HOUSE OF ASSEMBLY,

Monday, February 13.

House in Committee on the Address in reply to His Excellency's Speech at the opening of the Session:

Mr. Wightman in the Chair.

(Continued from our last.)

Mr. Davies. The position of the Government, even upon the very eve, as they are, of being driven from power, by a successful, although unprincipled, faction, is one of which they have every reason to be proud. Not one charge has been, or can be, preferred against them to prove that, under their management, one pound of the people's money has either been misappliied; or cannot be satisfactorily accounted for. This is, indeed, a day of triumph, of exultation to us, rather than to them. The present prosperous state of the Colony is, in a great measure, I am prepared to maintain, owing to the introduction of the Rrsponsible System. They who deny this proposition, are men, blinded to the truth, by their own narrow-minded selfishness; men who have always opposed any extension of the rights and liberties of the people, and who, out of a mistaken regard for their own individual, or class, interests, would—had it been permitted them to do so—have gladly narrowed and lessened every popular right, even far below what it was before the recognition of the protective principle of responsibility on the part of the government and office-holders; men, in fact, who know not that the natural fruits of extended freedom and increased rights to a people, are superior efforts and success in every branch of industry, trade, and commerce,—the benefits of which are seen and felt by all classes. Contrast the official conduct of the gentlemen who, since the introduction of the Responsible System, have filled the chief offices in the Colony, with that of some of those who held the more important official appointments, under the old or Irresponsible System; and how great the difference! Now, every public officer discharges his duty to the fullest extent of his obligations. Now Public Officers are always to be found at their posts during office hours; and when any man—whatever his circumstances may be—whether a rich man, or a poor man, it matters not—has business to transact with any of them, he is not told to call again to-morrow, and inconvenienced by the officer's being either in the country on a pleasure excursion, or unable to attend to the discharge of his official duties, from his having to prepare for a dinner party; as was too often the case under the old Irresponsible System. And, to what is this improvement owing? To nothing, I say, but the recognition of the principle of responsibility—the leading principle of the Departmental System, which hon. members in the majority are so anxious to destroy. Departmental Officers, appointed from the Assembly, being dependent upon the voice of the people for the confirmation of their appointments, are, when they have obtained that confirmation, strongly influenced to the practice of fidelity, punctuality, and an obliging civility in their offices, by the consideration of the source of their appointments, which, virtually, proceed from the poeple. But, set aside the Departmental System, and, with the renunciation of it, will also be renounced all direct official responsibility to the people; and the consequence will be, that there will be revived all the official neglect and arrogant independence of the people, by which they were so long insulted and exasperated before the introduction of the Responsible Departmental System. And yet, with such facts and truths before them, hon. members in the majority have the face to tell us, that the subversion of the Responsible Departmental System will purify the Assembly, and tend to the better preservation and furtherance of the people's rights and interests; and that the people demand such a change, in the belief that such public advantages will result from it. As well might they tell us, that a sensible and experienced man would rather that his estate, or affairs should be managed by an individual of another person's appointing, than by one of his own choosing, in the belief that such an abandonment of his right to elect his own agent, or servant, would tend most directly to his own advantage. Such arguments as these hon. members advance, in favor of the establishment of the old official irresponsibility to the people, and against that reponsibity by which it has been superceded, are nothing but a mockery—as much a mockery as a lawyer's preaching from, or upon, the book of Job.