

Fairbanks was appointed; 4thly, opposed to the consequent just claims of a public officer who had relied on the assurance of the British Government; and 5thly, it was inconsistent with Earl Grey's own doctrine, according to his despatch 31st of March '47, that thereafter "it would be proper to recognise as an invariable rule that no person should be removed from office without a provision, except for misconduct, unless he had accepted it on the distinct understanding that it was to be held during pleasure." It is clear that Mr. Fairbanks came not within the scope of the exceptions. Here are five propositions drawn from Earl Grey's own admissions in condemnation of that act of injustice; and the excuse which the noble Earl condescended to make, that because the salary was annually voted and might be withheld by the Assembly of Nova Scotia, a Secretary of State was relieved from his own independent duties, by its purlity, but strengthens the case; and certainly exhibits no high sense of moral obligation or dignity. I turn, sir, to the journals of the last session, to show you Earl Grey's crowning act in this affair of Mr. Fairbanks. Under date of Nov. 15, 1846, he surrendered all to the independence of the Executive of Nova Scotia in these words:—"I freely acknowledge on behalf of her Majesty's Government that the question involved in this act, exclusively affects the internal interests of Nova Scotia, and that in accordance with those views of the principles on which the government of the British North American provinces should be administered, (and which I have more than once had occasion to explain,) the opinion of the inhabitants of Nova Scotia in favor of this law, as expressed through their Representatives in the assembly, ought properly to prevail, even though her Majesty's ministers may not concur in thinking that it is framed in the manner best calculated to promote the real interests of the province."

The next case which proves that the British Government have surrendered their control over colonial affairs, is that of the arrears. Take the following facts:—1st, The emoluments of the offices were ensured to the incumbents by their commissions under the sign-manual of the Queen. 2ndly, The amounts of their salaries were not only not reduced, but were by the British Government refused to be reduced, on the address of the Assembly in 1846. 3rdly, The Crown Revenues were solemnly pledged for the arrears of these salaries by Lord Stanley's despatch, dated 15th Nov., 1845; by which the Governor "was strictly enjoined to enter on no new negotiation for the transfer of the Crown Revenues, of which the payment of all the existing arrears of salaries to the public officers did not form the basis.—Again, by Mr. Gladstone's despatch of 29th April, 1846, it is declared that no Civil List Bill would ever be accepted by the Crown which did not make provision for the payment of all the arrears due to all Her Majesty's officers in Nova Scotia; and, lastly, Earl Grey, in his despatch of 17th Nov. 1846, stated the payment of the arrears to be the *essential and indispensable preliminary* to the transfer of the Casual Revenue—adding the very emphatic words:—"To give the only means of satisfying the arrears, without

at the same time stipulating for their previous payment, would be to commit a breach of the pledged faith and a violation of the honor of the Crown, to which no *imaginable consideration of convenience or of interest could ever reconcile the Queen or Her Majesty's advisers.*" 4thly, The officers having fulfilled their part of the engagement, became entitled to the fulfillment of it on the part of the Crown, and the contract being executed, could not legally be revoked or violated by any *ex post facto* act. 5thly, The excuses made by Earl Grey were either essentially or absolutely untrue, and *had they been true*, were entirely inadequate to justify the violation of an executed contract. 6thly, Yet, in obedience to the Provincial authorities, Earl Grey, having the constitutional control of the crown revenues, and those having been by himself and his predecessors, *within the scope of their constitutional authority*, pledged and charged with the arrears—did violate these pledges and repudiate just and legal contracts, by transferring the Crown Revenues before these charges on them had been paid. Yes! Earl Grey did calmly and deliberately commit this breach of pledged faith—this violation of royal honor. He did advise the Sovereign to an act which no imaginable consideration of interest or convenience should, by his own showing, ever have reconciled Her Majesty or her advisers. Can we doubt that he made the sacrifice to the independence of the Government of Nova Scotia? And remember, that the greater the violation of right, the more strongly is my conclusion established.

The third instance of the surrender of local uncontrolled power is that of the excluded Justices; and of this instance I may merely say, that 100 magistrates were dismissed—100 living men—not 40 of them dead, as Earl Grey, untruly, in the House of Lords asserted there were—among the best in the country; not dismissed because they were too numerous, for there were 250 new magistrates appointed in their stead,—not because they were unworthy, for charges against them have been asked for and refused. The royal instructions enjoin upon the Lieutenant Governor, that he "shall not displace any justice, without good cause signified to the Secretary of State." That, sir, *has been* the Imperial policy; and if we had Earl Grey's despatches, which have been denied us to-day by an act of the majority, I dare say they would present a very admirable lecture upon the impolicy and impropriety of interfering in this sweeping and party manner with the local magistracy,—for his lordship writes good despatches—ending however with saying, "Nevertheless if your Executive Council, supported by a majority in the Assembly, shall continue of opinion that the administration of justice in the counties ought to be debased, and oppression made the penalty of political opinions, Her Majesty's Ministers cannot interfere again: measures which you assure me are in accordance with the wishes and feelings of the people of Nova Scotia, how much soever they may disagree from them."

The insulted magistrates have been told that her Majesty had received their memorials "*very graciously.*" This is very polite certainly,—but is there no answer to their complaint? None! No reply to their request to know the grounds of their removal? None! Cold, heartless, insulting silence, is the answer their Sovereign is advised to give to these her worthy, loyal subjects, and the administration of justice throughout the country, and the ac-