

The Examiner.

"THIS IS TRUE LIBERTY, WHEN FREEBORN MEN—HAVING TO ADVISE THE PUBLIC, MAY SPEAK FREE."—EURIPIDES.

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CHARLOTTETOWN, P. E. ISLAND, SATURDAY, MARCH 4, 1848.

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HOUSE OF ASSEMBLY.

FRIDAY, FEBRUARY 4, PAY TO LEGISLATIVE COUNCILLORS.

[Continued.]

Mr. Palmer, in remarking on the fears expressed by Mr. Le Lacheur, said, they were groundless; for, if the proposition were carried, it would bind the House to nothing further; neither would it preclude any other change hereafter, as it would still remain in the hands of the House, and consequently in those of the people. But, continued the hon. and learned member, Mr. Le Lacheur has another reason for at present opposing the resolution: he has had no opportunity of consulting his constituents with respect to it. This, Sir, is indeed but a very lame excuse. It cannot surely be supposed that his constituents expect him, whilst sitting here, as a member of the House, to do nothing of himself. On the contrary, may we not reasonably believe that they have sent him here, generally to exercise, and be guided by, his own judgment, with respect to whatever measures may be brought under our consideration. A contrary supposition would be most absurd; for, unless constituents were able clearly to foresee all matters and questions to be discussed in this House, during a session of the Legislature, how could they, beforehand, particularly instruct him as to the course they would have him to pursue, and the votes they would require him to give? Mr. Whelan has said, why pay some and not others? I say, in reply, Why pay the members of this House and not those of the other?—the principle is one and the same. The hon. member for Princetown (Mr. Clark) seems to have doubts as to whether the measure would improve the construction of the Council, or not. But, Sir, I think there cannot be the shadow of a doubt, that it would have the effect of introducing more Country gentlemen into the Council; and this, I thought, was the long desired object of those who now oppose a measure to accomplish that end. I suppose, like our late Governor, he thinks the greater stranger a man is, the better he is qualified for a seat in the Legislative Council. How, Sir, let me ask, can the country be satisfied with the present composition of the Council, composed (as almost wholly it is,) of men who have had no opportunities of making themselves acquainted with the wants and wishes of the inhabitants of the rural and remote districts of the Island; when, at the same time, as has been observed by the hon. Speaker, there is, in these districts, no want of men of as sound judgment and of as much intelligence, (though of very moderate means,) as any who now sit in the Council; and since by none but such men, can these districts be fairly and fully represented, as they ought to be, in the Council? Truly, I am ashamed of the hon. member (Mr. Clark), particularly as he is a native of the Island. But, Sir, I am glad that the other side have given utterance to their sentiments touching the question now under consideration, as the country will, consequently, have an opportunity of contrasting the arguments which they have opposed to the proposed measure, with those by which it has been supported; and thereby have it in their power, if judging impartially, to distinguish between their real and their pretended friends. Out of the House, amongst their constituents, the party opposing the resolution will, I doubt not, tell fine tales, and use all their eloquence to make it appear that the supporters of it are completely in the wrong. But, Sir, I am persuaded that, had this measure emanated from the other side, they would, one and all, have hailed it with the greatest *acclamations*. In moving in this matter, I disclaim any party or personal feeling; I know of no vacancy likely to occur, nor of any individual who, in the event of such an occurrence, would be likely to be appointed; therefore, no improper motive ought to be attributed to me.

Mr. D. Macdonald. I think much weight should be attached to what has been said by several hon. members. We have neither complaint, nor petition from either of the parties who may, naturally, be supposed to be the most interested in the question. I, therefore, am of opinion, that we should be overstepping the bounds of our delegated authority, should we attempt to further the measure contemplated in the resolution now before us. And notwithstanding the taunts which have been thrown out against such hon. members as have said, it is a question which we ought not to entertain, without the sanction of our constituents; I hesitate not to avow that I think as they do with respect to it, and shall, therefore, until otherwise instructed by my constituents, give it my decided opposition.

