

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

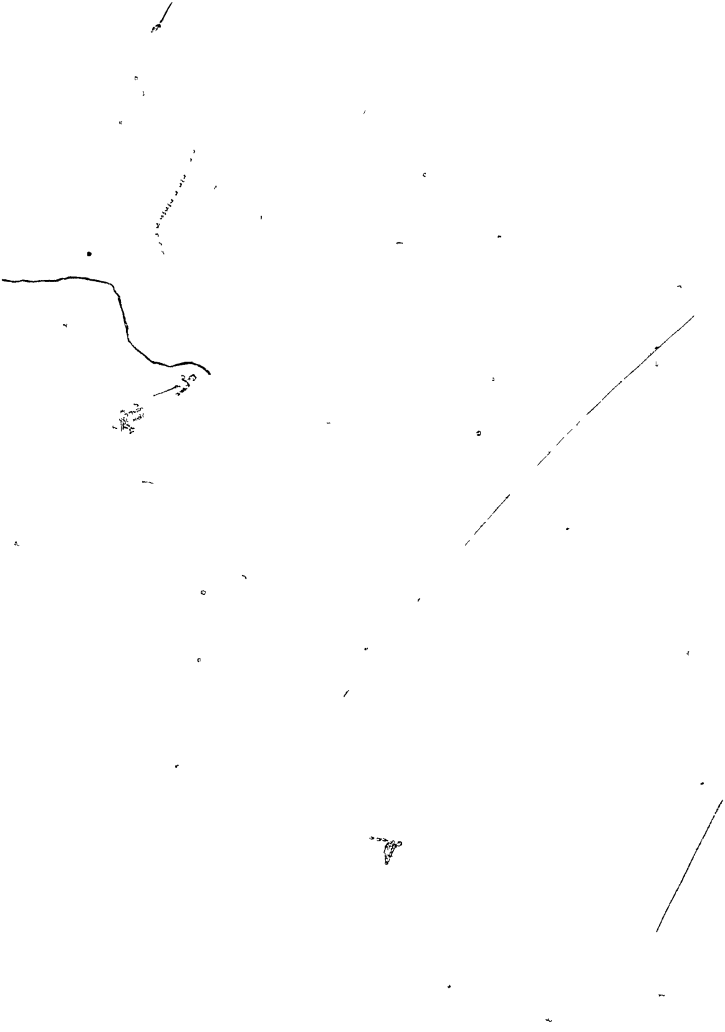
L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/  
Couverture de couleur
- Covers damaged/  
Couverture endommagée
- Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée
- Cover title missing/  
Le titre de couverture manque
- Coloured maps/  
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur
- Bound with other material/  
Relié avec d'autres documents
- Tight binding may cause shadows or distortion along interior margin/  
La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure
- Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/  
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments:  
Commentaires supplémentaires

- Coloured pages/  
Pages de couleur
- Pages damaged/  
Pages endommagées
- Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
- Pages detached/  
Pages détachées
- Showthrough/  
Transparence
- Quality of print varies/  
Qualité inégale de l'impression
- Includes supplementary material/  
Comprend du matériel supplémentaire
- Only edition available/  
Seule édition disponible
- Pages wholly or partially obscured by errata slips, tissues, etc. have been refilmed to ensure the best possible image/  
Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X



**SPEECH**

**DELIVERED IN THE**

**HOUSE OF ASSEMBLY**

**OF**

**NOVA-SCOTIA,**

**MARCH 20, 1850,**

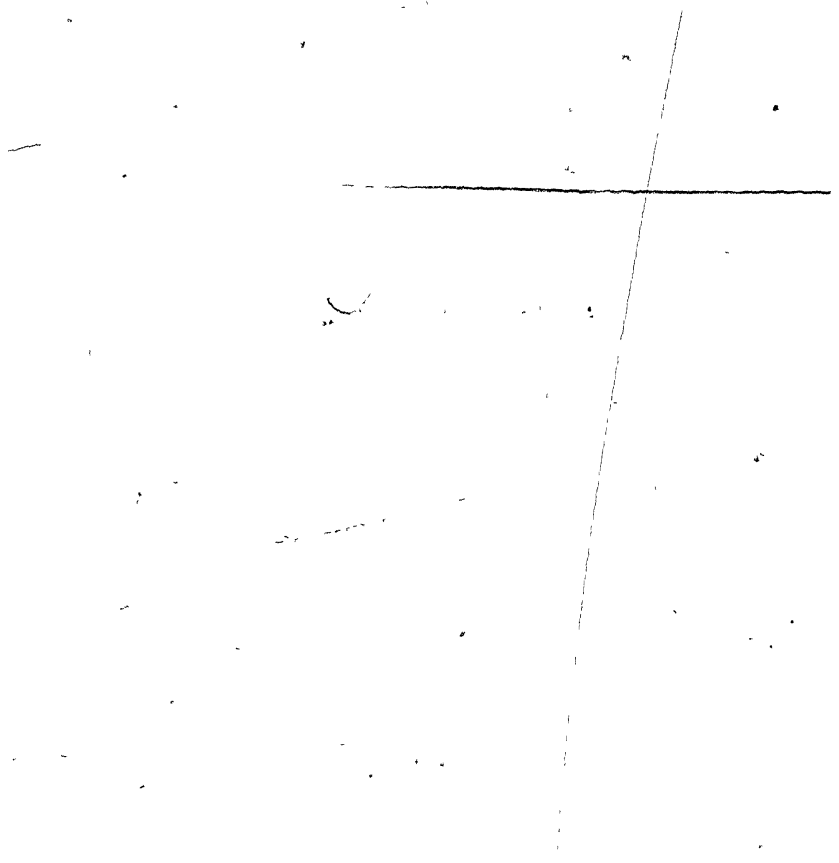
**BY**

**THE HON. JOSEPH HOWE.**

**REPORTED BY OTTO WEEKS, JUNR. REPORTER TO THE  
ASSEMBLY.**

---

**1850.**



# HOUSE OF ASSEMBLY,

HALIFAX, WEDNESDAY, MARCH 20, 1850.

## Speech of the Hon. Provincial Secretary on the Hon. J. W. Johnston's Resolutions.



Hon. Provincial Secretary rose and said : Having been called upon, Mr. Chairman, by my Hon. and learned friend the Leader of the Administration, as being more familiar with the correspondence which has passed on the various topics touched upon in the speech of the Hon. and learned Leader of the Opposition, I rise to vindicate the government from the aspersions which have been cast upon it. And, sir, before I sit down, I shall give to the Committee the reasons which prevent me from sanctioning the string of resolutions now before them. The Hon. and learned member will allow me to say—that those resolutions might have been drawn in a spirit reflecting more credit upon the generous feeling and good taste of the opposition ; he will pardon me when I tell him, that, in the general tone and tendency of his observations of yesterday—as well as in the structure of his resolutions—a design is palpable, unfairly and ungenerously to drag into this discussion those who should, under our present constitution, be kept entirely free from animadversion in the documents presented to, or in the language used in this Assembly. It is true that the Hon. member has kept himself more guardedly within the privileges of the House, than he did last year ; but still it will be apparent that there has been a desire unfairly to reflect on the Head of the government. I regret that this disposition is so apparent ; I had hoped that we were advancing to better times—when different feelings would actuate us—when the members of this

Legislative Assembly, however they might meet and grapple with each other, would pause ere they invaded the sanctity which surrounds the representative of Majesty, or unfairly assail the conduct of the Secretary of State. I say to the hon and learned member at once, that I cannot support his resolutions. Why, in the very third line we are called on to assert, that "*the self government* extended to the British North American Provinces, by the Secretary of State for the Colonies, having placed the local affairs of the Province in the hands of the Executive Council, *unrestrained by any control on the part of the Lieutenant Governor or the Imperial Government*, it is necessary to correct the anomalies and inconveniences unavoidable in the application of Imperial usages to a colony, &c." Now, Sir, I say I cannot give my sanction to such an assertion, for it is not true ;—I mean not to apply the word offensively, —but I know of no other by which my utter difference of opinion can be expressed. The Executive uncontrolled ! Sir, the hon gentleman little understands the restraining and controlling influences possessed by the Queen and by the Queen's Representative ; but how does he reconcile that assertion, in the preamble of his resolutions—with his remark in the concluding part of his speech of yesterday—that "a governor might come here who would obstruct the party obtaining power, holding opinions contrary to his own." Sir, they cannot be reconciled, and the hon gentleman must feel the dilemma into which he has fallen by the use of two arguments so

nterly contradictory. Again, the preamble goes on to say, "Nor is it less obligatory on the House to obtain more *stability and certainty* for the principles of Provincial Government than can be now relied on—the present Secretary of State for the Colonies having, both in declarations and acts, shown that a Minister of the Crown in the administration of Colonial Affairs may hold himself free to disallow what a predecessor in the exercise of his official functions had established." The hon. gentleman wishes to ensure stability and certainty to our form of government, and in order to effect this most desirable object he calls upon this House to aid him in changing the constitution at least once a year.

