

# 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.

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### HOUSE OF ASSEMBLY.

THURSDAY, 14th March.

**RESPONSIBLE GOVERNMENT.**—The following Message from His Excellency was delivered by the Hon. Colonial Secretary.—“The Lieutenant Governor takes the earliest opportunity of communicating to the House of Assembly an Extract from a confidential Despatch from Earl Grey, received by him yesterday evening.

Government House, 14th March, 1850.

“With respect to the concession of Responsible Government, should the subject be again pressed on your attention, the passages in my public Despatch of 27th December, which relate to that subject, will enable you fully to understand the views of Her Majesty's advisers.

“You will observe that I have not expressed in any determination to advise Her Majesty to refuse this concession, if it should appear that it is the real wish of the inhabitants of the Colony in general. I have pointed out my own reasons for not thinking such a mode of Government particularly desirable for the community in its present stage, and I have pointed out also the permanent provision, and establishments which must precede its adoption.”

The above having been read by the Clerk—Mr. COLES rose and observed he was glad that the draft of a Civil List Bill, in accordance with the views of the majority of the House, had been prepared before the receipt of the Despatch from which the important extract which had just been read had been communicated to them. He was glad of it, because that draft would satisfactorily prove that the House were prepared, by a proper provision, on their part, for the due performance of public services, to meet the concessions which were, in consequence of such provision, to be made to the Colony by Her Majesty the Queen. The honorable gentleman then proceeded to read the several items of the Civil List Bill draft—which were as they stood in that Bill at the time it was assented to by His Excellency in Her Majesty's name, and as they have appeared in the Reporter's Summary, in the *Examiner*, 27th March—and expressed his confidence in the willingness of the House to proceed with it, as they could then no longer reasonably entertain any fears of opposition to the introduction of the Responsible System.

Mr. POPE expressed himself much satisfied to find that his own interpretation of Earl Grey's Despatch of the 27th December last, was fully borne out by that portion of another Despatch from the same authority, which had just been communicated to them. That extract, evidently intended to be, in some degree, explanatory of the Despatch of the 27th December, showed that, at the Colonial Office, it appeared to be almost a general rule to draw up Despatches for the Colonies in so double-toned, artful a manner, as to admit of their being interpreted either for or against a public movement or measure; so that, whatever might be the event, the Minister could, in his own defence, turn round and say, in the style of the extract which had just been read, “You will observe that I did not express any determination to advise Her Majesty to refuse the concession, should it appear to be the real wish of the people. I merely pointed out my ‘my own’ reasons for not thinking such a procedure particularly desirable for the community.” By so disingenuous a mode of conveying his instructions to the Lieutenant Governor, the noble Secretary, he (Mr. Pope) thought, had very unfairly thrown upon His Excellency the responsibility of distinguishing between his private opinions and what is now called “the views of Her Majesty's advisers;” but the fact was, that he considered a person of Lord Grey's high standing and character incapable of such quibbling and duplicity; and therefore believed, that these Despatches, like many others issued from the Colonial Office in his Lordship's name, were written by some “legal mystifier” who had succeeded “King Stephens.” He (Mr. Pope) had also said that he was persuaded that Earl Grey, when he wrote the Despatch of 27th December, was under the impression that the people of Prince Edward Island were not desirous of the adoption of the Responsible System in their Government; and that such had been the impression upon the noble Secretary's mind, was quite evident from the tenor of the sentence in which he says, that he had not expressed any determination to advise Her Majesty to refuse the concession of Responsible Government, should it appear that it was the real wish of the inhabitants in general; and in case the question should again be pressed on His Excellency. The Despatch of the 27th December, he (Mr. Pope) had characterized as an echo across the Atlantic, from the shores of Great Britain, responsive

to a voice from Prince Edward Island. Such in truth it was; and, in the extract which they had just heard, it was easy to recognize the changing tones of Government House, reverberated from Downing Street. Ungracefully as the concession it contained was made, he was very glad indeed that it had been granted in time to prevent injury to the Colony by the withholding of the annual Supplies and the want of a Revenue Law. And, aware as he was of the unwillingness of the Government to promote the establishment of Responsible Government in the Colony, he (Mr. Pope) hailed the noble Secretary's reluctant acquiescence as a triumph, obtained by the House, over the powerful upholders of the irresponsible system. There was good reason to suppose that Lord John Russell's exposition of the principles, recently made in the House of Commons, which are henceforth to be recognized and acted upon in the administration of Colonial affairs, had materially assisted in removing the film from the eyes of the Right Hon. Secretary, Earl Grey; but, however that might be, the people of Prince Edward Island had obtained a triumph over his prejudices and opposition. It was true it was not Earl Grey's opinion that such a mode, as the Responsible System of Government, was particularly desirable for the community in its present stage; but, fortunately for the people of Prince Edward, Earl Grey had it not in his power to control the progress of the enlightened policy professed by the Premier, Lord John Russell, who proudly acknowledges himself to belong to a country whose mission is to sow half the world with free institutions; and he (Mr. Pope) was satisfied that the people might now safely indulge the hope that that system of Government would soon be established in the Colony, which would enable them to work their own way to prosperity. But Responsible Government was not the only boon which Lord John Russell was prepared to bestow upon the British Colonies to which political freedom had already been granted or was to be extended: he meant still further to extend their capacity for self-government, by making their Legislative Council elective by the people; a measure, in favour of which his opinion had been recorded in the Journals of the House 16 years ago, 1834. Now, concluded the honorable member, all that remains for the House to do, is to make a proper use of their advantages, and so to act as to prevent others from attributing to them, with any show of reason, bad or selfish motives of action. It behoved them to be governed by due moderation, and to show no rashness or extravagance in their proceedings: it would be their wisdom to confine themselves to constitutional redress, and, throwing aside all favouritism and private feeling, to act with a single eye to the public good, and shew the Home Government that they were worthy to enjoy all the political privileges extended to the neighbouring Provinces.

