

The Examiner.

A WEEKLY JOURNAL OF POLITICS, LITERATURE AND NEWS.

EDWARD WHELAN]

This is true Liberty, when Free-born Men, having to advise the Public, may speak free.—EURIPIDES.

[EDITOR AND PUBLISHER.

Vol. V.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, MONDAY, MARCH 17, 1856.

No. 37.

Colonial Legislature.

LEGISLATIVE COUNCIL.

WEDNESDAY, February 27.

The Hon. Col. Secretary brought up the Act to protect Justices of the Peace from vexatious actions, which had passed the House of Assembly, and was read a first time. The Hon. Attorney General, as a member of the Government, laid on the table the estimates for the present year. The Hon. Mr. Dingwell obtained leave of absence.

THURSDAY, February 28.

The House in Committee on the Bill to prevent fraud by private Bills of Sale. The Hon. the ATTORNEY GENERAL explained that by the Bill it was contemplated to have Bills of Sale filed in the office of the Prothonotary in Queen's County, and the Deputy Prothonotary in King's and Prince Counties respectively. If they establish several offices in different localities, they would have to define the various districts. No doubt that system would afford a certain degree of convenience, but its adoption would be attended with considerable difficulties. If more than the offices he had named were appointed, people would have to apply to several before they could get the information they sought, one in each County was sufficient.

His Honor the PRESIDENT considered it a question on which the opinion of members from the country would influence his decision, as their knowledge of the wishes of the rural population must necessarily qualify them to form the best judgment. For himself he was still of opinion, that the best plan would be, to have a head office in Charlottetown. By doing so, a person could obtain at once the state of the real and personal property of his debtor. Here the circumstances of the former could be found in the Registry Office, and judgments and the existence and amounts of Bills of Sale could be ascertained at the Prothonotary's Office in the same building. As to providing the execution of Bills of Sale, he suggested the establishment of an office for that purpose in each electoral district. The officer should keep a book in which he should enter an abstract, comprising the particulars of the Bill, from which the people of the country could obtain all the information they might require. His Honor considered that the Bill was required for the protection of the people of the country. It had been taken from an English Statute, and the only alterations were such as the different circumstances of the Colony rendered necessary. The only question was, which plan would be most convenient? It might be less inconvenient for a person living at Souris to come to Charlottetown than to Georgetown.

Hon. Mr. CRASWELL said, that all were agreed as to the necessity of the Bill. He agreed with the Hon. Attorney General that one office in each County was sufficient. If it were found by experience that that number was not sufficient, they could increase it hereafter. It would be a hardship to compel a man to come from St. Eleanor's to Charlottetown to see a Bill of Sale which had been proved at the former place. His Honor the PRESIDENT. Suppose the case of a man living at Murray Harbour wishing to ascertain the condition of another's property, would you compel him to go to St. Eleanor's?

Hon. Mr. CRASWELL. His Honor supposes a case that may never occur.

Hon. Mr. BAGNALL agreed with Hon. Mr. Craswell, as to the propriety of filing the Bills with the Prothonotaries in the different counties. The Commissioners for taking affidavits in the Supreme Court, of whom there were several in different parts of the country, would be proper officers to receive proof of execution, after which the Bills should be filed in the County Court.

His Honor the PRESIDENT would take the sense of the House on his motion for filing all Bills of Sale in Charlottetown. The House divided, when there appeared for the motion: The Hon. the President, Hons. Messrs. Haythorne and Wright. Against it—Hon. Attorney General, Hons. Messrs. Walker, Craswell and Bagnall.

The Committee rose and progress was reported.

Mr. Clark, from the House of Assembly, brought up an Act to regulate the mode of collecting Light and Anchorage Duties, which was read a first time.

The Act to protect Justices of the Peace from vexatious actions was read a second and third time, and passed.

Hon. Mr. Walker presented a petition from resident householders of the St. Eleanor's District School, impugning the conduct of some of the trustees towards the late teacher. This after some conversation was laid upon the table. Also a petition from Mr. John LePage, third Master at the Central Academy, praying an increase of salary. Read and laid on the table.

Hon. Mr. Craswell presented two petitions of James Gillanders, Schoolmaster, Lot 1; one praying compensation for his services as teacher; the other asking for a retiring allowance as an old teacher. Read and laid on the table.

FRIDAY, February 29.