What have we next? A Minister of the Crown may hold himself free to disallow what a predecessor in the exercise of his official functions had established. What arrant want of all constitutional knowledge the learned leader of the Opposition displays, if he really penned this passage in a spirit of querulous complaint. Why, sir, what are Ministers of the Crown for, under our admirable system, but to advance with the spirit of the age, and to change in accordance with that spirit what their predecessors had established? Are not ministries changed, and cabinets reconstructed, for this especial end? If what was once established could never be changed—if extravagance could never be retrenched—or a man once in office removed, we should be living under a despotism, and not under a constitutional monarchy. So much for the first recital; the second affirms that "*the Lieutenant Governor has been denuded of all power.*"—Is this true? The hon. member may think so, but suppose these resolutions were to pass to-day, sanctioned by a majority of the Assembly; the hon and learned member would soon become aware of the power which the Lieutenant Governor still wields—and would be made to feel that he had the spirit and independence to exercise it. But, sir, would the hon member wish any Colonial Governor to exercise a power altogether independent of the representatives of the people? If that be the aim, he would fasten upon this people a system despotic and arbitrary, and which would be at once repudiated. No! Sir, the

hon gentleman is incorrect; the Lieutenant Governor does exercise all the power which the Queen's Representative can or ought to possess, under Responsible Government—*more* he does not claim—*less* his present advisers would not ask him to exercise. But, again, we are told that were he "to exercise this independent control, he would disturb the principle of responsibility." That would *not* be the result. Were any Governor to pursue a course of recklessly independent conduct—to disregard the feelings and wishes of the people—the principle of responsibility would not be disturbed, but it would be brought into play to check and controul him. Dismiss his advisers, he might—appeal to the country, he might—and what would be the result? Back, in all probability, would come the very men whom he had dismissed, as back once came a set of men who were unfairly compelled to retire; and the people would wrest the usurped authority from his hands, as promptly as they would sustain a Governor unfairly pressed upon by his cabinet. Sir, a Lieutenant Governor has privileges and powers which should be exercised with moderation and justice; to use them as the engines of oppression would be but to overthrow himself. The recital goes on to say that—"so long as the Lieutenant Governor is to be viewed as the head of the Provincial administration, &c. he must either sink into insignificance or become the instrument of Executive obstruction." What the hon and learned member means by *the head of the administration*, I know not; but let me inform him that the Lieutenant Governor of Nova Scotia is the Queen's Representative, and that my hon and learned friend the Attorney General is the head of the Provincial administration; just as Lord John Russell is the head of the administration in the mother country. Lord Elgin is Governor of Canada, but Mr. Lafontaine is the leader of the administration, and, in this position, he and his colleagues exercise the same powers and privileges as a British administration. But, then, if the Governor be the head of the administration he must, according to the hon gentleman, "either sink into insignificance or become the instrument of Executive ob-

struction. In the one case the reverence due the Sovereign being insensibly diminished by the contempt engendered for the office of Her Representative; in the other the harmony of the Province being endangered by the violation of a principle which the British Government in the last two years has affirmed, and Earl Grey as Colonial Secretary has sealed by acts of unmistakeable significance." The hon and learned member might surely have couched his ideas in milder terms. He has thought fit, however, to commit a breach of all propriety by levelling his sarcasms at the Queen's Representative, instead of at the administration. But let me tell that hon gentleman that the entire independence of the local government, in the sense here recited, has never been conceded. I admit that Lord Grey, having frankly yielded the principles of Responsible Government, has left them here, as in Canada, to their natural and appropriate development; giving us good counsel when he thinks us wrong, and husbanding his great powers for great occasions; he does not controul our free action in questions purely Provincial, or irritate and obstruct by needless interference. But Lord Grey could yet send his instructions to dismiss or to reinstate any officer holding office during pleasure; and the learned member knows right well that the power to reject measures passed by this Colonial Legislature is yet retained by the home ministry. Having then shewn the preamble to be unsound in principle, as well as unfair in expression, I shall briefly refer to the resolutions. The first opens with this line; "that to avert the evils of renewing questions of government;" the hon gentleman might have added—I will do my utmost to get up a partisan debate upon the Constitution. But does he ever expect to prevent the discussion of questions of Government? If so, he is much mistaken; so long as men are sent here—the representatives of constituencies in this Province—so long will he find that questions of Government will be renewed, as in every popular assembly, day by day. But again we are told that "Our Constitution having been established by Imperial authority it is proper that the Lt. Governor should be re-

cognised as an Imperial functionary."—Why, what in the name of common sense is he? The Queen's Representative, must, to a large extent, be an Imperial functionary—charged to protect the prerogatives of the Sovereign and the interests of the Empire—but he is at the same time the Governor of this Colony, guarding the interests—and advancing the welfare of this people. Each of these honorable obligations is perfectly compatible with the other. But "he is to hold no relation to Colonial affairs—beyond the ceremonials of office." Will the hon gentleman favor us with the scheme by which he intends to carry out this bright idea. Suppose he were to walk up to the Lieutenant Governor—with his resolutions in his hand—and a large Committee of this House at his back, and say, please your Excellency—the House of Assembly say you are an Imperial functionary—the hon member might wish to add an "imperiqus" functionary also. Well, the Lieutenant Governor would naturally enough reply, "I cannot help what the House of Assembly style me—there is not much in a name—we need not dispute about it." "But, please your Excellency, there is something else, you are to be a mere nonentity—to be denuded of all power—to do naught but wear your cocked hat and sword and attend to the ceremonials of office." Fancy the learned gentleman in a position to use such language. He would soon be made aware of the fact, that the Queen's prerogative is a little too powerful to be taken away by such resolutions as this: "I am an Imperial functionary," his Excellency might say;—"and you seek to divest me of all the Queen's prerogatives. The people judge first between you and me, and then we shall see if the Sovereign's power here does not pass for something." The learned member once accused us of attempting "to wrest the prerogative" from a Lieutenant Governor, merely because we chose to retire from his Council—when we could not concur in his acts. He aims at direct usurpation, and would surely earn his reward. The next Resolution goes on to say that, "to fix this character to the office, it is proper the Lieutenant Governor should be paid entirely by the Imperial Government."—

Suppose that resolution carried; does the hon gentleman think that with his salary the Governor would also surrender the prerogatives of his office? No! sir, they would be retained still, and be used quite as independently as though the salary was paid entirely by the Province. He next asserts—"that if this Province shall be required to contribute any sum towards the Governor's salary, £1000 would fully meet the just proportion"—and the whole drift and strain of the hon gentleman's argument was this: Lord Grey has disgraced and debased himself; and for what? because he repudiated Mr Fairbanks' claim to £600 in 'perpetuity, the salary being voted in an annual law; because he did not attempt to force this Province to grant Sir Rupert George a retiring allowance of more than £700 a year; because he did not do what he had not the power to do, self-government being conceded, and chose to exercise that discretion which a Crown Minister always should exercise. Sir, after a ten years struggle, this Legislature passed the Civil List Bill, last Session—by which Her Majesty consented to give up the casual and territorial revenues, upon the settlement of a civil list for the life of the Queen. As a part of that arrangement—which was the best that could be made, the Lieutenant Governor's salary was fixed at £3000. The hon gentleman—would now ask this Legislature to repudiate that contract; to do an act ten thousand times more flagrantly unjust—than any which he charges upon the present government or upon Earl Grey. I now come to the last preamble and resolution, which affirm that, "the construction of the present Legislative Council—is inconsistent with the harmonious working of the present mode of government." Sir, that assertion is not true, and I cannot vote for it. Since the introduction of the Responsible system, no inconvenience has been found to result from the construction of that body. I challenge the hon gentleman to put his hand upon a Bill destroyed by the Legislative Council of this Province—or upon one instance of collision between the two branches since 1844. The Legislative Council are not quite as powerless now—nor would they be as powerful hereafter, as he would wish us to believe.

