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DEBATES

AND

PROCEEDINGS

DURING THE FIRST SESSION OF THE

Twenty-First Parliament

OF THE

PROVINCE OF NOVA-SCOTIA,

1856.

HALIFAX, N. S. :

Printed by Richard Nugent,

1856.

PARLIAMENTARY DEBATES,

And General Proceedings of the FIRST SESSION of the TWENTY-FIRST PARLIAMENT of the PROVINCE OF NOVA SCOTIA, commencing on Thursday, January 31, 1856.

HOUSE OF ASSEMBLY,

THURSDAY, Jany. 31.

MEETING OF THE HOUSE.

Members assembled at 1 o'clock for the purpose of being sworn in, and all except seven members answered to their names.

The Commissioners who attended were the Hon. Hugh Bell, Hon. Mather B. Almon, and Hon. E. Kenny.

The whole ceremony was concluded by a quarter to 2 o'clock.

At half-past 2 o'clock, his Excellency Sir Gaspard LeMarchant having arrived at the Legislative Council Chamber, by message commanded the House to attend him, when he desired them to elect a Speaker. The Commons returned to their own chamber, and—

The Hon. Attorney General rose and complimented the late Speaker on the zealous and competent discharge of all his duties while in that office; and said that he was not aware that there was to be any opposition to his proposal for that gentleman's re-election to that office. It was exceedingly desirable that the election of Speaker should be unanimous—because the Speaker should always have the confidence, respect and esteem of the whole House, and ought not to occupy the position of a partizan. He should be generally and universally respected. Without further observation, he would move that Stewart Campbell, Esq., the late Speaker, should be re-elected.

Hon. Mr. Johnston said a few words in deprecation of the election of Mr. Campbell, because he thought that some other individual less obnoxious to one side of the House could have been selected; but knowing the majority was on the other side, there was no use for him proposing any other member in opposition to the motion of the Hon. Attorney General.

The ballot having then been taken, and Mr. Stewart Campbell having been duly elected, was conducted to his chair by the Hon. Attorney General and Samuel Chipman, Esq., after which the Speaker stated that the House would wait on his Excellency in the Council Chamber.

The House having again returned to its own chamber,

The Hon. Speaker said—His Excellency the Lieutenant Governor having been pleased to announce his approval of my election to the Speakership of this House, I now beg leave to offer to you my most grateful acknowledgements for the distinguished honor you have conferred on me in this exhibition of your confidence. Sensible of the great responsibility which must ever attach to the position of Chief Commoner, I shall leave untried no exertion to guard the privileges of the House, and perform the functions of the office; and, sir, I earnestly hope that by courtesy, firmness, and impartiality, and a vigilant regard for the order, privileges, and dignity of the House, I may succeed in justifying the choice you have made to-day. I have now to report to you that the House, having attended in the Council Chamber, His Excellency was pleased to open the Session with the following Speech:—

Mr. President, and Honorable Gentlemen of the Legislative Council:

Mr. Speaker, and Gentlemen of the House of Assembly:

I have great pleasure in meeting you in parliament, and I trust that our united efforts will be successfully directed to the development of the prosperity of this highly favored Colony.

The people of Nova Scotia, though most deeply interested in the existing conflict, are permitted by the gracious dispensation of Providence, quietly to pursue their industrial occupations, far from the scene, and exempt from the burthens, of a protracted war, which the arms of their fellow subjects, and of their brave Allies, sustain, with distinguished valour and fortitude.

Mr. Speaker, and Gentlemen of the House of Assembly:

The accounts for the past, and the estimates for the current year, shall be submitted without delay.

Mr. President, and Honorable Gentlemen of the Legislative Council :

Mr. Speaker and Gentlemen of the House of Assembly :

Our especial gratitude, as a people, is due to the Almighty for our exemption from pestilence during the year that has past.

To that source we must also gratefully ascribe the success which, in the last season, has attended the industry of the husbandman, and rewarded the toils of the fisherman.

The revenue, though somewhat diminished in productiveness, when compared with that of the preceding year, as was anticipated, from the reduction of duties, and the first effects of suddenly expanded commercial freedom, is nevertheless, amply sufficient to meet all demands upon it, and affords satisfactory evidence of the increased energies, and growing prosperity, of the people.

