

## COLONIAL LEGISLATURE

HOUSE OF ASSEMBLY.  
Debate on Mr. Macaulay's Elective Legislative Council Bill.

Hon. Mr. TREASURER. Two years ago, he was of opinion that it would be a decided improvement upon the mode of constituting the Legislative Council to make it elective. He was, however, so long of that opinion; for, looking back, and comparing the proceedings of that body within that period, with those of popular measures emanating from the Assembly, with its former practice with reference to measures of a like nature, it was, he thought, quite evident that they had become so far imbued with the spirit of progress and liberality, that no reasonable apprehensions could be entertained of their interposing any insuperable obstacles to the passage of any measures which the popular branch might deem necessary for the promotion of the general interests of the community. In fact, the proceedings of the present Session had been quite sufficient to show that the Legislative Council were prepared to march with the times, and to be prepared to consent to the amelioration of the condition of the tenantry, and the advancement of the common interests, which might be brought before them, the fairest and fullest consideration. All the great measures of the present Session had found ready acceptance with the Council; and they had been very willing to consent to the most important measures of the former Session. He felt disposed to give free expression, upon the present occasion, to his sentiments concerning both the government measures of the past and the present session and the government themselves, as, perhaps, it might be the last suitable opportunity he would have of doing so. With respect to their measures, he felt himself bound, in common honesty, to admit that, generally speaking, they were such as the circumstances of the country demanded; and, although they had not all his entire approbation, he felt persuaded that, in the main, they were calculated to confer essential benefits upon the people, and would, therefore, be believed, in general, to have been received by them. Public men ought always to be judged by their public conduct and services; and, after his admission of the value and acceptability of the government measures, it would follow that, to a certain extent at least, he must, to be consistent, hold the government to be worthy of public approbation and confidence. That he did so, he was very willing to admit. But, although to the Government, as a body, he thus freely accorded much credit, on account of their legislative measures, he was very far from being satisfied with the individual position or political character of some of its members. But were his dissatisfaction with the present composition of the Government still greater than it was,—may it be altogether unqualified,—it would not induce him to support any measure, of the propriety of which he was not convinced, merely because it might be believed that, if passed into law, it might tend to the overthrow of a Government, with which he was dissatisfied. Such a mode of opposing a government could not be otherwise than disgraceful at any time. But, were he even favourable to the object of the Bill, and were there a probability of its passing, he would oppose its further progress in the present Session. The present would, most likely, be the last Session of that House; and, in his opinion, it would be unfair in them to make such a fundamental alteration in the composition of one branch of the Legislature as was contemplated by the Bill, without having ascertained, with some reasonable degree of certainty, the sentiments of the several constituencies concerning it. Another general election was at hand, and the opinions of the electors might then be taken concerning the proposed change in the mode of constituting the Legislative Council. Until then, the question might, very properly, be left in abeyance; and, should it be found that the change was desired by the people, it would be time enough to bring it forward in the first Session of the new House. With the Resolution submitted by the hon. the Leader of the Government, he could not, however, altogether agree. He could not see what was the propriety of being recorded, as the opinion of the House, that the making of the Legislative Council elective, would be inconsistent with the principles of Responsible Government; for, in his opinion, Responsible Government in the Government did not pre-suppose harmony, as at all times necessarily existing, between the Assembly and the Council. A government might very well be based upon principles of Responsibility, independently of permanent harmony between the two Houses of the Legislature. He thought it would be quite sufficient to move that the Bill be committed this day three months.

Hon. Mr. LANE. The only thing in the Bill which, in his opinion, was calculated, if carried into practice, to confer a benefit upon the people, was the proposal for paying the members of the Council for their legislative services. That proposal was, he thought, deserving the favorable consideration of the House; for the adoption of it seemed to be the only means by which a representation of the different sections or districts of the Island could be secured in the Council.

Hon. Mr. COLLS. He was still of opinion that it would be proper to record, in their Journals, the reasons by which they had been influenced in rejecting the Bill.

Hon. Mr. PERE. The Resolution of the hon. the Leader of the Government laid down a proposition which had neither been proved, nor acknowledged. There would, therefore, in his opinion, be an evident impropriety in entering it upon the Journals of the House. It would be best, he thought, to allow a simple record of the fall majority against the Bill—to withdraw the Resolution, and to allow the further progress of the Bill to be simply negated.

Mrs. HAYLAND. He was going to make an observation to the same effect, when anticipated by the hon. the Treasurer. It would be quite impossible for the House, at present, to arrive at any such conclusion, as that set forth in the Resolution of the hon. the Leader of the Government. As yet, no trial of the elective principle had been made, with respect to the Legislative Council. On what experience, then, or by what reasoning, could they show that the making of the Council elective would be inconsistent with the principles of Responsible Government? The Resolution laid down a proposition, by which, although it had not been proved nor admitted, the House would be bound in future, should they adopt the Resolution. But, besides the valid objection which might be successfully urged against the Resolution in that case, it was quite irregular in form, a record of reasons, in such cases, being held altogether inadmissible in parliament.