That body occupies the position which it was intended to occupy—and maintains a rigid surveillance over the proceedings of this branch. Let the hon gentleman shew me the measure from 1844 to 1847, where that body came into collision with this House. There has been none from 1847 to 1850. There is none now. The members of that Body have given us much valuable information and assistance, but no one act of their's warrants the hon and learned member for Annapolis in preferring the charge contained in that resolution. But let me turn the hon member's attention for a single instant to the old Council—a body much revered by those on his side of the House; one fact will enlighten the people of this Country and shew them the working of the anomalous and unsound condition of things from which they have escaped. Does his mind not go back to the period when Bill after Bill passed by this Branch was unceremoniously rejected by that old Council? I could not help thinking, when I heard the hon gentleman inveighing against the present Council yesterday in no measured terms—that were that system still in operation, he would very likely have found himself in the position in which I was in 1837, when, after this House had, by a large majority, passed resolutions for redress of grievances, including the reconstruction of that Body, we were obliged to rescind them, in order to save our Road and Bridge money for the Country. Now, then, we have got rid of that obstructive power, the effects of which are recorded and can be read on every page of our history. The fault which the hon member finds with the present body is that it will not act as an obstructive and irritating power. Were the hon gentleman to come in to-morrow with a large majority at his back, no Council, however intelligent or influential, could or would impede the action of his government: their good sense would teach them that opposition to the wishes of the country would be factious, and would be the ruin of the very principles they themselves had strenuously maintained. Sir, the constitution now in operation rests upon the 'fiat of no Colonial Secretary,' but upon the treasured experience of fifteen years of painful and laborious



discipline—it is based upon a great principle—upon the resolutions and addresses of Canada, New Brunswick, and Nova Scotia, and I could point him to a volume of them, shewing that while the British colonies have won for themselves a constitution equal in expansibility and strength to that which exists in the Mother Country, they have won it by the same means. Our Sovereign did not confer it upon us unsought—but, bless Her Majesty, for not refusing it when the almost united voice of this people craved it at her hands! We owe it to no Colonial Secretary—we wrested it, step by step, against the prejudices and apprehensions of various Secretaries from 1837 to 1847. It was the vigour and intelligence of the British colonists, steadfastly aiming at high objects, that won this victory, and the hon and learned member for Annapolis will find that they knew what they were about—it was no mishapen bantling they nurtured; and, having brought it into the world—given it life and being, and marking its thriving condition, they will be prepared to watch narrowly, and steadfastly oppose, each change that may mar its vigor and expansion.

This system, at first opposed by all parties in England, has since been recognized by all. When Sir Charles Bagot came out as governor of Canada to succeed Lord Durham, there was not a Tory who did not exult because he belonged to the old Conservative School.—But Sir Charles came, out, and with a frankness, impartiality, and manliness, which was creditable alike to himself and the party of which he was a member, yielded to the majority—and his course was ably sustained by the Colonial Minister in his place in Parliament.—Now, Sir, what danger need we apprehend from this fiat, of which the honorable and learned member seems so dreadfully afraid? The learned member for Annapolis resisted the introduction of responsible government while resistance was possible—but now that it has been introduced, in the teeth of his opposition, he says, with admirable consistency, I resisted it as long as I could, denounced it as a curse—but now I am dreadfully afraid that the Colonial Minister will destroy it

all some fine day—and therefore, pass my resolutions, which may effect the same end by different means. Sir, if there be one thing which would please the hon. member and his party more than aught else—it is that the Colonial Minister would meditate the attack of which he (Mr. J.) speaks; but that is past possibility. I am not the least afraid of the Colonial Minister; I should be willing to trust our bantling to the care of Earl Grey, but would be much afraid to trust it in the hands of the hon and learned member for Annapolis. (*Laughter.*) He is the last man who should complain of the interference of the Colonial Secretary: What were he and his friends about last year? Not a drunken magistrate was dismissed, not an officer of any kind removed, but home to the Colonial Office went remonstrance upon remonstrance—petitions and prayers without number, calling upon the Colonial Secretary for redress. Why, sir, the strongest man in this House would hardly be able to carry on his back the piles of these documents that one after the other—packet by packet, went across the water. The hon gentleman fears the influence of Colonial Ministers much—but manifests a strange subserviency to their whims. No sooner had the paper containing Lord John Russell's Speech appeared, advocating an Elective Council of some sort for the Cape of Good Hope, than “on that hint he spoke,” urging the applicability of the same principle to Nova Scotia. I have not yet read the speech, having during the Session enough of engrossing employment—but, sir, I can easily imagine that at the Cape this principle might work well, and yet its introduction might be impolitic in Nova Scotia; from the unhealthy climate of Africa they have scarcely time to send out the mandamus appointing a man a Councillor ere he drops off, and therefore may be compelled to elect him, (*laughter.*) The hon member complains that in the management of our local affairs we are independent; sir, is it a grievance that Nova Scotians are allowed to be so? He for years prevented them from obtaining that boon—he thinks it dangerous now, and gives as illustrations, the cases of Mr. Fairbanks, Sir Rupert George, and the Magistracy,—and:

he went on to make sundry charges against Earl Grey, forgetting that each charge he preferred against his Lordship was equally a charge against a majority of this House, who passed the measures which Earl Grey sanctioned. The hon gentleman eulogised the Colonial Secretary's Despatch of 31st March. He must indeed have had a peculiar liking for it, for if I remember rightly he kept it close in his pocket from the 31st March down to the following year, when the New House, elected in ignorance of that Despatch, met to shatter his administration. Let me say to him that none of the acts charged upon Earl Grey, exhibit so flagrant a violation of every principle of statemanship as this. Sir, had Lord Grey kept such an important state paper in his pocket, the property of the British people—and concealed it for months, allowing a general election to take place without making it public, he would not only have lost his place, but have been looked upon as a statesman unworthy the confidence of any party. That was done by the hon gentleman himself in Nova Scotia, even while he admitted the principles of responsible government. We charged him with the commission of the act, and made him pay the penalty as far as we could. The hon and learned gentleman might take into consideration the difficulties which surrounded him in his public career and make allowances for others. As far as I have marked the public conduct of Earl Grey—I may say in all sincerity, that as a British Minister he has entailed himself to the tharks of this people. But, sir, Earl Grey is the descendant of a house which the hon. member for Annapolis does not like—he belongs to a family which the Colonial Tories have always hated. Lord Grey's father was the father of the reform Bill; his relative, Lord Durham, was the author of that celebrated report which destroyed the old Colonial system; His Lordship himself, has used every exertion to confer upon this people responsible Government—and therefore we are at no loss to trace the origin of these bitter feelings which now and again shew themselves in the learned gentleman's speeches and resolutions. We have been told that Lord Grey has repudiated just and legal contracts; sir, I

deny it—I deny it. I call upon the hon. gentleman to point me to the law which Earl Grey has violated. Did he violate any law when he sanctioned the Departmental Bill? None. If any are to blame for that Bill, it is this Legislature. Did he violate any law by not paying the arrears? None. These demands were charged upon the colony by the parties themselves, not only without law, but in defiance of a law passed in 1844; but the Province did not think itself bound to pay them, and there was no law to coerce this Legislature or the Colonial Secretary either. The hon. and learned member told us that the only reply received to the addresses of the dismissed magistrates was—that Her Majesty had received them “very graciously.” Now he must be aware that that is the ordinary form of acknowledgement upon the reception of an address from any portion of Her Majesty's subjects. Let me tell the hon. and learned gentleman that the records of the Country shew that Earl Grey has manifested no want of generous courtesy towards those who have not made to him a very generous return. But it was a sin past, forgiveness that Earl Grey sanctioned the Departmental Bill without attempting to force us to pension Mr. Fairbanks. Why should he attempt it?—here was our own officer—paid by ourselves with our own money. Does not the hon. gentleman know that the Queen cannot pay a single officer even in England if her Parliament refuse to vote the salary? Suppose Lord John Russell were to confer upon the Chancellor of the Exchequer his office for life, and that they declared, no matter what change came—what tide set in against them, that he should hold the seals of office—and the Queen, acting under the advice of her ministers, gave her sanction to an act so flagrant. But when the people had returned a majority condemning the act of the Ministers, could the Queen do more for the Chancellor, than Earl Grey did for Mr Fairbanks? Sir, the hon gentleman is not dealing fairly with this House, either in reference to Mr Fairbanks' case or to the arrears. We fixed a scale of salaries in 1844—the Bill passed is exactly similar to that of '44. The Country had decided in its favour at the Hustings, after ample dis-

cussion—and what would have been the result had Earl Grey refused to sanction it? The Colonial Ministry would have been dissolved—the Country plunged into another protracted struggle, in order that this people might re-assert their right to withhold from any man office or emolument to which they did not think him entitled.