Hon. Mr. Wright presented a petition of inhabitants of Lot 1 and 2, praying aid for a bridge over Black Pond, Miminigash. By Hon. Mr. Bagnall, petition from inhabitants of Cross Rivers and vicinity, Lot 14, for aid to complete a line of road; of Mary Ann Murphy, Schoolmistress, Lot 14, for remuneration for six months services; of James Ferguson, and others, Lot 24, to alter line of road. Hon. Mr. Walker presented the following petitions, viz: John McKinnon, formerly Preventive Officer, Charlottetown, praying relief from liabilities incurred by him, in the case of the Schooner "Dragonet," seized last summer, and restored to her owner; from Noel Louis, Peter Louis, Noel Mitchell and Michael Mitchell, four poor Indians, praying relief; from Ewen McLeod, Keeper of Lighthouse at Point Prim, praying increase of salary; from inhabitants of Grand River and others, Lot 55, praying for a grant to open a road. They were severally read and ordered to lie on the table.

The Act to protect Justices of the Peace from vexatious actions, was read a third time and passed.

Mr. Clark, from the House of Assembly, brought up a Bill to regulate the laying down of Buoy and Beacons. Read a first time.

The House in Committee of the whole on the Light and Anchorage Duties Bill.

Hon. ATTORNEY GENERAL explained, that the only alteration with existing mode, to be effected by the Bill, consisted in the receipt of light money by the Collectors of Excise, who are Controllers of Navigation Laws, and the payment of Anchorage Dues by the Harbor Master to the Collector of the Port, instead of paying them into the Treasury as at present.

The House then went into Committee on the Bill to amend the law relating to Ejectments, Distresses, and the occupation of land; after which it adjourned till Monday next.

TUESDAY, March 4.

His Honor the PRESIDENT informed the Council that the Hon. Mr. Bagnall had obtained leave of absence till Thursday next, in consequence of domestic affliction, and that the Hon. Mr. Beaton was absent without leave. The Ejectment and Light and Anchorage Bills were respectively read a third time and passed.

The Hon. Attorney General reported from the Committee on Expiring Laws.

His Honor the President presented a petition from William Chappel, of Bay Verte, praying aid towards a new Packet intended to ply between Charlottetown and Bay Verte. Also, of George Thresher, Senior, requesting a pension of £50 a year, as late Deputy in the Secretary's Office. The petitioner stated that he had been induced to resign by promises of receiving that amount, made by members of Sir A. Bannerman's Administration, in his presence. His Honor and the Hon. Col. Swabey denied all knowledge of any such promise having been given. The petitions were laid on the table. The following petitions were presented, read, and laid on the table. By the Hon. Mr. Craswell—from inhabitants of east side of Seal River, Lot 50, for aid to open a road; from Jane Jackman, Lot 19, praying aid; from inhabitants of Lot 15, aid to road; from inhabitants of Abraham's Village, Lot 15, aid to construct a bridge; from inhabitants of Egmont Bay, aid to the destitute family of Zacharias Cormier; from inhabitants of Miscouche and vicinity, on behalf of the destitute family of Casimir Perry; from John McIntosh, Lot 14, for remuneration for services as Courier; from inhabitants of Fifteen Point and vicinity, praying for the establishment of a Post Office. By the Hon. Mr. Wright—from inhabitants of Rustico and New Glasgow, for the establishment of Buoy and Beacons in Rustic Harbour; from inhabitants of Tignish, for aid to Library; from inhabitants of Lots 23 and 24, and others, praying for the establishment of a Post Office near Wheatly River Bridge; from inhabitants of Surlottown and vicinity, Lot 27, praying for the establishment of a Post Office near the Hon. Mr. Wright's. By Hon. Mr. Walker, from inhabitants of St. Peter's Road and vicinity, for aid to a road; from settlers on Little River, Lot 46, praying aid to open a road; from inhabitants of the west section, St. Peter's settlement, for grant to open a road; from inhabitants of Lot 43, south side, for grant to open a road; from inhabitants of Friston Road and vicinity, for grant to repair a road; from John Brown, Little River, Lot 56, praying aid. By the Hon. Attorney General, from the Charlottetown Gas Company, for alterations in their Act of Incorporation.

The Bill to prevent frauds by Secret Bills of Sales was re-committed and agreed to, with amendments. The Act relating to Buoy and Beacons was read a second time.—Adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, February 28.

The Light and Anchorage Duties Bill was read a third time and passed.

Mr. Munro presented a petition from Ewen McLeod, Keeper of Point Prim Light House, praying for remuneration for the services of an Assistant. Referred to Committee on Light Houses.

Mr. Munro presented a petition from inhabitants of Murray Harbor road, praying for a grant to complete a new line of road from the Murray Harbor road to the County line. Referred to Committee on the opening of new lines of road.

The Bill to continue the Act relating to the laying down and maintenance of Buoy and Beacons was read a second time—committed to a Committee of the whole House, and agreed to therein. Ordered to be engrossed.

