

# The Examiner.

A WEEKLY JOURNAL OF POLITICS, LITERATURE AND NEWS.

EDWARD WHELAN]

This is true Liberty, when Free-born Men, having to advise the Public, may speak free.—EURIPIDES.

[EDITOR AND PUBLISHER.

Vol. V. CHARLOTTETOWN, PRINCE EDWARD ISLAND, MONDAY, MAY 19, 1856. No. 46.

MOON'S PHASES.—MAY, 1856.

New Moon 4th day, 10h. 3m. morning. S. E.  
First Quarter 11th day, 4h. 6m. evening. S. E.  
Full Moon 19th day, 7h. 17m. evening. S. E.  
Last Quarter 26th day, 9h. 54m. morning. E.

## Colonial Legislature.

### HOUSE OF ASSEMBLY.

SATURDAY, March 29.

#### ROUTINE BUSINESS.

Mr. Cooper presented a petition from certain inhabitants of King's County, praying for an investigation into the conditions of the original grants of Township lands. Mr. Laird presented a similar petition from inhabitants of Queen's County, and both were referred to a Committee of the whole House for Thursday next.

The Bill relating to the Charlottetown Ferry was read a second time—committed to the House in Committee, and agreed to therein with some amendments. Ordered to be engrossed.

The Bill in further amendment of the Act to incorporate the Minister and Trustees of St. James's Church, Charlottetown, was read a second time, submitted to the whole House in Committee, and agreed to therein, without amendment,—to be engrossed.

The Hon. Col. Secretary presented to the House certain papers relating to the Light Houses at St. Paul's and Scatarie, which were referred to Committee of Supply.

The House then in Committee and resumed the further consideration of the Revenue Bill, to which several amendments were made; the Bill was read through, agreed to, and ordered to be engrossed. The House then adjourned for an hour.

Having met in the afternoon—

#### INCREASE OF REPRESENTATION AND AMENDMENT OF THE ELECTION LAWS.

Hon. Mr. WHELAN moved the following resolution:—  
"Resolved, that the House do now resolve itself into a Committee of the whole, to consider the expediency of revising the Election Law, with a view of altering and equalizing the subdivision of the electoral districts, and increasing the number of members by adding two to each County."

The subject of this resolution, he said, had been under the notice of the House for some time, and postponed in consequence of there not being a full house. It was desirable that it should be now disposed of, as several members were again about leaving for the country.

Mr. CLARK seconded the resolution.

Mr. COOPER objected on the ground that the opinions of the people should have been manifested by petitions before such a measure was introduced.

Hon. Mr. LONGWORTH thought that before going into Committee, some reasons for the measure should be assigned. A measure altering the constitution so materially should be introduced as a Government one. Was the hon. member who brought it in, a mere cat's-paw of the Government? He suspected that the Government had received an intimation from Home, that the Assembly would be dissolved unless they put their house in order; and, therefore, the hon. member who was closely linked with the Government, had been selected to introduce the Bill to serve the interests of his party. It was a mere political dodge.

Hon. COLONIAL SECRETARY denied the statements of the Hon. Mr. Longworth. The proposition did not originate with the Government; in fact, when he first heard of it, he was opposed to it; but he would support it as tending to increase the liberties of the people, by giving them an increased number of members.

Mr. DOUSE.—As there were no applications for the measure, he supposed some hint had been given from the Colonial Office. He had only heard of it that morning. Twenty-four members were quite sufficient. It was not likely he would take his seat in a new House; but while here, would oppose such an unequalled change in the constitution.

Hon. COLONIAL TREASURER would support the resolution to give the people a larger number of representatives than the present, which was insufficient. The people of Prince County would not object to the measure. The district he represented comprised no less than 14 Townships. The delays experienced for want of a quorum with the present members, formed a very strong argument in favour of it.

