

The Examiner.

"THIS IS TRUE LIBERTY, WHEN FREEBORN MEN—HAVING TO ADVISE THE PUBLIC, MAY SPEAK FREE."—EURIPIDES.

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CHARLOTTETOWN, P. E. ISLAND, SATURDAY, FEBRUARY 26, 1848.

[No. 30.]

HOUSE OF ASSEMBLY.

FRIDAY, FEBRUARY 4,

The House again went into Committee on PRIVILEGES AND ELECTIONS.

The *Speaker*. I hope no attempt will be made to delay the question; for I am ashamed that it has already been allowed to occupy so much of our time and attention; but yet I shall not be surprised if the opposite party try to spin out the debate till we get a bulletin of the state of Mrs. Fraser's health.

Mr. *Rae*. I think common courtesy towards one another ought to be observed amongst us. It is now only just past eleven, and only the fourth day of the Session; and, it may be said, that three days only have been taken up by the question, as the first day is usually spent in routine business. There is evidently too great a desire, on the other side, to precipitate the question. If the hon. Mr. Coles be refused an opportunity of addressing the Committee, in his place, in support of his claim, the refusal will reflect any thing but credit upon the House.

Mr. *Thornton* thought that, of all persons, Mr. Coles ought to be in his place.

Mr. *Mooney*. I want to know where that place is; for, sometimes, it is to be inside—sometimes outside; and, at others, it is contended he has no place at all. I consider the proceedings of the House as very extraordinary. We have chosen no Clerk; neither have we replied to His Excellency's Speech. It would seem that the object of the other side is to drive Mr. Coles out of the House, or to have him put into the custody of the Sergeant at Arms; and, meanwhile, they subject him to the most undeserved abuse.

Mr. *Palmer*. I have never before witnessed so much trifling by a House of Assembly, as has taken place here within the last four days. The proceedings of last year were very different from those attending the present enquiry; for, I consider, the whole of this question may be placed in the compass of a nut-shell.

Mr. *Thornton*. I cannot allow Mr. Mooney's remarks to go forth to the public without a reply. He has indulged in personalities, and said that our object was only to throw out the hon. G. Coles. He ought not to attribute improper motives.

Mr. *Rae*. Irregularities, on the part of some members, are allowed to pass unnoticed; but, let them proceed from others, and they are commented upon with the greatest severity. If hon. members are sincerely desirous to preserve order and regularity, let them look, with an equally jealous eye, to both sides of the House.

Several members, in succession, maintained that Mr. Coles ought to be allowed an opportunity to address the Committee; but, immediately on that gentleman's making his appearance in the body of the House, Dr. *Conroy* rose and said, that, if Mr. Coles meant to address the Committee, he could not be allowed to do so, except from the outside of the Bar. Mr. Coles, soon after, left the House.

Dr. *Conroy* disclaimed being actuated by any other motive than a sense of his duty; and quoted a great many authorities, to prove that, while the seat of a member was under consideration, he should not remain in the House. Were we, in this case, Sir, said the learned Doctor, to decide otherwise, we should, by so doing, establish a bad precedent. I shall vote against Mr. Coles's remaining within the Bar, for my name shall never be found in a division against the rights of the people.—(An ironical "Hear! hear!" from Mr. Mooney.) Popular froth rules and guides many; but I value it not. Some of our boastful champions of liberty speak not the sentiments of their hearts; they merely give utterance to such sentiments as they think most likely to secure popular applause.

Mr. *Rae* rose, and said, the remarks of the hon. member were very indecent.—Dr. *Conroy*. If the cap fits you may wear it.—Mr. *Rae* again rose, but was called to order by Mr. *Palmer*.—Dr. *Conroy* resumed. The writ was made returnable to serve a party purpose; but they who set the trap, were, themselves, caught therein. Had Mr. McCallum been returned, he would have taken his seat. If any one denies this, I will say no more but that he has as much right to be sitting here as Mr. Coles. The excuse that Mr. Coles sits here under the former indenture, is not a valid one. Whether there was a necessity for his going back to his constituents or not, his doing so made his former indenture immediately become like so much waste paper. Why then does the hon. gentleman persist? If he refer to history, he will find no less a person than Cardinal Wolsey had to retire from the House, outside the bar, while his case was pending. I care not, Sir, what motives may be attributed to me, but I contend it would be an infringement upon our rights to allow Mr. Coles to remain inside the

Bar; and I, for one, will not sit still and see it perpetrated with impunity. The permission would be contrary to all former usage and custom.