Mr. McGill presented a petition from inhabitants of Tracadie, praying for the establishment of a Post Office. Referred to Post Office Committee.

The following road petitions were presented and laid on the table. By Mr. McGill, from inhabitants of Bannockburn, Lot 31; and one from inhabitants of Tracadie and its vicinity. By Mr. Wightman, from inhabitants of Lots 51 and 52.

Mr. McGill presented a petition from Pierce Doyle and John McAtee, praying to be reimbursed for losses sustained by them while running a ferry boat on the Charlottetown ferry last summer, for the accommodation of the public. Laid on the table.

Hon. Mr. Mooney presented a petition from Noel Louis and three other Micmac Indians, praying relief. Laid on the table.

The Bill to facilitate the performance of the duties of Justices of the Peace in certain cases, was read a second time, committed to a Committee of the whole House, when several clauses were agreed to therein, and the Committee rose and progress was reported. The House then adjourned, and having met, the House again went into Committee on the foregoing Bill, and after a short time, the Committee again rose, and progress was reported.

DEBATE ON MR. HAVILAND'S MOTION FOR THE PRODUCTION OF SIR GEORGE GREY'S DESPATCH.

Mr. HAVILAND, agreeably to notice, would ask the Members of the Government to submit to the House the whole of the Despatch from the Right Honorable Sir George Grey, dated the 17th November last, communicating the intelligence of the Royal Assent having been withheld from the Rent Roll Tax Bill and the Tenants' Compensation Bill.

The Hon. COL. SECRETARY said, that the Government considered that he had submitted all of the Despatch which was conducive to the object of laying before the House the reasons which had influenced the Imperial Government in refusing the Royal allowance to the Bills in question.

Mr. HAVILAND would, in that case, move for a Committee to prepare an Address to His Excellency the Lieut. Governor, requesting that His Excellency would be pleased to furnish the House with a copy of the entire Despatch.

Hon. Mr. WHELAN.—What object is to be gained by the motion?

Mr. HAVILAND.—The natural inference to be deduced from the fact of an extract only having been sent down is, that there is something in the Despatch which the Government do not desire to have made public.

Hon. Mr. PALMER was but lately aware that the motion would be made, and while he would vote for it, he did not think it right to give a silent vote, as he could imagine no good reason for withholding any portion of a public Despatch, on which an important discussion would probably arise. Such being the case, it was but right that the country should be put in possession of the whole contents of the Despatch. That House and the Country could not fairly deliberate on documents, extracts of which had only been submitted to them. Without hazarding any opinion as to the probable nature of the portions withheld, he could apprehend no reason why the Government should refuse to lay before them any part of a public Despatch. Once it would have been considered by certain parties highly objectionable to submit parts, instead of the whole of a Despatch. Often had he heard on the floors of the House expressions of the hope that the day would come when there would be no more keeping back of Despatches. He had listened to strong observations

as to the improper treatment of the House by such a course, as they had a right to be furnished with all documents of a public nature affecting their proceedings. Great merit was claimed by his supporters for the late Lieut. Governor, on account that he had stated that he would hold no communication with the Colonial Office by the mode of private or secret Despatches—that the communications between Sir Alexander Bannerman and the then Colonial Secretary were to be open and above board. Those sentiments were hailed by his supporters with great approval. Now, however, when we are under a system of Responsible Government, the Government brings down a mere extract, which, for all we may know to the contrary, may be the smallest and least important part of the document, and the country might receive more instruction from the part which has been withheld than from that which has been transmitted. He had not come here for the purpose of supporting the resolution, personally he had nothing to gain by the motion, if it was carried; but he wished to see the actions of members of the Government to some extent consistent with their professions. The House had been told that they must not suppose the Lieutenant Governor's speech would shadow forth any Government measures to be introduced to the House—that the fewer Government measures introduced into the speech the better. So that it was considered the best way to let the measures of Government find their way here as they best could. It may be perfectly consistent with such a policy to send us mere extracts of Despatches, and if this system is allowed to continue to the end of the session, Responsible Government is merely a dream. Such being the case, in order to ascertain what are really the principles which the Government mean to adopt towards the House, he would vote for the motion.

