

The Examiner.

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EDWARD WHELAN

This is true Liberty, when free-born Men, having to advise the Public, may speak free.—EURIPIDES.

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HOUSE OF ASSEMBLY.

TUESDAY, 10th May, 1859.

ELECTIVE LEGISLATIVE COUNCIL.

(Continued.)

Hon. Col. GRAY had heard very able and well digested remarks from his hon. colleagues in the Government, and from Hon. Mr. McAulay; but as a plain farmer, he would offer a few arguments in plain language on what appeared to him the main point involved, namely, which was most desirable, a nominated or elective Council? The present Government had been styled one of patchwork. It might be so, but it was not a mere sham. If ever a people had been deluded by a name, the inhabitants of this Island had been gulled for the last seven years by the name of Responsible Government. The unhappy Roland put on record the last sad reflection of his life: "Oh Liberty, what crimes are committed in thy name!" The same was true with reference to the mode in which Responsible Government was carried out in this Colony, to which its enemies should come if they wished to find a justification of their opposition. With reference, however, to the question more immediately before them—the choice between a nominated or an elective Legislative Council—he did not think that the Island possessed the requisite materials. The sum of £700 was, he considered, too low as a property qualification. In one colony a candidate was required to qualify on £3000, in another, £1000, in real or £5000 in personal property. As it was, however, necessary to have an upper branch, it would be their duty to choose the least; and therefore it was that he would support the Bill. It could not be said with truth that he would support the Government, so long as the Legislative Council might be at the beck and nod of the leader of any party which might be dominant in that House. He did not refer especially to the leader of the late or the present Government, —he would invest neither with such influence. Under the present system the Leader nominates to vacant seats at the Council Board; and it would be absurd to deny that in the Government having the confidence of the majority of the House, are vested the nominations to the Upper Branch. They must continue the present mockery, or make the Council elective. When he had been offered a seat in that body some five years ago, he asked if he was to take it unpledged. He was told that he was to consider himself perfectly free, and he went there unfettered. Before the lapse of a few months, however, he saw that the whole thing was a perfect farce. The divisions were regulated solely by regard to party interests. In short, it was a perfect game of "Follow my Leader." He followed his, and bid them good bye. (Laughter.) He came to this House as the chosen of 960 voters, and felt that he held a position of far greater weight in the country than when he had for a short time sat in a body which had earned the character imparted to it, of a sham. For what purpose had the Council been originally constituted? The framers of the constitution had intended the "poor, grave, and reverend sages" of the Council to act as a check upon the executive and hasty acts of the junior branch; but instead of affording such check, they had seen them in the character of very humble servants of the Leader of the party at the time dominant in the House. The hon. member, the Leader of the late Administration, had told the House that two of the present councillors (Hons. Messrs. Swaby and Young) had been appointed by the old Tory party. If so, they had of late been changed into office holders. The independence of the one might be inferred from the fact of his holding 12 or 13 offices, the other 2, 3 or 4; he did not exactly recollect the number. Now, would it not be black ingratitude, if, invested by his hon. colleague, the Leader of the present Government, with so liberal a number as a dozen public offices, when, perhaps, he might not own the very chairs in his house, he should be found to oppose him in the legislative capacity which was due to his kindness? Some two or three years ago he had told his constituents that the people would never have Responsible Government while the Leader had power to nominate to seats in the Legislative Council. They asked what was the use of returning a majority to the Assembly, if the majority of the Council were all slaves of one man? He hoped soon to see a Council composed of men who would be slaves to no one. The hon. Leader of the late Government had intimated that some members of the Council would be willing to adopt the elective principle. It might be said, but the will of the people would make the whole of the seats elective. He had no objection to the course suggested by Hon. Mr. Palmer. The discussion of the Bill would occupy a good deal of time, and the season was now far advanced; and if it were sent to the Council, much time would be wasted, he feared, and to little purpose, as it was not likely to meet the approval of that august body, which was characterised by an inordinate degree of vanity, but very little independence. Therefore, another course from that pursued generally was necessary for the House to adopt, in order to obtain what the people wished—an independent Upper Chamber.

