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NEW SERIES.] CHARLOTTETOWN, SATURDAY, APRIL 3, 1841. [No. 192.

HOUSE OF ASSEMBLY.

FRIDAY, MARCH 19.

(Continued.)

The entry in the Journal of the preceding day, as to certain words spoken by Mr. Thomson, with reference to Mr. Palmer, being read—

The House resolved itself into a Committee of Privileges thereon; and on the House resuming, the Chairman reported, that Mr. Thomson had been fully heard, and that the Committee had come to the following resolution:—

RESOLVED, That it is the opinion of this Committee, that the language used by John Thomson, Esq., in debate, yesterday, viz: "That the case of the Petitioner arose out of a most iniquitous proceeding, in which the learned Member for Charlottetown (meaning Mr. Palmer) had a hand," was unparliamentary, and a breach of the privileges of this House; and that the said John Thomson, Esq., be admonished at the bar by the Speaker, and be required to apologise in the following words:—

"Mr. Speaker,

"I, John Thomson, do apologise to this Honourable House for having used unparliamentary language on the floor of this House, when in debate yesterday; and am sorry for having given offence to the honorable and learned member, Mr. Palmer."

The Resolution, having been put from the Chair, and agreed to, Mr. Thomson was brought to the Bar by the Deputy Sergeant at Arms, and [illegible] required [illegible] discharged.

Mr. Secretary Haviland delivered the following Messages from His Excellency the Lieutenant Governor:—

[FIRST MESSAGE.]

A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly the Plan of a Survey of Lennox Island, accompanied by the Surveyor's Report of the description of the Soil, the extent of improvement made thereon by the Indians, and the length of time the Indians have resided on the Island, as requested by the House of Assembly at the last Session.

Government House, 19th March, 1841.

[SECOND MESSAGE.]

A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor transmits to the House of Assembly the Copy of a Presentment of the Grand Jury of King's County, with reference to the difficulty and inconvenience arising from the refusal of persons to serve as Constables, who have been so nominated by the Court, and recommending that a summary mode be provided by Law, to compel persons to serve who may be appointed Constables by the Court.

Also, The Copy of a Presentment of the Grand Jury of King's County, upon the insufficiency of the Fence round the Jail Yard, for the safe custody of Prisoners.

Also, a Statement of the Grand Jury of Prince County, of the necessity of certain improvements to the Jail in that County.

All which the Lieutenant Governor recommends to the consideration of the House.

Government House, 19th March, 1841.

SATURDAY, MARCH 20.

Mr. Thomson reported an Address to His Excellency, praying that he would cause a new survey to be made of a line of road from Dingwell's Mills to Cardigan River Bridge. Agreed to.

The House then went into Committee on the Public Accounts, when the Report which we inserted in our last was reported to the House, and agreed to, with some amendments of no great moment.

Mr. Rae moved that the following be added to the Report:—"That the whole expenditure on Buoys and Beacons, with the single exception of those at Grand River, appears extravagant; and that a Committee be appointed, to inquire into the means most proper for diminishing such expenditure"—which was negatived, only Mr. Fraser and Mr. Macintosh voting for it, besides the mover.

Mr. Thomson, in particular, expressed himself warmly against the motion, which he seemed to consider had some reference to the share which he himself had in advising the placing of the Buoys and Beacons at Three Rivers, and went on to say "that he (Mr. Rae) had acted in a most invidious and ungentlemanly manner in bringing the motion forward."

Mr. Rae said he would not submit to such an imputation, and moved that Mr. Thomson's words be taken down—which was ordered—and the House soon after adjourned for one hour.

In the afternoon, the House sat with closed doors, when the subject was again taken up, as will be seen by the following extracts from the Journals:—

Ordered, That the entry in the Journals of this day, relative to certain words spoken by John Thomson, Esq. be now read;

And the same being read;

Resolved, That this House do now resolve itself into a Committee of Privileges, to take the subject into consideration.

The House accordingly resolved itself into the said Committee.

