

# 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, JUNE 8, 1850.

Vol. 1: No. 37.

## HOUSE OF ASSEMBLY.

TUESDAY, 30th April.

### HOUSE IN COMMITTEE ON THE STATE OF THE COLONY.

(CONCLUSION OF MR. COLES'S SPEECH.)

The course, continued the honorable member, which the House had chalked out for themselves to pursue, for the attainment of any public object, was one of conciliation, and they had strictly adhered to it, until his Excellency, by a repetition of unwarrantable and unprovoked insults, had caused them, in some respects, to deviate from it. In his reply to the Address of the House in answer to his speech, he grossly insulted them by accusing them of a premeditated neglect of their legislative duties. In his speech at the opening of the session, he insulted the Assembly by the wrathful tone in which he delivered the words, "and I hope you will do so." The committee, which should have consisted of the whole House, that went up to Government House with the Address in answer to "the speech," were insulted by his Excellency's smile or laugh, full of scornful meaning; and it was, perhaps, their anticipation of direct insult to the House from his Excellency which induced the minority to form no part of that committee. Of this, however, he was satisfied that could others who went up with the Address have foreseen the contumely of manner with which they would be received by his Excellency, the committee would have been considerably smaller than it was. A want of sincerity was another fundamental defect in the character or conduct of his Excellency; and, even although his Excellency were to tell him to-day that he would reconstruct his council to-morrow, he would not feel himself safe in depending upon the fulfilment or verification of his words; neither would he rely upon the confirmation of the act, although the names of a new council were Gazetted. That he should hold as no security against an immediate reversal of the appointments by his Excellency. To shew that his Excellency did not consider himself bound by a promise, he would state how far a gentleman in Charlottetown had been deceived by his Excellency's assurance that he would confer upon him a certain official appointment. So far had matters progressed towards a confirmation of the promise, that the gentleman's appointment to office had been ordered to be Gazetted, and he had actually received the congratulations of many of his friends upon the occurrence. How great then was his surprise to find that, even after his name had been set up in type, at the Gazette office, in pursuance of his appointment, to find that his Excellency had caused his name to be withdrawn and that of another gentleman to be substituted and Gazetted in stead of his own! The individual who had been so treated, very naturally feeling aggrieved at the unexpected and unaccountable change of his Excellency's intentions towards him, and unguardedly stating his grievance in public, his indiscretion was made manifest to him by his finding, to the aggravation of his original grievance, that the door of a public office in which he held an appointment, had been ordered to be locked against him. The arbitrary disposition of his Excellency was again strikingly displayed in his behaviour to two gentlemen, members of his council, whose attendance in council he sought to compel contrary to their inclinations, after they had sent in their resignations, by asserting the compulsory obligation of their Mandamuses, and sending for them by the Sergeant-at-Arms, or some such officer. By his Excellency's instructions, in the case of a member of the Executive absenting himself for six months from the council board, after having been summoned to attend, and being in the Island, his Excellency is at liberty to appoint another in his place; and should a member be absent for twelve months from the Island without leave, such absence would vacate his seat; but he (Mr. Coles) knew of no power given to his Excellency to compel either the regular or occasional attendance of members against their inclination or contrary to their convenience; although no member could have a right to retain his seat in the council who was not prepared to sacrifice personal considerations of that nature, when circumstances required him to do so, for the public good. Sir Henry Vere Huntley was represented, by the party opposed to his views, as a determined tyrant; but in the tyranny of his rule, Sir Donald Campbell went far beyond Sir Henry V. Huntley. If Sir Henry had become offended by the conduct of a member of his council, he no longer wished to see him at the council board; but Sir Donald, in the exercise of the absolute authority, which he seemed to claim as his first official prerogative, was

determined to command the presence in council of such members of the executive as were the least acceptable to him. The same arbitrary and unconciliatory spirit was to be traced in his every action as the Administrator of the Government, whether it might be of the least or of the greatest moment. Did the House, in the usual respectful manner, request his Excellency to send down to them a copy of a Despatch, they had no reason to be surprised at his Excellency's returning a flat denial to their request; for he had already pretty well accustomed them to such want of courtesy. His refusal to send down copies of the Blue Books and to cause official returns of the Colonial Secretary's Fees to be made, in accordance with the request of an Address of the House, was couched in language sufficiently expressive of his contempt for the representatives of the people, and of his mistaken sense of the nature and extent of the power conferred upon him by his commission of Lieutenant Governor. It is true that his Excellency had, at last, complied with the request contained in that Address; but he (Mr. Coles) believed his Excellency's compliance was directly attributable to the effect of the Assembly's Address to Her Majesty upon the subject. His Excellency's conduct with respect to the dissolution of the late House, could only be explained by the belief that he considers himself to be invested with irresponsible power: the exercise of which is to be bounded only by the limits which his own discretion may prescribe.