Mr. SINCLAIR—it was unnecessary to fire broadsides without an object at which to direct the aim. Hon. members on the Government side had argued as though they had anticipated great opposition to the Bill; perhaps they wished to excite it. It had not met with any opposition to the principle. It appeared to him that the Government were anxious that it should not pass, and for that purpose endeavoured to excite such feelings as would render its defeat inevitable. One clause seemed to have been introduced expressly for the purpose of preventing the Council assenting to it—that which provided for the immediate election of the whole body. He had heard it said, when the Liberals were in power, that they kept a nest-egg in reserve, as a means of retaining popularity. The present Government were following their example, by keeping this Bill in abeyance as their nest-egg. It framed properly, why not adopt the usual and constitutional course to pass it into law at once? The Government said that they did not expect it to pass the Council, but they would lay it before the people. Why did they not introduce a measure which they could expect would pass, and if that were thrown out, and it were in accordance with the popular wish, the people would rally to their support, and their position would thus be materially strengthened.

Hon. Mr. WHELAN had no expectation that any observations of his would influence the minds of hon. members on either side of the House, for he was, he feared, almost alone in unqualified opposition to the principle of the Bill. To that principle he had always been opposed, and he emphatically denied the right of one branch of the Legislature to interfere with the construction of another. Besides, he did not consider that the Council would be of more service to the country by being made elective. It was unnecessary that he should review all the arguments that had been urged in favor of the Bill, but he had heard none which would induce him to change his opinion, although the hon. member, Mr. Coles, had entered a change to come over the spirit of his dream since last session, when he had warmly opposed the measure. The course pursued by the Government, with reference to the Council, was precisely such as might be expected from them, now that they had not a majority of that body ready to do their bidding. Ten or twelve years since the party now in power would not allow a syllable to be breathed against the Council of that day. It was accounted almost seditious to utter a remark in any degree disparaging to them. They were then the independent representatives of the wealth and intelligence of the people; but now they were unworthy of any respect, and no epithets were too vile to be applied to them. When, at the time to which he referred, the Council had shown a spirit of determined antagon-

ism to the measures of the party with which he was associated, he had not once uttered a word or written a line advocating a change in its constitution. He believed with the poet, that "Time at length sets all things even," and the result had justified his confidence. There was no ground for the belief that the Council would factiously reject any measures of the present Government; and it was unfair, uncourteous, and unconstitutional to stigmatize the members of that body as being the slavish puppets of a party, when they were as much entitled to public respect as the House of Assembly. He denied that it was the general wish of the people that the constitution of the Council should be changed, or that the question had been made a test at the elections. Some few members might have been returned pledged to the measure, but there was no authority for the assertion that it was generally desired. By were it otherwise, the change could not take place without the consent of the Council itself. (Laughter.) Hon. members might laugh, but they would probably laugh at the other side of their mouths, if the Council should introduce a Bill altering the constitution of the House.