Mr. *Rae*. The learned Doctor often talks about the want of knowledge in his opponents; he should, therefore, when making a display of his own learning, be very careful to state facts, even though his quotations may be so very old, that every one may not be acquainted with them. With respect to what he has just said respecting Cardinal Wolsey, I beg leave to say, that he has misstated the matter; for that individual, on the occasion alluded to, walked about the House, and might have sat down, had he so pleased; all the inconvenience to which he was subjected was his not being allowed to converse with the members.

Mr. *J. Longworth* submitted a resolution to the effect, that Mr. Coles's being allowed to remain in the House during the debate, should not form a precedent; which was put and carried without a division.

After several members on both sides, had offered a few additional remarks, the cry of "Question" became general. Mr. *Rae* then submitted a string of resolutions as amendments; but they were all lost, and the original motion was finally carried in the House by a majority of 10 to 9, as reported in our last number.

On motion of Mr. *Palmer*, the House went into a Committee of the whole, on

PAY TO LEGISLATIVE COUNCILLORS.

The hon. member said: I am willing to admit that this is the first time the question has been taken up; but, if we can bring about a better state of things in the Council, by providing for the expenses, whilst in session, of such of its members as may, hereafter, be appointed to it from remote parts of the Island, I think no one will object to the measure. Great dissatisfaction has been felt, and, no doubt, will continue to be felt, so long as the Council shall continue to be constituted as it is at present. With one exception, all the members thereof are resident in or near to Charlottetown; and it would be absurd to suppose that they can be as good judges of the wants of the people in distant parts of the Island, as they who dwell amongst them. But it is difficult to find persons, residing in the country, willing to give up their time, to abandon their domestic comforts, and bear their own expenses into the bargain, merely for the honor of seats in the Council. Members who are on the spot cannot expect remuneration; and, besides, there are some among them whose wealth and independence would, perhaps, not allow them to accept it, were we to provide it for them. I would, therefore, confine it to those living 15 or 20 miles from town. It is a fact generally known, that the attempt to fill up vacancies by appointments of individuals from the Country, has signally failed. It is, also, equally well known that there is no lack of intelligence or ability in the country. But, when the attempt has been made, the offers have been declined; parties honestly declaring that they could not afford to accept them. The present is a favourable time to moot the question, no vacancy now existing, or being likely to exist for some time to come; so that there can be nothing invidious in now bringing forward this question. But, I confess that, when vacancies occur hereafter, I should like the Administrator of the Government to have it in his power to fill them up by appointments from any part of the Island; as the passing of this resolution into a law would enable him to do. At present, there is only one member in the Council who would come within the scope of my motion; and there may not be more for years to come: the passing of it, therefore, will not, at present, subject the Colony to any additional burden. But, Sir, I venture to predict, that whenever the time shall arrive, that under the operation of the measure, gentlemen from different parts of the country shall be found occupying seats in the Legislative Council, the satisfaction that will be given to the public by the change, will greatly outweigh the consideration of the consequent trifling increase of public expenditure. I am not aware that any opposition will be offered to this resolution. I have not heard that any is intended. I will not, therefore, at present, attempt to say any thing further in support of it; but, at once, submit it to the consideration of the Committee.

