

The Examiner.

AND SEMI-WEEKLY INTELLIGENCER.

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

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HOUSE OF ASSEMBLY.

MONDAY, April 29.

HOUSE IN COMMITTEE OF SUPPLY.

CIVIL LIST.

Mr. FRASER rose and moved a Resolution to provide for the payment of the Salaries and Allowance fixed by the Civil List Bill.

Mr. COLES observed, that as the Public Officers, whose Salaries were fixed by the Civil List Bill, would not be entitled to those salaries until the Bill should have become Law by having received the Royal allowance, it would be premature to make any appropriation on that account. Should the Bill receive the royal allowance, the people would have all that they desired with respect to a change in the form and principles of the Government; and then, in another Session, which might very probably be in June, it would be the duty of the representatives of the people not only to provide for the payment of the salaries on the Civil List, but to proceed fully to dispatch the general business of the country, and to make other important arrangements in unison with the principles of Responsible Government.

Mr. POPE said, that should the Civil List Bill receive the royal allowance, it would be necessary to summon the Legislature again immediately after its having done so, not only to make provision for the salaries thereby appointed, but also to deliberate and determine concerning the measures to be adopted with respect to many important questions, such, for instance, as the Postal arrangements with the neighbouring Provinces. The business of the country would be left unfinished, owing entirely to the reluctance of His Excellency and his advisers to accede to the wishes of the people; and should the House even then vote the Civil List, their doing so would not supersede the necessity of another Session this year. He would not agree that, at the close of the last Session, the members separated with the impression upon their minds that, should they be speedily called together again, they would not proceed to the prosecution of any business; but, as he had said on Friday, so he would say again, they were not bound to recede from their resolution of the last Session to transact no business with the Government, because His Excellency had thought fit, contrary to their expectations, to give his assent to the Civil List Bill; neither was there any necessity that they should now provide for the payment of the Civil List: to suppose such a necessity, as affording a plea for a departure from that resolution, would be to rely upon an excuse which was neither good nor valid. He would not consent to make himself ridiculous by saying one thing to-day, and doing another to-morrow. With respect to the pay of the members, it would be impossible to urge one valid reason against their voting it. Merely to hesitate to make the necessary appropriation for that purpose, would be to throw suspicion and discredit upon their proceedings. But should they vote the necessary supplies for the support of the Government, their doing so would, in effect, be a conferring of a power upon the present unsound and unpopular Government, to continue, for another year, to rule in opposition to the will and interests of the people.

Mr. SPEAKER said, that the only benefit which could result from the resolution proposed by the honorable member for Prince County, (Mr. Fraser,) would be to show the willingness of the House to do everything in their power to facilitate the progress of public business. The honorable member from Bedeque (Mr. Pope) was, no doubt, quite correct in saying, that the voting of the Civil List would not supersede the necessity of another Session; for the prosecution of other most important public affairs made that proceeding of absolute necessity; and, should the Civil List remain unprovided for, this first step of this House in another Session, or of a new House on their being assembled, would be to provide for the payment of the salaries on the Civil List. He was afraid that the House, in their extreme anxiety to avoid blame, were in danger of proceeding too far.

After a few remarks from Mr. Pope to the effect that, on the Bill becoming Law, the Assembly would, under the pledge or obligation they had therein imposed upon themselves, be bound to make provision for all the salaries therein appointed,—Mr. Fraser was allowed to withdraw his motion.

APPROPRIATIONS IN THE REVENUE BILL.

Mr. FRASER—after the Resolutions agreed to by the House in Committee of Supply had been reported to the House and adopted—moved the following Resolution:—

"Resolved, That, under the peculiar circumstances in which this House is placed, it is expedient that the several Resolutions passed in Supply be embodied and form part of the Bill, now before the House, for raising a Revenue; but that the same shall not be held or construed to form a precedent for any future House."

Mr. FRASER said the resolution was a novel one, and the circumstances in which the House was placed were also novel. It was expediency alone which rendered it necessary to submit such a resolution. It had not been customary to pursue such a course heretofore; and that, most probably, because there had been no necessity for doing so; but such a course was not, he believed, by any means unconstitutional.

Hon. Mr. THORNTON said it was the strangest resolution he had ever heard proposed. To adopt it would, in fact, be for the House to say, "We are not doing right, but we must endeavour to guard against our improper course being referred to as a precedent, for similar and unparliamentary and unconstitutional proceedings in future."

Mr. COLES explained that the proposal to attach the supplies, to which the House had agreed, to the Revenue Bill, did not arise from any apprehension, entertained by the House, that they, (the supplies,) if sent up separately to the Legislative Council, would be rejected by that Body; but from a suspicion that His Excellency, although he was, no doubt, most anxious that a suitable provision should be made for the payment of the Civil List Bill, might (still pursuing his obstructive policy, from a desire to thwart and render inoperative the intentions of the House) refuse his assent to the supplies, unless he should be prevented from doing so by making them a part of the Revenue Bill, which he would not dare to reject.

Mr. HAVILAND said the adoption of the course recommended would be a novel proceeding indeed, and not less novel than unconstitutional. Had the majority a Crown Law Officer among their number, he would, if anything but a mere passive instrument in their hands, have quickly given their notable resolution its *quibus*, by showing them the complete unconstitutionality of their proposed measure. It would, said the honorable and learned member, amount to an absolute violation of the royal instructions, should the Governor set pen to paper to pass the Revenue Bill with appropriations embodied therein. Since the year 1704 no precedent could be found in the records of the British Parliament for such a proceeding.