The hon. member then observed, with reference to this subject, that, as he had said on a former occasion, when His Excellency had had sufficient time to ascertain the results of the Elections, as effecting the relative numerical strength of the Liberal and the Tory Parties, and having found that the preponderance was most decidedly in favour of the former, it became his duty, as an impartial, as a constitutional Governor, to communicate the fact to the Imperial Government without delay, and to request to be put in possession of determination concerning the establishment of Responsible Government in this colony, at as early a period as possible; and had his Excellency done so, it was his (Mr. Coles's) opinion that that form of Government would either have been fully established before this time, or would have been in the fairest way of being so; and that neither doubt nor dissatisfaction, on the part of the Representatives of the People, occasioned by obstructive and irritating proceedings on the part of his Excellency, would have caused any delay or postponement of the usual and necessary proceedings of the Legislature, or have wrought or threatened any injury to the interest of the country. If his Excellency had only made the necessary communication to Earl Grey, concerning the result of the Elections, although, at the time of convening the Legislature, he might not have had an answer from his Lordship to communicate to the House, he would and ought to have been able to say to them, "I have fully informed Earl Grey of the state of the two political parties in the Colony, and of the wishes of the People, as evidenced by the results of the Elections, touching the question of Responsible Government; and have requested his Lordship to favour me, at his earliest convenience, with final instructions by which to regulate my conduct with reference to that important question." To my communication, however, I have, as yet, received no reply; but, as soon as any directions concerning the question shall reach me, I shall hasten to lay them before the Legislature for its information and guidance." Had his Excellency been prepared to adopt this course, and had he actually done so, his conduct, as evincing impartiality and courtesy, would have been quite satisfactory to the Representatives of the People; and the harmony and confidence which ought to exist between his Excellency and them, would have remained undisturbed, instead of being utterly destroyed, as it has been by the neglectful, insulting, irritating tone and manner which his Excellency has assumed in his intercourse with the Assembly.—He had been told that it was very probable that his Excellency, in the expectation that he could by the issuing of Orders, draw from the Treasury such sums as might, from time to time, be required for the support of his Government, independently of the sanction and authority of the Legislature,—would withhold his assent to the Revenue Bill, because of the Appropriations made therein. His Excellency, they very well knew, had it in his power to reject the Bill; but, if he did so, he might, very probably soon after find that, in doing so, he had incurred a much more serious responsibility than he had calculated upon assuming; and his rejection of it would afford an undeniable proof of the wisdom and necessity which had induced the

House to tack the Appropriations to the Revenue Bill. With respect to any orders which his Excellency might issue upon the Treasury, without the sanction of Law, the Treasurer knew that, should he pay out any moneys on account of them, he or his securities would have to make their amount good to the country; and he (Mr. Coles) thought that should there be any reason to apprehend that moneys would be so illegally paid out of the Treasury, the Treasurer's securities would quickly take the alarm, and step in to prevent the wrong. And, in the event of the Bill's passing the three Branches of the Legislature, as he expected it would—for he believed a majority of the Legislative Council were favourable to its passage, and, in case they passed it, his Excellency would scarcely dare to reject it—should his Excellency attempt by issuing Orders, to draw any moneys from the Treasury, beyond the Appropriations, for the support of his Government, the penalty imposed upon the Treasurer, by the Bill, for paying out moneys from the Treasury on account of any such Orders, added to the previous liability of the Treasurer and his securities, in any such case, would, he believed, be quite sufficient to prevent the success of the attempt. To assert that his Excellency could, independently of Law, draw moneys from the Public Treasury, even for a public purpose, would be to assert that his power was above all Law, and that the liberties of the subject were entirely dependent upon his will and pleasure.—That insulting Despatch, in which Earl Grey says, that, with the exception of a few gentlemen in and about Charlottetown, no individuals can be found capable of discharging the duties of the higher Official Appointments in the Colony, was, he (Mr. Coles) doubted not, manufactured here, under the direction of, if not by, deeply interested parties, sent home to Downing Street, and thence returned to the Colony, that its false assertions might be trumpeted forth, as affording the Home Government very sufficient reasons for the withholding from the Colony the privilege of self-government. Independently of representations concerning the People and the Colony, sent home to him from the Colony, Earl Grey knew no more of their real state, character, and condition, than he did of undiscovered regions; and the insulting libel upon the People of this Colony, contained in his Despatch, had clearly proceeded from those whose own interests made it necessary to repress all attempts at an extension of the liberties of the people and popular reconstruction of the Government. The hon. member concluded by saying, that he believed the House would consider their knowledge of the facts which he had stated, quite sufficient to induce them to adopt the Resolution which he had read and moved.

[Debate to be continued in next No.]

## CORRESPONDENCE.

TO EDWARD WHELAN, ESQ., M. P. P.

THE OLIGARCHY AND THEIR DEFENDERS.

"Can they be what they are, and know what they are?"  
SHAKESPEARE.

NUMBER 2.

The writer of the editorial which is now under my consideration, calls for "an historical view of the contest for the attainment of Responsible Government, and that clear and lucid exposition of the intentions and expectations of the majority in the lower House, which the public have a right to expect," forgetting, or rather, as I am inclined to think, *designedly* overlooking the fact—and endeavouring to induce the public to overlook it also—that, at the very commencement of the first Session of our present Parliament, Mr. Coles, in a long and masterly speech, took a fair and most comprehensive "historical view of the whole contest," wherein, as well as in several speeches, subsequently delivered by him during that and the following Session, "of facts, and conclusions logically deduced from those facts," he produced and established so many for the defence of his position, that the minority, convinced of its impregnability, very wisely forbore to attack it, and, with due regard for their own safety, confined their demonstration of hostility, to vain and ridiculous evolutions around it, performed at a distance accurately calculated to ensure their own safety.

The "facts and conclusions deduced,"—whether "logically" or otherwise—"from those facts," in the speeches of Mr. Coles and other members of the majority in the Lower House, have been, faithfully I believe, given in the published Reports of the Debates of the two Sessions; and, if the writer of the editorial which I have herein noticed, thinks that, by the exercise