Mr. COLES then rose and moved that a Committee be appointed to prepare and bring in a Bill to provide for the payment of the Civil List, in accordance with a Despatch from the Right Hon. Earl Grey to His Excellency the Lieutenant Governor, dated 27th Dec., 1849, and laid before this House on the first day of the present Session; as also in pursuance of an Extract from a confidential Despatch of Earl Grey to the Lieutenant Governor, dated 18th February, 1850, communicated to the House this day, conceding Responsible Government to this Colony.

Mr. LONGWORTH moved, by way of amendment, that the said Despatches be referred to a Committee of the whole House to-morrow.

The House divided on the motion of amendment. Yeas 1—Nays 18.

The question being then put on the main motion, it was agreed to by the House.

FRIDAY, 15th March.

### HOUSE IN COMMITTEE ON THE SMALL DEBTS ACT.

During the time that the House sat in Committee on the Small Debts Act, several members expressed their opinions with reference to some of the provisions of the old Act, and also as respected the amendments suggested therein. These considerably condensed, are as follow:—

Mr. FRASER thought the fees allowed under the Act were too high, and that it would be right to reduce them. In Nova Scotia, he believed, the fee for a Summons was only 1s., and in New Brunswick only 9d., whilst in Prince Edward for the lowest sum it is 3s. The hon. member, at this time, took occasion to say that he disapproved of imprisonment for debt. He thought a creditor was very poorly paid indeed by having his debtor committed to Jail for a few weeks.

Mr. POPE said the honorable member (Mr. Fraser) was mistaken with respect to the amount of Small Debts fees in New Brunswick. There the fees on judgment were so high as greatly to exceed those in Prince Edward. As a Small Debts Commissioner, he had never received more than 10s. or 12s.—certainly not too much—for one day's—or properly speaking a month's attention to the discharge of his duties in that capacity; but he had never expressed himself dissatisfied with such remuneration. It might be true that, at St. Eleanor's and in Charlottetown, in each of which places the number of Summonses issued every month was very considerable, the Commissioners, Clerks, and even the Constables were all well paid. It was not so, however, with respect to all the Small Debts Courts in the country; in some of which, the Commissioners were certainly not sufficiently remunerated. The expenses consequent upon the prosecution of a Suit in a Small Debts Court, were often, it should be remembered, greatly increased by the many witnesses subpoenaed; but that was not owing to too high a scale of fees; should it appear, however, that the country called for an abatement in the amount of fees, he would not oppose it. He was not aware of any general existing abuses under the Act; but should it be made to appear that there were any, he would be most ready to lend a helping hand to remove them.

Mr. MOONEY was of opinion that the best way of paying the Commissioners, would be by annual salaries, and providing that all fees of office received by them should be paid into the Treasury. Such an alteration in the Law would, he thought, tend to diminish the amount of litigation, by holding out no inducement to the Commissioners to encourage it; some of whom, he believed, had been very expert in cutting out work in that line for themselves. He thought also that it would be well to diminish the fees of the Constables, and then, perhaps, there would not be such a struggle among men who were unwilling to earn their livelihoods by respectable industry and daily useful labor, to obtain appointments as Constables. The honorable member then humorously, but justly, censured the mean, contemptible efforts of such men, when acting as Constables, to increase the amount of their fees. It was no unusual thing, he believed, for Constables of the character to which he had alluded, to go about in search of employment, from store to store, stating individually to the several merchants, that they were going, on business, to such or such a Settlement, and would be glad to take the serving of a few Summonses in that quarter on reduced terms, and, besides, that they would be willing to take goods in whole or in part payment; and thus, said the honorable member, had the trouble and expense of a Summons been brought upon many a poor debtor, who would otherwise have experienced the lenity of his creditor, and have been able honestly to acquit himself of his obligation. He maintained that the fees of Constables ought to be cut down: they ought not to be so high as to make the office of a Constable worthy of being struggled for. Let them be reduced, and some of those who were lazily earning a livelihood by their amount, would perhaps, become more valuable members of society, and betake themselves to a more respectable way of earning a livelihood.

Mr. LORD said he had been a Small Debts Commissioner for the last two or three years; but, although he had frequently felt for poor individuals summoned to the Court for debts of a very trifling amount, and would gladly interfere for the amelioration of the law, if amelioration were possible with due regard to justice, he was of opinion that a reduction of the fees would tend greatly to the increase of litigation; and, on the contrary, that an increase therein would materially diminish it. Litigation in the Small Debts Courts, had unfortunately become so extensive and customary, that there was, he believed, a vast number of persons in the community who would, unless sued according to custom, never think of paying their debts at all. As a Commissioner, viewing the fees as he might have a personal interest therein, and as a member of the Assembly, considering it to be his duty to support reduction of fees, retrenchment, and economy, he was prepared to go for a reduction of the fees under the Small Debts Act; but, at the same time, he was strongly inclined to question the wisdom of doing so. The honorable member concluded by saying that he would not object to a reduction of 25 per cent. in the scale of fees.

Hon. Mr. THORNTON thought the highest fees in the scale were too high: the gradation upwards was not in due proportion. The hon. gentleman replied to Mr. Mooney, that, if there was so much reason to complain of the conduct and character of the present Constables,