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"This is true Liberty, when Freeborn Men, having to advise the Public, may speak free."—Euripides.

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Provincial Parliament.

LEGISLATIVE COUNCIL.

WEDNESDAY, April 24, 1861.

On motion the Bill intituled "An Act to incorporate the Gulf Express and Telegraph Company," was read the third time and passed. Hon. Mr. Anderson wished to have it amended, as opposed to the paragraph limiting the amount of Real Estate to be held by the Company to £3000.

The House then went into Committee on the Bill intituled "An Act to amend the Act providing for the raising and repaying the Loans of this Island." Hon. Mr. Goff in the Chair. Hon. the PRESIDENT briefly explained that this Act was merely an amendment to the Act of last Session—that it gave the Commissioners authority to classify the public and private Acts, and to have them printed separately.

On the fourth clause being read, Hon. the PRESIDENT said—it appears to me that 100 copies of the private Act is not sufficient. Each of the members of the Legislature should have a copy, which will take 50. Then there will be 40 copies required for the public offices; and each of the small debt Courts should have a copy. The expense of an additional 100 copies will be very trifling.

Hon. Mr. SIMPSON—I do not think that it will be necessary to furnish each member of the Legislature with a copy of the private Act. There will be two or three copies in the Public Library for reference; and that is all that will be required. Each member of the Legislature will be furnished with a copy of the public Acts.

Hon. Mr. BAGNALL—It would be better to have 200 copies. There are many ways in which they will be required, and the expense will be much greater if they have to be reprinted.

Hon. the PRESIDENT—Your Honor are aware that the Acts of 1852 had to be reprinted, at a cost of three or four hundred pounds.

Hon. Mr. SIMPSON—These were public Acts.

Hon. the PRESIDENT—I venture to say that if you have only 100 copies, before three years you will have to reprint them.

Hon. Dr. JOHNSON—There will be considerable expense in having another hundred copies; and I suppose the Government will not economize so much as possible.

Hon. the PRESIDENT—I move that the word "one" be struck out; and the word "two" be inserted.

Hon. Mr. ANDERSON—I move, in amendment, that after the word "hundred" the words "and fifty" be inserted.

Hon. Mr. GARDINER—Is there any way to ascertain the exact number which will be required?

Hon. Dr. JOHNSON—I was in the other House when this question was argued, and I am confident that 100 copies is sufficient.

Hon. the PRESIDENT—We have nothing to do with the other House. We are an independent Body; and I do not yield to the opinion of the other House.

The question of concurrence was then put on the Hon. Mr. Anderson's motion, and it passed in the affirmative. The clause, as amended, was then agreed to. The following amendments were then agreed to:—The word "one" without any amendment. The House was then resumed; and the Hon. Mr. Goff reported that the Committee had gone through the Bill, and agreed to the same with a certain amendment. The House then went into Committee on the Bill intituled "An Act to incorporate the Roman Catholic Bishop of Charlottetown in his Diocese."

The Committee went through the Bill, the Hon. Mr. Anderson moved, and the Chairman reported the Bill agreed to without any amendment. House adjourned.

THURSDAY, April 4.

On motion, the Bill intituled "An Act to provide for the raising and repaying of the Loans of this Island," was read the third time and passed.

The Bill intituled "An Act to incorporate the Roman Catholic Bishop of Charlottetown in his Diocese," was also, on motion, read the third time and passed.

There having been a call of the House ordered for to-day, the names were called over, to which all the Hon. members answered, except the Hon. Mr. Goff who was absent. After some time Hon. Mr. Goff came to the Council Board, and informed the House that he had tendered his resignation to His Excellency, as a member of this Council; and that he did not feel justified in taking his seat until he received His Excellency's reply.