Mr. Longworth (the Chairman) reported, that the Committee had gone into the consideration of the matter to them referred, had heard Mr. Thomson in explanation, and had come to two resolutions thereupon; which Resolutions being again read at the Clerk's Table, were, upon the question separately put thereon, agreed to by the House, and are as follow:—

1. RESOLVED, That it is the opinion of this Committee, that Alexander Rae, Esq., a Member of this House, in offering to the House this day a certain Resolution, as an addition to the Report on the Public Accounts, did not act in any manner either insidiously or ungentlemanly; and that John Thomson, Esq., in having in his place charged the said Alexander Rae, Esq. with having acted in an insidious and ungentlemanly manner, in offering the said Resolution, is guilty of a breach of the privileges of this House.

2. RESOLVED, That it is the opinion of this Committee, that John Thomson, Esq., a Member of this House, for the breach of the privileges of this House in offering certain offensive language towards Alexander Rae, Esq., be brought to the bar of the House, and required to apologize to this House in the following words:—

"Mr. Speaker;

"I, John Thomson, regret that I made use of the words 'insidious,' and 'ungentlemanly,' towards Alexander Rae, Esq., a Member of this Honorable House, and acknowledge the same were not applicable to that gentleman; and I do humbly apologize to this House, for such a glaring violation of the rules of decorum."

Mr. Thomson being called in, and having made his apology in the words dictated by the House, was dismissed from the bar.——Adjourned.

MONDAY, March 22.

The greater part of this day was spent in Committee of Supply, when a number of Resolutions were agreed to.

TUESDAY, March 23.

Mr. Le Lacheur, from the Committee to whom was referred the several Petitions complaining of the manner of measuring grain and other produce by masters of vessels and others when taken on board for exportation, reported a Bill to amend the Act for regulating weights and measures.

A Committee was appointed to inquire into the expenditure which had been incurred on Buoys and Beacons.

On motion of Mr. D. Macdonald, the following Address was ordered to be presented to His Excellency the Lieut. Governor:

To His Excellency SIR CHARLES AUGUSTUS FITZ ROY, *K. H., Lieutenant Governor, &c. &c. &c.*

May it please your Excellency;

The House of Assembly, in the course of their investigation of the Public Accounts, find therein charges for services performed by Special Constables sent from Queen's County to assist the Sheriff of King's County in the execution of his duty in that County; and also charges for duties said to have been performed by the said Sheriff, on account of a riot and an assault on his person; and have humbly to request, that your Excellency will be pleased to cause the proper Officers to lay before the House such [illegible] information.

The Committee appointed to wait upon the Lieutenant Governor with the said Address, reported the delivery thereof, and that His Excellency was pleased to say, he would send an answer by message.

The rest of the day was spent in Committee of Supply.

WEDNESDAY, March 24.

The Bill for regulating the qualifications of Jurors, and the mode of selecting Juries, was read the third time and passed, on the following division:

Yeas—Messrs. Thomson, Clark, Le Lacheur, Macintosh, D. Macdonald, Forbes, W. Dingwell, Macfarlane, J. Dingwell, Fraser, Maclean, Hudson, 12.

Nays—Hon. J. S. Macdonald, Messrs. Palmer, Gorman, Beck, Montgomery, Macneill, Yeo, Dalziel, Longworth, 9.

The rest of the day was spent in the consideration of matters relating to Roads and Bridges. The scale of subdivision was inserted in our last.

THURSDAY, March 25.

Mr. Palmer introduced a Bill for the establishment of Criminal Sessions in Queen's County, for the trial of offences not affecting life or limb—to be held twice a year, and to be regulated by the rules of the Courts of Quarter Sessions in England.—Second reading on Tuesday.

The Bill introduced by Mr. Thomson, to further amend the Road Compensation Act, was read a second time and committed. The Committee rose without reporting; so the bill was lost.

Mr. Rae reported from the Committee appointed to inquire into the expenditure on Buoys and Beacons.

Mr. Longworth reported from the Committee appointed to report on the best site for a Light House for Charlottetown Harbour, and the probable cost of the structure.

Mr. Palmer reported from the Committee to whom was referred the several petitions and other documents relative to the construction of a new wharf at the Ferry Point opposite Charlottetown.