The Normal School—opened at Truro during the past Autumn, under circumstances most auspicious—is now in efficient operation.

A measure, having for its object the improvement of the general educational condition of the country, will be submitted for your consideration.

Our Railway system is progressing favorably, and I trust that, when the accounts of the expenditure and liabilities, connected with it, are laid before you, the utmost prudence and economy will be found to have been observed by those to whom the legislature has entrusted the conduct of this important branch of the public service.

The reports and accounts respecting St. Peter's Canal, and the Lunatic Asylum, when submitted to you, will show you that those public works have advanced satisfactorily during the past season :

On the subject of the Mines and Minerals, in connection with the claims of the General Mining Association, an opinion of the Imperial Law Officers of the Crown, and a correspondence with the Colonial Secretary, will be laid before you, which will doubtless engage your most earnest attention.

A measure will be submitted to you, founded on the example of the mother country, and on our local experience, for facilitating the collection, and improving the administration, of the revenue.

The substitution of a simpler and more economical process for re-vesting forfeited lands in the Crown, in place of the existing system, will be proposed to you by my government.

The selections of Stock, which I have made, in accordance with the desire, expressed in the closing session of the last Parliament, will, I trust, commend themselves to your approval.

I venture to indulge a confident expectation that the further promotion of Agriculture, in its various relations, will, in the present session, command the interest of the representatives of a people thoroughly capable of appreciating the importance of that great object.

Some modification of the existing Laws for protection of the River Fisheries appears to me imperatively called for, and I trust that your local experience will suggest such improvement of them as will ensure the attainment of the purpose for which they were enacted.

You will be gratified, I am sure, to learn that I have resumed the occupation of Government House, seriously injured by the late fire, but renovated and refurnished in a style that be-

speaks your munificence, whilst it demands my grateful acknowledgements.

CHIEF CLERK.

Dr. Webster moved that Alexr. James, Esq., be First Clerk, which was seconded by Mr. Morrison.

Hon. J. W. Johnston—It has been usual, in the practice of this House, to re-elect the incumbents of the Clerkship. I regret that any deviation from this course has been attempted, more especially at this session, for the House never was in a position when such a course was less called for. The gentleman who held the situation of First Clerk to the last House is singularly distinguished in the performance of his duties for diligence, industry and capability—by his urbanity and general courtesy of manner; and I am quite sure, sir, that in your own person, having occupied the Speaker's Chair but for a short period, you must have experienced the advantages to be derived from having an officer in that position practically acquainted with the duties he is called on to fulfil, and able to afford information whenever necessary. The Clerk being the officer of the whole House, should be a partizan of neither side, more especially when so large a proportion of the members have been newly elected, and occupy seats for their first time. All these circumstances concur to make any change inexpedient. Mr. Twining informs me that he has not requested any honorable gentleman to nominate him, and I regret that I am under the necessity of doing so—not that I have any objection to proposing him, but because that, coming from me, his nomination may be supposed to flow from considerations of party. To remove any such impression, I may at once state that it is my intention to vote for the re-election of both the old officers. With these views, I beg leave to propose Mr. Henry Twining as a candidate for the office which he has previously filled with such ability and so satisfactorily.

The proposition was seconded by Mr. McFarlane (Cumberland.)

Hon. Attorney General—The clerkships in the Commons of the mother country are patent offices, to which appointments are made by the Crown, although they are supposed to be with the approval of the Lower House. This, however, is not the practice here. The House of Commons of this Province has always claimed and exercised the right of selecting and appointing their own clerks—a course, in my view, wiser and more correct than the practice in England. It is the privilege of each member of this House then to propose such candidates as his own feelings dictate. By a wise regulation adopted in many successive Parliaments, the votes upon the appointment of these officers are taken by ballot—so that each member may, after he has exercised his undoubted right in secret, approach the table of a clerk against whom he may have voted without inducing ill-feeling on his part. In justice to Mr. Twining, I may say that no complaint has been or can be preferred against him for the manner in which his duties have been performed; in all respects, his diligence and ability have given entire satisfaction. With respect to Mr. James, I have to reiterate the same tribute to his abilities and industry.