—The hon. and learned member (Doctor Conroy) was pleased, the other day, to direct our attention to the copy of the Magna Charta which hangs over the Speaker's chair, and to call upon us to shew our veneration for it, as the great charter of the people's rights and liberties. But in what way did he wish us to manifest our approbation of it? By asserting and supporting the people's rights and liberties! No; but by consenting to a subversion of them, by excluding a candidate who was chosen a member of this House, by a majority of votes, and admitting—in virtue of an irregular Return—him, as a representative of the people, who had a minority! Independently, however, of the hon. and learned member's misdirection, in this case, as to the best mode of manifesting our regard for the rights and liberties of the people, I widely differ from him, as to the amount of veneration which we, as the people's representatives, and as a part of the people ourselves, are bound to entertain for the Magna Charta. The Magna Charta is, in my opinion, entitled to much less veneration from the people, than the Emancipation and Reform Bills, by which so many millions of them were disenthralled from legal disabilities, and elevated to the true standard of men, by being enabled fully and openly to obey the dictates of conscience, and to exercise the long-withheld rights and privileges of free men. As for the Magna Charta, it indeed conferred the rights and privileges of freemen upon, or rather confirmed them to, those orders of the state that were already possessed of freedom—the Barons and the high Churchmen. But, as for the great body of the people, their vassalage and serfdom were undiminished and unalleviated: the state and condition of the commonalty were, in no way, improved by it, unless in so far as the followers or retainers of the Barons might have been accounted a portion of that class. The sole object of the Barons was to secure or entrench themselves against the tyranny and encroachments of the Crown: and if, in securing, by the Magna Charta, their own peculiar rights and privileges, they stipulated for an extension of those of their followers and retainers also, it was only that they might, by so doing, increase their own power to resist the Crown; and by no means proceeded from any desire, on their part, to loosen the chains by which the great body of the common people were held in bondage. The procuring of the Magna Charta was one step towards freedom, I admit; for the example of the Barons, in freeing themselves and their retainers from the tyranny of the Crown, was not exhibited to the people in vain, little as it was intended to benefit them; although it was not until after the lapse of centuries, that their perseverance for the attainment of popular freedom, and the just extension of the rights and privileges of the people, without distinction of race, creed, or station, was crowned with any degree of substantial success. I say again that the people of England, Scotland, and Ireland, have much more reason to venerate the Emancipation and Reform Acts, than Magna Charta; and, besides, I fearlesly maintain, that Responsible Government has bestowed upon the people of this Colony what they ought to have had from Magna Charta. Until the establishment of that System, Magna Charta was but aaa dead letter to them; and if the hon. and learned member knew the real reason why a copy of Magna Charta was placed above the Speaker's chair, he would know that it was placed there to shew that, until the establishment of Responsible Government, the people of Prince Edward Island had very little, if any, practical experience of the benefits conferred by Magna Charta.—The hon. member then proceeded to notice the charges preferred against him by Mr. Douse, and declared them to be totally without foundation in fact. He then adverted to Mr. Douse's declaration, that the people were dissatisfied and impatient under the tyranny of the Government; and, in doing so, said, "Sir Alexander Bannerman is the most popular man in the Island; for it is well known, and freely and gratefully admitted, by the people, that the present happy state of things has been brought about by his wisdom. Mr Douse says that the altered position of parties in this House, is a proof of the dissatisfaction of the people with the Government and their supporters; but I tell him, the real cause of the apparent change in the sentiments of the people towards the Goverment and their party, is to be found in the infamous lies which have been circulated among the people, for the purpose of stirring up the Protestant against the Catholic, and the Catholic against the Protestant. To this infamous proceeding, is attributable the diminution of the liberal party in this House; and to it also is owing the exclusion from the present Assembly, of Mr. Thornton, the most talented man of the Tory party, and truly the only one belonging to them, possessed of ability sufficient to conduct the government." The hon. member then concluded by saying, The amendment proposed by the hon. and learned member for Charlottetown, is nothing but a miserable evading of the question at issue."