The three last mentioned Reports were all referred to a Committee of the whole House.

SALARY OF THE LIEUTENANT GOVERNOR.

The House having gone into Committee on the State of the Colony, to take into consideration the Despatch of Lord John Russell, recommending that an addition of £1000 Sterling per annum be made to His Excellency's salary out of the funds of the Colony:

The Hon. J. S. MACDONALD said, the subject before the Committee was one of very great importance, and called for the most serious consideration of the Committee. When he heard the Despatch read the day it was submitted to the House, he was most decidedly opposed to the measure therein referred to, because he considered the sum required much greater than the resources of the country would warrant the House in granting; but at the same time, he must confess, that he could not help acknowledging the justice of the principle, that if any augmentation of the present salary of the Lieut. Governor was necessary, that the same should be borne by the Colony; but as a considerable time had elapsed since the Despatch was laid before the House, he had turned the matter over in his mind repeatedly, and viewed it, he thought, in all its bearings. The Governor General and Lord John Russell had both recognized the justice and necessity of increasing His Excellency's salary, on the ground that his present income was inadequate to enable him to support the dignity of his office, without trenching on his private resources; and Lord John Russell in his Despatch says that this is the only Colony in North America, with the exception of Bermuda, which does not pay for the expences of its civil government, although her Majesty's government, so far back as 1825, considered that the funds of the Island were capable of bearing those charges. This gentle hint he (Mr. McDonald) had no doubt, was intended to operate as a stimulus, to induce the House to grant the sum required, and to remind us, that if we did not comply, we could not complain, if called upon to pay the whole amount of the civil list; it therefore behoved this Committee to give the subject its most serious consideration, and look to the consequences that may probably result from refusing to grant what Her Majesty's government deem a just and reasonable demand. It was a well known fact, that there is a considerable portion of the Revenue over which the Legislature have no control, except by sufferance; the Imperial duty alone paid in last year, not to speak of the proceeds of the permanent Revenue Acts, amounted to £1200. It must also be borne in mind, that the Imperial Government have been pleased to forego the collection of the Quit Rents for a limited period, and have allowed the Legislature to substitute a Land Tax, and appropriate the proceeds thereof for the improvement of the Colony; besides, there is a considerable sum in the Treasury arising from the sale of Crown Lands, It is therefore quite possible, that Her Majesty's Government may, if this demand on our liberality meets with an unfavourable reception, direct His Excellency to take to himself, out of the Treasury of this Island, the sum required; or else, if offence be taken at our illiberality, we may at once be called upon to pay the Civil List. Yes, Mr. Chairman, (continued the hon. member) it is not improbable but even worse than this may be the result—Her Majesty's Ministers may turn round upon us and say, you are an ungrateful, troublesome people; we have fostered your colony in its infancy, and borne the expences of your Civil government up to the present time; and now that we tell you that the salary of the Lieut. Governor is inadequate to enable him to maintain the dignity of his office as the Representative of the Sovereign, and call upon you to make some addition thereto, you answer, no; you are therefore no longer worthy of our protection—we shall withdraw Her Majesty's Representative from amongst you—deprive you of your constitution, and annex you to Nova Scotia, and let the Novascotians fleece you as they please. But he (Mr. McDonald) would be sorry indeed to see either of these events take place; and he thought that the best way of averting such an evil was, to grant a liberal sum, per annum, to the Lieut. Governor of the Colony for time being, so long as the Imperial Government shall continue to pay the Civil List. Such a measure would, in his opinion, be tantamount to a commutation of the Civil List; for let who will be Governor, it is likely that either he or his friends, and perhaps both, will have considerable influence with Her Majesty's Ministers, who knowing that such additional salary will cease so soon as the colony is saddled with the Civil List, will use their powerful influence to ward off the evil day, to as distant a period as possible. These being the views he had taken of the subject, he would submit the following Resolution:

"Resolved, That it is the opinion of this Committee, that the House be recommended, as a matter of sound policy, to augment the present salary of the Lieutenant Governor of this Colony; and that provision be made that the sum of Pounds, Prince Edward Island currency, per annum, be paid out of the public Treasury of this Island to the Lieutenant Governor thereof, for the time being, so long as the present Civil List of the Colony shall be borne and paid by the Imperial Government."