Mr. Wade—I feel called on, Mr. Speaker, to make a few remarks. This is no party question. I look to the clerks as officers who owe equal duty to both sides, and I exceedingly re-

gret to perceive that a feeling and disposition appears to exist against the re-election of that gentleman. This disposition might perhaps be accounted for, if charges of partiality, want of diligence or ability could be preferred against Mr. Twining; but honorable gentlemen on both sides concur in awarding him every praise for the manner in which this duty has been performed. I hold that the clerk's table is not a political arena; and in the appointment of their own peculiar officers, the views of the minority should be, to a certain extent, respected. Having always acted with openness and candor since I have had the honor of a seat in this House, I do not hesitate now to avow my intention of voting for Mr. Twining's appointment to the office of Chief Clerk; but in doing so, I wish it to be distinctly understood that I find no fault with any hon. gentleman for the independent exercise of his individual opinion.

The ballot was then taken, when there appeared for Mr. James, 26—for Mr. Twining, 18; majority, 8.

BILL PRO FORMA.

Mr. Esson said—I beg leave now, Mr. Speaker, in accordance with Parliamentary usage, to introduce a bill to regulate the Currency—Leave was granted, and the bill read a first time.

ASSISTANT CLERK

Mr. H. C. D. Twining was proposed Assistant Clerk.

Mr. Wier proposed Mr. James Tobin.

Mr. Tobin was elected 26 to 18.

THE ADDRESS.

Mr McDonald (Pictou), after reading the answer, said—It will be perceived, Mr Speaker, that the speech and answer are both of the non-committal style—raising no points of issue upon which debate may be expected to arise; and that the latter contains nothing more than an assurance on the part of this House, that the subjects alluded to by his Excellency will receive the most careful consideration.

It may not be improper, however, to allude to one or two of the most prominent features of those documents. The first subject introduced in both is that of the war now pending between the mother country and her allies with Russia. This province has already by the private contributions of its inhabitants, and the action of its Legislature, given proof to the home government of the deep interest felt here in this important struggle, and I can conceive nothing more appropriate than that it should again through a new legislature, now in the commencement of its first session, hold out to the parent country its warm assurance that the struggle in which she is engaged is regarded by this people with the deepest solicitude. It should be interesting from many considerations. Her sons have shed their blood, and their bones are now mouldering on the hills of the Crimea; but even if this were not the case, I can scarcely conceive it possible that any person within these walls is so deficient in feelings of loyalty and attachment to the mother country, as to view the contest in which she is engaged without deep interest and warm approval.

Contrasted with many of the wars in which the Mother Country has been previously engaged it is totally dissimilar both in intention and consequence.

In the wars with Napoleon she contended against a system that most persons in this age

admit would have resulted in the elevation of many of the oppressed and ignorant nations of Europe, if it had been permitted to be fully tried out. The course of his armies was not always marked by rapine and plunder, but in their train generally followed the establishment of institutions designed to promote the growth of knowledge and science. In America again we find her in the hands of an obstinate and misguided ministry trampling upon the right of her subject till goaded on beyond all endurance they rose in rebellion and the American republic bounded into existence and has already taken its place among the first nations of the earth.

But the present war was commenced to retard the progress of no principle of civilization to oppress and overawe no Colonial possession;—to carry out the political system of no misguided Minister. It had and has for its object the extension of Civilization; it is designed to uphold the principles of Freedom against the encroachment of arbitrary despotism and it originated with and is carried on by the people of two of the most civilized nations of the Earth.

This struggle will also be found important hereafter with consequences, from the change that must take place in Turkey and other eastern countries. Already there has been a door opened for the introduction of Christianity and we shall find the gleam of the crescent fading before the glories of the cross; and the Koran with its degrading superstitions giving way before the Bible with its elevating, humanizing and christianizing doctrines.

Among other topics it must be interesting to observe that the subject of education is prominently noticed. This question it has been admitted on all hands has been too long neglected. It would be perhaps out of place for me to animadvert on the causes of this neglect. Those in the management of our public affairs may from many insuperable causes have been hitherto unable to devote to it that attention which its importance merits; but it is certainly an imperative duty on the part of this house now to devote our best energies to the consideration of it when brought before us.