Mr. POPE replied, that the honorable and learned member, with all his constitutional knowledge, was quite mistaken with respect to the proposed mode of making the appropriations. That mode was neither unconstitutional nor unparliamentary. A reference to the Land Assessment Bill and to the Old Ten-penny Act, would be sufficient to prove that it was neither irregular or unprecedented. He could, in fact, refer to fifty Acts in support of the propriety of the measure.

Mr. COLES spoke to the same effect.

Hon. Mr. PALMER replied that the honorable and learned member for Georgetown, (Mr. Haviland,) was quite correct in what he had advanced, touching the proposed resolution; although it was true that an appropriation might be made in a Bill for raising a Revenue, provided the appropriation had a connexion—a necessary connexion—with the Bill, as it had when the Revenue was to be raised for a special purpose; the special appropriation then might, and did, form a part of the Bill itself; but the case was widely different when there was no such necessary connexion. To adopt the mode of proceeding proposed by the resolution would be to dictate to the other House, and say to them, "You must agree to all the appropriations which we have made, or take upon you the odium of rejecting a Revenue Bill, together with all the appropriations." If the Assembly meant to retain their own privileges in all their integrity, the safest course for them, at all times, to pursue with reference to privileges, would be to respect and leave uninvaded those of the other Branches of the Legislature. The use of the very words in which the resolution was conveyed, was a direct avowal of wrong, and, although it was said they were used to prevent the measure contemplated by the resolution from passing into a precedent, they would be altogether inefficient for that purpose; for what would there be to prevent the use of the same or similar words being had recourse to in future, to effect, or afford an apology for the passage of any other measure similarly unconstitutional with that which the majority proposed to carry? Why, nothing. They would establish no security at all against similar innovation of constitutional parliamentary practice in future. To send up the Revenue Bill to the Legislative Council, with the appropriations tacked

to it, would be an act of flagrant injustice to that Body, because it would compel them either tamely to submit to a direct infringement of their privileges, or, in asserting them, oblige them to reject the Revenue Bill, to the very manifest and serious injury of the country.

Mr. COLES said, he could not see the connexion which existed between the Land Assessment and Education, as pointed out by the honorable and learned member for Charlottetown. There was evidently, in his (Mr. Coles') opinion, a much more intimate connexion between the Revenue Act and the Public Debt or the Interest on outstanding Warrants, than between the Land Assessment and Education. But, independently of that consideration, he maintained that the House—the representatives of the people—had a right to vote or appropriate the public money in whatever mode or form they might think best.

Mr. MONTGOMERY could see no good or sufficient reason to warrant a departure from the usual mode of proceeding. He would wish to see the Revenue Bill and the Appropriations go up to the Legislative Council according to the established parliamentary usage. If then the Council or the Governor should reject the appropriations, the responsibility would rest solely with the party so refusing to allow them.

Mr. SPEAKER then put the question upon the resolution, which was carried on the following division:—

YEAS—Messrs. Pope, Coles, Warburton, Whelan, Fraser, Flynn, Jardine, Davies, Lord, Laird, Clark, Macdonald, Mooney, Beaton—14.

NAYS—Honorable Messrs. Palmer and Thornton; Messrs. Yeo, Longworth, Montgomery, Haviland—6.

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SATURDAY, MAY 25, 1850.

LATER FROM EUROPE.

STEAMER EUROPA.

The Royal Mail Steamship Europa arrived at Halifax on Tuesday evening last, being only nine days on her passage from Liverpool. We are indebted to the "Novascotian" for a summary of the news.

The news from the old world continues mainly uninteresting.

The Government contract with the West India steamers has been renewed for ten years. The company are to provide new and swifter steamers than those now employed. These are to be built immediately on the Clyde, the Mersey and the Thames. The circuitous route hitherto traversed is to give place to a more direct route. The five new vessels are to be ready within a year, and are to maintain a speed of twelve to fourteen knots an hour. The tonnage to be 2000 to 2300—the horse power 800. The addition will give the company a fleet of 22 ships. The new boats will run fortnightly between Southampton and St. Thomas's, which it is expected will be accomplished in twelve days. Three branch steamers will be in waiting to receive the mails, one to convey them to Havana and the Gulf of Mexico; a second to Porto Rico, Hayti, Jamaica, San Jago de Cuba, Honduras, and Nicaragua; the third to the Windward and Leeward islands, terminating at Demerara.—After transferring the mails for these places, the Atlantic line will proceed to Chagres on the Isthmus of Panama, there to disembark the Pacific mails for transmission to the West Coast of America. The new route has two objects in view; namely, speed, and the recovery, as far as possible, of the passenger traffic which the Americans have succeeded in appropriating to themselves.

The Australian Colonies Bill has brought Sir W. Molesworth out on the great question of Colonial Reform. In the recent debate, he proposed to divide the future powers of governing the colonies into two classes,—one imperial and the other colonial—the superiority of his plan threw the ministerial scheme into the shade. His plan makes the judicial committee of the Privy Council a court of appeal, and other advantages, which it is supposed will prevent serious feuds between the parent state and the colonies.

The Irish papers notice that the sales of the encumbered estates are progressing in such a manner as to prove that capitalists do not despair of that hitherto unhappy and distracted country. At a recent sale property to the amount of £50,000 changed hands in four or five hours. The prices realized were considered am-