Hon. Mr. PALMER—The question to be brought before the House to-day, namely, the Bill to change the Constitution of the Legislative Council, is one of the highest importance which will come before us this Session; and there is evidently a desire among all the members of the House to see it brought to a decision. I can here yesterday prepared to answer the question; and I put important business out of my hands to enable me to do so. However, one hon. member was then absent, and I thought at the time that his excuse was very lame; and though I had no desire to send for his Honor, I was particularly anxious to prevent any person from having an opportunity of saying hereafter that we had gone into the question when some of the members were absent. I am much taken by surprise at the conduct of one hon. member who came to this Board and rather abruptly stated that he had tendered his resignation to His Excellency. Under the circumstances, I think it is better to defer the order of the day till we see whether or not His Excellency will accept of the Hon. Mr. Goff's resignation. I move that the order of the day be deferred till to-morrow.

The question of concurrence was then put on his Honor's motion, and it passed in the affirmative.

The following Petitions were presented to the House, and the same were received and read:—

By Hon. Mr. Palmer, a Petition of divers inhabitants of Charlotte Town, praying that the Hon. Mr. Goff, who has been removed from the office of Justice of the Peace, should be reinstated in the office.

By Hon. Mr. Goff, a Petition of the Harbour Master and other inhabitants of Grand River, Lot 56, praying for a sum of money to compensate Robert Howlett for removing a wreck which obstructed the entrance to the harbour.

The two preceding petitions were referred to the Special Committee on miscellaneous subjects.

A Petition of James Keefe, Bailiff, Rolla Bay, praying for compensation for a wagon alleged to have been broken to pieces by some evil-disposed person, while in the discharge of his duty as Bailiff.

Hon. Mr. HUTCHINSON—I do not contradict the statements in the Petition; but it is an extraordinary course to present that Petition to this House, and if we receive it, we will soon have more of the same nature.

Hon. Dr. JOHNSON—The person complains that he has been the victim of malicious persons; and if he has suffered while in the discharge of a public duty, he should be remunerated.

Hon. Mr. DINGWELL—It is not an unusual course; and I think the man is entitled to some remuneration. When the Law does not apply to his case there is no other course for him but to apply to the Legislature.

Hon. Mr. PALMER—Where the circumstances of the case are so conspicuously set forth, we cannot ascertain whether the petitioner has any claims or not. However, I would protect officers in the faithful discharge of a public duty as far as possible; and, therefore, I have no objection to allowing the Petition to lie on the table.

Hon. Mr. BAGNALL—I understand that a similar Petition was presented to the other branch of the Legislature, and was rejected.—Ordered that the Petition do lie on the table. House adjourned.

FRIDAY, April 5th.

Hon. Mr. Palmer, a member of Her Majesty's Council of this Island, informed the House that His Excellency the Lieut. Governor had provisionally appointed Charles Hazard, Esq., by Warrant bearing date the 4th day of April, 1861, a member of the House, in the place of Hon. John Goff, whose resignation His Excellency had accepted.

Hon. Mr. Palmer and Hon. Mr. Simpson were appointed a Committee to see Mr. Hazard qualified, and having attended him and reported accordingly, he was introduced between Hon. Mr. Palmer and Hon. Mr. Simpson, and took his seat.

Message from the House of Assembly by the Hon. Mr. Thornton, with a Bill intituled "An Act to incorporate the Trustees of Saint Dunstan's College in Queen's County, and for other purposes therein mentioned."

Hon. Mr. SIMPSON—I mention that the order of the day, for the second reading of the Bill intituled "An Act to change the Constitution of the Legislative Council" by rendering the same elective," is gone into, briefly explained the object of the Bill. He said that as the Bill had been on the table for a considerable time, his Honor had no doubt availed themselves of the opportunity, thus afforded, of making themselves fully acquainted with its details; it was therefore, he thought, unnecessary for him to enter into any lengthened exposition of the Bill. He said, his Honor, is, as you are aware, to render this Council elective. It provides that immediately

after the passing of this Act the present Council shall be dissolved; and another shall be chosen on the elective principle. The qualification for each member shall be £500, which may be leasehold, freehold, or both. The qualification of electors shall be similar to that for members of the House of Assembly. This question, said his Honor, has been agitated for a long time. It is no longer a question of expediency, but a question of principle; and when they are elected they will feel a greater interest in it; and the people will have more confidence in them. They are to be elected for eight years.