Mr. *Thornton* fully agreed with the principle on which the resolution was based, but had his doubts whether the Home Government would sanction the change; for, he believed, a similar attempt, made in a neighbouring Province, had not been sanctioned by the Home Government. I feel, continued the hon. member, no difficulty in coming to a conclusion as to the policy of the question, for nearly all the gentlemen constituting the Legislative Council, reside in or near to Charlottetown; and, talented as they may be, it is not reasonable to suppose

they can be as good judges of the state and requirements of distant parts of the Island, as they who are on the spot, and mix more with the people. Some may, at first sight, incline to oppose the measure on account of the expense it may entail; but that, in comparison with the good result that may be fairly anticipated, is as a feather in the balance. Supposing we take our own pay as the scale, and take six as the average from the Counties, it will amount to £180 only; and from this trifling ten times its value of good would arise. As I have said before, I doubt whether such a measure would be sanctioned at Home, especially as it would be a partial one. However, I cannot see a reason why all should be paid; and I even believe there are some gentlemen in the Council who would scorn the idea of pay; but there may be others who, like ourselves, cannot afford the expense, and who would be very glad to see the measure approved by the Home Government; and of this I am quite certain, the accomplishment of the measure would gradually bring about most happy results for the country.

Mr. *H. Macdonald* had always been of opinion that, for the good of the country at large, such a measure was positively necessary. For the want of such a provision as that contemplated by the resolution, it was well known that highly respectable and intelligent individuals in distant parts of the Island, to whom, at different times, seats in the Legislative Council had been offered, had declined to serve their country therein, merely because they could not, out of their own private means, afford to defray the expenses consequent upon a residence in Town during the legislative Sessions.

Mr. *Rae* said that, as the resolution would, no doubt, in consequence of late decisions in the House, be supported by a majority, it would be idle and useless to oppose it by argument. He would, therefore, rest satisfied with then declaring it to be his intention, to resist the passage of the measure which it contemplated, in all its stages.

The *Speaker*. I must, Sir, express my surprise at this unusual mode of opposition on the part of the hon. member, (Mr. *Rae*) who must be perfectly aware that now is the proper time for him to speak. I am aware that the question has been unexpectedly brought before us; but I have always thought some such provision would be highly expedient. As the Council is, and has been constituted, the interests of Charlottetown and its localities have been represented therein, almost to the exclusion of those of distant parts of the Island; and this is evident from the fact that there is only one member in that body, from the country. In reference to a doubt expressed by an hon. member (Mr. *Thornton*), as to whether or not such a measure would receive the sanction of the Home Government, I would observe that I do not think it would meet with any real objection in that quarter. Indeed, I consider myself justified in the expression of this opinion, from the consideration of the fact, that the want of such a provision as the resolution before us contemplates, has completely defeated the intentions of the Home Government with respect to the composition of the Legislative Council. Some years ago, at the time of the separation of the Councils, a Despatch from the Colonial Office was received by the then Lieutenant Governor, directing him to fill up vacancies, as they should occur, in the Legislative Council, by the appointment thereto of gentlemen from the different sections or divisions of the Island, so that the interests of the inhabitants of every settlement and locality thereof, might be as well and fairly represented in the Upper, as in the Lower House. A few gentlemen from the country were, accordingly, a short time after, called to the Legislative Council; but, on account of the expense consequent upon their living in Town during a legislative session, they resigned their seats; and thus the intentions of the Home Government for the good of the Colony by a liberal alteration in the composition of the Legislative Council, were completely frustrated. The measure contemplated by the resolution now under consideration, is, I am satisfied, one that would be highly pleasing to the people; and one, to which, on account of the good to the remote sections of the Island, that would result from its establishment, Her Majesty, I am persuaded, would not refuse to confirm. I do not wish to alter the present construction of the Legislative Council; but, I contend, that, as vacancies hereafter occur, they should be filled up by men possessing a greater degree of local information than characterizes the gentlemen now composing that body; and such an improvement, the establishing of the provision now in contemplation, would gradually accomplish. The qualification required offers no particular impediment. There are men in the country who, though, perhaps, in comparatively humble stations, are capable of forming as sound a judgment, as any now in the Council. Being convinced that the principle, if brought into operation, will be of great advantage to the Colony, I shall give it my warm support.