Hon. Mr. WHELAN.—Mr. Speaker, I did not intend to enter upon the discussion of this question before the House went into Committee; but as hon. members seem inclined to oppose going into Committee, and are desirous to know my reasons for introducing the question, I shall at once state them as briefly as I possibly can. The hon. member for the first district of King's County (Mr. Cooper) was the first to give symptoms of alarm at the introduction of the measure. It is not for me to say that his interests will be especially and injuriously affected by it, but it is quite probable he may apprehend that, if carried into effect, there will be an end to his ambitious schemes. He reminds us, of what we all very well know, that the country has sent no petitions in favour of an increase of the representation. True, but is it necessary that, before legislating upon any subject, we should wait for the reception of petitions? He asks if any despatches have been received from the Imperial Government, recommending the adoption of the measure I am about to propose? I can safely say that I have heard of no such despatches, and I believe the Colonial Secretary has told us there are none. I can never subscribe to the doctrine, that, before legislating upon any important question, we should wait to receive petitions from our constituents or despatches from the Home authorities. I have always entertained the opinion—and I think I shall never abandon it—that when a member is sent here, he does not appear in the character of a delegate, to carry out a certain code of instructions; but rather to act in accordance with the dictates of his own conscience and judgment, and to pursue that policy best calculated to promote the interests not of his own constituents only, but those of the whole Island at large. It is right that a member should consult with his constituents on public questions, as I frequently take an opportunity of doing, and endeavour to ascertain their opinions, and if possible reconcile them to his own, should there be any disagreement; but I do not conceive it to be any part of the duty of a member to sacrifice his own conscientious convictions to suit the views of any class of men. Now, Sir, I could easily point to some of the most important measures that ever passed the Legislature of this Colony, on behalf of which there was no popular demonstration at the time of their introduction. Let us take the Bill for increasing the elective franchise. That involved an

important change in the constitution of the Colony. There were no petitions in favor of it; yet it passed, and I believe the people are thoroughly satisfied with it. I had the honor of first introducing that measure, and did so independently of the Government, because I did not then, nor do I yet consider that the Government should initiate every important question. An objection has been made that the question under consideration has not been made the subject of a Government measure. But if that had been done, I have no doubt the old cry would be raised by those who make the objection, that the majority are bound to be subservient to the Government, and must vote for the measure, so that in either case the minority would be sure to have an excuse for opposing it. If the principle were once established, that the Government—and the Government only—should bring forward important questions like this, then I should be out of place in making the motion I do; but until that doctrine—which I think is never likely to find favour in any free representative Assembly—becomes the rule amongst us, I must consider the course I have taken to be quite correct and legitimate. A far greater change was effected in the constitution of this Colony than that which I now propose, not only without the concurrence of the Government, but in spite of its powerful influence and long continued opposition. I would ask the gentlemen who profess to be so anxious that the Government should take a lead in this measure, if they think we should ever have had Responsible Government, if we had waited for the administration of the day to carry it through the Legislature? (Hear hear.) With respect to an increase in the number of our representatives, I must say that since the change in our constitution, I have regarded such a measure as highly necessary. During the past year I have several times brought it to the notice of some of my friends in the Government, and urged them to bring it before the House; but until the present time they did not see the necessity for it. The course of our proceedings this Session has, however, convinced the most sceptical of my political friends that an increase of members and a revision of the electoral districts has become highly necessary. Parties have become so nearly balanced, that it is difficult to proceed with any business should there be any members absent from either side of the House. Indeed questions affecting the policy of the Government could not be discussed without a full House, for the minority would be always in attendance to meet such questions, in the hope of defeating the Government, while the majority would postpone or not commence the discussion until their entire force should be assembled. The expense to be incurred by an increased number of members, will no doubt be insisted upon as a very strong argument against the measure; but I think it is an argument worthy of little or no consideration, in comparison to the advantages it will confer. It is most unquestionably a great extension of the popular privileges, and is indeed as much entitled to the support of one political party as to that of another; for under an enlarged and improved representation Liberals and Conservatives would have equal chances. In the new subdivision of the districts, which I shall propose, there will be—with some few exceptions that cannot possibly be avoided—nearly the same number of inhabitants to every electoral district; and another principle which shall be kept steadily in view, will be, to give about the same extent of territory to each district—not, as at present, fourteen townships to one; eight to another, all thickly settled; four or five to another, and so on; while the new districts can be so arranged that the several townships constituting them will be in a direct line, one close upon the other, and not running in different directions, as is at present the case. The opposite party say they stand well with the country, and that public opinion is against this side of the House. If that be the case they can have no reasonable objection to giving additional force to the popular element in this House. If the assertion regarding their great popularity is based upon truth, then the chances are all in their favour and against us. The strongest opposition to this measure, I have no doubt, will come from the gentlemen who represent the Towns. Now, there is no intention to interfere with the representation of the Towns and Royalties, at least not with two of them. No one will dispute the right of Charlottetown to return two members. Georgetown is entitled to similar representation; it is a place of growing importance—rapidly extending its population and its commercial transactions. But such is not the case with Princetown. The Royalty, indeed, has been long since settled; but the Town is nowhere. I am not aware that the place called the Town has any inhabitants at all; for many years it had only one, and that one removed from his solitary location. The Royalty is, in fact, the place that has the representation, and not the Town; and yet we find, according to the last Census, that the whole place has only ninety-five persons capable of exercising the elective franchise. Now, considering that some of the electoral districts in the Island have as many as fourteen hundred and fifteen hundred electors, is it not absurd to give ninety-five voters the same extent of representation as we give fifteen hundred? I therefore propose to make Princetown and Royalty a more respectable constituency by adding Lot 18 to it. (Hear.) I am glad the hon. members on the other side approve of the proposition. I do not know whether the exclamation of "hear" came from the hon. member who represents Princetown and Royalty, but I have no doubt that he is well pleased to learn that I wish to give him a constituency of over two hundred electors instead of ninety-five. There are about 120 electors on Lot 18, these added to Princetown and Royalty would make it a tolerably respectable constituency. Not the least important object to be gained by the change is a general and more equal subdivision of the electoral districts, so that population and territory may have their legitimate influence in the scale of representation. By referring to the map of the Island, it will be seen that the district which the Hon. Col. Treasurer represents, comprises nearly one-fourth of the Island, including fourteen townships. Then look to the first and second districts of Queen's County—they are not only enormously large as regards their area, but the population of each is more than that of any other two districts in the Island; besides, they have not been divided off with any regard to their topographical position, for in order to get to one district you have to run across the other. The same objection will, in some measure, apply to two of the districts of King's County. It must be owned that there is not here that great inequality with regard to population which is observable in the other two counties, but it will be quite easy to make a far better subdivision of the districts, especially since it will be necessary to make two districts of what is now called the Murray Harbor district. It has been hinted that this change in the election law is to be brought forward as the preliminary to a dissolution of the House. The Governor can, of course, dissolve the House whenever he sees the necessity to do so; but I utterly deny that this measure is mooted by me

