

not to act under the influence of excited feelings.

*Mr Doyle* had stated, when he rose before, that he was not then prepared to forward any motion. He was too astonished at the contents of the message, and never anticipated that the desires of the House were to be so treated. But if it were not for the little party which the Council had in that House, ready to advocate and approve their every proceeding, the most of that day would never have been offered. When he looked at the message, and when he heard gentleman say that the house had overstepped its rights, and violated the privileges of the other branch, it was natural for him to feel concerned, for if there was any sin in the Resolutions, it belonged to him, and the Council may reasonably think that he stood in need of their prayers. But where was the offensive expression? Were the resolutions half as violent as those of the preceding year? As to the observation that it was unconstitutional to send up so large a committee, he had examined into the mode pursued in England, and had found that it was the invariable practice to send twice as many commoners as the Lords they were to meet. He thought that the Council would eventually be obliged to open their doors; he did not mean by physical force, but by the irresistible power of public opinion.

*Mr Howe* rose under some embarrassment. From the remarks made by hon. and learned Members, upon what had fallen from him when the Council's Message was read—he began to fear, that unaccustomed as he was to the excitement of public debate, he had not yet attained the calmness of mind, and the subdued tones, so desirable in legislative deliberation. If, said he, I have raised my voice too high—if I have been influenced by passion, at the shock which my feelings received from the insulting character of the Council's Message, perhaps excuse may be found in the example set me by some of those learned and Gentleman who took part in yesterday's debate. I have observed, from the commencement of the Session, that it appears to be the studied object of certain Members to have it believed, that those Gentlemen who have acted with me, have a desire to proceed by violence, and to lead the House into offensive measures. It will, I trust, soon be felt and understood that we have no such disposition. I have been charged by the learned Member from Windsor with attempting to stir up the populace to offer violence to his Majesty's Council. But I can confidently appeal to any man, who knows any thing of my public life, and ask where are the evidences of such a disposition? In the course of my life, I have occasionally been placed in situations, where a word would have created tumult and instigated to acts of violence, but I have been the uniform advocate of peace. I want reform—but I wish to obtain it—not by violence or physical strength, but by the calm though effective operation of public opinion—and my advice has invariably been, keep the peace, but fight the enemy within the ring of the Constitution and the law: and I will explain how the idea, which seemed so offensive to hon. and learned Gentleman, arose in my mind. Two or three years ago it was matter of grave discussion—not among the rabble, but among the more respectable and substantial part of the Community—whether, as a last resort, it would not be worth while for some hundreds of well-dressed people to walk into the other end of the building, and try how the Council would vindicate their system of exclusion. This desire has from time to time been revived—but, whenever it has been mentioned, I have begged, for Heaven's sake, that the people would abstain—to trust in those who thought with them—to wait, rather until the privilege was conceded by the good sense of the Coun-

cil itself, or obtained by the application of constitutional remedies. Sir, a good deal has been said about the rights of His Majesty's Council—a good deal about the rights of this House—but some Gentleman seem disposed to forget those broad and inalienable rights of the people, to whom both are indebted for their creation—and for whose benefit alone they are sustained. And Sir, let us for a moment calmly review the condition in which the people of this Province are now placed. His Majesty chooses to exercise the right of creating one entire Branch of the Legislature—but how does he fill up the seats around that Board? Four fifths of the population are insulted, by his choosing a dignitary from one particular Church, while the religious Representatives of Dissenters are excluded. If, Sir, this was a mere theoretical objection, and if it arose out of narrow sectarian prejudice, I should be ashamed to urge it here; but I trust I shall be able to show that the effect of the Bishop's influence at that Board, is felt throughout every town and village of the Country, in the distribution of the public patronage. I may mention here, that out of the large body of Presbyterians, comprising 9 000 people more than the Church of England, only three have seats in His Majesty's Council—that of the 20,000 Catholics but one is to be found there, while not one of the numerous bodies of Baptists and Methodists has the honour of being a Member. Are not those things which the people have a right to enquire into? Scarcely can a paltry School commission be created throughout the country, but it must contain a majority of members of the Church—while, perhaps, a boy who has scarcely escaped from robbing Orchards and henroosts at Windsor, is placed in the Commission over the heads of old grey headed Clergymen, who have been preaching the Gospel in the country before he was born. And yet we are to be reproached, forsooth, by those who do these things, with a want of respect for religion, and reverence for the Clergy. But I pass from the effects of this appointment. Another of these Gentlemen presides over the Customs of the Province—a department which involves large and responsible duties—and absorbs immense sums for its maintenance. Let me remind you of the effect produced by having at the head of that department a Member of His Majesty's Council. Formerly the officers of that department received burthensome fees—this House contended for the abolition of those fees, and for a fair and economical system of collection—but the presence of the Collector and his friends in the other end of the Building brought the whole influence of that body to oppose the measures of this House, to hang like a dead weight upon the deliberations, and defeat the acts of this Assembly; and the result was, that instead of six or seven thousand pounds, which were amply sufficient for the support of that Department, being taken, ten thousand pounds are annually spent for that purpose. We now come to the Excise—it too must have its Representative in the Legislative Council. The salaries of that Department are not, it is true, so high as those of the Customs, but the presence of its chief officer in the Council brings the whole influence of that extensive branch of the public service to sustain its measures whenever its acts bring it into collision with this House, and every petty Deputy in a country village turns up his nose at this Assembly. Look at another Member, Sir, a gentleman who should never have had a seat at that Board. The ermine of justice should be kept pure and unsullied; if political agitation distract the country, and throw the two Houses into collision, there should at least be one spotless tribunal to which all with confidence may appeal. But mark the effect, year after year have the Judges taken from the pockets of the