The motion was seconded by Mr. Yeo.

Mr. SPEAKER thought it would be any thing but sound policy to comply with the request of the Home Government, by increasing the salary of His Excellency. Owing to the state of our revenue, impoverished as we are by the proprietary body, it is not in a state fit to meet that, or a much less demand. Besides this, if we succeed with the Land Bill, we will require all the disposable money in the Treasury, to pay for the purchase of the Lands. The people of England have no idea of our financial resources; they do not know the state of society here, and consequently do not know what is necessary to support and maintain a gentleman in this country with that degree of dignity suitable to his standing in society. The society of every [illegible] every community differs [illegible] representations made from time to time to the Home Government that they are thus induced to believe that this country is, what it really is not. In looking back to the complaints from the other Provinces, the most prominent are the high sums demanded by the Ministers in lieu of the Civil List; and with such complaints made to former Ministers, Lord John Russell had better have weighed those complainants before he acted upon the advice of the Governor General to increase the salary of the Lieutenant Governor of this Island, £1000 sterling, at a time when this colony cannot defray any part thereof. (Here Mr. Speaker cited a passage out of a Despatch before the House, stating that the Home Government were willing to redress the grievances of which the Colony might have reason to complain.) Our grievances, numerous and unredressed as they are, would only be increased by complying with the tenor of this Despatch. He concluded by saying, that he would defer stating any thing further until he had head what hon. members had to offer on the subject under consideration.

Mr. DONALD MACDONALD, on rising to move the following Resolution, in amendment to the one before the Committee, said, that as the Resolution he was about to offer expressed his views fully on the subject, he did not therefore intend to say much on that important question, but would leave it to those more capable of doing justice to the subject. He felt assured, that the amendment would meet the views of the Committee generally:

Whereas the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, in his Despatch, bearing date the 16th November, 1840, in reference to the present amount of Salary of £1000, per year, payable to the Lieutenant Governor of this Colony out of its Civil List, as voted by the Imperial Parliament, is of opinion that the additional sum of £1000, sterling, per year, ought to be added to such salary, and that such additional sum should be paid out of the Public Funds of this Colony, considering, among others reasons therein expressed by his Lordship, that the Revenue and Commerce of this Island had greatly increased, and that its funds were capable of bearing this charge. And whereas Lord Goderich, when acting as Principal Secretary of State for the Colonies, in a Despatch, bearing date the 25th November, 1832, in answer to an Address of the House of Assembly, praying an order for the repeal of the Permanent Revenue Acts of this Island, although his Lordship was of opinion that the permanent and necessary expenses of the Colonies, for their civil Government, ought not to be defrayed from the Revenues of the Mother Country, and further, trusted, that at an early period the improved state of this Island, both in population and resources, would enable its Legislature to take upon itself the charge of its Civil List; and stated that whenever the financial condition of the Colony might be such as to enable them to make a moderate but permanent provision for the necessary expenses of the Government, thereby relieving the mother country from the charge incurred for these objects, he should not hesitate to advise His Majesty to give his assent to any Act placing the whole Revenue within this Island at the disposal of the Legislature." Yet his Lordship did not then advise his said Majesty to grant the prayer of the House of Assembly, by ordering a repeal of the said Revenue Acts, being sensible that the finances of the Colony were, as his Lordship was pleased to express, then "inadequate to defray the expenses of its Civil Establishment." And whereas the House of Assembly, in its Session of 1835, passed a Resolution, wherein was adopted, as the opinion of the House, "that if the desired settlement of the Lands meet the favorable consideration of his (then) Majesty's Government, and the entire resources of the Colony become placed at the disposal of the Colonial Legislature, it would effectually enable this Colony to make a permanent provision for the Colonial Civil List and general improvement of the Island:" *Resolved, therefore*, That it is a subject of the utmost regret, that the resources of this Colony have not yet so far improved in their state as to enable it, in keeping pace with its exigencies, to take upon itself the burden of any part of its Civil List, and that it is inexpedient that any sum should be added to a charge which, while at its present amount and under different circumstances this Colony might at an early day be prepared to provide for, and that while the resources of the Colony continue so inadequate to meet such a demand upon its funds as that proposed by the Right Honorable the Secretary of State for the Colonies, and that until the whole of its territorial and casual Revenues are placed at the disposal of the local Legislature, this Committee deem it inexpedient that any additional burthen should be levied on the inhabitants of the Colony, by adding to the amount of the present Salary of its Lieutenant Governor.

