

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.

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HOUSE OF ASSEMBLY.

TUESDAY, 30th April.

HOUSE IN COMMITTEE ON THE STATE OF THE COLONY.

(Conclusion of the Debates.)

Mr. COLES rejoined, at some length. His principal observations were to the following effect.—He had just been taunted with having found it necessary to forego an intention which, it was asserted, he had entertained of submitting a resolution expressive of a want of confidence in his Excellency. To that taunt, he would merely reply, that if the intention to do had been entertained, either by him or any other individual of his party, it could not be shown, even by the exercise of all the legal ingenuity of the honorable member for Charlottetown, that the intention had been entertained without sufficient reasons; and neither was there any evidence to satisfy him (Hon. Mr. P.) that, if the intention had ever been entertained, it was at length abandoned. If he (Hon. Mr. P.) intended to say that the majority of the House would not agree to a vote of no confidence in his Excellency, he was quite mistaken; for the party with whom he (Mr. C.) acted were anxious to have a resolution to that effect brought forward, but he (Mr. C.) thought his Excellency and his council unworthy that any such notice should be taken of them—deprived as they were of all respectability in the estimation of the people, and destitute of all power consequent upon such respectability. If he (Hon. Mr. P.) should, however, express any further anxiety about a resolution of no confidence, his displeasure with the proceedings of the majority might, perhaps, be still further increased by its production and adoption; although it might be quite as well to allow him and the Government of which he formed a part, to run the whole length of their tether, for he (Mr. C.) thought it could not now afford them much further scope. With regard to his Excellency, he (Mr. C.) in recognizing him as the representative of Her Majesty, was most willing to accord to him all demonstrations of the respect to which he was entitled, in that character or capacity; but at the same time he was anxious that Sir Donald Campbell should feel—and act as if he felt—that, as Governor of this Colony, it was his first duty to exercise the power with which he was invested for the good of the people, with a due regard both to their wants and wishes; and, if he failed to do so, it was the bounden duty of the people's representatives to let him know that they were cognizant of his error, and determined that he should amend it. Had he (Mr. Coles) or his friends who acted with him pending "the negotiation" been looking for places of honor or emolument, they would have represented to his Excellency that their attainment of them was essentially necessary, as a prerequisite to the due adjustment of matters for the effecting of a change in the Government. No advantage of this kind, however, did they endeavour to derive from their position as negotiators; but on the contrary, they left his Excellency to pursue his own course, without seeking to derive any personal benefits from such other changes as might proceed from a change in the Government. He (Mr. C.) for one, was perfectly satisfied with the honor which he enjoyed as a trusted representative of the people. The honorable Speaker had offered some objections to the language of the resolution, although fully admitting the propriety of its purport; and as he (Mr. C.) knew his opinions in general to be the result of cool, collected, and moderate reflection, he (Mr. C.) was inclined to defer it, and agree to the alteration which he proposed. The movement for Responsible Government had commenced in the neighbouring Provinces, where the attainment of it was steadily and confidently pursued, in spite of all the obstructions thrown in its way by the determined friends of their favourite system of corruption, until its successful establishment; and here where its principles were as well understood as they were even in those Provinces in which they were in full operation, it could not be supposed that—although his Excellency and his Government might, in the prosecution of their obstructive policy, be able to cause a short postponement of its establishment—the people would consent to abate their exertions for its attainment until they should be crowned with success.

Mr. WARBURTON said, if the resolution were expressed in the very strongest terms which could possibly be conceived, he would support it; for the censure which it was intended to convey was called forth by most determined, although unprovoked and unmerited, insult. He could further say that it was the desire of Her Majesty that a resolution expressive of a want of confi-

dence in the Governor should also be adopted; and it was not improbable that such a resolution would yet be brought forward and carried. In all his intercourse with the House, the Governor had never treated them with the respect to which they were entitled as the representatives of the people.

Mr. WHELAN said that he could not see anything to be gained by the proposed amendment. The resolution was fully justified by his Excellency's treatment of the House; and the amendment, if adopted, would not make it either one jot better or one jot worse.

Mr. JARDINE, the Chairman, then put the question upon the honorable Speaker's amendment, which was lost. The original resolution, as proposed by Mr. Coles, was then submitted to the vote and agreed to.

The Chairman having read the second resolution as proposed by Mr. Coles, which, besides assigning his Excellency's having imputed "premeditated neglect of their legislative duties" to the House, as a cause of irritation to them, coupled that imputation with the insult which it was alleged he had conveyed to them by the tone and manner in the delivery of his speech at the opening of the session; the honorable Speaker rose and moved the following:

"Resolved, That his Excellency the Lieut. Governor, in reply to the answer of this House on the 29th inst., having imputed to this House the "premeditated neglect of their legislative duties," did, by such expression, violate both the privileges of the House, and the decorum which ought to be observed in the communications between the different parts of the Legislature; and which this House, up to that date, in regard to his Excellency, had strictly observed; and that such conduct on the part of his Excellency is calculated rather to irritate than to conciliate this Branch of the Legislature."

Mr. POPE, in seconding this resolution, said that the language used by his Excellency to the House, and referred to in the resolution, most certainly amounted to a breach of the privileges of the House, and constituted the greatest insult that had ever, he believed, been offered to an Assembly.

Mr. MONTGOMERY could not say that the course pursued by the House, and to which his Excellency directed the offensive passage in his reply, had not been premeditated. On the contrary, from the conversation which he had had with members during the recess, he knew that it had been premeditated.

