

# 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.

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## HOUSE OF ASSEMBLY.

FRIDAY, March 8.

### DEBATE ON THE AMENDMENT TO THE ADDRESS.

MR. COLES'S SPEECH CONTINUED.

In remarking upon the third paragraph of the Despatch, which states that "Her Majesty's Government is prepared to surrender the Revenues derived from the Spirit Duties, and sale of Crown Lands, and Quit Rents, when they revert to the Crown, to the control of the Legislature, on the reservation by permanent Law, of a Civil List, for the year 1849; and that they had also, in an Address to the Queen, assured Her Majesty of their willingness and desire to make a permanent provision for the payment of an adequate Civil List, upon the surrender by the Imperial Government to the Colonial Legislature in perpetuity of all claims to Permanent Revenues, Quit Rents, and Crown Lands, and acceding to the establishment of a sound system of Responsible Government, applicable to the wants and circumstances of the Colony; and this assurance of their predecessors, he believed, the majority of the present House of Assembly, were fully prepared to make good as soon as ever the concessions, sought to be obtained by the minority of the late House, should be made to the Colony by the Imperial Government; but not till then. Surely it was no more than just and reasonable that the people when called upon by the Imperial Government, to defray their Civil List, should, though their Representatives in Colonial parliament, be allowed to determine what salaries would be an adequate recompense for the performance of the duties connected with the several subordinate Government appointments. So long as such salaries were defrayed by the Imperial Government, they had a right to make them as large as they pleased. But the moment the burthen was thrown upon the Colony, the amount of salaries to be granted in future, could, in justice, be determined only by the decision of the Representatives of the people. And this was fully admitted by the noble Secretary in the seventh paragraph of the Despatch, wherein he says: "The amount of this proposed Civil List Her Majesty's Government are prepared to leave wholly to the direction of the Legislature. They consider the question of the salary to be attached to any particular office under your Government, paid from Colonial funds, as one which belongs to that body in the stage now reached by the community of Prince Edward Island." Here, said the hon. member, we have fully conceded to us the privilege for which, on this point we contend—the right to determine the amount of Civil List to be paid by the Colony. How absurd, contradictory, and shuffling, is it then, in an antecedent paragraph to insist that, previously to the surrender to the Colony of the Crown Revenues, the Legislature shall establish a permanent Civil List: that is, that the Imperial Government, and not the Representatives of the people of Prince Edward Island should be constituted judges to decide the question of its adequacy or inadequacy; for, should it appear to them to be insufficient, they would at once refuse to perform their part of the compact; and in the mean time, during the pendency of the question, the Legislature, as in the session of the last year, would be required to prepare a Bill authorizing a grant for the payment of the Civil List for the ensuing year. Were the Legislature, continued the hon. member, in observance of the demand contained in the third paragraph of the Despatch, to agree (as might be suggested by some) to act so tamely and submissively, as annually to make provision for the defraying of the Civil List, until the Imperial Government and they could agree as to what amount should be considered an adequate permanent provision; it would not, he thought, be unreasonable to expect that—as the introduction of Responsible Government into the Colony, was to be made dependent upon the settlement of the permanent Civil List to the satisfaction of the Imperial Government—the long suspense might give the old obstructive party an opportunity to attempt—and perhaps successfully—to represent the present liberal majority in the House, as a set of fellows who have deceived the country by false promises, who were incapable of effecting any good for the Colony, and who were altogether unworthy any longer to enjoy the support or confidence of the people; and so they might again firmly re-establish themselves in the exercise of that power (now almost destroyed) to legislate and rule for the benefit of one class, to the detriment of all others, as for a long succession of years they had done. This by the way; but he was very far from anticipating so disastrous an issue to the contest:

he fully relied upon the good sense and spirit of the liberal majority of the House, either at once to achieve a victory, or failing in that, to retire from the conflict in such a manner as would fully evince their disinterested devotion to the best interests and well-being of the Colony; leaving the Government without the annual supplies, to manage the affairs of the Colony as they best could, with nothing to depend upon but the Crown Revenues. The ninth paragraph of the Despatch is as follows:

"But Her Majesty's Government feel it their duty not to assent to any terms which shall involve substantial injury to existing holders of office. The case of the Chief Justice appears to be one in which they are bound to recognize a strong subsisting claim on the Crown Revenues; a claim which it is impossible in justice to disregard. The gentleman has been for more than twenty years in the public service: he states that he has recently surrendered £100 a year for the furtherance of a measure for the better administration of justice in the Island. And independently of these peculiar claims to consideration, he has for many years been maintained in the receipt of the present salary from Parliamentary sources, and has therefore had every reason, short of an actual pledge to the public faith, to expect its continuance. It is therefore impossible for Her Majesty's Government to surrender the Crown Revenues, unless the Chief Justice's present salary be secured to him by permanent law, so long as he shall continue in office, or unless some arrangement satisfactory to himself should be made respecting a retiring pension."