Hon. Mr. HAVILAND would laugh more heartily at that. Hon. Mr. WHELAN would do so too, but really the Council had as much right to do so, as they had to pass this Bill. Such conduct would not be a whit more impudent and absurd than their own. The hon. member, Mr. Palmer, admitted that the Bill would not pass the Council, and Hon. Col. Gray said that it was unreasonable to suppose that it would. Why then waste the time of the country by thus enacting a solemn farce? With reference to what had been said on the subject of the address to the throne, recently adopted by the Council, that body had an undoubted right to express their opinions on the recent change in the constitution of the country, and it was their duty to declare their opinions in emphatic terms, and they ought not to be called to account for having done so in that House. The hon. member, Mr. Haviland, had stated that it was only necessary to ask the Home Government, and it would sanction the proposed change. That might be the case, if the Bill came before them in proper shape, and the consent of the other Branches was necessary to that. As to the citations from the speeches of Lords Derby, Harrowby and other British Statesmen, with which the hon. introducer of the Bill had favored the House, he, for one, would never consent to pin his faith upon the sleeve of any man. It might suit the purpose of that hon. member to quote those authorities when their opinions happened to coincide with his own; but he recollected the time when the views of Lord Russell, as eminent a statesman as any of them, on the subject of Responsible Government, had been scouted by that hon. member and his confederates, as being foolish and absurd, and the system of Responsible Government was stigmatised as mere humbug and moonshine. Apart from his objection to the principle, the details of the Bill would meet his decided opposition. The unequal allotment of representation to the counties was one ground of objection; and the attempted justification of it was a mere fallacy; for if the preponderance of wealth and population gave Queen's a right to one half of the seats in the Council, the same argument should apply to that House, and the favored county should have the same proportion there. The qualification for the Councillors was too high for so small and comparatively poor a Colony. It might do for Nova Scotia or New Brunswick; but the effect of it here would be to place the whole legislative power of the Upper Branch in the hands of the proprietors. Again, the extraordinary provision that the Crown should not have the power of dissolving the elective Council, while it could at any moment send the members of the Assembly back to their constituents, might lead to most embarrassing complications. Suppose, for instance, the Council entertained views diametrically opposed to those held by the House of Assembly, and that each body was determined to adhere to their own—the Government might dissolve the House, and if the newly elected one were imbued with the opinions and spirit of their predecessors, what would be the result? The Council could not be dismissed, and how was the Governor to remove the dead lock? If the Crown had power to dissolve one branch, it should be in a position to exercise the same authority over the other. Another objectionable result might, and probably would, occur. At present that House had the exclusive control of the purse strings; but once bring this elective principle into operation, and the Council, as an equally elected body, could claim a co-ordinate right. The Bill also contains provisions on matters which should properly be left to the members of Council themselves to settle—such as the appointment of their President, and the power to punish their refractory or delinquent fellows. All such assemblies made such rules and regulations as they thought fit, and this appeared to him to be a very offensive interference with their universally recognized right of such bodies to regulate their own internal affairs. The hon. member for Georgetown, Mr. McAulay, had represented himself in the venerable character of "grandfather" to this precious Bill, and had stated that the spirit of his long-since deceased offspring had survived the body, and now animated this pet child of his colleague. For the credit of that hon. member, he charitably hoped that the Pythagorean doctrine of the transmigration of souls had not received an illustration in this case, but that his bantering had been changed at once; for if his insinuations resembled those before them, the venerable grandfathers had but little cause to regret the untimely death of so ill favored an heir. His reference to the Massachusetts of a hundred years ago was not a particularly brilliant illustration of his argument, for the early history of that Colony was as replete with absurdities as of any country of the time. To be consistent, he should have recommended for our adoption the highly enlightened code commonly known as the Blue Laws of Connecticut, and the humane and intelligent practice of burning supposed witches. He would vote against referring the Bill to Committee, as he considered it would endanger the harmony which should subsist between the House and the Council, which latter, inflamed with the passions and angry feelings excited by election contests, would not be as likely as at present to exercise a calm and deliberate supervision of the measures of the House; but would probably augment the bickerings and heart-burnings arising from political struggles, of which there was already too much.

Mr. HOWATT would address himself to the main question involved, namely, whether it was desirable that the constitution of the Council should be changed, or allowed to remain as at present. That body, as now constituted, was as had been obstructive, not only to the conservative, but also to the liberal party. For when the latter passed a Bill to cause the proprietors to put their titles on record, the Council threw it out; it might be, at the suggestion of the very parties who had introduced it into the House. The hon. member, Mr. Coles, stated that a late member of the Council had been bought. If such were the case, it went to show the rottenness of the present system of appointment to seats, and was certainly a high compliment to the wisdom of the hon. member (Mr. Coles) who had selected the gentleman referred to. It was an old saying, that money makes the mare go, and it appeared to have made the Council go too. (Laughter.) As to the details of the Bill, he considered that Queen's County would have an undue proportion relatively to King's and Prince Counties. He would not, however, oppose the Bill on that ground at present, but at a future time would support a modification of that provision. He would, however, oppose the qualification of candidates, as being altogether too high for the circumstances of the country. It might appear low to some possessed of plenty of property, but it must be reduced before it would meet the views of the great body of the people. It was calculated to invest the Council with too aristocratic and exclusive a character; and the Bill should give an opportunity to the better class of farmers of becoming candidates. He also objected to the plan proposed of each Councillor being elected by the whole County. The majority of farmers were but little known out of

their own immediate neighbourhood; it would be better, as there were to be three members for King's and Prince Counties respectively, that there should be three electoral divisions for each. The hon. member, Mr. Coles, had said that Councillors might vote against the party that appointed them. They might, it is true, but no party would put his opponents there. Much stress had been laid by the opposition on the assertion that the Council would not pass the Bill. That had but small weight with him. They were sent there to carry out the wishes, not to betray the interests, of those whom they represented; and if the Council rejected a measure which he considered the public well required, he would persevere, and never allow expediency to influence his conduct against principle.

