

Mr. Macintosh. I am of opinion that this question should not have originated with us. It is one upon which we ought not to take action, until called upon to do so, either by petitions from the people, or by a representation from the Legislative Council themselves. That the people do not require it, is manifest from their never having either petitioned the House in favour of such a provision, or urged any of their representatives, individually, to move for it in the House. And, that the contemplated pay is undesired by the Council, we may very fairly conclude, from the fact that they have never, in any way, intimated their desire for it. I shall, therefore, vote against the resolution; and continue to oppose the introduction or progress of any such measure, until I shall be instructed to pursue a contrary course by my constituents.

Mr. Le Lacheur. I will be very brief in my remarks. It does not require the eye of Argus to discover the real motives for the introduction of this resolution at the present time. In my opinion, unsettled as is the present state of the political atmosphere, the Council ought to be left in *statu quo*. The proposed measure might be productive of good, if introduced at a proper time, and then followed up in a proper manner; but I very much doubt the sincerity of the parties advocating its expediency at the present moment. I think I can perceive, that an admission of the principle is all that they require of us just now. But, let us grant so much, and who can say where the application of it will stop? A little and a little will be obtained, till the whole barrier be thrown down, and provision be made for the payment of the whole Council, be they chosen from whatever part of the Island they may. It is a proposition to introduce a system that does not obtain elsewhere: it is suddenly brought on, and I do not feel at liberty to support so important a measure without the express approbation of my constituents. If I knew that they approved of it, I might waive my own individual objections; but, as things are, I shall give it my decided opposition.

Mr. Clark. I do not approve of voting money out of the people's pockets, without asking their consent. In this respect, I cordially agree with what has fallen from the hon. member for King's County (Mr. Le Lacheur); and, besides, I am very far from being convinced that, if the principle be brought to bear, it will have the effect of bringing together a selection of members preferable to those who now constitute the Legislative Council. I care not where members of the Council reside, so long as they have the interests of the Colony at heart. I am not convinced of the policy of the measure; and shall, therefore, oppose it.

Mr. Whelan. I am not prepared to support the motion, because, on many accounts, I think it unnecessary and uncalled for. I would oppose it for two reasons, if for no other. First, because the members of the Legislative Council are content to perform the duties of their office without pay; as is evident from a consideration of the fact, that they have never made any complaint or representation to this House, intimating a desire for it; and, secondly, because the resolution contemplates an unfair application of the principle it embodies, having for its object the provision of legislative payment for such members of the Legislative Council only as may reside at 20 miles, or upwards, from Charlottetown, whilst such of them whose homes may be 15, 16, or 19 miles distant from the seat of legislation, are to be regarded as without the pale of the measure. I think the hon. mover might, with sufficient consistency on his part, have brought the whole of the Legislative Council within the scope of his resolution; for, in my opinion, it would be quite as unfair to pay a part of them and not the whole, as it would be to draw a line of distinction between such members of this House as reside in the Country, and such of them as reside in Town, assigning pay to the former and withholding it from the latter. But it has been said, by the advocates of the resolution, that those Legislative Councillors who live in the vicinity of Charlottetown, are gentlemen possessing considerable private fortunes; and, that, therefore, they would not condescend to receive any remuneration, at our hands, for their legislative services. This, Sir, I contend, is most absurd reasoning: it is a mere begging of the question. The time of gentlemen of independent means, may, in their own estimation, be quite as valuable, as those in more limited circumstances may hold theirs to be. Besides, I think, the contemplated measure, if passed here, is one which would be unfavourably received by the Home Government; and I cannot, for the life of me, understand why it is now introduced, unless I may be allowed to suppose that the supporters of it hope, by carrying it, ultimately to strengthen their party by securing a concurrence in their views in another branch of the legislature. I know of none amongst the Legislative Councillors, who have threatened to resign their seats because they receive no pay, and there never have been, before the Assembly, any statements from the other House themselves, suggesting such a provision, or petitions from the country, praying for such a measure; I shall, therefore, give the resolution my decided opposition.

Mr. N. Conroy knew several individuals who had declined seats in the Legislative Council on account of the expense. The hon. Mr. Warburton, for one, had, he believed, done so; and, if he could not afford to accept a seat, he knew not who could. I have also, (pursued the hon. member,) heard that Mr. McGowan and Mr. Green both excused themselves on the same account; and, in fact, I know none in the Country who

can afford, out of their own pockets, to bear the expenses consequent upon the occupying of seats in the Council. I shall, therefore, support the motion, thinking His Excellency should have the whole scope of the Island to choose from.