in concert with the Governor or his advisers, or in connection with any intention, if such does exist, to dissolve the House before its legal expiration. Indeed, I shall be willing to insert a clause in the Bill, which I trust will be brought in, to the effect, that the Bill shall not go into operation until the House shall legally expire. This is not the time or place to discuss the details of the measure, but I may be permitted to observe, that notwithstanding the addition of six members to the present number (which is the increase I am prepared to propose), I think we should adhere to the present rule of the House, that twelve members and the Speaker shall constitute a quorum, in order to facilitate the transaction of the public business. In a House of thirty members twelve would be decidedly a minority; and it may be objected that it would be giving the minority too much power to permit them to proceed with the performance of the public business; but for that we have a precedent in the practice of the House of Commons, where out of about six hundred members forty-five constitute a quorum. Another advantage connected with the proposed change would be, that country members would often have an opportunity of visiting their families, without detriment to the public service. It is now eighteen years since there was a change in the constitution of the House of Assembly. Previous to that time there were only eighteen members. Eighteen years ago it was considered that the Colony had sufficiently far advanced to justify the addition of six members in the lower branch of the Legislature. Are we to remain as we were eighteen years ago? Must the growth of our institutions stop, while the country at large progresses? What was the state of the Colony when our predecessors enlarged the popular representation? Its population is now more than one-third larger than it was then; whilst the number of electors under our present law has considerably more than doubled. Under the old representative system, the franchise was restricted to property holders, whose number was small, in a country where, eighteen years ago, there were comparatively few freeholders, and very many tenants without the legal qualification to vote; now every individual twenty-one years of age may exercise the franchise; and it is therefore not too much to say that the number of electors has considerably more than doubled. The revenue of the country is now nearly £50,000; eighteen years ago it was little over £10,000; and if we could afford the expense of a House of Assembly of eighteen members then, we can surely better afford the expense of a House of thirty members now. Keeping all those considerations in view, I fully believe that the measure I am about to propose is eminently called for; and I shall now conclude by moving, that the House do resolve itself into a Committee of the whole, to take into consideration the necessity of revising and amending the Election Laws, with a view to a more equal subdivision of the districts, and an addition to the number of representatives.