Hon. Mr. THORNTON, being in favor of the principle of the Bill, would vote for sending it to Committee, at which stage of its progress it would be proper to discuss the details of the measure. A great deal of time had been spent on those details, quite unnecessarily, as the same grounds would be gone over again when the Bill should have been committed. The country demanded a change in the composition of the Council, and the sooner the elective principle was adopted the better. His application should, however, be gradual, and such he would support; but objected to so violent and sweeping an alteration. Two hon. members had claimed, one that he was the grandfather, the other that he was the father of this Bill; but a reference to the Order Book of 1850 would show that he could arrogate to himself the relation of great grandfather to the measure, and consequently it was not to be expected that he would draw his descendant. By the adoption of the elective principle they would not be preceding Canada and the lower Colonies, but merely following in their footsteps.

Hon. Mr. HAVILAND congratulated the House on the general recognition of the principle of the Bill, in his opposition to which the hon. Mr. Whelan stood alone; but it was the first occasion on which the hon. Mr. Whelan had made known the relation in which he stood to the Bill. He was glad that the principle found favor in the eyes of that hon. member, although he regretted his opposition to the details. There would be no use in inserting the small end of the wedge. The present Council must be abrogated. There was no chance of their co-operating with any government to which the hon. leader of the minority would be opposed. He was amused at that hon. member's Council by the old Tory party, consequently they at the present day reflected the views of those who sent them there. With that party the Government had nothing to do. They had gone to their political tomb, and he hoped the Council would speedily participate in the same fate. It was absurd to say that they would support the majority of the present House. The former gentleman held 13 or 14 offices under the former government, and the latter had been their Attorney General a former years, when he sat at the head of the Government, and now was out again. The hon. member, Mr. Whelan, was entitled to great credit for the length of his speech, which consisted principally of railing comments on his own and Hon. Mr. McAulay's observations. He had, however, misrepresented him, (Hon. Mr. H.) when he stated that his advocacy of the Bill was based upon the opinions of Lord Derby and others. He had merely alluded their opinions to show the weakness of the Government, and went out of office as such. Another country, whenever it might be asked for, in addition to the statesman whom he had alluded to, he would fortify his argument by the opinion of the late Sir William Molesworth, who had been a Councillor as great a Radical as the hon. member himself. (Laughter.) The hon. member here read from a speech of the late Sir Wm. Molesworth, delivered in March, 1833, advocating elective Councils. The death warrant of the present system had been signed; it had found no favor in the British Lords or Commons. In the year 1837 the Home Government, of necessity, and reconstituted the old Councils in these Colonies, and would do so now, when once made aware that such was the wish of the people. At present the Councillors were not the nominees of the Crown, but of the leader of the Government of the day. There was no foundation for the assertion that the qualification of £700 was the effect of putting into the Council men but priests. He had stated his willingness to reduce the amount to £50 and expected it would be cut down in Committee. A proper vote of the party most likely to succeed in an appeal to a constituency of tenants. The hon. member (Mr. Whelan) knew that the Bill was not intended to have, nor would it have that effect, but he wished the opinion to go abroad to the country in his speech. As to the objection to the division of Councils, among the different counties, while each had an equal representation in that House, he said boldly that Queen's had not her fair proportion on their floor and that he blamed the hon. member's celebrated Good Friday Bill. That gentleman had laid some stress on the fact that there had been no petitions before then praying for this change. Where were the petitions requesting an addition of six members to the former number of the House? That addition had been made in the expectation of getting a majority of seats for the late Government at the then ensuing general election, but alas! the hon. member and his friends had dug a pit and fallen into it themselves, and out of it they were not likely to get for some time to come.

(To be continued.)
W. M. HOWE, Reporter.

Correspondence.

FOR THE EXAMINER.

"Angustam anice pauperum pati,
Robustam auri militum parvi
Condunt, et patentes feroces
Vixit equos metuentes hasta.

Hon. LIA 3, One 2.