Hon. COL. SECRETARY.—Mr. Speaker, the hon. member for Charlottetown should at least concede to others the privilege of changing their opinions which he claims for himself. It is not very long since he was in the habit of opposing applications to have documents submitted to the House, but to night he has assumed that the minority have the right to have anything they choose to ask for brought down. A strange doctrine indeed! Sir, the Government is responsible to the majority, not to the minority of this House; to the majority only are they responsible for the production or withholding of any communications. There is nothing in their opposition to the present motion inconsistent with Imperial practice. As to the Despatch in question, the House are in possession of all that is applicable to the refusal of the royal assent, and consequently all that is requisite to enable them to form an opinion of the conduct of the Imperial Government in disallowing the Bills. It may be that the late Lieut. Governor had declared that he would hold no communication with the Colonial Office by secret despatches, but there may frequently occur cases in which the public interests would materially suffer by the communication of despatches. We see that reason assigned constantly by members of the Government in the British House of Commons, for refusing to accede to motions for the production of papers. With respect to the allusion of the hon. member as to the remark in my hon. friend's (Mr. Whelan) speech, in moving the Address, that it was not necessary to indicate proposed Government measures, I can only say that the Queen's Speech at the opening of Parliament only mentioned two. The minority had gathered their forces to-night, knowing that some of the majority would be absent, yet they would find that the Government would not submit to their dictation, and would not produce more of the Despatch than they considered requisite.

Hon. Mr. WHELAN.—I feel compelled, Mr. Speaker, to resist the motion of the hon. member for Georgetown, because there is every reason to believe that it is based on motives of factious hostility to the Government. Feeling convinced that the Government has communicated all of the Despatch which it concerned us to be made acquainted with, the motion is unnecessary; were the case otherwise, I doubt not that His Excellency would have given us the whole Despatch. It may be convenient for the hon. member and his supporters in this House to taunt me with having changed my opinions. I can tell those gentlemen that my opinions are unchanged. I am indeed surprised to hear it announced that I have changed my opinions, because the time was when I may have enlarged on the evil of withholding entire Despatches and carefully avoiding the enunciation of any Government measures. Sir, they who make that charge should know better. Is it necessary to announce in the Speech from the throne every measure which the Government may contemplate introducing? If the Opposition answer in the affirmative, I tell them that they take a view of the duties of Government which is not held in Great Britain or any of the Colonies, and which has no more connection with Responsible or any other system of Government that I am aware of than I have with the man in the moon. If the minority say that it is the duty of the Government to produce any documents they may call for, they may claim the right to have every line of every Despatch submitted to them. Why, Sir, under such a system the power of the minority would be unchecked, and the Government would become a mere nullity. I feel, Mr. Speaker, great pleasure in resisting the motion, because I believe, as I said before, that it arises from factious motives; and the minority, thinking some reflection on members of the Government may be contained in the Despatch, hope to gratify private feelings by creating the impression throughout the country that such is the fact.

Hon. Mr. MONTGOMERY.—The Despatch, Mr. Speaker, is public, and the reasons alleged in it are, no doubt, based upon public grounds. It should therefore, Sir, in my opinion, be laid before the House. I hope it will be. Hon. members have a right to move for a Committee to prepare an Address to His Excellency, praying that he will be pleased to furnish us with the whole document. Such a course has been frequently adopted, and I for one can see nothing improper in it.

Mr. COOPER.—Mr. Speaker, on looking over the Speech of His Excellency the Lieut. Governor, I was led to believe that entire Despatches, not mere garbled extracts, would be laid before the House. The reference to the practice of the British Government is of no weight here. The Government of Great Britain has intimate and most important relations with other countries, and the state of those relations may often render the production of public documents not only prejudicial to the public interests, but destructive of international negotiations, affecting the peace of the world. Here we have nothing of the kind, and I repeat that we should not be content with garbled passages.

Mr. DOUSE.—Mr. Speaker, I have listened to the remarks of the hon. member (Hon. Mr. Whelan), and I have yet to learn why a public Despatch should be withheld from this House. I can tell that hon. member that I can find my

way to Downing Street, and there not only see the Despatch, but actually find it printed. I should be wanting in my duty, Sir, as a representative of the people, if I did not vote for the production of a public paper.

Hon. COL. TREASURER.—Mr. Speaker, I have frequently heard of the influence of the proprietors, but have never seen so plain a declaration of it as now. Lord Palmerston is connected with them. If the hon. member, Mr. Douse, has so much influence at Downing Street as to obtain copies of Despatches to the Colonial Governors, let him exert it. It may be that some of the understrappers at the Colonial Office have given copies of Despatches to parties. If such is the case, if the Colonial Governments are to be treated on that principle, it is high time it should be known. The Governor has sent down all of the Despatch which it was necessary for the House to have before them.

