

COLONIAL LEGISLATURE.

HOUSE OF ASSEMBLY, THURSDAY, March 21.

QUALIFICATION OF THE HON. EMANUEL MACACHEEN.

(Debate concluded.)

Hon. Mr. MACACHEEN.—I am glad to hear the hon. member for the Third District of King's County (Hon. Mr. Whelan) by claim to the practice of forgery; for his doing so affords a proof, that he at least conceives it to be a virtue, the observance of which may as frequently protect one's self, as others, from the disgrace and mortification consequent upon exposure. He says that he has practiced forgery towards Mr. Macacheen, and asks whether he has done so or not, he is now, doubtless, convinced that it would have been wisdom in him to have done so. I cannot, indeed, say that I think his words quite consistent with the truth; but, at any rate, I will know that, in the newspaper conducted by him, there have frequently been forth statements and assertions, totally at variance with facts and truth. He says he forbore to attack Mr. Macacheen in any way, until provoked by Mr. Macacheen's letter, published in "the Standard," in which he and one of his friends are styled a brace of scurvy miscreants. How far this assertion accords with truth may, however, easily be seen by reference to late numbers of the Royal Gazette published by him, in which, in very unqualified language, Mr. Macacheen and his colleagues are again and again accused, if I mistake not, of having practiced forgery upon their constituents. Such accusations do not, I think, look very much like forbearance, any more than the motion which has just been made by that immaculate patriot, William McGill, Esquire, who seems to be actually horrified by the mere idea that the floor of this House should be polluted by the foot of a man suspected of having a defective legal qualification, or rather of one, whom his enemies have falsely and wickedly accused of having no legal title to the property on which he has qualified,—property on which he has labored for the last thirty-five years, and of which he may fairly be said, he has been in full possession for that period of time. I regret exceedingly that the professions and acts of some hon. members should be so completely opposed to each other. In the minority, there are hon. members who take every opportunity to boast of the liberality of their sentiments; but sorry evidence indeed, does the present act of political persecution afford of the sincerity of their professions. Mr. McGill is bold enough to assert that Mr. Macacheen is not possessed of a legal qualification; and yet, I believe, he moves the contrary to be the fact. On this morning, that I knew Mr. Macacheen's qualification to be good. In persisting that it is bad, he has, in a manner, taken his wish for a fact, and acts as if he thought his doing so would actually convert it into a reality. Such proceedings, I say, must be quashed at once: the honor of this House and the interests of the country demand that their progress should be promptly arrested. The manner in which Mr. Macacheen has been and is still persecuted, in his own District, by a portion of the public press, and in this House, is more than any man could endure. If any persecution be a manifestation of the spirit of liberalism, in what, I should like to know, does it differ from that of the most absolute tyranny? We behold in it as little liberality, generosity, integrity, and truth, as can be traced in the history of the most despotic government that has ever oppressed man. If Mr. Macacheen be disposed to produce the Schedule of his qualification, of his own accord, he shall have my free consent to lay it upon the Table; but I will not consent by my vote, that he shall be required to do so, in obedience or submission to a set of political persecutors, unless Mr. McGill shall, in the first place, give sufficient security for the payment of all expenses which the adoption of his motion, may occasion to Mr. Macacheen and the public.

Mr. MOONEY.—I have never before heard such a proposition as that of the hon. and learned member (Hon. Mr. Macaulay) proceed from a gentleman of this House. Greater ignorance, indeed, has never been displayed upon the floor of this House, than has now been exhibited by the hon. and learned member for Georgetown, Mr. Macaulay; and yet, besides having the honor to represent that large and important city, he is no less than a Member of Her Majesty's Executive Council. What a pity it is that a man of so much practical wisdom and talent was not, long ago, associated with the Government of this Colony! Still, however, I think that, if, after a course of collegiate studies, such as he is understood to have prosecuted, I could not have acquitted myself of the duties of a representative of the people, in this House, with more credit to myself, than he does, I would really have been ashamed to count that such opportunities of acquiring knowledge had ever been extended to me. It is, indeed, surprising to me to hear so learned a man make such a demonstration of his want of knowledge in parliamentary usage; and that, too, after having been a member of this House for a number of years. What an absurdity it is to propose that my hon. colleague (Mr. McGill) shall be obliged to enter into a bond to pay all expenses attending the discussion which may be consequent upon the investigation of Mr. Macacheen's qualification. Can there be a greater absurdity, with respect to our proceedings, than to say that a member, rising up in his place to submit a Resolution, calling for the production of a document, must give security, before the House receives the document, for the payment of the expenses which may be caused by its production and investigation? Oh, man of letters, how I grieve for you! I will just put a case to suppose his (Mr. Mooney's) qualification and the proof of it were in Monaghan, and that he were called upon to prove it, before this House; to do so, it would, perhaps, be necessary for him to incur an expense of £100; and, in such case, were he conscious that he had been guilty of no fraud or impropriety, with respect to his qualification, would it be unreasonable in him, or in his friends, first to require security, for the reimbursement of such expense, from the individual immediately seeking to subject him to it, before consenting to incur it? I think that, were he bound to answer this question conventionally, he would say, No. Why then, I ask, should the hon. member, Mr. McGill, be allowed to put the hon. member, Mr. Macacheen, or any other, to the inconvenience and expense of producing his qualification before this House, without being first bound to make good his expense, should the qualification be produced, and be found good and valid in law?