Dr. Conroy. When I call to mind the complaints, which have frequently been loudly uttered in this House, against the legislative body at the other end of the building, on occasions of their opposing the views of the Assembly; I am surprised at the opposition offered to the measure contemplated by the resolution now before the committee. The frequent opposition of the Legislative Council to measures, approved of and recommended by this House, arises, in all probability, from the members of that body not residing in the country, and their consequent ignorance of its local requirements. It is notorious that, when they have interfered with our appropriations—which at times they have unwarrantably done—the country has loudly complained. I admire what has fallen from the hon. member, Mr. Whelan. He has spoken fairly and manfully; and not like some who seem afraid to do so, and who only snarl instead of speaking out, though, at other times, they are sufficiently fluent, so far as it respects words, however little sense they may convey. The making of laws should be entrusted only to men who can perceive the necessity which exists for their enactment. I contend, Sir, that gentlemen, not many years resident in this country, and who have passed that time in Charlottetown, or its immediate neighbourhood, are not likely to be well acquainted with the wants of distant parts of the Island; neither can they be competent judges of the motives by which we may be influenced in the making of general laws. If the House refuse to pay the Country members their expenses—the payment of which is all that is contemplated—we cannot expect their services. Mr. Whelan has said, that if it be right that some of the members should be paid, all should be paid, and that, as in this House, no distinction on that score, should be made between those who reside in or near to the Town, and those who reside in the country. With this view of the question I cannot agree; because those in affluent circumstances may be willing to serve the country solely for the sake of the honor it confers, and as a means of filling up their leisure in a pleasant way; to which end, they may, sometimes, be seen coming down to the House to enquire what we are doing, or to talk about our homespun dresses; after which they can go to prayers, read the journal of the previous day, and then adjourn till the following. A properly constituted Legislative Council ought to consist of men possessing sterling stake in the country, and not of such as, like birds of passage, are here to-day and gone yesterday, as Paddy says; but who are bound up with the best interests of the Colony, its soil and agriculture. It has been stated that the Hon. Mr. Warburton and others declined becoming members on account of the expense. The statement, I believe, is fact; and, trite as the saying is, that facts are stubborn things, it ought to influence our votes upon this question. I think that such Legislative Councillors as reside in or near Town, ought not to be paid; as, independent of pay, there are other considerations sufficient to induce them to set considerable value upon their seats; one of which is, that they are not like us, subject to the control of the people, but can retain their seats, whether the popular voice be with them or against them. I shall give the resolution my firm support, believing, as I do, that the amount of the provision required is nothing in comparison with the advantages which would result from the change it would be the means of effecting.

(To be continued.)

THE EXAMINER.

SATURDAY, FEBRUARY 26, 1848.

[From our Supplement of Tuesday.]

PARLIAMENTARY PRIVILEGES.

On Friday evening (18th inst), Mr. Palmer, from the Committee appointed to search for precedents, confirmation of the declaration of the House vacating Mr. Warburton's seat in the Assembly, on account of his provisional appointment to a seat in the Executive Council—presented their Report, which was received, and, afterwards referred to a Committee of Privileges, consisting of the whole House.—This Report is of very considerable length, and comprises a number of citations of cases—supposed, by the reporting committee, to be similar to that of Mr. Warburton—selected from records of parliamentary decisions, &c., and from such authorities as treat of the rights and privileges of the House of Commons. The cases adduced as precedents in the Report, we, nevertheless, maintain do not, even in a single feature, resemble that in question. They, indeed, shew that the House of Commons have long claimed and exercised a right to be the sole judges of their own elections and returns, as well as of every thing affecting their own peculiar and constitutional privileges. They do not, however, demonstrate their infallibility—they do not prove that they "can do no wrong." And, had our "constitutional lawyers" pursued their investigation a little further, we opine, they would have found it fully admitted, that the House of Commons not only may, by possibility, abuse their privileges, but that, in many instances, they have exercised them most unconstitutionally, for the subversion of the rights and liberties of the people; and what, we think, would have surprised these precedent-seeking