Mr. CLARK, on seconding the Resolution which had been moved as an amendment, said, he felt it a duty of no ordinary moment to express his opinion on the question now before the Committee; it was one that called for the deepest consideration of every member of the House. By the Despatch before us, we are called on to make further provision for the support of His Excellency the Lieutenant Governor. Now, from the state of our Colonial affairs, harassed and oppressed as the Colony is, we are thereby rendered quite unable to make any increase in His Excellency's Salary. We may be told that this Island ought to pay the Civil List; but even if the whole of the Revenue were placed at our disposal, we would not then be able to support and pay it. It will be recollected, that this Island was first erected into a separate Government on the Proprietors promising to defray its Civil List; this promise was never fulfilled; those parties who made such promise, did in this case, as they invariably have done in other cases; but they always made sure of having their own demands enforced against the tenantry. By such means have they from time to time succeeded in carrying out of the Colony ten times the amount of the Civil List; by them has the country been retarded in its advance to improvement; by them the country has been reduced to its present state of discontent. Situated as it is, under such burdens, it has to support both the proprietary body and the Local Government. The Imperial Government has been imposed on by the false representations of that proprietary body, in having up to the present day had to pay no less than £150,000 sterling, besides the interest, for the Civil establishment of the Colony. Application has been made by the Governor General, and acceded to by the Imperial Government, in order that His Excellency's Salary should be increased. He (Mr. Clark) was not going to say that His Excellency's Salary ought not to be increased; that was not the question under consideration. The question is, whether the Imperial Government, which has been always imposed on by the proprietary body should pay it; or whether the people are to make up for the delinquency of that body, by paying the Civil List, or any part thereof. Because this is a proprietary Colony, whose inhabitants are heavily taxed for its internal improvement in public buildings, roads, bridges, &c.; after all this, is it fair that they should be obliged to pay the Civil List? If the Imperial Government but knew our real situation they would never have made this application. If we are to believe what we hear out of doors, we are to believe that by refusing this demand, we thereby will be bringing a burden on our shoulders intolerable to be borne; to wit, the Civil List of the Colony, amounting to at least £2,800 sterling a year; and if this threat will not force us into a compliance, then the next thing that we will be told is, that the Imperial Revenue, as well as the permanent Revenue, will be taken from us; these, as being established and permanent, are not subject to our Legislation. Another threat is held out as a terror to us, namely, the resignation or removal from amongst us of a Lieutenant Governor, for whom the country entertains the highest [illegible] sooner peace [illegible] rather encouraged to meet who delighted in turbulence [illegible] chase peace at too dear a rate.

Mr. THOMSON could not agree to all the details of the amendment submitted. He thought that the amendment was not correct with regard to the state of our financial circumstances. Our Revenue is sufficient to meet this demand, only that the Colony is under proprietary misrule.