The Hon. the ATTORNEY GENERAL.—The hon. member for the Second District of Queen's County (Mr. Mooney) would seem to be frightened out of his propriety by a mere suggestion concerning the requirement of security, for expenses, from the accused, in this case. He appears to be quite unacquainted with the proposition. He has never till now heard of anything so monstrously absurd. His memory, it must be admitted, is a very costly one, when he pleases that it shall be so; but he is not, I am sorry to say, always so honest, as to confess its relation of matters and facts which would, if admitted, tell against the views which he is disposed to uphold; nor yet so ready to refer to the Journals when their records are likely to tell against him. Since his memory, however, appears just now to have failed him, I will endeavor to refresh it. When I called in question the validity of the qualification of a certain member of this House, in 1850, how was I treated? Let me ask, by the party then in the majority? Before I was permitted to attempt to make good, by proof, my declaration that that member had no legal qualification, I was obliged to give security, for the payment of all expenses, public as well as private, which might be consequent upon the enquiry, should I fail to prove that his qualification was bad. Did Mr. Mooney then object to the requirement of security, as an unprecedented act, or as an unreasonable obstacle, thrown in the way to prevent the attainment of justice? No, indeed; for it was then the interests of his friends in the House, that he should not. On the contrary, he earnestly united with those individuals of his party, who were naturally more tyrannical than himself; and, in conjunction with them, threw the most unjustifiable impediments in the way, to prevent or stop an investigation, which justice to the public, and regard for the honor of the Assembly alike imperatively demanded. The tyranny which, on that occasion, was exercised towards me, by the party then in the majority, was indeed unprecedented for its infamy. They sat with closed doors, and went me up like a culprit; so that, in the end, with a view to terminate their odious and tyrannical proceedings, I had to rise and move that I myself should give security for the payment of all expenses which might be consequent upon the enquiry concerning the qualification then in question. I said then that the mode of proceeding which was adopted by the majority, evidently to prevent the making of due enquiry touching the disputed qualification of one of their number, was one of the most infamous and tyrannical ever pursued by a parliamentary majority; and I now say so again. In the most despotic age, or under the most absolute and unjust governments, nothing was ever done, or attempted, in a more tyrannical spirit. As to the proposition, respecting security, made by the Hon. Mr. Macaulay, the hon. member, Mr. Mooney, appears to have quite misunderstood the spirit in which it was made; and he has, thereby, been betrayed into the making of a rather remarkable demonstration of inconsistency. The only object which the hon. gentleman, who made the proposition about security, had in view, was, I imagine, to seduce the hon. member, Mr. Mooney, into an open display of his oratorical powers. The bait took; the honorable member has, in consequence, favored the House with a very amusing, because very inconsistent, speech. With respect to the demand made upon the honorable but foully-maligned member, Mr. Macacheen, for the production of the Schedule of his qualification, whatever may be the terms of the Act, and however much opposed they may be to the demand,—he will, I trust, pursue the course, with respect to it, which he has already expressed his willingness to adopt; and, by doing so, justify himself as I am perfectly satisfied, he can, both in the sight of men and of the Almighty.

Mr. MOONEY.—The hon. and learned Attorney General has said, that the Journals are my diary. So far he has spoken truly. They are my diary, I admit, but they are not my diary-book; they are my night-book too; for I even keep one under my head when I am sleeping. Yes, I have read them through and through, and over again, as far back as nineteen years, still hoping to find one meritorious act of my hon. and learned friend the Attorney General; but my searching has been in vain. I have not found a single record, by which it appears that he has ever striven to raise up those who have been trodden down; and sorry am I for this, for we know what is written against the oppressors of the poor. On the side of oppression the hon. and learned gentleman has figured most conspicuously; and I tell him that he need not taunt me with having striven to persecute him with closed doors, the doors have never been closed by a vote of mine; nor would I vote for their being closed, whatever might be the consequence. True it is, the doors were closed upon the occasion to which the hon. and learned gentleman refers; but they were not closed to persecute him, but to keep within doors the outpourings of his vials of wrath and vindictiveness against an hon. member. The scene was truly disgraceful; and, on that account alone, were the doors closed. On what grounds, the Hon. Attorney General argues that the present case is the same as that of Mr. Whelan, I know not. When Mr. Whelan was before the House, Mr. Palmer said, that, if the House would give him time to summon witnesses, he would prove that Mr. Whelan's qualification was defective. But my hon. colleague says no such thing. He merely calls upon Mr. Macacheen to table a schedule of his qualification. He does not say he is prepared to prove that he has none, as Mr. Palmer did with respect to Mr. Whelan.—The hon. and learned Attorney General feels most cunningly to cover and conceal the ignorance of his hon. friend and colleague, Mr. Macaulay, respecting the security required by him. The detestable quibbler says, that Mr. Macaulay was not in earnest, that he was only joking. But, if any member of the minority were to use such jokes against his party, how the hon. and learned gentleman would rail against us! Every bad word he could think of would be thrown at us; even the opprobrious epithet bestowed upon us by Mr. Macacheen would be thought too good for us.