Mr. Mooney. Upon all occasions, the learned Dr. Conroy must be loading his great guns, and discharging his shells amongst us to put us into confusion. He and those amongst whom he sits, may jeer us, as they please, relative to the consulting of our constituents; but I, for one, Sir, shall, as their servant, discharge my duty to

them in that way which I think the best, though it may not please gentlemen on the other side—particularly the learned Doctor, who, in his self-sufficiency, seems to think it would be derogatory to his character to condescend to consult his constituents. I cannot imagine how it comes about that those who, hitherto, have been so intimately connected with those gentlemen in Charlottetown, at whom they are now pecking, should have changed so suddenly. I fancy there is a serpent in the grass; I do not, indeed, see it, but its presence is sufficiently proved by the tortuous waving of the grass. I am decidedly opposed to the measure, as it is meant to be applied; but I must confess that there is one gentleman in the Legislative Council, Mr. Anderson, who, I think, is fairly entitled to pay. He lives at a considerable distance from Town, and must be put to very considerable expense whilst attending a session. I should not object to a special provision in his favor; but I would object to an extension of the principle.

Mr. Montgomery. I am, Sir, fully persuaded, notwithstanding all that has been advanced to the contrary, that great dissatisfaction prevails in the country on account of the present construction of the Legislative Council; and that, if the measure contemplated by the resolution, become law, it will be pleasing to the people. My part of the Island is unrepresented in that body; and so it must remain, unless some such measure as this be carried out. Gentlemen who have always resided in or near Charlottetown, cannot be supposed to possess that fund of local knowledge possessed by natives, who have passed their whole time in the Country, and are identified with the people. I, therefore, shall give my support to the motion.

Mr. Clark was not yet instructed by his constituents with respect to the question; and till he knew their sentiments relative thereto, he should oppose the contemplated measure.

The Speaker. The hon. member who had just sat down, has declared himself unwilling to sanction the measure, because he knows not how his constituents stand affected towards it. He is not, Sir, at all times, withheld by such considerations; for, if I mistake not, I have heard remarks fall from him relative to local legislation, which, I take upon myself to say, were not in conformity with the opinion of his constituents. But the changes which take place in the minds and conduct of some men are altogether unaccountable; and I shall not be surprised if the hon. gentleman yet change his opinion with respect to the question now before us. The great bug-bear used to be that of our own pay; but that we now here nothing about; and, I am persuaded, the people in general think we are fully entitled to it. One hon. member near me has said the country does not complain. But has he forgotten the dissatisfaction manifested by them, two years ago, when the Council made a stand against the mode of sending up the appropriations? He cannot have forgotten it, although it may now be convenient for him to pretend that he has: I believe the intention of the Legislative Council, at that time, was to get our appropriations sent up in different items, and to reduce our pay to £20; yet, if I mistake not, the same body, at one time, advocated pay for themselves, or, if they did not do so by directly moving in the matter, they have felt and expressed a desire that they should be paid, as well as we. How trifling is the amount, which the passing of this measure would add to the annual public expenditure, in comparison with the great good which would be accomplished by it! We cannot reasonably expect that it will ever, when in full operation, apply to more than six members, one half of the Legislative Council,—and many years must elapse before it can do that,—and even then, the additional expenditure caused by the measure, would be no more than 180*l*. I am weary of hearing so much about the respect which some hon. members pretend to entertain for the opinion of their constituents. For my own part, it is not my practice, as it is that of some members of this House, to consult half a dozen of them, in some hole and corner, and then come here and repeat their opinion as the voice of the whole. I consider it, Sir, to be beneath the dignity which ought to invest a member of this House, to be under the necessity of consulting his constituents with respect to every unforeseen question on which he may have to give his voice. By the opinions of my own constituents upon every great and momentous question of policy, I am prepared to abide, and to act, in my legislative capacity, in accordance therewith. But I do not think it necessary for me to make to them an entire surrender of my own judgment, or believe that they have any wish to deprive me of its free exercise in general. I trust they have too much confidence in my integrity and judgment, to seek to lay me under any such restriction; and, I cannot imagine a greater proof of a member's unfitness for a seat in this house, than a confession that he dares not or cannot act with respect to the generality of