Hon. Mr. LORD would have preferred that the Government should have introduced this measure, to prove their strength. It would have been carried by a sweeping majority. He was satisfied that the majority of the electors in the country would support the Government in carrying such a measure. His opinion had not been canvassed on the question, of which the first intimation he received was the notice in the order book. Had he been asked if he would support the Government in a Bill of this nature, he would readily have answered in the affirmative. He wished that the Government had introduced it, but now that it was before them, were they to be debarred from voting for it because there were no petitions in favor of it? The Bill was necessary, and believing it to be so, he was not afraid to face his constituents and discuss it with them. One reason for the Bill was to be found in the fact, that one district containing only 97 voters, sent as many representatives to the House as others containing 1500 or 1600. He supported the measure regardless of what the opposition might say. He was independent of the Government, and would oppose them if he thought them actuated by improper motives.

Mr. HAVILAND was amused to hear the hon. member boast of his independence. There was no one in the House who talked so much independence. He would tell him, however, that he (Mr. H.) would never consent to alter the constitution in the manner proposed. It was a matter of vital interest to the country, and it was the duty of the Government to introduce a measure of this nature if they deemed it was required. The English Reform Bill was not introduced into the British House of Commons by a private member. The Government of the day assumed the responsibility, as the Executive Government of the Island should in this case. The true reason for the Bill was the closeness of recent divisions. That inference was justified by the fact that it had not been canvassed in the different public prints, nor were there any petitions on the table to show that it was desired by the people. When it was stated that it should have been introduced as a Government measure, the mover in this question suggested that the country would never have had Responsible Government had the people waited for the Government of the day to introduce it. But there was no force in the remark, for the constitution of the day was totally different from that in existence now. The Government at that time was responsible only to the Imperial authorities, now they held office at the pleasure of the people; and it was consequently their bounden duty to assume the responsibility of introducing measures which they might deem conducive to the welfare of the people, especially such as involved such important changes as the one under consideration. The Hon. Col. Secretary said that he would support the Bill, as increasing the liberties of the people. That might be the actual motive which induced him to support it, but if so, why had the Bill which he (Mr. H.) had introduced to render the Legislative Council responsible to the people, received the strenuous opposition of the Hon. Col. Secretary?

Hon. Mr. MONTGOMERY would wish to know why a measure of this importance was introduced at this late period of the Session. He had never heard it mooted till a day or two since. It was time enough to introduce it when the people called for it. As far as the principle was concerned it might be unobjectionable, but there was certainly not time sufficient to adjust the details. As allusion had been made to Princetown and Royalty, he could state that 170 votes were polled there at the last election. The House had yet two years to run; if the people were in favor of it he would not oppose it; but he had not heard one advocate of it; on the contrary, he had listened to the wish that their numbers should be reduced to the former eighteen. He would oppose the Bill as being premature.

Hon. Mr. WIGHTMAN said that the hon. member, Mr. Haviland, had stated that it was a Government measure; but the introducer had expressly declared that it was not;

but that it was introduced in consequence of the increase of population rendering necessary an increase of representatives. Why should the privileges of the people be limited now that we had Responsible Government?

Hon. Mr. MOONEY, on referring to the Journals of former years, could not find many Government measures introduced by the leader of the present opposition when he had power. Even the measure to exclude from the House all officers save the Attorney General and Provincial Secretary, was not introduced as a Government measure, though it involved greater change in the constitution than the one under discussion. As to Princetown, he remembered the time when some twenty-four voters sent two members to the House. No wonder the representative of that place should be annoyed at the proposed change. He would have no objection to support the Bill as a Government measure.

