

# 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.

NEW SERIES.

CHARLOTTETOWN, MARCH 9, 1850.

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### DESPATCH ON THE QUESTIONS OF THE CIVIL LIST AND RESPONSIBLE GOVERNMENT.

The following is the Despatch referred to in our Paper of Wednesday last, as being neither a denial nor concession of the system of Responsible Government.

(No. 93.)

DOWNING STREET, 27th December, 1849.

SIR;

Her Majesty's Government have now had for some months under their serious consideration the subjects of your recent Despatches, No. 21, of 4th May last, enclosing a Bill to provide for the payment of the Civil Establishment of the current year, and an Address from the House of Assembly to the Queen, proposing certain conditions on which that Body expresses its willingness to make permanent provision for the same object—No. 23, of 18th May, and No. 50, of 18th September, enclosing Memorials from several gentlemen whose official salaries are affected by the Bill.

2. Pending the further discussion of the great questions involved in that Address, I have advised Her Majesty to confirm this Act, and an Order in Council for that purpose will accordingly be transmitted to you on the first opportunity.

3. With respect to the Crown Revenues, Her Majesty's Government is prepared to surrender the Revenues derived from the Spirit Duties, and sale of Crown Lands, and the Quit Rents when they revert to the Crown, to the control of the Legislature, on the reservation, by permanent law, of a Civil List, to ensure the due performance of certain public services.

4. As the salary of the Lieutenant Governor is at present discharged out of the Parliamentary vote, and I have no reason to suppose that Parliament is likely to withdraw that provision, Her Majesty's Government do not consider it necessary to place it as a part of the permanent charges to be borne upon the Civil List, if the Legislature is willing in other respects to provide adequately for the necessary services, and to preserve the interests of present holders of office to the extent which I shall presently point out.

5. There is, however, a sum of £130 which has hitherto been paid by the Imperial Government towards the Lieutenant Governor's contingent expenses, and which is now discontinued from the estimate. Although I regret that the Legislature should, in their recent Act, have evinced no disposition to supply the loss of this sum, yet I do not consider that its retention ought to be made a condition of the compact between the Crown and the Assembly.

6. Prospectively therefore, and after vacancies in the offices now held by officers hitherto paid partly or wholly from Imperial funds, I do not consider it necessary that any items should be placed on the Civil List beyond those which are necessary for the administration of justice; of which the principal, and perhaps the only one, is the salary of the Chief Justice of the Island.

7. The amount of this proposed permanent Civil List, Her Majesty's Government are prepared to leave wholly to the discretion 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 exclusively to that Body in the stage now reached by the community of Prince Edward Island.

8. My own opinion indeed, founded on observation of the progress of such rising communities, is, that in many instances a very extensive reduction of salaries is a false economy. Its tendency is to cause offices of importance to be filled by men incapable of performing their duties, and work ill executed is ultimately found to be the most costly. But this is an opinion only, subject to modification according to the exigencies of times and circumstances, and one which I can have no wish to impose, contrary to their judgment, on the Legislature.

9. 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 them 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. That 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 of 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.

10. With respect to the other gentlemen whose emoluments have been hitherto partly derived from the Parliamentary vote, namely, the Attorney General, the Colonial Secretary and Registrar of Deeds, the Surveyor General, and the Prothonotary and Clerk of the Crown, I feel some difficulty in giving you positive directions as to the extent to which you are to consider their claims on the Crown Revenues, (that is the claims of the existing holders of those offices) as forming a necessary part of the compact. It is obvious, that the claims of each individual to a continuance of the present emoluments of his office, will be much affected by the greater or less length of the period for which he may have held it; and by the circumstance of his having sacrificed any other advantages, profession or occupation, for the purpose of accepting it, or otherwise.

11. A large part of their official emoluments appears also to be derived from other sources than the Parliamentary vote, and without a fuller knowledge of their respective cases than I possess, I can scarcely give you positive directions respecting them. I must therefore leave the adjustment of details respecting them, in the Civil List compact, to your own discretion.

12. I must, however, except from these directions the salary of the Provost Marshal—that office being a sinecure, the maintenance of the salary cannot be properly made a term of the intended compact, in opposition to the wishes of the Assembly.

13. When these questions are settled, Her Majesty's Government will be prepared to surrender the Crown Revenue 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.

14. I propose for the present to advise Her Majesty to decline complying with the prayer of the Address of the Assembly of the 17th 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 renders it possible that such a scheme of Government can be advantageously established.

15. But even were this otherwise, it would evidently be premature for Her Majesty to pledge herself to sanction the various changes which its establishment would involve, until the Legislature should have considered the case of those officers whose position would be affected by it, and the provision which ought to be made for existing interests. It appears to me essential that the necessary arrangements for this purpose should be effected beforehand, and should not be left, after the pledge has been given and cannot be recalled, to chance, and to the opinions which may prevail in a Body so fluctuating as a popular Legislature. For with all confidence in the intentions of the present Assembly, it is impossible to anticipate, on such subjects, the views which may influence a new one.