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himself very fortunate in being surrounded by men so able, as to be able, without discussion or inquiry, and all at once, to determine that a proposition which had been held deserving of the most serious and deliberate consideration of the Legislature of Canada, New Brunswick, and Nova Scotia, was unworthy of their attention. The hon. member for Shelburne (Mr. Davies) had said that it was not worth their while to give the Bill any further consideration. The hon. member must indeed set a very high value upon his time and his wisdom in disposing of it, when he thinks the devoting of two hours to the consideration of the Bill, in a Committee of the whole House, would be time mispent, and lost to the country. The view apparently taken by the hon. the Leader of the Government, concerning the object of the Bill, and by which he seemed to be mainly influenced in his opposition to it, was that it would too much restrain the power of the Government and their majority in the Assembly. (Mr. Colles.) The hon. member is quite mistaken as to my views. (Mr. Macaulay) thought not: the view which he had ascribed to the hon. the Leader of the Government was such as his (Hon. Mr. Colles) arguments against the Bill fully warranted the belief that he entertained. There was something in the nature of the view, which was inclined to pre-empt the limits by which it was circumscribed; and it was too often disposed to withstand every charge which might possibly affect itself, through no other feeling than a jealous fear that the alteration would bring with it a diminution of its extent. It was perhaps only quite natural, therefore, for the hon. the Leader of the Government to retain the power of choosing the men who should fill up vacancies in the Council, and of himself providing pay for them too, if they were to be paid; as that mode would rather tend to confirm, than to diminish his power. As to the opposition of the hon. member (Mr. Wightman) to the Bill, it might also, perhaps, be accounted for in a similar way. He (Mr. Macaulay) could see no reason why that hon. member should not be quite as open to the allurements, and as free to obey the dictates of ambition as any other man; and it might, possibly, be quite evident to him that he was fully as eligible to a seat in the Council as any who could be called to it. By providing pay for the members of the Council, the Government might also have it in their power to extend the sphere of their choice, and to call to it men from the different sections of the country. But men so chosen and so paid, would not be the representatives, either of the people, or of local interests; they would, in fact, be nothing but the paid nominees of the Government; and such a system should never have the sanction or support. He had little or no reason to be particularly anxious to please some members of the Government; but, however that might be, he was not influenced by his private feelings towards any of them, in the course of his remarks. He was persuaded that it was necessary, for the due protection of the common interests of the people, to lessen the power of the Government in the Legislature; and his chief object, in bringing forward his Bill to make the Legislative Council elective, was to provide a means, whereby Government might be prevented from acquiring, at any time, an unconstitutional and dangerous legislative influence. The hon. the Treasurer had said that the passing of the Bill would lessen the constitutional rights of the people; but he did not see how a Bill, the direct aim and object of which was to extend the elective franchise, could have a tendency to lessen the constitutional rights of the people. (The hon. the Treasurer here interrupted Mr. Macaulay, observing that he disputed, not only the correctness of the hon. member's quotation of his words, but the construction which he put upon them as well.)

Mrs. MACAULAY continued.—He was not disposed to trespass much further upon the time of the House; but he would just remind them of what had been done by the Representatives in Nova Scotia when they were unable to carry a measure by fair and constitutional means in the Upper House: a member thereof was absent, and although it was well known that he was in the Cape Breton to take his place and attend to his legislative duties in the Council, the Responsible Government took advantage of his absence, and by appointing another gentleman, favourable to their views, to a seat in the Council; and, thereby, carried their measure. Might not the same thing be done here? Certainly might; but he would contend that a law passed unconstitutionally—by any law passed by means of so unfair a measure would be—would be no law at all. Any attempt to alter the Constitution of a country ought—he did not deny—to be well considered before it was entered upon; and, even when entered upon, it ought to be to his satisfaction. He had brought forward his scheme without having previously long and well considered it; and even now he was not over anxious to urge its acceptance upon the House. He was not, by any means, in a hurry with it. He was, he flattered himself, contained no evidence in itself, of having been considered hastily or drawn up; and, he thought, the more seriously public attention should be fixed upon its object, and the more closely its provisions for the accomplishment of that object should be canvassed, the more clearly would their adaptation to the end be manifested. He was, therefore, quite willing that the Bill should lie on its face for a time; for he doubted not that, when next brought forward, it would have found such favor among the people, that their representatives would give it, at the least, a more favorable consideration than it had now received, although it was possible that it might be a second time rejected. He would, nevertheless, most certainly have preferred its being passed in the present Session, for he saw a danger looming in the distance, which it was intended to ward off. To the decision of the House it was, however, his duty respectfully to bow; and, in doing so, he would only further observe that, whilst they disputed the correctness of his judgment, he hoped they would allow the integrity of his motives.