I come now, Sir, to this Magistracy story. Let the hon. and learned Member read Earl Grey's Speech in Parliament, and he will find that he has no reason to complain. Earl Grey did not disguise his opinions on that question either from the Provincial Government or from Parliament. He treated it as a question of general policy, involving infinite detail, which could only be wisely dealt with within the Colony itself. He did not say that 40 Magistrates were dead, as some of the papers reported,—but, controverting the assertion of the learned gentleman and his friends that 100 had been removed for political reasons, his Lordship declared that of that 100 only about 40 were so removed, all the rest being dead or removed on specific grounds. I feel how wearisome it is to trouble the House with these old stories, and yet the hon gentleman compels us to travel through them merely to satisfy his propensity for grievance-hunting. He assails Earl Grey—with almost every term of invective which he can rake together,—one of the mighty charges which he prefers is that his Lordship refused to take notice of a memorial, from some of Her Majesty's subjects, because it had not been forwarded through the ordinary official channel of communication—and he styles this a mere technical objection. Let me answer him by a set off. In 1840, when the Assembly of this Province—a large majority of the Representatives of the whole people, not a body of memorialists, passed an address to the Crown praying for the recall of the Lieut. Governor; and believing that it would be unfair to put such a document into his hands to forward, ordered the Speaker to send it—Lord John Russell declined to lay it at the foot of the throne or to take the slightest notice of it.—Did the hon gentleman ever complain of that? Did he rise in his place in Parliament and denounce that as an arbitrary and unjust act?—He and his party took

the benefit of the rule, and he has suddenly awakened to a sense of its injustice, and bitterly complains of its application to a hole in corner address, got up by a few discontented persons who happen to be his friends. But again he says, why did not Lord Grey pay the arrears? I answer simply, because he had not the power; he could not pay them without the consent of this Assembly, and they would not consent. But if the non gentleman deemed these arrears justly chargeable upon the Province, I ask him why it was that while the leader of the government, with a majority at his back, and that overflowing treasury of which he vaunts so much, at his command, he did not pay them himself? I will solve the problem, sir. It was because he could not—dare not, do so; because he could not get a majority, even of Conservatives, to aid him. Then, sir, what in the height of his power the hon gentleman himself, neither could nor dare do, he stands up here and reviles Earl Grey for refusing to perform. The hon gentleman referred to the indemnification of the rebel losses. Sir, we have business of our own to attend to; as a public man I might approve or disapprove of that Bill—I am here to express no opinion upon it. That Bill, however, appropriated the money of Canada by a deliberate act of the Canadian Legislature; it may be that the power confided to the people is not always wisely used; but is it right that upon every misapplication of funds a rebellion should be got up?—Whether in that case the legislators of Canada were right or wrong, the constitutional judges, the only tribunal to which they are responsible, is the people. Sir, is it not nonsensical to urge that the Colonial office, overwhelmed by a press of business, called upon to attend to the more weighty affairs of the Colonial Governments owing allegiance to the Crown of England—should be obliged to pass upon the dismissal of every drunken or incompetent Magistrate, upon every question of salary or appointment to office?—Why, Sir, the passage of the reform bill sacrificed Record-ers, Town Clerks, and other officers, with salaries superior to that which Mr. Fairbank's received, by hundreds. But then the hon gentleman argues that

because Parliament did not interfere, their power is gone, I differ with him. Let him once attempt to foist upon this Country the doctrines inculcated in the latter part of his speech—and he will soon become aware of the grievous error into which he has fallen. Sir, I can admire the manliness—even though I deplore the error, of one who comes boldly forward the advocate of certain principles, but he who covertly attempts what he dare not openly avow, occupies a place much lower in my estimation. But the hon gentleman has dealt in an equally unfair manner with the government and with the Lieutenant Governor, as with Earl Grey. His Excellency's sins are three fold, said he ;—Mr Fairbanks, Sir Rupert George, and the Judge's Salaries. Sir, when years ago, I first entered this Legislature, the Lieutenant-Governor was to all intents and purposes a despot—but he is now a constitutional officer ; the change which has been going on is the change from James to William, from the state of British Government before the revolution of 1688—with all its despotic and tyrannic accompaniments—to that after 1688, which gave extended civil and religious liberty to the British people. Let me first refer to the case of Sir Rupert George,—how did he stand when the present Lieutenant-Governor came to the colony ? His irresponsible station had been canvassed over the country for years, in the Legislature—in the rural districts, in the press. The present Lieutenant-Governor had nothing to do with these discussions, nor with the elections by which the fate of parties was determined. By the Despatch of the 31st of March His Excellency was instructed so to form his administration as to include certain public officers ; and in allowing Sir Rupert D. George to keep that Despatch in his office for eight or nine months, Sir John Harvey displayed a confidence in the former government, and a regard for their interests, that its members have but ill repaid.—The principle of responsibility had risen, swelled, extended, and been recognized, before the present Governor came here ; he had naught to do with it. He found certain salaries and the permanent position of certain officers complained of by the people, and surely if he had nothing to do with the

discussion before he received the despatch 31st March, he was relieved from all responsibility after. In it he was informed by his Sovereign, that upon the issue of the elections, then approaching, depended the tenure by which certain gentlemen held their offices and seats—and that in the event of a majority being returned in favour of the Liberal views, they should be obliged to retire from both. Thus instructed, the elections came off, and the result which Lord Grey foresaw took place ; the House met—a vote of want of confidence in the then Ministry passed, and those persons were obliged to retire from the Government and to resign the offices they held—leaving the amounts they were to receive as pensions to the after consideration of the Legislature. The Hon. Attorney and Solicitors General at once retired—they knew they could not hold their positions an hour. But an attempt was made to retain the Provincial Secretary in office—in violation of the very principles for which we had been contending—and the hon. gentleman little knows or appreciates the delicate attention and kindly feeling subsequently lavished by the Lieutenant Governor upon that officer. Sir, I believe the Lieutenant Governor went to the greatest lengths which in his position and with his high responsibilities—he dare go, to serve Sir Rupert George ; the present Government urged upon him that these offices were to be placed entirely at their disposal—and he could not refuse, without violating the express commands of his sovereign. But, sir, I can hardly help smiling when I hear the hon. member for Annapolis, with doleful look and sighing voice, allude to the wrongs and injuries of *poor Sir Rupert*.—Why, Sir, *poor Sir Rupert* has been drawing from the Treasury of this Province, ever since he left office, £500 as a retiring allowance for the Secretaryship ; and £375 from the Registry fees ; making £875. This sum he has received since his retirement down to this time, while the present Secretary receives but £700 for doing the whole duty, £175 less than *poor Sir Rupert* gets for doing nothing. I complain not, Sir, of the emolument I receive from my Country ; but it ill becomes that hon. gentleman, day by day, to reiterate assertions of which he must

feel the slight foundation. He made reference to the bill which passed the House the other day. Sir, he well knows that the Government had no power to prevent the passage of that measure; but we well know that strong as is the present government, and strong it is, supported by a body of men who, on most occasions, give us their generous support and confidence, while we could not stay the passage of that measure here, had we attempted to force it upon His Excellency, without a suspending clause, I have that confidence in the manliness of his nature—and the resources of his position, that I believe he would have dismissed us from his Councils, and dissolved this House, rather than submit to pressure which he deemed unfair. Now, Sir, how has the Lieutenant Governor deserved the taunts which the hon. and learned gentleman has showered upon him touching the case of Mr Fairbanks? What man in his senses will blame the head of the government for the position in which that gentleman stands? for myself no man would go further, to restore that officer to the public service, than I—but, sir, I must deal with this case as it has been presented. He was appointed under the late administration—every hill top in the country rung with the clash of opinions which took place upon that appointment. When Sir John Harvey came here—he could not still the clamour which had been raised—nor calm the feelings which had been excited; and the hon. gentleman well knows that the present administration were pledged to the Country to remove that officer upon their accession to power—because of the position he occupied, and not because he was personally obnoxious. Sir, had it been my own brother, and had it been necessary, in vindication of the constitutional principles for which we contended, to have hanged him—I should have submitted to the painful necessity. Sir, if we had conceded this principle touching the Treasury—what could have prevented it from being made applicable to the offices of Attorney and Solicitor General? what restraining influence would there have been to prevent another Colonial Secretary from pledging any of our offices for life to individuals he desired to favour? The hon. gentleman has told us of the fair