scribes, they would also have made the discovery, that the Royal Prerogative can be promptly brought into action for the correction of an abuse of parliamentary privilege—and that, not only as respects the House of Commons, but as respects every Colonial House of Assembly in the empire.—True it is, as was asserted by the Speaker, the House of Commons, as likewise any Colonial House of Assembly, have it in their power, by a majority of their votes, to expel a member either for any fault or no fault at all. Yes, as the Speaker observed, they may, if they choose, expel a member for no other reason than because the majority of the House are of opinion that he has "an ugly face," or—as strictly pursuing his own elucidation of the subject—because they entertain a decided dislike to his political features or character. This, the Speaker's last supposition of absurd and unjustifiable causes of expulsion from the popular branch of a British Legislature, comes very near, we cannot but observe, to a confession—which might be made by the Speaker of a certain House of Assembly, in a Colony not a thousand miles distant from the celebrated Island of Lilliput—of certain acts of political guilt perpetrated by himself and his *ten aids*; and forcibly reminds us of the veritable saying, that "truth always sits upon the lips, and is ever ready to fly off before we are aware." It may be dangerous to say so; but we cannot, for the life of us, help thinking that a knowledge of the political features of the hon. gentlemen, Messrs. Coles and Warburton, may have had more to do with their expulsion from the Assembly, than any consideration of, or regard for, the liberties and privileges of the people. This, however, we are not only bold to assert, but well-prepared to maintain: The Unitarian majority of the Assembly, whilst pretending to be solely governed by a tender regard for the Constitution, and an anxious concern for the rights of the people, have partially disfranchised, by their most questionable decisions, two constituencies of the Colony. In endeavouring to free himself and his pack from the odium cast upon them by this accusation, the Speaker, according to his usual mode of *finesse*, endeavours to put the public upon the wrong scent. He admits the fact of the present partial disfranchisement of two Electoral Districts, but denies that he and his majority—"Caesar and his Senate"—have, in any way contributed to the wrong. According to his version of the origin and existence of the wrong, ex-Governor Huntley was the *accoucheur* who brought it to the light; and His Excellency Sir Donald Campbell, unhappily for himself, and still more unhappily for the Assembly, has, by his tender treatment of the evil, prolonged its existence, having, unfortunately, but perhaps naturally, taken up and acted upon the opinion of the Law Officers of the Crown, supported by a majority of his constitutional advisers. Warily as Mr. Pope has pronounced this condemnation of Sir Donald, dull indeed must be the perception of that man, who cannot see that the *Parliamentary Oligarchy*—the scions and tools of the old Family Compact—are preparing, in the event of a strict preservation of independence and a conscientious regard for constitutional landmarks, on the part of His Excellency, to denounce him before the country, and throw down to him the gauntlet of defiance, as they did to his immediate predecessor.—As we have already hinted, we are aware of the danger we should incur, by attributing any thing like improper motives to the rampant and ruling party in the Assembly; and, therefore, in entering upon and prosecuting our enquiries touching the political wrong or grievance which now affects, not only two constituencies, but, in fact, all the constituencies in the Colony—we shall set before our eyes, and constantly keep in view, the punishment which may be inflicted upon any rash and venturesome wight who, by means of too censorious a pen, may be guilty of a breach of parliamentary privileges.

A few words more, and for the present we will drop this subject. We candidly admit that the House of Commons, and even its Lilliputian resemblance, the Assembly of Prince Edward Island, may, by an indiscreet exercise of their privileges, arrive at, and act upon conclusions to the abasement and subversion of all the powers of reason, law, and justice. Their resolutions and their acts may exhibit more of malice than integrity; and, as was shewn by the Speaker himself, he and two other members of the Assembly might, during a legislative vacation, vacate the seats of every member opposed to them—provided they could find a Governor admitting with them that his functions are merely ministerial and not judicial, and ever ready to obey their mandatory notices. But to imagine that such a Governor could be found, would amount to the belief, that the selection of men to be appointed Governors of British Colonies, is occasionally made from amongst the most afflicted inmates of Lunatic Asylums; whereas, we are certain that—although very serious mistakes have occurred with respect to the character and abilities of men to whom has been entrusted the administration of Government in some of the British Colonies—the Imperial Government, at the present time, are especially careful to entrust the promotion of the well-being and prosperity of the Colonies, to none but men of prudence, understanding and wisdom: and such a one, we trust, has, for a time, been appointed to rule over us in the person of Sir Donald Campbell. Seemingly admitting, with us, the power and privileges of the House of Commons and Houses of Assembly, to the most extravagant extent ever claimed or exercised by them; His Excellency—as his acts make it evident—is decidedly of opinion, as we are ourselves, that, though the Assembly may, at