Mr. DAVIES.—I do not rise with the intention of preferring charges, making remarks complimentary of the qualification of the Hon. Mr. Macacheen; but to repel the unjust, the unfounded, and the wilful misrepresentations made by the Attorney General, concerning the hon. member in the minority. The honorable gentleman has however, the most opprobrious epithets upon us. He has drawn his offensive expressions from that sloth of language to which, in unguarded moments, he has recourse for materials with which to bespatter his opponents. He has endeavored to brand hon. members on this side of the House with infamy. He has said that our proceedings are a Bazaar, or that they have been marked by infamy. Mr. Macacheen's letter, with that of the scurrilous letter, lately published in the Island newspaper, as the production of Mr. Macacheen; and may be taken almost as proof conclusive, that he, and not Mr. Macacheen, is, as I suspect him to be, the author of that disgraceful effusion. Such charges as he has preferred against me, are, I say, untrue. They cannot be supported; neither can they have any force in any mind which is free from the evil bias of party feeling. So far as the proceedings of hon. members, on this side of the House, from being open to such charges, as those preferred against them by the Hon. the Attorney General, that nothing can be more straight-forward, open, and honorable, than the course pursued by the late administration; and, on that account, every man connected therewith feels a degree of satisfaction, justly emanating from a sense of pride in having aided a party who have labored, and successfully too, to remove the encumbrances so firmly endorsed, and the impediments which stood in the way to prevent the introduction of the Reformed Government and free and unshackled trade. The standing block have been removed, our prospects have rapidly brightened, and we are marching forward, with ardour, to the equality of station assigned us amongst the British North American Provinces, as more becoming our feelings and our rights. It is really amusing to see the hon. and learned gentleman, through many of the vituperative words which he has employed in the House, have assailed and persecuted their political opponents. Let him take, as one evidence of their vindictive spirit, the shameful persecution endured by Messrs. Le Lacour and Macintosh at their hands. By an arbitrary and tyrannical majority, they were prevented from occupying their seats in the Assembly. By that majority, they were misrepresented, persecuted, and imprisoned. By that proprietary faction, they were held here in Charlotetown, session after session, at their own expense; and they were treated as rebels for adhering to the constitutional wishes of their constituents, under the most unfavourable, and, apparently, degrading circumstances. How different is the conduct of the present majority in the Assembly, from that of the majority in the late House; and by what honorable means has that majority been obtained? Our party secured their majority in the most honorable manner. They neither deceived the people by promises of public benefits which it was not their intention to confer, nor by promises of self-denial, on their own part, with respect to offices, which it was their secret, but decided purpose to break, as soon as ever they should have it in their power to do so. They were not aspirants for power and office; and both they received from the people, who alone have a right to confer them. But in what a pitiful position do they stand at the present time! They are the present majority of the Assembly now stand! It is always so, however, with public men, who make promises which they either will not fulfil, or which they are unable to fulfil. They obtained their majority by preaching up to the country the monstrous fallacy, that it was impossible for a representative of the people to discharge what they called a double duty,—his duty to his constituents, and, at the same time, his duty to the Government. Such a thought can be entertained only in the mind of a traitor. The deception, however, was successful. The bait took well; especially in and about Charlotetown, among that class of the community comprising young gentlemen of limited information, and the loungers and idlers, devoid of principle, by which they were surrounded. These, the doctrine found many and ready disciples, and the Tory Press became crowded with communications from their scribblers. And why was this? It was because if the leaders of that party carried out their professions, all office holders would be excluded from the Legislature; and then, what a glorious time for them would come! Of course, they, the followers, the advocates of the new reformers must fill the office; and, thus, a most powerful support was secured, in addition to that derived from the many other means by which they imposed upon the credulous Reformers indeed they are! What a compilation of virtue does their united body present for the admiration of the public! Let the hon. gentlemen and his Government, now, whilst they have a majority, carry out their patriotic professions to their friends. Let them at least show some regard to the feelings of the injured from the floor of this House. Let them, if it be only to continue the humbug, make a feint; and, after that, there may be some shadow of consistency in any member of the majority preferring charges against the honest and sincere opponents of this side of the Legislature; and then, the doctrine found many and ready disciples, and the Tory Press became crowded with communications from their scribblers. And why was this? It was because if the leaders of that party carried out their professions, all office holders would be excluded from the Legislature; and then, what a glorious time for them would come! Of course, they, the followers, the advocates of the new reformers must fill the office; and, thus, a most powerful support was secured, in addition to that derived from the many other means by which they imposed upon the credulous Reformers indeed they are! What a compilation of virtue does their united body present for the admiration of the public! 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