People of this Province one thousand pounds in fees, to which they have as much right as I have to take your hat. We are told they claim under ancient custom, but would they allow their own property to be taken with such a justification.

But the Judges have an immense influence over the Bar—the Chief Justice, from his position, is the distributor of patronage, and seven eights of that Body feel that those exactions are unjust, which they dare not dispute. A young man would run a very serious risk, in quarrelling with the Chief Justice at the outset of his professional life. But ask yourself for a moment, how long the two branches of the Legislature would be in disposing of those fees, were not the Chief Justice a member of the Upper Branch? and would it be quite out of the question to suppose, that the answer on the subject, transmitted by his Excellency to-day, proceeded from any influence used by Gentlemen in the other end of the building, with the Colonial Secretary across the water? I cannot for a moment suspect His Majesty's Council of interfering by secret despatches, with the conclusions arrived at in Downing-Street; but perhaps the learned Gentleman from Cumberland will testify to their freedom from such imputations, by the results of his political experience. If the members of Council could interfere, to defeat the views of this House, with respect to the Outports, perhaps they might endeavor in the same way to protect their own emoluments. Year after year have we been struggling for a sound Currency, but it pleased His Majesty, in creating this independent Body, to choose only five of its members from our mercantile minded concern. He looked to the eight old Bankers, and naturally enough concluded, that as they were very wealthy they were very wise; and as they had the same interest at heart, he presumed that there would generally be among them great unanimity of opinion, and unanimous they have been upon all occasions, to the loss and distraction of the People. At this moment we have before us the contemptuous reply of the Council to our strong but respectful remonstrance; and year after year have the Bills sent up from this Assembly, fixing a standard of value, been destroyed in the other end of the building, and to this hour we have one Currency for the rich and another for the poor. Sir, if we were told that such a Body as this, combining such powers and exercising them after this fashion, existed in any other country, in Turkey for instance, would we not shudder, and form but a low estimate of the degree of freedom and happiness it enjoyed. But, Sir, let us suppose that a Body, thus constituted, having interests so variously opposed to the interests of the people, is unwilling to admit them to hear and see what they say and do; suppose that in proportion to the anxiety of the country to scrutinize their conduct, their desire for secrecy and seclusion increases—suppose that for years they cling to a practice which this Assembly, freely chosen from the Body of the People, can never assume—which the Peers of England dare not, for their heads, adopt—and suppose that their monopoly of power and patronage gives them the means of always influencing and corrupting a portion of this House, while their possession of permanent Salaries takes from the majority here the Constitutional check of stopping the supplies, is it wonderful if the people should—finding themselves and their Representatives powerless, and their inalienable rights refused—sometimes feel that it might be wise and necessary to take matters into their own hands.

In England, Sir, and it is a free and proud country—I am never tired of looking to her for examples—a single vote of the House of Commons turns out a ministry, or, by stopping the