Hon. Col. SWABEY—I was well aware that the initiative in this matter would be placed in my hands. The more I think of the more I am convinced of the propriety of the nature of this Bill. That any body of men should be asked to lay down their Commissions in such a manner, is most absurd. We have been characterized as old women; well, I have heard of people—that is, love sick maids and disappointed swains, and persons weared out by the Sheriff—running to commit suicide; but I never heard of old women doing so. It is not a question of time to run over the Bill, and make up my mind where to begin. First, I would like to ascertain what it is, and then where it originated. We are told that it is a Bill similar to the Act now in operation in Canada. If it was, I would not meet with so much opposition. In Canada, the members were confirmed in their seats for life, and when vacancies occurred, they were filled up by election; but here we are asked to elect our Commissioners at once. In almost all its provisions, except this, it is a transcript of the Canada Act. Now, why ask us to prostrate ourselves in this particular, more than the members of the Council of Canada? I would like to know on what principle we are to be asked to lay down our Commissions? Is there any authority for doing so? In Canada, before they changed the constitution of their Council, they had a Law passed by the Imperial Parliament to enable them to do so; but here no such Law exists, and we cannot be supposed to have super powers. You will not consider that I am taking up this question as a party man. Both parties in the other branch of the Legislature supported the measure. Still, we must have our own opinions, and I must say that I do not think it is a desirable measure. I am not a member of the Council, but I have been associated for years, passing such a measure without giving us any intimation of their intention of doing so. The circumstance altogether reminds me of the words which Shakespeare put into the mouth of Mark Antony when haranguing the Romans over the body of the murdered Cæsar:

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Your Honor will observe that the last words are the poet's not mine. However, I have heard the saying that a live ass is better than a dead lion; and I think a live Council is better than a hundred dead Cæsars. And when I look at my hon. friends opposite—the gentlemen who were brought here so recently, and who are to have a butterfly existence; and then an eagle is to be put upon them, it appears to me that it is not their place. I would feel myself very much aggrieved.

Hon. Mr. GARDINER—It does not give me in the least, Hon. Col. SWABEY—But I cannot say on what I do not positively know; and I do not know exactly what the object of the Bill is.

Hon. Mr. SIMPSON—The Bill will speak for itself. Hon. Col. SWABEY—But I do not understand it. I cannot understand why it should be favoured by members of the House of Assembly who call themselves liberals. All I can say is, that it appears to me that the original Constitution of this Council is the best. Why deprive Her Majesty of one of the brightest parts of her prerogative? It is not a question of expediency, but a question of principle; and when they are elected they will feel a greater interest in it; and the people will have more confidence in them. They are to be elected for eight years.

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Your Honor will observe that the last words are the poet's not mine. However, I have heard the saying that a live ass is better than a dead lion; and I think a live Council is better than a hundred dead Cæsars. And when I look at my hon. friends opposite—the gentlemen who were brought here so recently, and who are to have a butterfly existence; and then an eagle is to be put upon them, it appears to me that it is not their place. I would feel myself very much aggrieved.

Hon. Mr. GARDINER—It does not give me in the least, Hon. Col. SWABEY—But I cannot say on what I do not positively know; and I do not know exactly what the object of the Bill is.

Hon. Mr. SIMPSON—The Bill will speak for itself. Hon. Col. SWABEY—But I do not understand it. I cannot understand why it should be favoured by members of the House of Assembly who call themselves liberals. All I can say is, that it appears to me that the original Constitution of this Council is the best. Why deprive Her Majesty of one of the brightest parts of her prerogative? It is not a question of expediency, but a question of principle; and when they are elected they will feel a greater interest in it; and the people will have more confidence in them. They are to be elected for eight years.

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