16. On this point indeed the language of the Address is not perfectly clear to me. It states (in the terms of the Address of 1847) that owing to the limited resources of the Colony, and its inability to bear the expense of Pensions, the prayer of the House is, "That such a system of Departmental Government as would involve the resignation of the offices of Treasurer, Colonial Secretary, Attorney General and Surveyor General, on their being left in a minority in the Executive Council, should not be extended to us, but that it should at all times be the duty of such public officers, if forming part of the Provincial Administration, to give a constitutional support to the measures of Government."

17. But the officers in question cannot be compelled to take part, as Councillors, in measures of which they and the party to which they may have hitherto attached themselves, disapprove. Such compulsion, besides its injustice, would be the certain way of impeding and neutralizing the measures themselves. I conclude therefore that it is meant that they should retain their offices, but cease to be members of the Executive Council. This, on the other hand, would deprive that Body of much of its efficiency, its utility to the Governor, and its title to public respect.

18. I cannot, therefore, think that the scheme, as now propounded, is ripe for adoption. In the meantime it

appears to me, that Prince Edward Island, although without that which is now usually understood by the term Responsible Government, has practically enjoyed of late years all the advantages which that system is intended to secure. I would repeat what I stated to the Lieutenant Governor of Nova Scotia, at the outset of the arrangement for the change of Government in that Colony:—"It cannot be too distinctly acknowledged that it is neither possible nor desirable to carry on the Government of any of the British Provinces in North America in opposition to the opinion of the inhabitants." The people of Prince Edward Island are entitled to this acknowledgment, as much as those of the other Provinces. The question is one of means only, not of the end. The Island is now governed by a Legislature, of which one Branch is freely elected by the great body of the People, and the Executive powers are placed in the hands of the Lieutenant Governor, who knows that he should conduct his Government in accordance with the principles above laid down, that is, in such manner as to meet, as far as possible, the wishes of the community.

19. The Lieutenant Governor is assisted also in the performance of his duties by gentlemen selected from those of the inhabitants of the Colony who were considered to be the most capable of performing with advantage to the public the duties of their several offices; nor is there any objection to conferring these offices as they fall vacant, on Members of the Assembly, though it seems desirable, in the present state of society, that those to whom a share in the Executive Government is thus entrusted, should cease to hold seats in the Legislature.

20. This system of Administration, honestly and faithfully carried into effect, must give to the Colony all the practical advantages of self-government, as completely as if it were required that the principal offices of the Executive Government should be held by Members of the Legislature possessing the confidence of the majority of the Assembly. Indeed I must observe, in passing, that the union of Executive duties with the character of a Member of the Legislature is not only not required, but is generally prohibited by the Constitutions of the States of the American Union, in which the principle of self-government is supposed to be carried to the utmost, and if the people of the Island require security for the future, they could not find a stronger one than in the total absence of interest, as well as of any other motive, on the part of the Imperial Government, to render the administration of their affairs otherwise than acceptable to themselves. The connection between the Colony and the Parent State, is one which it is among the highest objects of Her Majesty's Government to maintain, but so far only as it is conducive to the mutual interest and mutual satisfaction of both. In the present state of political society, and with the free Institutions which now prevail in the Mother Country and Colony alike, mutual goodwill can constitute the only real tie between them.

I am, Sir,

Your most obedient Servant,

GREY.

Lieutenant Governor  
SIR DONALD CAMPBELL, Bart.

### HOUSE OF ASSEMBLY.

WEDNESDAY, March 6, 1850.

**DISTRIBUTION OF COPIES OF THE JOURNALS.**—On the motion of Mr. Coles, it was agreed nem. con. that, in addition to the distribution of copies of the Journals authorized by former Houses, there should be one sent to each of the Public Offices, and also one to each of the Deputy Clerks of the Crown for King's and Prince Counties, as well as to the Clerk of the Crown and Prothonotary in Charlottetown. Mr. HAVILAND signified his approbation of the motion, especially as it concerned the Law Courts; observing that the Journals might frequently be referred to therein as affording material legal evidence.

**NEWSPAPERS FOR THE HOUSE.**—A consideration, suggested by Mr. MONTGOMERY, as to whether or not each of the members ought to be allowed, at the public expense, during each Session of the House, weekly copies of the several Newspapers published in Charlottetown, was replied to by Mr. Lord and Mr. Coles; the former of whom observed that if honorable members were desirous of perusing all our public journals, they ought (as he would do if actuated by a similar curiosity) to put their hands into their own pockets, and pay for the papers; the latter gentleman remarking that one essential and prominent feature of the new order of Le-