Mr Douse. I have not made a single statement which I am not prepared to prove.

Mr. Clark. The amendment carries contradiction upon the face of it. The Requisition or Memorial of July insinuates that the country is suffering from the evils arising from the maladministration of public affairs by the Government; and plainly points out the Departmental System, or the allowing of salaried officers of Government to have seats in the Assembly, as the main source of those evils; and now, the amendment—proceeding from the very individuals who signed that Requisition and Memorial,—states that they are not quite certain that the Departmental System is so bad as, in July, they represented it to be: and that, before they can arrive at a proper conclusion concerning it, its principles must be fully debated by the Assembly. Now my opinion is, that the hon members who signed that Requisition or Memorial, should either have admitted the truth of what is set forth in His Excellency's Speech in favor of the working of the Responsible System, or, in their proposed amendment to the Address, have freely and boldly stated what are the evils which result from office-holders' being members of the Assembly. I have never known a government to be put out of office, except on sustaining a defeat, in parliament, on some measure brought forward by them; and it is certainly a new and strange mode of proceeding to attempt to supplant the present Government of this Colony by means of an ambiguous amendment to a paragraph in the Address in answer to the Speech—which paragraph, whilst it in reality affirms nothing, is yet evidently intended to be the introduction to a vote of want of confidence in the Government. This amendment is submitted as an answer to that paragraph of His Excellency's Speech, which not only denies that any evils, demanding an immediate change, have arisen from the adoption of the Departmental System, but also shews it to be in accordance with one of our own statutes, passed before the introduction of that System, and still in force. And yet the amendment—the reply to this portion of His Excellency's Speech—is neither a candid acquiescence in the truth of what His Excellency states respecting the working of the Departmental System, nor yet an honest negation of it. It is truly nothing but pitiful subterfuge.—As to the measures of the Government, every one of them has conferred material benefits upon the country. To Government measures, are owing the reduction of the public debt, the diminution of the rate of interest, and the great improvements which have been made in the road-service, particularly in the cash payments made to contractors, who are not now,—as has been observed by the hon member for the Second District of Queen's County (the Hon, Mr. Whelan),—robbed by discount or barter, as was formerly the case when they were paid in Treasury Warrants. It has been stated, particularly by the hon, member for Belfast (Mr. Douse) that, amongst the road commissioners appointed by the present Government, there are many incapable of a proper discharge of the duties of their appointments. No doubt some are not so well qualified as others, and some may even be culpably neglectful; but the most glaring neglect of duty, on the part of a road-commissioner, which has come to my knowledge, is chargeable upon a Commissioner at Bedeque—not, be it observed, a liberal—but one of the party to which Mr. Douse belongs.—After adverting to the Education Act, eulogizing the measure, and commenting with some severity upon what he called the selfish opposition, made to its becoming law, by the proprietors and a few others, the hon. member next alluded to the Franchise Bill, and spoke of it as a just and necessary measure; designating those who opposed it as enemies to progress and the liberties of the people. He then concluded thus: Numerically speaking, it is very true that we, the Government party, are now in the minority in this House; but I can tell our opponents what they will, perhaps, be surprised to hear, and what, I doubt not, they will be very unwilling to believe or admit; and that is, that we, the minority, represent a majority of the electors. I have taken the trouble to consult the proper records, and I find that the ten on this side of the House actually represent 303 electors more than voted for the fourteen or fifteen who signed the Requisition to His Excellency; and, therefore, it is plain that the Government, although in the minority in the House, are sustained by a majority of the electors. But if we credit the statements which have been made, and the reports circulated through the country, concerning the professions and promises made by certain hon. members in the majority, they ought to have voted with us; and, had they done so, we would have been the majority in the House, as well as the representatives of a large majority of the electors. With respect to two of those hon. members, an Address has been presented to them, by their constituents, accusing them of deception and political apostacy. That Address remains unanswered; and, till the hon. members shall have answered it in a satisfactory manner, it will only be natural for impartial persons to conclude that the accusation has not been preferred without sufficient cause of complaint. With respect to the statement which I myself have just made, I beg leave further to say, that, if any hon. member disputes it, I am prepared to convince him of its correctness, by reference to the proper documents. As respects my own mere individual interests, I care but little about the goverament's being in the minority. I have but little to lose; but, were it ever so much, I would not sacrifice my political principles to retain it. With respect to the Government themselves, they are certainly not free from faults; but I honestly believe—and think the majority of the people believe also—that they have been the best Government the Colony has ever had. [Mr. Macaulay. They have been the best for you.] I have, it is true, got something by them, but I and others, who have received appointments at their hands, will, in all probability, be very soon deprived of them, in order that they may be bestowed upon the hon. member (Mr. Macaulay) and his political associates and friends. What we shall lose, they expect to gain; and, if we have had satisfaction in the retention of our appointments, they who are eager to supplant us will, no doubt, experience the highest gratification when they do so; so that, I think, on that score there is very little difference between them who must go out of office and them who expect to come in.