Hon. COL. SECRETARY.—Mr. Speaker, it may be as well to test the influence of the proprietors on this question. It may be that such men as the hon. member, Mr. Douse, may have influence with some of the underlings at the Colonial Office, and that he might go there and say, "show me the Despatches about the doings of those rascals in Prince Edward Island." The present may be a good time to try their strength. But, Sir, even if the motion be carried, I will not advise His Excellency to send down the Despatch, if he deems he has given the House sufficient information in the extracts submitted. Why, Sir, the Members of the Executive Council have no right to demand that the Lieut. Governor should lay before them every document he may receive from the Colonial Office. Such a claim would be a practical tyranny on the Lieutenant Governor. I consider the motion an improper one, and I can never acknowledge the right of the House to demand that every Despatch be submitted to them.

Hon. Mr. LONGWORTH.—Mr. Speaker, I consider that the Government are guilty of tyranny in only giving us garbled extracts. Why do they not submit the whole of the Despatch? Why are we to have a mere extract? I do not deny the right of the Government to withhold any part or the whole of a private Despatch; but, Sir, I consider that under Responsible Government a public Despatch is public property. Is it withholdable for the purpose of smothering up something objectionable to the Government?

Hon. COL. SECRETARY.—No.

Hon. Mr. LONGWORTH.—It must be so. Four or five years ago the hon. member, Hon. Mr. Whelan, would not have argued as he has done to-night. There is no longer a House of Assembly. At present whatever is decided on in the Executive Council, is agreed to in the House. The Governor and his Council may do as they like. They are as despotic as the Czar of Russia. It is indeed extraordinary that we should not get the whole of the Despatch.

Mr. HAVILAND.—Mr. Speaker, labouring as I am under a severe cold, I cannot treat this question as fully as I otherwise would, or as its importance deserves; but I must express my surprise that such arguments should have been made use of to defeat the motion, under Responsible Government—a system which was to operate as a breakwater between the people and Her Majesty's Government. No doubt the Government may rely on the fact that they have a majority, but the side that is uppermost to-day may be down to-morrow, and the majority have no right to ride rough-shod over the minority. What is the presumption from the opposition of the Government party in this House to the motion for a Committee to prepare an Address? Why not allow the refusal to come from the Lieut. Governor himself? I trust, Sir, that there will be found sufficient good sense in the House to sink all party feeling on a question of this nature, and to make common cause in asking for that which we are entitled to receive.

Hon. Mr. MOONEY thought there were before the House all the documents required. There was no trace in the Journals to shew that when the Opposition were in power they yielded to the minority of the day. There was no desire on the part of the Government to withhold any information of use to the House. As far as he was personally concerned, he thought there was enough to shew the under-current which was at work against the people of the Colony.

Mr. DOUSE referred to the statements of the Hon. Col. Secretary merely to shew how ignorant that gentleman was of the mode of doing business at the Colonial Office. There every public Despatch is printed in full, and is considered public property. No member, desirous of doing his duty to his country, can refuse his support to the motion. He spoke thus plainly in order that his sentiments and those of his colleague's on this question might go forth to their constituents.

Hon. Mr. WHELAN.—Mr. Speaker, it is my intention to vote against the motion if it shall be pressed to a division. We have been told that we should comply with the demands of the minority. Most puissant minority! This question is to be made a trial of strength between the Government and its opponents. This is a legitimate inference from the unusual numbers of the minority in their places to-night. They ask for the Despatch, not because they want it, not that they believe the portion not communicated would be of the slightest service to them, but solely that they may endeavour to wrest the reins of power from the present Government. The hon. member who had moved the resolution had complained of suffering from a cold. In that complaint, I sympathise with him, but his malady had not prevented his dilating on the liberties of the people and deprecating the action of party feeling. Sir, did that hon. member sink party feeling himself? Did not his very motion tend to provoke a discussion which would naturally give rise to party feeling? I conceive it to be an essential principle of Government, that the Lieut. Governor and his Council are the sole judges of what should be communicated to this House, to which the Council are responsible for the exercise of a proper discretion. If, Sir, I were as unconnected with the Government as any other member of this House, I would, on this question, support the course pursued by the Government in withholding what they deemed it unnecessary to communicate. The hon. member has decried about his and his party's regard for the liberties of the people, but the votes recorded on many pages of the Journals will afford conclusive indications of the different opinions and views of the party at present in power and of their opponents. I have no fear but that justice will be done to my conduct in voting as I shall, when I know that the object of the motion is not to obtain information, but to take advantage of this opportunity to place the Government in a false position, in the absence of some of its supporters, while the opposition are in full force.

Mr. HAVILAND denied that he had brought forward his motion from any factious motives. Does the hon. member suppose me so foolish as that I imagine that the defeat of the Government on one solitary motion of this nature would lead