The question being then put on the motion of the hon. Mr. COLLES, "that the Bill be committed this day three months, the House divided: Yea—Hon. Mr. COLLES, Hon. Mr. WERTON, Hon. Mr. PERE, Hon. Mr. JARDIN, Hon. Mr. LANE, Hon. Mr. FRANK, Hon. Mr. DUNN, Hon. Mr. THOMAS, Hon. Mr. CLARK, Mr. Macneil, Mr. Wightman, Mr. Hayland, Mr. Longworth, Mr. McNeely—16. Nay—Mr. Macaulay, Mr. Montgomery, Mr. Campbell, and Mr. Yee—4.

LEGISLATIVE COUNCIL CHAMBER, 5th MARCH, 1838.

Debate on Motion for the Second Reading of the Treasury Note Bill.

(Continued from HASZARD'S GAZETTE, No. 25.)

Hon. Mr. BRANFORD.—In rising to offer a few remarks on the important subject now before your Honors, I am happy to be relieved from submitting any additional arguments in support of the amendment proposed and seconded by the hon. gentlemen on either side of the House, who have stated their views on the question in their usual clear, forcible, and eloquent language; but having drawn the attention of the community, through the public papers and other channels, in the year 1834, to the state of the Currency and the Treasury Notes and Warrants, I may be permitted, and it is, perhaps, expected by your Honors, that I should make some observations on the occasion of a Bill now before this House for authorizing the Government to issue Treasury Notes, to the amount of £1,500,000, in specie, in addition to the sum of £1,500,000 now in circulation.

With your Honors' permission, I shall take somewhat of an historical view of the currency and observe, first, that in February, 1825, Lieutenant Governor Ready sent a Message to the House of Assembly, as follows:—  
"The House of Assembly will see, on examination of the Public Accounts, that there is a balance in the hands of the Treasurer (after discharging all outstanding Warrants), in cash and bonds, to the amount of £450,000. Under present circumstances of the Colony, the Lieutenant Governor does not feel himself warranted to recommend that a larger sum be taken from this balance to cover the expenditure of the present year than the amount of the net revenue of 1824, which appears to be about £225,000—the contingent expenses of the Colonial Government (independent of what is provided by the Imperial Government in England) and which have hitherto been paid out of the Revenue, amount, on an average of preceding years, to £250,000."

Should the House of Assembly see fit to make other provision to cover this expenditure, the Lieutenant Governor will, in that case, appropriate the full sum of £2,500 exclusively to Roads and Bridges; and will receive and take into consideration the recommendation of the Legislature as to the most satisfactory mode of applying the same, with the view to the wants of the country and advantage to the public. A balance will then remain in the hands of the Treasurer of £1,500, available for future exigencies."

Your Honors will observe, that at this period there was in the Treasury a sum of £450,000 in cash and bonds; that the ordinary revenue was about £250,000; and the contingent expenses of the Government necessary to be provided for were about £250,000,—making together a sum of £950,000; so that at the end of the year there would be an overplus of £500,000; and this, with the anticipated income for 1825, there would be available assets in the Treasury to the amount of £2,050,000 towards the expenditure of the following year, 1826. The monetary affairs of the Island then, appear to be in a most satisfactory and sound state on the assumption of the Government by Colonel Ready, which, by a prudent and cautious supervision, would have continued so. But unfortunately, on the 14th March,—a day long to be remembered with regard to the financial affairs of this Colony,—there was introduced into the Legislature, without, as far as I can perceive, any pressure from without, or any apparent necessity for such a measure, a Bill to authorize the Lieutenant Governor and Council to issue Treasury Notes, of certain values, to the amount of £500,000—not redeemable in specie on demand,—(and being double the amount of the then annual revenue) in equal proportions in amount, in £5, £25, and £100 Notes. The Bill was passed forward by the Lieutenant Governor, and having read twice on the 14th March, passed on the 15th, and sent up to the Council; there the speed was kept up, and the Bill, completed, was again in the House of Assembly on the 19th. Thus in the short space of five days the most important statute added to the laws of the Colony. At the Session of the House of Assembly held in October, 1825, a Petition was presented from a number of merchants, shopkeepers, and resident householders of Charlottetown, praying for an issue of Treasury Notes, of a value of £500,000, subject to the same regulations as those issued under the former Act in March. In April, 1826, the Joint Committee on the Public Accounts made the following most extraordinary Report, viz:—

"Your Committee cannot avoid remarking with astonishment the benefits the inhabitants of this Island have derived, and the accommodation afforded them in trade by the issue of Treasury Notes, as well as a gain to the Colony of £251,14s. 6d. interest on bonds,—which could not have been allowed to accumulate had not so desirable an accommodation taken place."

