those principles? They were briefly summed up in the admission of Earl Grey, that "It cannot be too distinctly acknowledged that it is neither possible nor desirable to carry on the Government of any British Province in North America in opposition to the opinion of the inhabitants." Were there not, said the hon. member, conveyed to His Excellency, in the desire of Her Majesty, as communicated by Earl Grey, and in his Lordship's own admission, a sufficient power and warrant to comply with the wishes of the people, as made known to him by their Representatives, touching the radical change in the system of Government? His Excellency, however, judging by his Reply to the Address of the House, seemed to think otherwise; and, therefore he (the hon. member) was of opinion that the only course left for the House to pursue, without an abandonment of their principles, was at once to proceed to memorialize the Queen in an Address, stating the grounds on which the House had been obliged to pass a vote of want of confidence in the Executive Council, and freely setting forth, and complaining of, the obstructions thrown in the way of the accomplishment of Her Majesty's desires with respect to the Government of the Colony by Her Majesty's Representative, His Excellency Sir Donald Campbell; and, further, that, under circumstances so untoward, they were under the necessity of refusing the Supplies until the Government of the Colony should be remodelled, so as to render it worthy to enjoy the confidence of the people. His Excellency had proved to the House that if they would accomplish their object, it was necessary for them to follow up their vote of want of confidence in the Executive, by some action or measure of a still more determined and decided character. The hon. member then proceeded to consider how far the Crown Revenues of the Colonies would enable the Executive, in the absence of the annual Supplies, to carry on the Government. The whole amount of the permanent Revenue would not exceed £700, and should the Crown Lands be sold, even at the upset price, the fund realized by the sale would not, at legal interest, yield more than £600 per annum. The Crown Lands were, in fact, scarcely worth anything, as clearly appeared by the inability of advertising them, year after year, at a reduced value, for the liquidation of existing claims against them: they could not be sold, even at the upset price. In voting upwards of £1240 for the payment of the Civil List as the majority of the House were ready to do, provided there was made, by Her Majesty, a surrender, in perpetuity to the Colony, of the Colonial Crown Lands and Crown Revenues, they would actually be conferring no inconsiderable boon upon the people of Great Britain, by leaving such amount in the Imperial Treasury, for their own immediate benefit and uses; but unless these should be made subject to the controul of the Legislature, the House would make no permanent provision for the payment of the Civil List. The hon. member then commented, with considerable severity, upon the conduct of the Executive Councillors who, in the face of a vote of want of confidence in them, carried by a majority of eighteen against three, evinced so little regard for the interests of the Colony, and so little spirit and self-respect as still to retain their seats at the Board of the Executive Council. After it became known to them that such a vote had been agreed to by the Assembly, they ought immediately to have tendered their resignations to His Excellency. They should have relieved His Excellency from the difficulties of his position, by retiring from His Council.—They should have imitated the example set them by the Executive Council in Nova Scotia, who, in similar circumstances, acted with a spirit of independence worthy of gentlemen.—With respect to what were styled the existing claims of Public officers upon the Crown Revenues, the hon. Member said, he would advise those who had such claims to prefer them before a surrender of the Crown Lands should be made.

The honorable member next commented upon the impolicy of His Excellency's dissolution of the last House,—impolitic as respected the maintenance of that

form of Government which he seemed disposed to uphold. But having dissolved the House, it was his duty to have immediately applied to the Imperial Government for full and decisive instructions, as to the course which it would be his duty to pursue in the event of the People's returning to the Assembly a majority favourable to the introduction of the Responsible system of Government. Had he done so, he would not have been placed in his present vexatious dilemma. The honorable member then took a brief, but condemnatory review of the course which His Excellency seemed to wish the Assembly to pursue; that was to grant the usual supplies and entrust their appropriation to an irresponsible Executive, in which they had just declared they could place no confidence; and who, by an undue exercise of their executive functions, had, in one year, carried the public expenditure £5000 or £6000 beyond the amount of the specific appropriation of the Assembly. The honorable member next remarked, that one of the advantages which would result to the country from the introduction of the Responsible System, would be the shortening of the Session and lessening the amount of the attendant expenses; because, under that system, it would be the duty of the Government to be prepared to lay before the Legislature, at the opening of the Session, such well considered measures as they thought it would be necessary to pass during the Session; and as such measures would be in accordance with the views of the majority of both Houses, but little time would be required to carry them through the Legislature; and no time would be lost in waiting for the concoction or preparation of measures by individual members thereof. The honorable member concluded by observing that it was not, however, requisite then to urge reasons in favour of the introduction of Responsible Government. Not one Session, within the last five years, had passed without the question having been mooted in it, and they were all, he should think, sufficiently familiar with the very strong arguments and reasons which from time to time had been advanced for its adoption in the Colony. The immediate question then was, would they, after their vote of no confidence, go on with the business of the House and vote the annual Supplies? He thought not. On the contrary, he believed the majority of the House were prepared to exercise the power with which they were invested, in accordance with the wishes of the people; and that they would refuse to pass a Revenue Bill or to grant Supplies to enable the present Government to retain their obstructive position for another year. The duty of the House, he conceived, was simply to renew such expiring Laws as the well-being of the community required to be re-enacted; and having done so, then to inform His Excellency that they were ready for Prorogation. An Address to Her Majesty the Queen, containing a fair and impartial statement of the present state of the important question at issue between the People and their Representatives on the one side, and the Government on the other, could be prepared and made ready for transmission by the English Mail on Thursday next, and an answer might be received early in May; soon after the receipt of which, His Excellency might again summon the Legislature; and, should the answer, made in Her Majesty's name, be of such nature as to warrant their doing so, the House would then, no doubt, proceed, with all Despatch, to pass the Revenue Bill, grant the Supplies, and make all due provision for the support of the Government. Should the House proceed in the way he had intimated—as he hoped they would—he felt satisfied that they would do so with the full consent and approbation of the people.

Mr. WARBURTON observed that by the opposition made to the introduction of Responsible Government, the Assembly were in a manner driven to the wall, and compelled, in support of their views, to have recourse to a measure, perhaps unprecedented in the Colony, but certainly by no means unconstitutional. Some hints had been thrown out touching the sessional pay of the members, as if it were thought the dread of losing it would turn the majority from the path of duty. Such a consideration, he was, however, happy to think would not, for a moment, weigh in opposition to obligations of duty with a single member of the Liberal Majority. Without one word, therefore, in praise of the system of Responsible Government, he would submit a Resolution having for its object the engaging of the House to withhold the Supplies, until the people of the Colony shall obtain what is usually called Responsible Government. The hon. member then moved the adoption of the following Resolution.

RESOLVED, That it be recommended to the House to appoint a Committee to draw up an Address to Her Majesty, stating the grounds on which the House has been obliged to pass a vote of want of confidence