"Still must I hear?—hall honors Fitzgerald bawl
At Orange meetings in the Temp'rance Hall,
And I not sing, lest haply Scotch review
Should dub me scribbler and denounce my muse.
Still there are follies o'en for me to chase,
And yield at least amusement in the race;
Laugh when I laugh—I seek no other fame,
The cry is up, and stars are my game.—BROOK, (slightly altered.)

(Concluded.)

Take and read, for instance, what is laid down in the word 'popery' in the third column on the first page, and read on through the remaining part of that and the following column, and if you do not find a specimen of detraction and scurrility, do not call me Uncle Jim. Take again the leading article, headed: 'Our object,' and you will find another evangelical dose truly worthy of the apothecaries who dealt it out. Yes, my dear Sandy, without incurring the danger of profaning the sacred Scripture, I say emphatically 'by their fruits you shall know them.' He then opened Matthew vii. 15, and invited me to see how applicable the following words were—'Beware of false prophets, who come to you in the clothing of sheep, but inwardly they are ravening wolves. 16: By their fruits you shall know them. Do men gather grapes of thorns or figs of thistles? Could I venture, dear Sandy, to build an argument or draw a conclusion from the private interpretation principle, I could turn the last word of the text quoted to a good account; for I do believe in my heart that the word *thistle* in the above text is a living image of some of my fanatical countrymen—'Nemo me impune lacessat.' Now what do you find to be the fruits so peculiarly characteristic of these gentlemen? Lies, calumny, detraction, and the foulest insinuations that could ever emanate from the filthy sinks of their prurient imaginations,' said I. 'Keep cool, Sandy, said the old fellow, there is no use of getting in a fuss. I would certainly feel a delicacy in applying the terms *liars*, *calumniators* or *detractors* to the gentlemen in question, did I not find them so freely and so frequently used in the sacred Scripture. Open John viii. 44, and you will find how strikingly the text applies: 'You are of your father the devil, and the desires of your father you will do. He was a murderer from the beginning, and he stood not in the truth; because truth is not in him. When he speaketh a lie he speaketh of his own; for he is a liar, and the father thereof.'

Now, Sandy, I am sorry to say that the liars stand too clearly convicted on the face of this vile sheet which you have brought me. If, therefore, the devil is the father of lies and speaketh of his own when he speaketh a lie, who, I pray, is the father of the liars themselves?