After the hon. member had read this paragraph, he said, that were the Chief Justice's claim on the Crown Revenues, (which he recognized as a claim that it was impossible in justice to disregard,) the only one for which they were required to make provision by permanent law, none, he believed, would be found to object to the very strong and urgent recommendation of the noble Secretary to that effect: but he was by no means prepared to admit that, with any show of justice, it could be maintained that it was necessary to manifest the same liberality with respect to the interests of other office holders in the Colony. Their claims differed widely from that of the Chief Justice: he came out to assume the office of Chief Justice, with a salary of £700 sterling a year; but as respects other public officers, some of them came out to the Colony without any appointment at all, and the first they obtained were paltry and insignificant; although they had risen at length to offices of very considerable emolument. The Chief Justice, like all other British Judges, was clearly entitled to the full amount of his salary, if not for life, at least so long as he should continue in office: but he (the hon. member) thought that, in his memorial to Her Majesty's Government, he should have taken no merit to himself for the surrender of £100 a year for the furtherance of a measure for the better administration of justice in the Island. When an office holder was relieved, if not altogether, yet in a great measure, from the performance of the duties of his office, in consequence of the obligation to discharge the whole or principal part of them being imposed upon another; surely he could not, in justice, think himself as well entitled to the full amount of the salary attached to his appointment, as when its duties were discharged by himself alone. The salaries as fixed by the late House in their last Session, for the year commencing 1st April, 1849,—being £200 currency for the Attorney General; £150 currency for the Colonial Secretary, Registrar, and Private Secretary; £100 currency for the Surveyor General; and £90 currency for the Clerk of the Crown,—were amply sufficient; although it appeared some of these gentlemen had memorialized the Imperial Government, alleging their insufficiency. If some of these salaries appeared small, it ought to be remembered that they were greatly augmented by the fees of the office. The fees of the Attorney General had of late been increased £300 per cent. As for the Surveyor General, who was one of the complaining memorialists, and who had received his appointment almost solely on account of the consideration that the office had been held by his grandfather, his uncle, and his father—a consideration absurd enough—he never executed a Survey for the Government, or supplied either it or the Legislature with a Plan, without making a very sufficient charge for the service. The fees of the Clerk of the Crown annually amounted to so considerable a sum, that in consideration of that fact, as was pretty well known, the gentleman at present holding the appointment had paid his predecessor upwards of £1000 for vacating it in his favour. As to the Colonial Secretary, he (the hon. member) thought he

ought to be the very last of the Government officers to complain of the amount at which his salary was fixed. Originally, the salary of the Colonial Secretary was £150 sterling, and the fees of office so inconsiderable as to be scarcely worth taking into account. In process of time, however, with the increase of the population of the Island, they grew and were augmented so considerable, that at length, in the year 1840, the Legislature deemed it advisable for the interests of the Colony, to grant the Colonial Secretary a certain fixed salary in lieu of all the fees of office which were, in future, to be paid by him into the Colonial Treasury. The salary, which had been originally, as he had already stated only £150 sterling, was—after the Colonial Secretary had been allowed, for several years, the full receipt, in augmentation of his salary, of all fees of office—fixed by Law at £400 currency, per annum. When the great advantage which had been so long enjoyed by that officer of Government were fully estimated and impartially considered, it would be quite evident, he (the hon. member) thought, that of all the public officers the Colonial Secretary had the least reason to complain of, or memorialize against the reduction of his salary. Had the Blue Books been honestly filled up as they ought to have been, and both salaries and fees of office of the several Government officers, fairly and justly stated therein, there would have been no occasion for the noble Secretary, Earl Grey, to complain—as he indirectly does in the eleventh paragraph of the Despatch which he (the hon. member) was then reviewing—of his "scarcely being able to give positive directions respecting the emoluments of our public officers, without a fuller knowledge of their respective cases than he possesses." With this information, observed the hon. member he ought to have been fully supplied by the Blue Books. With respect, however, to the claims of the Chief Justice, the Attorney General, the Colonial Secretary and Registrar of Deeds, the Surveyor General, and the Prothonotary and Clerk of the Crown, upon the Crown Revenues, he (the hon. member)—notwithstanding the difficulty experienced by the noble Secretary as to the extent to which the Legislature ought to consider those claims upon the Crown Revenues,—was quite willing, so far as his own voice went, to yield up the whole of them in consideration of those claims; if by such relinquishment on the part of the Legislature, it should be agreed that those claims were to be considered as for ever fully satisfied. After the allowance of £1000 currency a year should be made to the Chief Justice he was, however, afraid that there would be little left for the other claimants on those Revenues.

The hon. member next considered the meaning of the thirteenth paragraph, in which Earl Grey says:

"When these questions are settled, Her Majesty's Government will be prepared to surrender the Crown Revenues to the Colonial Legislature. Nor does it seem necessary that an arrangement made for this purpose should be abandoned because the establishment of what is termed 'Responsible Government' does not take place at the same time."

This paragraph, said the hon. member, was regarded, he believed, as a complete stopper to any further attempts of the Liberal Party for the practical introduction of Responsible principles, until an adjustment shall have been made in the Civil List compact, to the satisfaction of Her Majesty's Government respecting the existing claims of certain Government Officers. The interpretation put upon the paragraph by the obstructive party, he did not admit to be—in its full extent—the true one. The noble Secretary had not, by any means, said in that paragraph, that the Colony should not have Responsible Government until the adjustment of those claims to the satisfaction of Her Majesty's Government; and, whatever was contained in that paragraph adverse to the immediate introduction of Responsible Government, the noble Secretary had himself completely neutralized by his sentiments as expressed in the seventh, eighth, and eleventh paragraphs of his Despatch; and if the Liberal Party continued firm in their assertion of the political rights of the people, they could not fail to obtain a speedy recognition of them by the Imperial Government. The hon. member then read the fourteenth paragraph of the Despatch as follows:

"I propose for the present to advise Her Majesty to decline complying with the prayer of the Address of the Assembly of the 17th of March last, that the system in question may be brought into immediate operation in Prince Edward Island. I retain the opinion, the grounds of which were fully expressed in my Despatch of 1st January last—namely, that the Colony has not yet reached that stage in its progress which render