The question was then put on the amendment submitted by the Hon. Mr. Palmer, and the Committee divided thereon—

Ayes, 14; Nays, 8;

And so it was agreed to.

3rd Paragraph of the Address.

The third paragraph of the Draft Address was then read by the Chairman; and is as follows:

"And, as part of that Constitution, [the present] we entertain no objection to the practice of allowing Members of the Legislative Council to participate in a share of the salaried Offices of Government."

Hon. Mr. Palmer. I will move an amendment to it; and, since so much has already been said, I will not preface it by any remarks, but leave it to explain itself.

The amendment—declaring it to be the opinion of the House of Assembly "that the people of this Island are well entitled to the enjoyment of the privilege of self-government, and they fully appreciate the advantages which that system confers upon them, when carried out in its true spirit and integrity; and that it is the earnest desire of the House of Assembly to give effect to such measures as shall extend, rather than diminish the principle of Responsible Government, as introduced by His Excellency;" and concluding by an expression of want of confidence in His Excellency's Address—was then read and submitted to the consideration of the Committee.

Mr. Mooney. Aye, now that is plain speaking. That I call a manly amendment.

The Hon. Mr. Whelan having taken up the amendment to read it,—

Mr. Haviland rose and said, While the members of the Government are considering that amendment, which I have no doubt they will do with great care, I will take the liberty to reply, to the disparaging view taken of the *Magna Charta* by the hon. member for Belfast (Mr. Davies). His view of it is, indeed, so absurdly erroneous, that it may appear nothing more than a waste of time to notice or refute it; but, lest it should be accounted, in some sort, an allowing of judgment to go by default, to permit his disparaging assertions to pass uncontradicted, I will reply to them. It is true that the *Magna Charta* was obtained by the mail-clad barons of England, whom the tyranny of the cruel and treacherous King John had driven into an armed combination for the purpose of defending their rights. But, although their principal object was to secure the rights of the higher orders of the state, yet those of the great body of the people were not disregarded. Courts of justice were made stationary, and declared to be open to every one. No man was allowed to suffer in his person, freedom, or property, unless by the judgment of his peers, and according to the law of the land. Foreign merchants were protected whilst within the realm, and freed from all arbitrary impositions; and all freemen were allowed full liberty to enter or quit the kingdom:—in fact, such was the encouragement given by it to foreign traders, that, on its establishment the little star of Free Trade, it may be said, appeared on the horizon. The excellence of the British Constitution is derived from the *Magna Charta*; and, for ages, it has served as the great bulwark of English liberty. Look to the continental kingdoms of Europe, and, consider how much less desirable is the condition of the people—even in the best governed of them—than that of those who live under British Government. In none of those kingdoms has any such Charter been obtained; and, therefore, the people are still more or less subject to despotic or arbitrary rule.

Mr. Davies maintained his view of the subject. I asserted, said the hon. member, that, whilst the barons secured themselves against the arbitrary exercise of power, on the part of the Crown; and even secured certain rights and priviles to their vassals; no protection was extended to the most numerous body of the people—the serfs, slaves, or *villains*—who were left, as formerly, at the mercy of the nobility. To none but those who were already free, did the *Magna Charta* secure freedom, or extend any especial protection. Till the passing of such measures as the Emancipation and Reform Bills, the great body of the people were excluded from all share in legislation.

Hon. Mr. Whelan. The latter part of the amendment is clear, plain, and intelligible. It is what I expected. Hon. members in the majority would not sleep soundly to-night, unless they should carry that portion of the amendment. To me, however, the amendment does not appear complete. It fails to carry out their avowed sentiments and intentions; and, therefore, to supply the deficiency, I move that there be added to it words to the effect,—that they are decidedly of opinion that, in order to ensure the integrity of the Legislature, it is necessary that all salaried Government Officers shall be excluded from it.