I shall now let you see, my dear boy, said he, how nicely the Christian conduct of those worthies tallies with the inspired word of God, and he began to open the Bible, as I thought, at random; for he read something from every place he opened. Wisdom i. 11: 'Keep yourselves therefore from murmuring, which profiteth nothing; and refrain your tongues from detraction; for an obscene speech shall not go for nought; and the mouth that believeth, killeth the soul.' Ecclesiasticus xxiii. 21: 'Two sorts of men multiply sins; and the third bringeth wrath and destruction. 22: A hot soul is a burning fire; it will never be quenched till it devour something. 23: And a man that is wicked in the mouth of his flesh will not leave off till he hath kindled a fire.' xx. 26: 'A lie is a foul blot in a man; and yet it will be continually in the mouth of men without discipline. 27: A thief is better than a man that is always lying; but both of them shall inherit destruction. 28: The manners of lying men are without honour; and their confugion is with them without ceasing.' vii. 13: 'Devise not a lie against thy brother: neither do the like against thy friend. 14: Be not willing to make any manner of lie; for the custom thereof is not good.' Psalm v. 10: 'For there is no truth in their mouth; their heart is vain. 11: Their throat is an open sepulchre; they dealt deceitfully with their tongues; judge them, O God. Let them fall from their devices; according to the multitude of their wickednesses cast them out; for they have provoked thee, O Lord.' lxxiii. 4: 'For they have whetted their tongues like a sword; they have bent their bow a bitter thing to shoot in secret the undefiled. 6: They will shoot at him on a sudden, and will not fear; they are resolute in wickedness. They have talked of hiding snares. xlix. 19: 'Thy mouth hath abounded with evil and thy tongue framed deceits. 20: Sitting thou didst speak against thy brother, and didst lay scandal against thy mother's son. 21: These things hast thou done, and I was silent. Thou thoughtest unjustly that I shall be like to thee; but I will reprove thee, and set before thy face. Understand these things you that forget God. x. 3: For lo, the wicked have bent their bow; they have prepared their arrows in the quiver to shoot in the dark the upright of heart. 4: For they have destroyed the things thou hast made; but what has the just man done? c. 5: The man that in private detracted his neighbour him did I persecute. cxix. 2: O Lord, deliver my soul from wicked lips and a deceitful tongue. 3: What shall be given to thee, or what shall be added to thee, to a deceitful tongue? Psalm x: (According to the Hebrew division.) 7. His mouth is full of cursing, and of bitterness and of deceit; under his tongue are labour and sorrow. 8. He sitteth in ambush with the rich in private places, that he may kill the innocent. xxxvii. 13. And they that sought evils to me spoke vain things, and studied deceit all the day long. 14. But I, as a deaf man, heard not; and as a dumb man not opening his mouth. 21. They that render evil for good have detracted me, because I followed goodness. Proverbs iv. 24. Remove from thee a forward mouth; and let detracting lips be far from thee. xxiv. 8. He that deviseth to do evils shall be called a fool. 9. The thought of a fool is sin; and the detractor is the abomination of men. 21. My son, fear the Lord, and the King, and have nothing to do with detractors. xxv. 18. A man that beareth false witness against his neighbour is like a dart and a sword and an arrow. Leviticus x. 13. Thou shalt not calumniate nor oppress him by violence. 16. Thou shalt not be a detractor nor a whisperer among the people.' James i. 26: 'And if any man think himself to be religious, not bridling his tongue but deceiving his own heart, this man's religion is vain.' Apocalyphe xiv. 4. 'These are they who were not defiled with women; for they are virgins. These follow the Lamb whithersoever he goeth. They were purchased from among men, the first fruits to God and to the Lamb. 5. And in their mouth there was found no lie; for they are without spot before the throne of God.' But enough, my dear Sandy, you see it would be an endless task to point out all the texts of Scripture that bear upon the subject. Truly may the word of Matthew xxiii. be applied to them. 13: 'But woe to you Scribes and Pharisees, hypocrites; because you shut the kingdom of heaven against men, for you yourselves do not enter in; and those that are going in, you suffer not to enter.' 14: 'Woe to you Scribes and Pharisees, hypocrites; because you devour the houses of widows, praying long prayers. For this you shall receive the greater judgment.' 15: 'Woe to you, Scribes and Pharisees, hypocrites; because you go round about the sea and the land to make one proselyte; and when he is made, you make him the child of hell twofold more than yourselves.' 16: 'Woe to you blind guides,' &c. &c. &c.

Now, my young friend, these are the men who come here—but not sent here—to enlighten and astonish us natives. Their lying propensities might be indulged in with impunity in those nooks and corners from which they have been spewed out—whether it be the Highlands of Scotland, the north of Ireland, or the county of Pictou, N. S., that has vomited them forth. But here they shall not succeed in their game. They may attempt, with all the craft and skill of the common father of lies and of all liars, to darken the character of honest and unoffending Catholics; but in this they will not succeed. They may, perhaps for a time, find a few of their own countrymen equally bigoted, ignorant and narrow-minded as themselves, who have not as yet had the time or the opportunity of growing out of that gross ignorance, prejudice and bigotry which they imbibed at home in early life, and unfortunately did not divest themselves of before coming to live among the peaceable, unoffending, generous and loyal people of our dear native Island. But the Catholics and Protestants who have been brought up here like members of one family, who went to school together, played together, laboured together, sang together, laughed together, danced together, ate together, and drank together, understand one another and love one another too well to be set by the ears by those imps of hell. The monster must be strangled in its infancy, to save us and our enlightened Protestant fellow colonists the trouble of strangling him after he shall have grown to maturity.

'Uncle Jim,' said I, 'will you lend me one of your Bibles? My mother is continually reading ours, and I would wish to have one at my own hand for a few hours.' 'Willingly, my good boy. Take it and read it whenever you can; for it is the book of books.' 'Good morning, Uncle Jim, and thank you.' 'Good morning, my dear boy.' So I hurried home with Uncle Jim's Bible while matters were yet fresh in my memory, and after having arranged thus hurriedly some of the texts pointed out by my