Nymph the offspring of Thompson's creative fancy—yielding herself a willing sacrifice to love's delicious charms—and he compared the Lieutenant Governor to her—allowing himself to be led by the advice of his Council to sanction his own salary, whilst he refused to others their arrears and pensions. Sir, the man or the woman may be pardoned who sins against propriety, in the heat of passion—but there is no pardon, no excuse, for him, who sits down calmly and deliberately to plan the destruction of a people's liberties—the violation of a constitution won by the perseverance, and dedicated to the protection of his country. But what did the Lieutenant Governor do in either case to warrant the poetic license? did he hand Mr. Fairbanks over to his Council—bound hand and foot?—did he consent to remove him from his office at once? No! sir,—though that demand was made in Feb. 1848, His Excellency refused to yield.—The question was referred to the Legislature and debated out fairly and fully—and the Departmental Bill passed. Did he sanction that Bill without a suspending clause? No! He sent it to England with all the arguments for and against it. It was returned, and was again submitted to this House, with Earl Grey's favourable argument, freely communicated. A second time it was passed by the Legislature, and finally received the sanction of the Queen in Council. What more could the Lieutenant Governor do? nothing; he gave Mr. Fairbanks every fair chance of testing the feelings of the Country upon his case—and submitting it to his Sovereign, but when his removal became absolutely necessary, Sir John obeyed his instructions, and yielded to the necessities of his position. I come now to the matter of the Judges' salaries. According to the hon. gentleman—the Lieutenant Governor was to blame for not stipulating that every farthing should be paid to those officers. Sir, I do not believe that the Lieut Governor, would have withheld a single pound of the arrears had he been allowed to consult his own inclinations. But the judges had been mixed up with the conflict of parties:—their salaries had been fixed and settled over and over again. I was called on for my opinion—I gave it, and I still

believe that the Judges of the Supreme Court have no claim to higher salaries than the heads of the Departments. The hon. gentleman knows right well that there were others to be consulted—beside the Governor—he, I am sure, shewed no want of generosity and thoughtfulness in the course which he pursued. This House was the tribunal to pass upon these questions—and it was hardly to be supposed that when, fresh from the people—it had adjusted these salaries, the Lieut Governor would take the responsibility of interfering with its deliberate action. The Commission of the Peace, also furnished the hon member with the opportunity for another display of his vituperative powers. Upon the accession of the present party to office—it was felt to be absolutely necessary that a new Commission should be issued in order that the old one might be purged of those deformities with which long years of misrule had filled it. The subject was brought to the notice of his Excellency; was he to break up his administration for such a cause? to cast back the country into that state of chaotic confusion from which it had but just emerged? and because he did not do this act of folly and madness; because he took a free and independent course of action—the hon gentleman thinks he should be but a Royal Commissioner—Sir, were the hon. gentleman's resolution to pass—and he to convey the message to His Excellency—I will venture to affirm, that the answer he would receive would complete his political education. Yes, sir, and were he to go to this people, tomorrow, with his resolutions in his hand—they would also teach him the difference between a Royal Commissioner and the Queen's Representative—from both missions would he return equally instructed. But, sir, I really thought the hon. and learned gentleman would get through one speech without referring to that old pamphlet of mine. I had once an Uncle who was very fond of Hudibras—he read it at all hours of the day—in fact, I believe he prayed in Hudibrastic verse. So with the hon. gentleman and my old pamphlet Hearing him refer to it so often—tempts me, on some occasions, to turn it up myself.—he quoted from it yesterday to prove that in 1839, I held the

very opinions which he now inculcates; and I looked it up with some degree of curiosity to ascertain whether or not such were the case; and upon reference to it, I found that instead of sustaining the hon. gentleman's positions—it negated every one of them I found just what I expected to find—that my views were decidedly opposed to his. I was younger when I wrote this little work, but I am glad to see the learned member refer to it so often.

Hon. Mr Johnston—I have not a copy.

Hon. Provincial Secretary.—Well, I shall have a copy bound and lettered in gold: “The Hon Provincial Secretary to the Hon Mr. Johnston,” and send it to the hon and learned member. (*Laughter.*) I have turned to the pages of my old pamphlet, and what do I find? Let me read the hon and learned member a passage or two. Here he will find the power defined of each branch of the government under different heads

“*The Queen and Parliament*—I leave to the Sovereign, and to the Imperial Parliament, the uncontrolled authority over the Military and Naval force distributed over the Colonies—I carefully abstain from trenching upon their right to bind the whole Empire, by treaties and other diplomatic arrangements, with foreign States—or to regulate the trade of the Colonies with the mother country, and with each other. I yield to them also the same right of interference which they now exercise over Colonies, and over English Incorporated Towns, whenever a desperate case of factious usage of the powers confided, or some reason of state, affecting the preservation of peace and order, call for that interference. As the necessity of the case, the degree and nature of this interference, would always be fully discussed by all parties concerned, I am not afraid of these great powers being often abused, particularly as the temptations to use them would be much lessened if the internal administration were improved”

“*The Colonial Office.*—The Colonial Secretary's duties should be narrowed to a watchful supervision over each Colony, to see that the authority of the Crown was not impaired, and that Acts of Parliament and public treaties were honestly and firmly carried out; but he should have no

right to appoint more than two or three officers in each Province—and none to intermeddle in any internal affair, so long as the Colonial Government was conducted without conflict with the Imperial Government, and did not exceed the scope of its authority. This would give him enough to do, without heaping upon him duties so burthensome and various that they cannot be discharged with honor by any man, however able; nor with justice or safety to the millions whose interests they affect. His responsibility should be limited to the extent of his powers; and, as these would be familiar to every Englishman, exposure and punishment would not be difficult, in case of ignorance, incapacity or neglect.”

Then, Sir, after showing how the old system hampered the Queen's Representative, and made him powerless and unpopular, as a matter of course, the contemplated change in his position was thus foreshadowed:—

“*The Governor.*—\*\* Now let us suppose, that when a Governor arrives in Nova Scotia, he finds himself surrounded, not by this irresponsible Council, who represent nothing except the whims of his predecessors, and the interests of a few families, (so small in point of numbers, that but for the influence which office and the distribution of patronage give them, their relative weight in the country would be ridiculously diminutive)—but, by men, who say to him, “may it please your Excellency, there was a general Election in this Province last month, or last year, or the year before last, and an administration was formed upon the results of that Election—we, who compose the Council, have ever since been steadily sustained by a majority in the Commons, and have reason to believe that our conduct and policy have been satisfactory to the country at large.” A Governor thus addressed, would feel, that at all events he was surrounded by those who represented a majority of the population—who possessed the confidence of an immense body of the electors, and who had been selected to give him advice by the people who had the deepest interest in the success of his administration. If he had doubts on this point—if he had reason to believe that any

factions combination had obtained office improperly, and wished to take the opinions of the People—or if the Executive Council wished to drive him into measures not sanctioned by the Charter, or exhibited a degree of grasping selfishness which was offensive and injurious,—he could at once dissolve the Assembly, and appeal to the People, who here, as in England, would relieve him from doubt and difficulty, and fighting out the battle on the hustings, rebuke the Councillors if they were wrong. *This would be a most important point gained in favour of the Governor*—for now he is the slave of an irresponsible Council, which he cannot shake off; and is bound to act by the advice of men, who, not being accountable for the advice they give, and having often much to gain and nothing to lose by giving bad advice, may get him into scrapes every month, and lay the blame on him. The Governors would in fact have the power of freeing themselves from thralldom to the family compacts, which none of them can now escape, by the exercise of any safe expedient known to our existing Constitutions. It will be seen, too, that by this system, whatever sections or small parties might think or say, the Governor could never by any possibility become, what British Governors have of late been every where, embroiled with the great body of the inhabitants, over whom he was sent to preside. The Governor's responsibility would also be narrowed to the care of the Queen's Prerogative—the conservation of Treaties—the military defence—and the execution of the Imperial Acts: the local administration being left in the hands of those who understood it, and who were responsible. His position would then be analogous to that of the Sovereign—he could do no wrong in any matter of which the Colonial Legislature had the right to judge, but would be accountable to the Crown, if he betrayed the Imperial interests committed to his care.”

In contrast with the old permanent and irresponsible Council, the composition and efficiency of a Cabinet is thus set forth:—

“*The Executive Council.*—Now, for this body, I propose to substitute one sustained by at least a majority of the Electors—whose general principles are known and

approved—whom the Governor may dismiss, whenever they exceed their powers, and who may be discharged by the People whenever they abuse them. Who, instead of laying the blame, when attacked, upon the Governor, or the Secretary of State, shall be bound, as in England, to stand up and defend, against all comers, every appointment made and every act done under their administration. One of the first results of this change, would be to infuse into every department of administration a sense of accountability, which now is no where found—to give a vigorous action to every vein and artery now exhibiting torpidity and languor—and to place around the Governor, and at the head of every department of public affairs, the ablest men the colony could furnish—men of energy and talent, instead of the brainless sumpshs, to whom the task of counselling the Governor, or administering the affairs of an extensive department, is often committed under the present system. In England, whether Whigs, Tories or Radicals, are in, the Queen is surrounded, and the public departments managed, by some of the ablest men the kingdom can produce ; but suppose a mere Official faction could exclude all these great parties from power, how long would the government possess the advantage of superior abilities to guide it ?—would it not at once fall far below the intellectual range which it now invariably maintains.?”