Mr. Clark. I second the amendment.

Mr. Mooney. It is not to be wondered at that, on Thursday, I said this stone building was weeping for the downfall of the Liberals; and now that by the carrying of the amendment just submitted by the hon. and learned member, (Hon. Mr. Palmer) their overthrow will be made complete, I might be well excused were I to say, as the Israelites of old did, when about to desert their leaders, "To your tents, O, Israel!" The hon. and learned member for Georgetown (Mr. Haviland) has said, the struggle is who shall offer most liberty to the people. But the struggle, on their part, has been, not to extend the liberties or protect the rights of the people; but to secure power and emoluments to themselves; and, if possible, to secure them in such a way as may ensure to them the enjoyment of them against the will of a deceived and incensed people. The change which the majority are about to effect will be a blight to the hopes and prospects of the people. It will be worse than mildew to the wheat. Children yet unborn will rue the day when the Tory obstructives were placed in such a position, in this House, as to be able to overthrow the best Government the Colony has ever had. It recalls to my mind that period in the history of Ireland when such patriots as Gratten and Flood were borne down before the corrupting influence of English gold, which was most lavishly expended to destroy the rights of the people of Ireland. ("Question! Question!" from Mr. Macaulay.) I am speaking to the question, and I say that peace, harmony, and prosperity have, through the measures and government of the liberal party, been established throughout the length and breadth of the land; but that, now—from the accession to power of the Tory obstructives, through their majority in this House—the country has no reason to look for any thing but a sad reverse. For, what benefits can the people possibly look for, at the hands of the men who surrounded Sir Donald Campbell, at the time he attempted to deprive four-fifths of the freemen of their elective franchise; and some of whom, to their eternal disgrace, assisted him in the drawing up of the Bill, by means of which the nefarious project was to have been effected. The hon. member then adverted to the Extension of the Elective Franchise Bill, and was unsparing of his censure of those proprietors and others, who signed the Memorial which was sent Home, praying that it might not receive the Royal allowance.

Mr. Fraser. By the amendment which has just been submitted by the hon. member for the Second district of King's County, the sincerity of those hon. members who signed the Requisition is fairly put to the test. If they were sincere in their declared wish to exclude salaried Government Officers from the Assembly, they will support it. If, on the contrary, they were insincere, they will oppose it; and their opposition will shew the country how little dependence ought to be placed upon their professions. Doctor Conroy, when canvassing, and at his election, said all salaried Government Officers ought to be excluded from the Legislature. If he then spoke sincerely, let him now support the Hon. Mr. Whelan's amendment.

Mr. Macaulay. The hon. member for the 2nd, District of King's County (Hon. Mr. Whelan) has said that, whether in office, or out of office, he would adhere to the Departmental System; but the amendment just submitted by him, gives the lie to his former declaration concerning that system.

Hon. Mr. Whelan. My object is to test the majority on the principle which it involves, and which they stand pledged to recognise.

Hon. Mr. Warburton. I will support the amendment of my hon. friend. The course which the majority may adopt with respect to it, will shew whether they were sincere or not, when they told the people that they would strenuously oppose the admission of office-holders to seats in the Assembly—and that they were opposed to the Departmental System, because they were opposed to every thing like corruption.

(To be continued.)

R. B. Irving, Reporter.

HASZARD'S GAZETTE.

Tuesday, March 7, 1854.