I am also happy to see that the subject of our Mines and Minerals, so long a vexed question, is brought under our notice by his Excellency. In the multiplicity of other public questions pressing on the attention of previous legislatures, this has also been in a measure neglected. It has never yet been taken up in the spirit which its importance demands, being from time to time made the subject of reports of committees, and there allowed to rest. This Province, sir, in respect of this matter, occupies a strange and anomalous position. Like Tartarus of old, plunged in water to his neck, and yet not permitted to drink a drop, we find the soil under our feet teeming with mineral wealth, without our being allowed to appropriate to our own use one penny's worth, except in some localities of trifling extent. To such a degree have our natural rights been taken away, that not a ton of freestone or limestone can be sold by the proprietor of the soil where they may be found, without infringing upon the supposed rights of the General Mining Association; and so closely has the definition of minerals been drawn, that I believe a cart load of sand cannot be removed from the soil for the

purposes of traffic excepting in defiance of the terms of their lease.

The claims of this company upon the Province have also assumed a new complexion. Not content with using quietly the right which they claim of digging and selling the minerals, they have within the last year asserted the privilege of exercising a control over our civil rights. They now claim, and have exercised the right, on the part of their laborers, to vote at our elections; and we have witnessed the strange spectacle of men imported into this country, whose only occupation is the digging of coals, and who, while they are in the country, are not of the country, as they pay no taxes, contribute nothing to the local funds of the counties, and but little to the general revenues of the Province, led to the polls by their employers, and claiming the same rights that the owners of the soil are entitled to.

I will allude only to one other subject noticed in the speech. In presenting this answer to the House for their acceptance, honorable members are invited to offer their congratulations to his Excellency upon the improved condition of Government House. This is all very well, and I presume will not be objected to; but I hope that while doing so, honorable members will see the propriety of setting our own House in order. The new members view with surprise the dilapidated appearance of this Hall, and its extremely shabby state, when contrasted with the elegance of the apartment in which the members of the other branch assemble, whose functions and duties we generally—without intending to say anything disparaging of that august body—consider to be of much less consequence than ours. To speak of the red benches is now a mere fiction, and it is to be hoped that before long a committee will be appointed to take this matter in charge, and have this apartment put in a state more creditable to the Province than it now is. I beg leave, sir, to move the first clause of the Address.

FRANKING PRIVILEGE.

The Hon Speaker announced that he had received from the Postmaster General a request to know what arrangement should prevail with reference to the franking privilege.

Hon Attorney General moved that the privilege be decided in the usual form.

Several members complained that the members of Council had greater privileges in franking than this House enjoyed.

Members of Government explained that the public business of members only applied to their constituents, and therefore franking should be confined to the Province.

Other gentlemen replied that they often wished to get Legislative information, which was for the benefit of the whole people, from Canada, other Provinces, the United States and England, and the extra expense would be trifling.

The discussion closed at dark without any decision, and as the matter is one peculiarly within the internal regulations of the House, and was debated the next morning within closed doors, we have passed it over, with the mention of its substance.

The House adjourned.

W.

FRIDAY, February 1.

THE ADDRESS.

The Address in answer to His Excellency's Speech was read.

Hon. J. W. JOHNSTON said that he had no objection to the Address, as it was merely a response to the Speech of His Excellency.

The Address passed without division.

COMMITTEE ON PRIVILEGES.

Mr. Archibald moved that the Hon. Attorney General, Hon. Mr. Johnston, Hon. Solicitor General, Mr. Tupper, Mr. Wier, Mr. John Campbell, and Mr. Wade be appointed a standing Committee on the Privileges of the House. The Hon. Gentleman stated that he named these gentlemen so that both sides of the House might be fairly represented.

The motion passed.

REPORTING.

Mr. Anrand moved that a committee be appointed on reporting the debates and proceedings of the House, which, being seconded and put, passed in the affirmative, and the following gentlemen being respectively moved and seconded, were appointed:—Mr. Anrand, Hon. Solicitor General, Mr. Marshall, Mr. McDonald, and Mr. Wilkins.

PRESENTING THE ADDRESS.

The House adjourned till half-past 11 o'clock to-morrow, for the purpose of being ready to present the Address to his Excellency the Lieut. Governor at 12.

C.

SATURDAY, Feb. 2.

PUBLIC ACCOUNTS.