Mr. YEO would freely go with the original Resolution offered by the hon. J S Macdonald. It was not for the purpose of favouring His Excellency that he would do so; but purely on the principle, that it would be the wisest and soundest policy to grant His Excellency some additional salary, to support the dignity of his office. Far better for the country to comply in part with this request, than, by refusing it, to have by and bye to pay the whole Civil List. If we refuse the offer made us by this Despatch, within two years hence, we will see our error, but then too late. We may then be annexed to Nova Scotia, and when that comes to pass, we will have reason to curse the day that we refused to entertain this measure. Every hon. member knows that the present salary of His Excellency is by no means adequate to the duties of his office. We should therefore make the necessary provision for His Excellency, as required by this Despatch, at least as far our resources will permit; by doing this we will be acting reasonably for once. He could not believe the statement of hon. members, that scores of pounds had been taken out of the Colony by the proprietors; but on the contrary he was assured that scores of pounds were due by the tenantry to that body. It was also stated that the tenants were the only persons who made the roads; this was not always the case, for the proprietors have made many roads throughout the Island. Having as great a stake in the Colony as any hon. member here, he therefore felt a deep interest in the future prosperity of the Colony. As to what had fallen from hon. members respecting His Excellency's being at one time apparently favourable to the country, he (Mr. Yeo) would say that he did more than any other would have if placed over this Government; he is blamed by many for his late conduct in his administration here; but the fact of the matter is, if he were to give many of the people here an inch, they would soon take an ell. As to the Executive and Legislative Councils, they are not opposed to the interests of the Colony. For his (Mr. Yeo's) part he did not know what the Executive Council had done to the detriment of the Colony—he knew them all—they were honorable and upright men. As to the Legislative Council, he granted that some of that body were proprietors and land agents; but he would ask hon. members, if a material change had not been made by the late appointments to that branch. The last one that was called to the Council was a man who tried to make it appear that he could make the Escheaters walk if they had no legs. Some hon. members boast of what they wished to have done for the good of the country, but for his (Mr. Yeo's) part he did not know what good the House had done, since he had had the honour of a seat in it. Instead of cultivating a good understanding with the Government, we on the contrary are doing every thing in our power to incur its displeasure; but all we can do is to show our teeth, we cannot bite. He did not, he said, come forward to advocate the interest of the Governor, nor that of the proprietors—but he stood forth to discharge his duty towards the country as far as lay in his power. If we think that the Governor can live without Governor, we ought to turn him adrift and fight out our independence.

MR. PALMER said, that he would not have agreed to any of the Resolutions submitted, as none of them carried out his views fully: but in order to avoid cavilling, he felt it his duty to go with the second Resolution submitted in amendment, as it did not differ greatly in principle from his views on the question before the Committee. He therefore felt himself called on to express his opinion against the granting of any sum in addition to his Excellency's salary,—and in doing so, it was not out of any personal feeling towards his Excellency; but purely on the broad principle whether it be expedient or not for the Colony to comply with the request of the home Government. This being the chief question under consideration, we must look upon it as one in which the exclusive interest of the whole Island is involved, and not that of any individual. That it was expedient to add to his Excellency's salary had not been proved by any reasons offered in argument by hon. members. If we grant this sum to his Excellency, for whom the country entertains the highest esteem, he may be removed before long, and succeeded by one whose administration may not prove as satisfactory, yet, we would be bound to pay him his full salary—and perhaps not with a good grace. By refusing to comply with the request of the home Government, we by no means should be considered as acting illiberally. The Government of this Colony, has, year after year, received very liberal support from us in proportion to our colonial revenue. If gentlemen would take the trouble to look at the public accounts, for years past, they would find that the Legislature have granted some six or seven Thousand pounds towards the erection, repairs and furnishing of the residence of His Excellency the Lt. Governor, which is a great saving to him; this House should not therefore be accused of niggardliness by the home Government. In the sister provinces, the salaries of their Governors are proportioned to their respective revenues. But Lord John Russell would have us grant an additional sum to His Excellency, equal to at least the ninth part of our revenue. The time to increase His Excellency's salary has not yet arrived; we must wait till our revenue assumes a more flourishing aspect. Compare the salaries of other Colonial Governors with that of our Governor, and then compare the different revenues, and it will be found that he gets more in proportion to the revenue than any of the other governors.

It has been said that His Excellency is not supported in a manner suitable to his dignity and rank in society, under his present salary—but this is not our consideration; we conceive the present salary to be sufficient under our present circumstances. If we do not accede to this proposal, we are threatened with the Civil List—this we may expect at all events in the course of time; but the Home Government will never impose that burden on us, without giving us the means of supporting it. It has been said, that this additional salary will cease as soon as the Civil List comes; but he, (Mr. P.) did not think that that would compensate the Colony for all the money that might be advanced from our resources towards the Governor's salary till that period arrives. We are not afraid of the Civil List. When