That the array of voters at the hustings of to-morrow will be such as to do credit to Charlottetown, we do not for an instant doubt. That the bulk of the intelligence, respectability, and wealth is on the side of the friends of order and real improvement, we are certain. We are not the least in alarm as to what will be the result of the polling, notwithstanding the boastings of the opposite party. But we are anxious that those who are interested in the welfare of the town, and of consequence, in that of the Island generally, should to-morrow make such a demonstration of their strength as to show that the metropolis is not to lie at the mercy of a demagogue, who, ejected by those, who, having tried him, and on trial found him wanting, thinks to raise himself by means of liberal libations of whiskey, into being the "*master of the people of Charlottetown, and letting them know it.*" There are those who have not forgotten Mr. Coles's conduct in the matter of the Engine House; the contemptuous disregard paid to the wishes of the Town Meeting, and his using his power to have an Act passed directly in the teeth of their resolutions,—an Act which more than any thing else shewed the utter unfitness of such men as George Coles for holding the reins of Government,—an Act meant to frighten the town, and force them into a measure they disapproved of; but which was set at nought and rendered nugatory by the spirited conduct of the Town Meeting, who refused to tax themselves to please the Dictator. We had thought that this repulse—so disgraceful to all who were concerned in the fabrication of this infamous law, would have operated as a warning, and that Mr. Coles, at least, would have felt, that, of all places in the Island, Charlottetown was that in which he had—or ought to have—the least influence,—excepting, indeed, among the retail sellers and drinkers of whisky. Over such, Mr. Coles may boast an almost unlimited empire; they are his true subjects, and will willingly obey his behests. It is with sincere sorrow—for their own sakes, only, however—that we see some, of whom we had hoped better things, from sheer party spirit, linking themselves to the degradation that is the inevitable attendant on being seen in such society; and, on the other hand, nothing can more provoke our mirth—if, indeed, we can be said to indulge in mirth where we feel supreme contempt—than to see those *calling themselves* Sons and Friends of Temperance, lending their aid to elevate Distillers and Rum sellers into places of power, that they may thereby be enabled to thwart or impede the progress of Universal Temperance,—"a consummation" which all honest men, even those who do not go to the extreme of passing a Maine Liquor Law, confess is "devoutly to be wished for." Up, then, to the polling places, one and all of the friends of good government, real reform, and true and sterling advancement. Let it be known who and what the people of Charlottetown are,—that they are determined to elect as members men worthy of such trust, and that Charlottetown is not so far reduced for proper persons to represent her, as to put up with one, whom, those who ought best to have known him—his constituents for a number of years past—have, by the voice of the most respectable and influential majority among them, *rejected*. The *outcast* of the First division of Queen's County has no claim upon the independent constituency of the Town, which the satellites of the scurrilous press under his management, have, if not expressly, at least by implication, termed a "rotten borough."

Our Paper.—We issue to-day on a Sheet a little smaller than usual, intending to give our subscribers *five* such papers in place of four of the regular size.

Mutual Improvement Association.—On Friday evening last, Mr. Hubbard delivered a rather lengthy lecture on "The Principles of Phrenology, and their bearing on the Christian faith."

Postponement.—The lecture announced for next Friday, will be postponed on account of the Anniversary of the British and Foreign Bible Society being held on that evening.

Died,

Suddenly, on the 28th ult., at St. Peter's, Mr. Michael Eagan, aged 75 years.

On Wednesday last, after a short and painful illness, Alitia, only daughter of Mr. Robert Weeks, aged 34 years, deeply regretted by a large circle of relatives and friends.

On the 2d inst., at the residence of her son-in-law, R. Burdett, Lot 35, West River, Elizabeth Austin, aged 72 years.

At Bay Fortune, on the 25th ult., William Henry Underhay, eldest son of William Underhay, Esq., aged 26 years.

Passengers.

In the Mail Boat, Wm. Heard, Esq., Capt. Salmon, and Mr. Seacord, from New Brunswick.

CHARLOTTETOWN ELECTION.

We delayed printing our Town papers until the result of the Election could be ascertained. The following are the returns at 2½ o'clock:

Longworth,	272
Palmer,	269
Coles,	153
Reddin,	141

Nearly all the votes have been polled.

NOTICE.

All persons indebted to the Subscriber are requested to settle their Accounts before the 1st of April next, as all accounts open at that time will be left with an Attorney for collection.

EDWARD SAVILLE.

Grand River, Lot 55, Feb. 22, 1854.