I might go on, sir, reading the whole of this pamphlet, and show conclusively that the system of government asked for in 1839 is practically the same as that now in operation ; and I am much mistaken if the hon gentleman does not soon find that he will not be able easily to overturn it. Oh ! but, says the hon gentleman—no government is so strong that they may not be crippled or obstructed by some new governor, whom the hon gentleman thinks is about to be sent out here. I am happy to say, sir, that, up to this moment, not the slightest intimation has been conveyed to the venerable head of this government that his recall is contemplated ; and I believe that he is as unlikely to be removed as any Governor administering the affairs of any of Her Majesty's colonial dependencies. But where is the learned

gentleman's consistency when he says, the present form of government gives too little power to the present officer—but it may confer too much on the one succeeding him ; does the hon gentleman not see that his argument is inconsistent with itself—that one portion runs athwart and destroys the foundation of the other ? But suppose this new governor were to arrive here, and full of his newly acquired power, attempted to force upon this people principles which they disliked. What would be the result ?—can any man doubt it ? The constitution gives us the right to retire and let the governor call in whom he pleases to assist him in the conduct of affairs. But, says the learned member, and I smiled when I heard the expression, a council may not have the *virtue* to retire. What, sir ! the hon and learned gentleman's views must have changed indeed. There was a time when retiring from the government, was denounced as an attempt to “wrest the Prerogative from the Queen's Representative ;” a vile act—a thing to be scouted and abhorred by every honest subject of the Realm. I have not the least doubt but the hon gentleman would, *now* consider it an act of the most exalted virtue—were my hon and learned friend the Attorney General to attend His Excellency and say ; please your Excellency—your present advisers leave their offices and their positions at your disposal—and would be much obliged were you to call upon some other gentleman *not* possessing the confidence of the country to advise you upon public matters. But, Sir, we also have become wiser since 1843—and as we do not wish to lay ourselves open to the sarcasms of the hon gentleman, we intend to have the virtue to hold our places, so long as the people have confidence in our discretion. (*Laughter.*) We abjure the virtue of resignation until the hon gentleman comes in with his majority. I was very much amused at another remark, made by the hon and learned gentleman ;—another may come here, he says, and then secret influences may be brought to bear. Sir, from the time of my retirement from Lord Falkland's Council in December, 1843, up to the period of his recall, I never once attempted, in the slightest degree, to inter-



fers with or influence his administration. On only one occasion, when a personal sacrifice was designed to save him, did I send him even a message. When the present governor came to this country, I was residing out of town, and never once did I attempt to exercise any undue or improper influence upon his mind, and only saw his Excellency when invited by my friends to take part in negotiations opened, as I believed then and believe now, with the full concurrence of the existing administration.

Now, sir, a word or two touching the Legislative Council. The hon gentleman wishes a change in the constitution of that body—and why? Because he says they will not work harmoniously, and will obstruct the public business. Sir, there is no foundation for such an assertion. I ask the hon gentleman to look at the men at present forming that Council: and if he can prove to me that those 22 gentlemen have not as much general intelligence, speaking talent, wealth and respectability, as any 22 in this body chosen by the people, then I may be induced to vote for the hon gentleman's resolution. Sir, it was made matter of charge against the hon gentlemen that when he was cramming that branch he did not take the *very best* men even of his own party; but as a body it will now contrast favourably with any second branch of which I have any knowledge. I say, sir, that at the present time it is superior to what it ever has been in the history of this Province. But, says he, we want more gentlemen from the country. Strange, that when that branch consisted of but 12, and every man of them lived in town, the party of which the learned gentleman is the head and front, resisted all change or modification. Now, ten or twelve members represent the rural districts, and more would come if they were paid. As to subserviency, I think both he and I are a little embarrassed with the spirit of independence they showed us the other day. When they threw out a bill the result of many years discussion, and a compromise of the opinions of this House, it was a pretty significant hint of the power they possess and the determination to exercise it; and whether I approve of the act or not, I cite the fact to shew the

legislative independence of this second branch. That they exercise their power wisely and discreetly on most occasions, is evident from the fact that this is the only measure of any importance that they have rejected in seven years. But, says the hon gentleman—in 1837 the Attorney General and Provincial Secretary were in favour of Elective Councils. Why, sir, in 1836, 7, 8, the French Canadians, led by Papi-neau, advocated an Elective Council—the Upper Canadians, led by Robert Baldwin, were seeking a Responsible Executive Council. In our address of 1838, after describing the mischiefs of the old system, we asked either for an Elective Legislative Council, or such a change as would make the Executive responsible to the people. Subsequently the people of New Brunswick made the same demand, and the mother country consented to give us all Responsible Government. With that we were satisfied—we did not require both a Responsible Executive and an Elective second branch. I hold the one to be incompatible with the other. We asked for either of these—we got the one, we preferred; that constitution is now the property of the people, and I much misunderstand their spirit and determination, and the rate at which they value it, if they allow the hon member for Annapolis to tamper with it, for the mere purpose of raising political capital; at least until it has had a fair trial and proved itself inefficient.

Let me now say a word or two with reference to the personal allusions made by the hon and learned gentleman to the Receiver General. I think those observations might have been spared—personalities should never be aimed by a member of this Assembly at one of the other branch. He spoke of violated friendships—of taking the office of a friend—and covertly insinuated that the Hon Receiver General was still engaged in commercial affairs. Sir, when the hon gentleman spoke of violated friendships, he should have remembered that when my hon friend, Mr McNab, the Attorney General and myself retired from the Council in 1843, the first man to lead up a public meeting to denounce us as disloyal and selfish men, was Mr Fairbanks, the late

Treasurer's brother—Mr McNab's partner for twenty years. Sir, was not that sufficient to sever the tie of friendship at once and forever? As for the remark touching the voyage to California, I know nothing of it; but this I do know—that however difficult it may be for a merchant engaged in extensive business to withdraw suddenly his whole capital, the Hon. Receiver General has retired from business in good faith, and is honorably fulfilling the obligations he has assumed to his colleagues and the country. Sir, I might answer the hon gentleman in his own style, and give him a taste of personalities. I might refer him to a pretty notorious rumour, one not invented by me, and ask him if he remembers that celebrated fete given on a very celebrated occasion—the solemnization of a certain marriage; when the vain glorious boast was made, that, by the consummation of that union, the two families of Johnston and Fairbanks could rule the country. I care not to approach more closely—the hon member understands me.

The hon and learned gentleman also referred to the President of the Legislative Council in no very measured terms. Why, said he, the President of the Council claimed a privilege which had never been used for eighty years. The hon gentleman must be aware that for very nearly the whole of that period the Legislative Council were a nice little family party; casting votes were not required, as it was seldom, if ever, that a division took place; all their acts were characterised by a most delightfully harmonious unanimity. But because the old Presidents either knew not that they possessed the power, or cared not to use it, was certainly no reason why my hon friend Mr Tobin should relinquish a privilege appertaining to his office; he would not have fulfilled his duty to that body had he failed to exercise his right on an appropriate occasion. But, says the hon gentleman, we saw a most extraordinary sight—a gentleman coming from the country with the prefix of Honorable to his name, and wandering between the two branches without a resting place in either. Why, sir, there are numbers of good looking men who came up to the city, from time to time, both Liberals and Conserva-

tives, to hear the wise saying of us Legislators; and it is but natural that the moment one leaves home, his neighbours, looking upon the *Squire* as the wisest, as well as best man in the world—conjecture all sorts of things touching his journey to the capital, and address him by all sorts of titles. It may have been thus with my worthy friend Mr McKeen. It may have been that, having been invited to come, the deep snows delayed him till another was sworn in his place, to prevent the friends of the learned member for Annapolis from destroying the Civil List and Departmental Bills. But, there has been no great harm done, except to the disappointed plotters, who thought to take advantage of the snows banks. While talking of them, I am reminded of that beautiful description of the lost man floundering in the snow, by Thompson, which I may give the learned leader of the opposition in return for his violated virgin. The subject is colder, but the comparison quite as accurate—for the learned member never sets out in search of grievances or of Responsible Government, but he goes floundering on, getting deeper and further from the track at every step. Oh! but says he, Mr McNab by his single vote ejected his friend from Office—and took that office himself. I ask the hon. and learned gentleman if he did not, for a whole session, retain his place as leader of the Government and his office of Attorney General by his own vote? and I demand again, did not the late Solicitor General and Mr Dewolfe also obtain and keep their offices by their single votes? Surely, then if the single act of which he complains be wrong—it was a greater violation of principle, for three of them to keep their offices upon the single votes of the several incumbents. But, sir, I tell the hon. gentleman that Mr. Fairbank's office was not coveted by my hon. friend—and, at one time, after the contest of principle was over, it was gravely balanced whether or not he should be retained in his situation; and had this House and Country not had to pass upon that act afterwards, I firmly believe he would never have been removed. Now, sir, the hon. gentleman referred to the construction of the Legislative Council; Oh! said he, only think I