Hon. COL. SECRETARY.—At the time of the English Reform Bill, alluded to by the hon. member (Mr. Haviland), Earl Grey was in opposition. He was sent for and instructed to form a ministry; he did so, and carried the Bill. As to this not being a Government measure, did the hon. member mean that members of Government were bound to oppose every measure they themselves did not introduce? He had only heard of the intention to introduce the Bill on Good Friday. The census returns showed that the change was but an act of justice to the people. As to the stress laid by the hon. member on the change in the constitution, his own Bill for making the Legislative Council elective involved a greater change. If the present Bill was necessary, now was the proper time to pass it, because if they waited till the last Session of the House, they might be charged with motives of political intrigue. At present the Government were sustained in the House. If any differences did exist among their supporters they were merely on points of minor importance—not sufficient to disunite a party. They all know how often the public business was stopped for want of a quorum, and it was unjust that there should be such a difference in districts. They should be assimilated with as much reference as possible to population.

Mr. COOPER considered the people as the body and the Government as the head. It was necessary to strengthen the body, but not the head. He was afraid the latter was becoming too big for the former. The additional expense would be considerable. He considered the measure introduced with a view to prevent the proper settlement of the land question. Mr. Pope had told him that in the last arrangement of the electoral districts it had been necessary to cut out one to suit him. The division in the Bill appeared to him to have been made with the view of placing certain districts under particular influences. In some, the influence of the rent roll might preponderate. If the question had been referred to the people—if the hon. member, Mr. Whelan, had confined his action to a motion that the Bill be printed for general information, he would not, perhaps, oppose it. If, as had been stated, the Bill were really desired by the people, there could be no objection to their opinions being before us.

Hon. Mr. PALMER was reminded of the old distich—

"Treason never prospers: what's the reason?  
Why, when it prospers none dare call it treason."

So it was with the Government measures; when they fail they are not Government measures. As to the disclaimers of this being a Government measure, he considered them all bunkum. It was a Government measure, no matter who introduced it; it originated with the Government, and was introduced by an officer who owed his place and position to the Government. It had not been asked for by the people. The true history of it was, the Government, in secret conclave, had concocted this Bill to save themselves when they found their position was becoming critical. From the absence of any reasons showing that any necessity for the Bill exists, it was only fair to suppose that the true motives for introducing the Bill were covert, and that there were none other. Let the Bill once pass the House, and then would be witnessed the mockery of sending it to the Legislative Council, where not even two could be found to say it should not become law. It was melancholy to consider the corruption of that body, where any measure against the officeholders would not find a seconder. Was there any doubt as to what course that body would adopt when the fiat had gone forth from this House? They would follow the course pursued here, as the shadow follows the substance. The principal reason alleged for the Bill is the increase of the population of the Island; but on comparison with other countries, there will be found no grounds to justify this measure on the fact of population having increased. The hon. member here read a variety of statistics of proportion of representation to population in Great Britain and Ireland, as well as in the United States and North American Colonies, to show that the representatives had much larger constituencies in those countries than here. The Reporter could not take down the numerous figures. The hon. member then proceeded to state that if the number of members of the House were increased, a proportionate augmentation should be made to those of the Legislative Council; however, as at present constituted, it mattered little whether it consisted of 12, 24 or 48 members, the business could be done just as well by one. The Clerk could read a Bill to him, and let him be styled the Legislative Council. The additional expense of the increased number of members would be a serious burden, unasked for by the people, and merely imposed to serve party interests. It was rather an Irish way to test the sense of the people on the Bill after it had passed. It had been properly suggested that it should lie over till the people's opinion had been taken on it. The question had never been mooted. The Hon. Col. Secretary had stated that he had first heard of the Bill on Good Friday; truly an appropriate day for bad deeds. He thought that the House should not go further in this matter than to give notice for next Session, or as the hon. member, Mr. Cooper, had suggested, let the Bill be printed, and the public opinion elicited by next Session. He supposed the Government had given the best reasons they could for passing the Bill, but they certainly had given no reason for pressing the matter any further this Session.

Mr. LAIRD was not convinced that the Bill was required. If it was not a Government measure, it must be the people's, and he should like to see an expression of their wishes. The people wish many things they cannot get. If it were not a Government measure, yet it had been brought in by the hon. member, Mr. Whelan, who was trying to shift in his district to the swamps about the Worrel estate to secure his re-election. He would not support the measure as he had heard no good reason for it.

Mr. CLARK said, that as to the honorable member having heard no good reason for the Bill, no doubt it was difficult to get reason into his head. The Bill was intended to remove