The Act of 1825, to raise a Loan of £500,000 sterling, failed to effect its purpose. The year 1830 is remembered for the adoption of two modes for procuring funds;—the one, by an Act for furthering the issue of Treasury Notes, to the amount of £500,000; the other, by an Act authorizing an Assessment on Lands, for the purpose of granting to His Majesty, his heirs and successors, the sum of £100,000 annually, for five years, for the purpose of defraying the expenses of erecting a suitable building for His Majesty's Representative in this Island, and also for erecting a building for an Academy in Charlottetown. In 1831, a Bill was passed to authorize another issue of Notes, to the amount of £200,000; £200,000 of which was in Notes of five shillings value. The system is continued in 1832, by an extended issue of no less than £300,000 more Notes—£100,000 of outstanding Notes to be paid off annually for five years, by the Treasurer, out of the land revenue; and £200,000 to be issued by virtue of the Act of 1830 (already considered and treated as £500,000), to erect a Government House and other public buildings within the Island,—the amount of Treasury Notes, unredeemed in specie, was raised by this statute to £1,500,000! By permission of your Honors, I will read a few extracts from the Report on the Currency of the Island, made in 1847:—

"In 1834, the time appointed by the Act of the previous year for cancelling £1,000 of the Notes in circulation, an Act was passed to suspend the cancelling of any portion of these Notes for one year,—the Act being transmitted to England, was disallowed by the following Minute of the Lords Commissioners of the Council for Trade:—11th August, 1834. It appears to their Lordships to be inexpedient to divert from its proper object the sum appropriated for redeeming the Government Notes issued in Prince Edward Island last year; their Lordships are, therefore, of opinion, that this Act should be disallowed."

"Mr. Spring Rice, in his Despatch to Lieutenant Governor Sir A. W. Young, dated the 10th October, 1834, enclosing the above Minute, says:—'The issue of Government Notes in the year 1833, amounting to £500,000, was made upon the security of an Assessment on Land, imposed only for five years, and the interest on the Notes was to be paid out of the land revenue in each year of its duration. And it is therefore expedient that any diversion of that Revenue from its proper object would eventually leave unprovided for one-fifth part of the Notes for which it was pledged. It would add one thousand pounds permanently to the amount of the debt of the Colony, and would be a serious and every repetition of such a measure would produce a further addition of one thousand pounds to that species of Currency."

"It is an error that when the Legislature passed the Act, they had perceived that its effect and tendency were such as I have now described; and I doubt not that they will be fully sensible of the necessity of the decision which,—seeing that the measure does not yet take effect, any practical effect,—His Majesty in Council has been advised to pronounce upon the Act."

"Having already, in my communication of 23d July last, desired you not to assent to any Act authorizing an issue of Government paper or securities, except with the previous sanction of His Majesty's Government, I shall merely, on the present occasion, desire that neither will you hereafter assent to any Act (unless it contain a suspending clause) for discharging any provision which may previously have been made for the redemption of Notes already in circulation."

"The object of the Imperial Government, in disallowing the postponement of the cancelling of £1,000 of Notes, was to prevent any permanent addition to the paper circulation of the Colony; and it is expedient that the Government should be actually employed for their reduction."

Instead of which, it will be found that the plan adopted at that time for withdrawing Notes from circulation, was by the substitution of a paper issue of a different character, and charged with interest,—as will be seen by the following statement:—

Notes in circulation, 1834, £1,500,000  
Warrants, " " £1,500,000  
Total, £3,000,000

It will be seen by the following extracts from Despatches, in the Report, which I beg to read to your Honors, that the Lords of the Treasury, as well as the Colonial Secretary, were somewhat puzzled by these questions, and thought it abundantly necessary to ask for explanations, and to enforce upon the Government the authority of Lieutenant Governor Ready, in his capacity of Treasurer, to pay out of the Treasury any sum which might be required for the redemption of the Notes.

The following from the Treasury Chambers, March 16, 1836:

Having had before the Lords Commissioners of His Majesty's Treasury your letter of the 13th ult., on the subject of the application to the current supply of the Treasury of the sum of £1,500,000, of certain securities lodged in the Treasury for the redemption of paper circulation of the Colony, I am commanded to request you will state to Lord Glenelg, that it would appear from the explanation now furnished to the Treasury, that the sum of £1,500,000, of certain securities lodged in the Treasury for the redemption of paper circulation of the Colony, I am commanded to request you will state to Lord Glenelg, that it would appear from the explanation now furnished to the Treasury, that the sum of £1,500,000, of certain securities lodged in the Treasury for the redemption of paper circulation of the Colony, I am commanded to request you will state to Lord Glenelg, that it would appear from the explanation now furnished to the Treasury, that the sum of £1,500,000, of certain securities 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