of the present Council reside in Halifax—but he forgot to tell us that in the good old times every man of them were residents in the Township of Halifax ; but then, he says, what would we do were a change in parties to take place ? the hon. gentleman loves to dwell upon that possibility—and sometimes he dimly shadows forth his anticipations of soon emerging from the cold shades of opposition—and basking again in the sunlight of power. But let me say to him, “sufficient for the day is the evil thereof,” if it should so happen that the hon. gentleman comes back with a majority I think he will have profited by his reverses, and his bearing will probably prove that he has become a little wiser, more thoughtful and considerate than he was before. But then he is awfully afraid of the present Legislative Council—and asks, how he is to get over the difficulty if they obstruct him ? I will answer the hon. and learned gentleman—the influences incident to his public position will aid him—and then if he brings forward such measures as the Council approve, he will be sure to succeed ;—(laughter)—one thing I know, sir, that the Council will never offer useless obstruction to a good measure. But, sir, let me tell the hon. gentleman that were he to come back with his majority, he might just as well attempt to stick a dog’s tail on a lion’s back—as engraft an Elective Legislative Council on responsible Government. But his aim is apparent,—he would be glad to throw the public affairs of this province into confusion so that he might embarrass the present Government. It is the duty of every Nova Scotian, looking to the prosperity and happiness of his Country, to refuse his sanction to these resolutions, at all events until the people have been consulted.—Upon our differences, we can go before our Constitunncies with him as we did before—and then if he can manage to obtain a majority, why, let him triumph. The hon. and learned gentleman has, however, forgotten to inform us how this machinery is to work ; he has not told us who are to be the constituency, what the franchise—and so forth. I believe he does say that every two or three years a section of this body are to wheel to the right and walk out—but any practical common sense

man would require, before voting for this question, that it should be explained, and put before the Country in such a shape that the people might understand what the hon. member really does mean. Again the hon. gentleman says that something must be done to stave off Annexation—because measures passed by the majority of this House supporting the Government may be rejected by the Upper Branch,—and then he talked of the difficulty we had in filling up the Solicitor Generalship ; the hon. gentleman forgets that during his own administration he took six months to make a Solicitor General, while we would certainly not take half that time to make a whole Bench of Judges, and a tremendous lot of Road Commissioners and Magistrates into the bargain.—(Laughter.) But, oh ! if I were to follow the hon. and learned gentleman, in the dispensation of patronage, throughout his official career—and entertain the House with all the acts of petty oppression of which he has been guilty, I might detain them half the night. He said something of the Baronet whom I had deprived of his Office,—Sir, my Country paid that Baronet from one to two thousand pounds per annum, for years—to aid the learned gentleman opposite in mis-governing this Country ; small blame to the Liberals then, if they did put him out.

“The rank is but the guinea’s stamp ;  
A man’s a man for a’ that.”

The hon. gentleman told us that our allegiance to the mother land was weakened—that our veneration for existing Institutions had departed. Sir, I am sorry that a man occupying his position, with his acknowledged talents—his means of usefulness, and power for mischief, has not taken that stand in this debate which he ought to have taken. I do not believe that the loyal feelings of this people are weakened—or that the respect for the Sovereign has decreased,—but I admit that the people of this Country, have passed through an ordeal which has tried their feelings though not sapped their loyalty. He attempted to make us believe that the revenue had, during his administration, greatly increased by some management of his own, and from that drew the conclusion that we were chargeable with a

falling off. I thought his friend, Mr. Fraser, had dissipated that illusion for him last year. The story of the destruction of our industrial resources has been allowed to go uncontradicted long enough—and much political capital has been made out of it by the hon. gentleman and his friends. I take this ground boldly, that the man who says that Nova Scotia contrasts unfavorably with surrounding states affirms that which is a libel on our Country. Many of the neighbouring states were settled, and had large and flourishing populations, before Nova Scotia was peopled by any except the Acadian settlers on the marshes of the West. Halifax was founded in 1749. There were then no inhabitants in the Province except the Indians in the forest, and the French on our prairies. When Cornwallis sailed up Halifax Harbour what greeted his eyes? unbroken foliage down to the water's edge. At that time not an English, a Scotch, or an Irishman, owned a house upon our soil. There was not a road, a bridge, or a church, in the country—hardly an acre of cultivated upland, nor any of those public improvements, which are now spread every where beneath the eye. What have our fathers done?—Have they left us the miserable, degraded country, he described to us last night?—No, sir. They have left us a land teeming with resources, on and around the shores of which, within a century, fifteen millions worth of property has been accumulated. I take the computation of my hon. friend the Financial Secretary, who made the statement here last year, that, man for man—every inhabitant of this province owned 50*l.* worth of property—a trifle higher than the amount owned by the population of the state of New York. This is my answer to the cry of ruin which the learned member is forever raising. Steadily year by year has this Province increased in wealth and population, and as steadily has its domestic industry expanded, down to the present hour. The hon. gentleman drew the picture of a Country in a state of poverty and decrepitude, brought on by misgovernment—let me ask him if Sir Rupert had had his £2000 yearly would the condition of our Artisan and labouring population have been improved? would the

payment of extravagant salaries prevent them from leaving our shores? Had Mr. Fairbanks received a pension, or the illegal arrears been paid, would the Country be more prosperous or the people more happy? These are his leading grievances—these the arguments he has given to the people of this Province to induce them to change our constitution. Let the hon. gentleman point to the Commercial measure which he has introduced for the amelioration of our deplorable condition; surely the hon. gentleman's patriotic philanthropy should have suggested a remedy for this dire disease. We go with him into Committee of Ways and Means, does *he* suggest aught that will improve our industrial resources—advance our manufacturing and producing interests, or in any way enhance our prosperity?—The hon. gentleman spoke vauntingly of the revenue raised under his administration. Sir, I have answered that time and again; nay, his own most prominent supporter—the hon. and learned member for Windsor, frankly admitted that the liberal party were no more responsible for the present tariff than the conservatives, and denied that the want in the Country—if want there was—could be attributed to the present administration. Compared with other Colonies, Nova Scotia is in a sound condition. New Brunswick has a conservative majority and administration—yet a friend, describing her commercial condition, some months ago, declared that there was scarcely a solvent house from St. John to the Grand Falls. The derangements of commerce incident to Imperial legislation, and bad crops, produced the depression in neighboring Colonies and in our own. I recollect when taking up the English papers in the fall of 1847, there were whole columns of bankruptcies, of houses of the highest character, and some of which had stood for centuries.—This was the cause of our depression, with the successive failure of our crops, and it is unfair for the hon. and learned gentleman to attribute to any administration the visitations of Providence. I might say with great justice, that if our Treasury is low, we have cured the potatoe rot, which he left behind him. (*Laughter*) All the money which

he ever had in the Treasury would not compensate for the destruction of our potatoes, by that miserable disease which he introduced. However, we have cured them at last : and would have done so long ago, but that the late administration left them so rotten, that it took us two years at least. (*Laughter.*) Now, sir, let me show the hon and learned gentleman the effect the loss of our Potatoe Crop must have had upon this country. [The Hon. Provincial Secretary here went into a calculation to show that, taking the Census as a guide, and Colchester as a medium County, the actual money value of wheat and potatoes lost in the four years previous to 1849, could not be less than £1,268,000.]

