

and I find, in its editorial columns, an article upon this very question, by which it appears that the dictum of the late Duke of Newcastle with respect to it does not meet with practical acceptance in that Province. [The hon. gentleman then read the article of which he had spoken; but, as the Reporter has not been able to procure a copy, of the *Church Witness* containing it, he is unable to give it in this Report.] We say the Executive Council have neglected their duty in not having made a Minute of Council expressive of their dissent from the Despatch of His Excellency, relative to the Joint Address of the two Houses of the Legislature to the Queen, in which Despatch he severely reflects upon the whole Legislature. We say that, seeing what His Excellency had done, concerning that Address, it was their duty, either by a Despatch of their own, or by a Minute of Council, to have recommended or sustained the prayer of it. They have done neither, and we hold them responsible for the Despatch in which the whole of the Legislature has been directly arraigned and censured. — We have had a Governor who said he wanted no private despatches: he neither wished to receive, nor desired to send any such despatches. The Government excuse themselves by saying they are not bound to see His Excellency's Despatches. Having a majority in the House of Assembly to sustain them, they believe they are not responsible for any thing.

Hon. Sol. General (Mr. HAVILAND). When he was Leader of the Government, did he not refuse to produce a Despatch which we asked for?

Hon. Mr. COLES. Despatches, although asked for, are frequently withheld in the Imperial Parliament; but I have yet to learn that the Liberal Government of Prince Edward Island can be justly accused of ever having done so. It is indeed true that, on one occasion, in compliance with a demand of the Opposition for a certain Despatch, they gave them merely an extract from it; but the part withheld was of no public moment, having reference only to the Lieutenant Governor himself, as they themselves found, two or three years after, when they came into power. That, I believe, is the Despatch to which the Hon. Solicitor General has alluded; for I am not aware that we, when in possession of the Government, ever withheld even a part of any other Despatch that was asked for by the Opposition.

Hon. Mr. HENSLEY. Mr. Chairman, I do not rise to speak in support of the Resolution which has been submitted by the hon. member, the Leader of the Opposition, in the expectation of its being carried; but simply to second it, and briefly to give my reasons for doing so. With reference to the assertion which has been made by my hon. friend the Solicitor General (Hon. Mr. Haviland) that the Governor is not constitutionally bound to show all his despatches to his Council, allow me, Sir, to observe that I am not aware that any one maintains that he is so bound. The Governor acts in a double capacity. In the first place, he is the representative of Her Majesty; and, in the second, he is the head of the local Government, and as such, a branch of the local Legislature. We can imagine a great many cases to arise, not involving opposition to acts or measures of the Legislature, in which it may be proper, and even necessary, that His Excellency, in his first capacity, should hold private or confidential correspondence with the Imperial Government. But the case is very different with an Address to Her Majesty, passed unanimously by both Houses of the Legislature, and directly involving the pecuniary interests of the Colony. With respect to such an Address, I cannot agree that, after it has passed out of

the hands of the Legislature into those of His Excellency, his Council have nothing more to do with it, and that His Excellency should be left, by them, entirely at liberty, to neutralize it, by a private or confidential despatch, should he think proper to do so. I cannot but say that I think the Executive Council have been very much to blame in not having taken care that that Address should either be forwarded to the Colonial Secretary, accompanied by a despatch from His Excellency, recommending it to the favourable consideration of Her Majesty; or, in case, — having endeavoured to satisfy themselves that such a recommendatory despatch was to be forwarded, with the Address, by His Excellency, and having failed to do so; or His Excellency having declined to communicate to them, the purport and contents of the despatch, and, if, in answer to their request he should have said, "No, gentlemen, I will not shew you this despatch; for I have thought proper that it should be a private and confidential one." — then they might well have concluded that it was not favourable to the measure, and they should, at once, have made a Minute of Council, declarative of the facts of the case, and expressive of their own sentiments concerning it; and have insisted that it should immediately be transmitted to Her Majesty's Colonial Minister. The regulation which authorizes such a proceeding is a good and necessary one. Its due observance would, at all times, prevent a Governor's successfully endeavouring, by means of private or confidential despatches, to neutralize or damage any expression of public sentiment, transmitted through his hands to the Imperial Authorities, for the purpose of being laid at the foot of the Throne. And, besides, I may observe, Sir, that I have yet to learn how a Government could hold their position when in direct antagonism with their head, on a most important public question; although, it would seem, our present local Government have contrived and still think it constitutional to do so. In this case His Excellency, it seems, thought proper to transmit to Her Majesty's Colonial Minister, Mr. Cardwell, a certain highly important Address of the two Houses of Legislature, to Her Majesty, accompanied by a private despatch, intended to contravene the prayer of that Address, and in direct opposition to the views of his Council concerning it; and, yet, after the adoption of this course by His Excellency, — a proceeding at variance with their own views as a Government, and adverse to those of both Houses of the Legislature, as unanimously expressed by them, — and, after the receipt of Mr. Cardwell's answer to that Despatch of His Excellency, in which he (Mr. Cardwell) says, "I am unable to advise any departure from the decision of Her Majesty's Government," concerning the Salary of the Lieut. Governor, "which I communicated to you in my Despatch of the 8th February last," — after their having become thoroughly acquainted with the condemnation which His Excellency had passed upon themselves, (and I will not say but that it was fully deserved), and with the steps which he had taken to contravene their views — that they are still satisfied to retain their position, as His Excellency's advisers, argues, I think, something more than a common love of place and power. Mr. Cardwell says, in effect, that he has not changed his opinion with respect to the propriety of the Colony's being burthened with the Lieut. Governor's Salary; and it is not likely that he would when the Address, instead of being sustained by the Government, was accompanied by such a Despatch as that which His Excellency thought himself called upon to send with it. Had the Government manfully come down to this House, on becoming acquainted with the issue of the Address, and candidly stated that, after it had been placed in His Excellency's