Mr. SPEAKER said it gave him pleasure to answer an objection such as Mr. Montgomery's, because he believed he really felt it as an objection. No doubt the House premeditated to do what they had done. But that was no "neglect of duty," but the exercise of the most disagreeable, but most necessary part of their duty, that is, not to entrust the expenditure of the money received from the people to men in the honesty of whom they had no confidence. If they must do as the Governor says, and always raise and appropriate the moneys he demands, then what use for the trouble of election, how could they be responsible to the people? If this be the law, better that, to be in conformity therewith, the Governor should have the power to choose 24 decent yeomen to fill that House, and then the men he chose would surely act in conformity with his wishes. He (the hon. Speaker) thought they had, as yet, no good ground to blame the Governor for his conduct, nor had the Governor any right to blame them. But they had a right to blame him for imputing to them a neglect of duty. He, the Governor, was indeed only one man, but he was also an independent Branch of the Legislature—receiving instructions from Britain and not from us—bound to obey those instructions, although he should thus be drawn into collision with the House. It was indeed denied by some that he had any such instructions, but to them he would reply that, in saying so, they must mean that the Governor in his speech had told a lie. One honorable member had said, that the Governor's refusal to accede to the wishes of the people may have arisen from his having misunderstood his instructions. To that observation he would reply, that if Earl Grey had given him clear directions to concede Responsible Government, he would not have dared to disobey the mandate—he would not have been the fool to deny the right, when called for by the House.

Mr. WHELAN replied, that it was quite in vain for the honorable Speaker to labor in defence of Sir Donald Campbell on that head. The honorable Speaker supposed that Sir Donald would not be so fool-hardy as to oppose the determination of Earl Grey, should it be in favour of Responsible Government; but he (Mr. W.) would beg leave to tell the honorable Speaker that Sir Donald had already done so; for he had contravened the operation of a recent Despatch of his Lordship,

authorizing, if it mean anything, the establishment of Responsible Government in the Colony.

Mr. JARDINE, the Chairman, then put the question upon the resolution moved in amendment by the hon. Speaker, and the same was agreed to.

The third resolution, as proposed by Mr. Coles, was then read by the Chairman, and submitted to vote. It is as follows:—

"Resolved That a part of his Excellency's Speech delivered to the Legislature at the close of the last Session, warrants the presumption, that a provision for the Attorney General had been demanded by his Excellency, which is incorrect."

Mr. MONTGOMERY said he could not agree to that resolution. He understood that the claims of the Attorney General were to be acknowledged, by securing to him the possession of his Office; but, if that were not the case, there could be no other mode of recognizing them, than by granting him a retiring pension.

Mr. COLES replied that he had already explained—and that more than once—that there had been no intention to cause the Attorney General to retire from his office, and that, on its being stated to his Excellency, in conference, that, in the event of a change in the form of the Government, he (the Attorney General) would not be required to relinquish his appointment, his Excellency had, at once said, "Well, let his name be struck out of the list,"—meaning the list of officers for whom he would require a permanent provision on their relinquishment of their appointments:—for, said the honorable member, he agreed with my friends and myself, in thinking that no officer who might retain his appointment, or to whom another appointment should be offered, with a salary equal to the retiring allowance required for him, could, in the event of his declining to avail himself of the advantages of such an arrangement, have any right to claim a retiring pension, under the anticipated new order of things.

Hon. Mr. THORNTON wished to know whether the proposal, that he should retain his office, on the establishment of Responsible Government, had ever been directly made to the Attorney General himself.

Mr. COLES replied that it had. He (Mr. Coles) and his friends had an interview with the Attorney General in the Legislative Library, on a Friday, and then proposed to him that, in case a new Government should be formed, under the auspices of the Liberal Party, he should be at liberty to retain his appointment, if he desired to do so, provided he would engage not to oppose the general views and policy of that party, on their coming into power. To this, the Attorney General replied, that were he allowed until Monday to give the proposal full and deliberate consideration, he would be prepared to give them a final answer. It was then agreed between the parties that he (the Attorney General) should have until Monday for deliberation; and the interview terminated. On Monday, agreeably to appointment, the parties again met, and the Attorney General then informed him (Mr. Coles) and his friends that—in consequence of the umbrage which would be taken by some of his immediate family connexions, at his giving in his adhesion to the Liberal Party, by taking office with them, in the event of their being called upon to form an Administration—he felt himself obliged to decline the offer which they had made to him; but, although declining it, he would give no opposition to the passage of their general measures through the Legislature. The negotiation with the Attorney General was then broken off; and he (Mr. C.) and his friends, in their interview with His Excellency, made known to him the offer which had been made to the Attorney General, and declined by him; and it was then that his Excellency said, "Well, let his name be struck out of the list." The mode in which they had treated the claims of the Attorney General, and the polite and friendly spirit in which their consideration of them had been met by that gentlemen, were quite sufficient to show that the individuals representing the Liberal Party, during the "Negociation," had acted in an open, straight-forward and honorable manner; and that, when dealing with upright and honorable men, they had no reason to conclude that their proceedings and their objects were considered to be of that contemptible character, which a few of those who clearly foresaw that they must fall before them, never to rise again, vainly attempted to fix upon them in the public estimation. He would not have stated what took place with respect to the Attorney General, had not the pertinacity of the minority forced him to break that silence concerning it, which considerations of delicacy would otherwise have induced him strictly to observe.

The Resolution was then submitted to the vote and