measures, without express instructions from his constituents. Such admissions and such timidity manifest his incapacity in the plainest manner. The question before us cannot be considered as one of a party nature—far from it. There is, at present, only one gentleman in the Legislative Council, who would, personally, be benefited by the measure; and he, I believe, is yet ignorant of its being contemplated by any of the members of this House. That gentleman, however, I know, has made great sacrifices—greater than could have been expected from any individual in his circumstances—by attending to the discharge of his legislative duties in the Council; but, I believe, he is becoming tired of doing so at his own expense, and is, almost determined to decline, as others have done before him, so burthensome an honor as that which he now sustains. If I thought there was any intention—as some hon. members seem to fear—of hereafter extending the principle to the whole of the Council, and thereby imposing a very considerable tax upon the country, this resolution should have my most strenuous opposition; but I know no such thing is contemplated. The hon. member, Mr. Mooney, has expressed a willingness to go so far as to consent to the making of a legislative provision for the payment of one member of the Council (Mr. Anderson), on account of his residing at a considerable distance from Town, and has thus expressed his acquiescence in the principle contended for by the supporters of the resolution; and I shall, therefore, expect to find him, for once, voting with me—and that in support of the present motion.

Mr. Mooney had often thought the hon. Mr. Anderson's case a hard one; and, as he had before said, he would willingly consent to a legislative provision for his expenses; but he would not consent to its being extended any further.

Mr. Haviland. I confess, Mr. Chairman, that I am almost prepared to welcome a new order of things; for Mr. Mooney has, I think, just shown strong symptoms of an inclination to come over to this side of the House. —Laughter—I am greatly surprised, Sir, that some hon. members, who, at various times, have loudly complained of the construction of the Legislative Council, and passed strong resolutions condemnatory of it, particularly during the time of the Escheat question, should now oppose a measure that would accomplish what they themselves, long since, endeavoured to effect. How often have they said that the Legislative Council had no sympathy with the people, and that the Assembly could not do business with them? I consider it very strange in hon. members to pretend a necessity for consulting their constituents upon every trifling matter. A legislative representative occupies a position, and is invested with powers, very different from those of a delegate. The first is expected to exercise his own judgment upon every question that comes before him; whereas, the other has only a specific duty assigned him to perform. If we betray the trust reposed in us, by voting against the interests of our constituents, we must answer for it on the hustings. In my opinion, Sir, it is high time that a change should be effected, as respects the composition of the Legislative Council; for it is impossible for the Country to be fairly represented, or for business to be satisfactorily done with the other House, till a change for the better takes place in its construction. As to the reasoning of the hon. member for King's County (Mr. Whelan), who said, "Why should the members of this House who reside in Town, be paid, if the members of the other House who reside in Town, were not also to be paid?" I answer, Sir, because the members of this House, whether residing in the Town or in the Country, are chosen by the free and independent suffrages of the people, whose pleasure it is that we, as their representatives, should all be paid alike; but no such reason can be assigned for extending the proposed measure to the whole body of the Legislative Council; their relation to the people, as the nominees of the Crown, being widely different from that of this House. The argument of the hon. member, grounded on the difference between the application of the principle of legislative pay, as practised toward one House, and the proposed limited extension of it to the other, I hold to be idle and futile in the extreme.

Mr. Mooney. I hope the reporters distinguish between a joke and a reality. I consider myself a friend of the people, and, when the hon. member for Georgetown introduces any measure for their benefit, I will freely go with him; but, though I am pleased with his private character, he will have to change his political one, before I take my seat on his side of the House. I the proposed measure were intended to give an equality of rights, I could understand it. As it is, I look very cautiously at it. Not having yet learned to navigate in deep waters, I must keep near the shore.

Mr. Whelan. The hon. member for Georgetown (Mr. Haviland) has alluded to the period of *Escheat* excitement, in order to remind the House of what, he says,