The food of our people thus stricken off, the loss fell upon our industrious classes. The able farmers, instead of having wheat and potatoes to sell, of their own raising, were obliged to buy the productions of a foreign country to support life ; the poorer farmers, unable to pay debts, required more credit from the trader, and he again from the merchant ; who, failing to receive returns, was compelled to curtail his business. Circulation was thus drained off, and few dutiable articles were consumed, because all the spare cash went to buy bread which paid no duty. Yet we are blamed because the Revenue fell off. It did fall off, sir, because at that distressing period, when our hardy population were borne down by the calamity I have spoken of, we would not consent to tax the bread required by our farmers and labouring classes to support life. Had we done so, sir, we might have had our £10 or £12,000 in the chest, but it would have been wrung from the people at a period of want and depression. Other cities have their periods of depression as well as Halifax—other countries their trials as well as Nova Scotia. Let the learned gentleman turn to Hunt's Magazine, and he will see that there are scarcely a dozen eminent Merchants in Boston who have not failed in the course of their lives ; and if we will make the contrast fairly, he will find that for every emigrant that has left Nova Scotia within the last four years, ten have left the seaboard states of the Union. They have gone, like our own people, south,

west, every where, led by the spirit of speculation and adventure, but nobody imagines that ruin and misfortune are to be the portions of those who are left behind. The learned gentleman tempts me strangely to review his own administration, and apply to him the sobriquet of "Prosperity" which was once applied to an English Chancellor, whose bragging ended in ruin. I look back to his first session of 1844. In that Session he passed three celebrated measures, a Civil List Bill and a Registrar's Bill which never went into operation, and a Bill to prevent people from snaring Møesse, under which there has never been a single prosecution. But, sir, big with great measures and grand conceptions, the hon gentleman must needs convene Parliament in a summer Session. We met, were melted—the business being a celebrated intrigue by which he sought to divide the liberal party, very foolish and very unsuccessful. On looking over the journals of the summer Session, however, I met with a curiosity—it was a little Resolution, moved by myself, highly complimentary to the Administration, but the discussion of which was cut short by a sudden prorogation. In 1845 ; they passed a School Bill—an act for taxing dogs which was a nuisance to everybody, and one for building a bridge up at Richmond, which has never yet been built. (*Laughter.*) In 1846, hardly a measure worth notice passed, with the exception of a Bill for making roads over ice, rendered necessary because the ways of the hon gentleman had become very slippery about that time. (*Laughter.*) In 1847 he did pass a measure for which he has received all credit—the simultaneous Polling Bill, but as a set off against that, he brought in a nice little bit of "terror" from which I have no doubt he expected great results ; the fraudulent Conveyance Bill, by which he sought to frighten poor liberals from the Hustings. Thus passed the great Sessions from 1844 to 1847, and these are the laws framed by the hon member for the regeneration of the country. He brags much of the ten thousand pounds, dragged from the pockets of the people and locked up in his iron chest, but let him show us where he reduced our expenditure—what salaries he cut

down—what great measure, advancing our colonial interests, he introduced. Sir, he can show none; his term of administration is naught, and presents to us, as we gaze back at it, hardly a redeeming feature. But, Sir, what have we done? We have passed the Civil List and Departmental Bills—by which questions that had agitated the country for years are disposed of. We have half consolidated the laws of the Province—I give the other side all credit for the assistance they have rendered us in this matter; we see before us the Electric Telegraph stretching across our country—a monument of enterprize which will remain when the present administration have faded away; we have passed a Sheriff's Bill, and given to this country a New Commission of the Peace, which, whatever may be said of it by hon gentleman on the other side, has given satisfaction to the country generally.

Mr. Marshall.—No!

Hon Provincial Secretary.—But I tell the hon gentleman it has—in what light he may view it, I know not, but it has largely reduced litigation, and been generally acceptable to this people. I will not detain this Committee longer—it is enough that our acts contrast favourably with the barren figments resulting from the administration of the hon and learned member for Annapolis. Sir, I hold in my hand the tariff of 1844 and that of 1849,—and the abolition of many grievous burdens under which the people groaned is palpable and plain. But let the hon gentleman turn back to the good old days prior to responsible government, let him mark the sums then given for our Road and Bridge service:—

In 1836	£10,750	was granted.
“ 1837	10,300	“ “
“ 1838	11,390	“ “
“ 1839	16,800	“ “

Making in all £49,240.

In 1840 I happened to get into the administration, in which I staid until the hon gentleman made it too hot to hold me, and I came out at the close of 1843. Contrast my four years with the four years previous.

In 1840	£44,000	was granted.
“ 1841	24,000	“ “
“ 1842	33,000	“ “
“ 1843	16,000	“ “

£117,000.

Or an increase of £68,000 of Road money over and above the amount given in the previous four years. But let us look at the sums voted during four years in which the hon gentleman had the whole and sole controul of the Revenues, and of which he brags so much.

In 1844	£10,000
“ 1845	25,000
“ 1846	30,000
“ 1847	30,000

£95,000

Or £22,000 less than my previous four years.

Now let us see what we have done under the present administration. We assumed office in 1848, in which year we gave for this service £20,000

In 1849	23,000
In 1850	24,000

Making a total of £64,000 for the past three years; and this at a time when the country has been labouring under the depression consequent upon the failure of the crops of which I have previously spoken. The country is just emerging from this depressed condition, and assuming, as we reasonably may, that we shall be enabled to give, from our increased prosperity for the coming year, £30,000—we shall equal if we do not exceed the amount granted by the hon member during his four prosperous years. In this contrast, sir, there is nothing of which we need be ashamed; and they are not the friends of this country who seek to make our people discontented with their position and prospects. Sir, I have travelled much over the face of Nova Scotia, in the adjoining Republic and in the old world, and I have arrived at this conclusion—that of all the lands I have ever seen, Nova Scotia offers to the poor man the most favourable field for the exercise of his industry. What do we see in every town and county of our Province? Scotch, Irish and English Emigrants—men from every country com-

ing here, with industry, intelligence and economical habits, worth nothing when they came, but by the exercise of these virtues gradually acquiring respectable competencies, if not ample fortunes. Let me say, then, that a country into which a man may come poor, and in a few years become independent—a country possessing abundance of the richest upland, with marsh land inferior to none in the world; with its healthy climate, and open harbours, affording the greatest facilities for commercial operations, with free institutions, gained after years of struggle, is not a country deserving the slanders which day by day are heaped upon it. Nova Scotia can never be ruined. Sir, after the stimulating influence of the American war had passed by, I saw this city almost deserted. Again in 1835, half the Stores in Water Street, shut up, and no man could change a pound note into silver; but the period of depression passed by a more certain and stable system was brought into play, and the city and country again prospered. Look above the Round Church hill, and see the space where, but a few short years ago, green fields were smiling, now covered with the stately mansion or the more humble dwelling house. Suppose old Mr Stayner or Mr Schmidt were to spring from their graves to-morrow, how would they wonder to mark the change which has passed over the face of the property which once they owned.— And now sir, to conclude, let me briefly refer to the remarks of the hon and learned gentleman touching the severance of our allegiance to the British Crown. The loyalty of this people to their sovereign, is a subject of too grave a nature to be dealt with lightly. Sir, the old men who planted the British standard that floats on yonder hill; who had the courage and energy to brave the dangers of establishing a young England in this western wild; who have left us their language, their literature, their past history and their legislative enactments, are slumbering beneath the soil they have bequeathed to us adorned by their industry. Shall we then, unmoved, listen to sentiments such as those which the hon member has expressed? Sir, did I believe, that instead of gratitude to the Sovereign, who has conferred upon

us self government, we would think lightly of our allegiance, or balance it against our personal rivalries with each other, I should blush with conscious shame for my country. And let me tell the hon gentleman, that if any British Minister consented to part with this Province, with its fisheries, coal fields, bays and harbours, easily defended as it could be, he would earn impeachment, and deserve to loose his head. As a question, then, of public policy, looking to the future tranquility of our homesteads and our hearths, I say it is the duty of every Nova Scotian to discountenance the idea of separation, as it is equally his duty to defend the constitution of his country, while confidently relying upon her resources. In the full belief that further change at this time would be unwise, and that Nova Scotia will yet be commercially and industrially prosperous, I beg leave to move the following amendment to the learned gentleman's resolutions :—

1. Whereas, the forms of government, and modes of Administration which exist in this Province, have been established and adopted after ten years discussion and conflict, with the full knowledge and approval of the people of Nova Scotia, as expressed at the Hastings, and with the sanction of their Sovereign, conveyed in the Despatches from the Right Honorable the Secretary of State.

2. And whereas, the same system of Government, has with equal deliberation, and after many sacrifices, been established by the people of Canada, and New Brunswick, while it is eagerly sought by the inhabitants of Prince Edward Island and Newfoundland.

3. And whereas, it would be unwise, while designing men are seeking in other Colonies to unsettle the minds of her Majesty's subjects, and to renounce their allegiance, to afford to them the slightest countenance, by applying at this moment for any fundamental change.

4. And Whereas, the salary of the Lieutenant Governor was fixed in the Civil List Bill, and formed part of a compromise, by which the Casual and Territorial Revenues of the Crown were transferred to the Province, and any breach of that compact would be dishonorable to the People and Legislature of Nova Scotia.

5. And Whereas, the Lieutenant Governor of Nova Scotia, venerable by his age, distinguished by his military achievements and by

his successful administration of affairs in three other neighboring Colonies, is possessed in the administration of our local government, of the same constitutional prerogatives and powers, that Her Gracious Majesty enjoys in England; and whereas in obedience to the instructions of his sovereign and in accordance with the well-understood wishes of the people, his Ex-

cellency has so governed this Province, as to secure the confidence and esteem of its inhabitants.

6. Therefore *Resolved*, That having recorded its sentiments on these important topics, this Assembly does not deem it expedient to suggest any change in the Institutions of this Province.

[The above Resolutions were carried, 26 to 14]