Hon. Attorney General said—Mr. Speaker, by command of the Lieut. Governor, I lay on the table of the House the most material portion of the public accounts—to a few of the leading items of which I beg leave to turn the attention of hon. gentlemen. The first is the cash account of the Receiver General with the province—showing a balance in the treasury on the 1st of January, 1856, of £23,730. The colonial and light duties collected during the year amounted to £118,000—£90,000 of which was collected in Halifax, and £28,000 in the outports—to which is to be added £7,000 realised from the distillery licenses, making in all £125,000.—The only reduction to which this sum is subject is £4,000 paid out for drawbacks—leaving £121,000, being the actual cash receipts for 1855. This sum is between 8,000 and £9,000 less than was collected in 1854—the decrease being attributable to the withdrawal of duties consequent upon the passage of the reciprocity bill. The casual revenue yielded about £18,000, which, added to the £121,000, makes a grand total of £139,000. On the credit side of this account is also a sum of £21,500 received from the Savings' Bank. There was an issue of provincial notes during the year which amounted to £34,000, making with other small sums the whole amount received into the treasury in 1855, independent of railway funds £208,000.—There was a balance on hand on the 1st of January, 1855, of £11,000, making in all £219,000. Turning now to the payments it will be found that they amounted to £196,000 in all. Taking the most material of these, I may observe that the accounts connected with the Board of Works shew the

expenditure in that department, including the Lunatic Asylum, Light-Houses, Provincial building, Government House, and the Penitentiary, to amount to £23,250; of our various Educational institutions £17,700; Legislative expense £7,000; Postal communication £5,600; the collection of the revenue £8,400; Official salaries, including the Lieut. Governor, all the Judges, Officers of Government, pensions, &c., £15,655; for interest £3,400; Saint Peter's Canal £3,150; Road service £45,000;—making the entire payments for the year ending 31st Dec., 1855, as already stated, £196,000. I do not know that there is any other material item in this paper to which I need refer.

The second paper is a return from the Financial Secretary's office—giving minute details of all these expenditures arranged under their various heads; shewing in fact every item that goes to make up the sum of £195,760.

These are the ordinary public accounts, but our railroad operations have introduced a new and very extensive branch. Up to the 31st December, 1854, there was expended on account of the railway £56,000; in that year Provincial notes to the value of £11,000 were issued, and from the Savings' Bank and general Revenue were drawn respectively £21,000 and £24,000—nothing, however, was given in the shape of accounts other than a simple memorandum shewing the sum actually paid out on account of that branch. I now hold in my hand a minute and lucid statement of the railway accounts shewing the sources from whence the various sums expended have been derived, and which amounted in all to £186,000.

The whole of the papers which preceded the conclusion of the negotiation with Baring and Company, including the minutes of Council and our instructions to Mr. Howe—the correspondence thereon and the final arrangement—will be laid on the table in the course of a day or two; they have been printed and are now in the course of Printing. The House will then have a thorough understanding of the action taken by the Government and be enabled to follow the course of the negotiation step by step from inception to conclusion.

This paper comprises the account of the Provincial Railway with the Receiver General. The first item on the credit side of the account is the sum of £44,000 drawn from the Provincial Revenue or rather from the Provincial funds, which added to the £56,000, paid out of this fund in 1854—makes a total of £100,000. Against this amount £70,000 (in round numbers) has been made up by monies borrowed from the Savings Bank and an issue of Paper Currency. So that £30,000 of our general funds after paying all appropriations has passed into the Railway and become the property of the Province. The next item is a credit of £16,500 received at the Treasury here from the Sale of Debentures of £500 and £100 sterling

each—independent of the London operations. Before the negotiation with Messrs. Baring and Company a pledge had been given by the Executive Government to take from £20 to £30,000 in this Province at the same rate as the money could be got in London. The debentures for part of this sum were issued at par. For other sums to which the pledge did not extend the same premium has been demanded which our six per cent debentures payable in twenty years command in London; and £2100 sterling is credited accordingly at 5 per cent., making £131 5s. profit.

The next items are Cash from Messrs. Baring Brothers and Company—£91,000 and a sum of £25,000 passed to the credit of the Railway Board and paid in Iron and other materials shipped by that firm. These are two smaller sums which I need not dwell on—making the whole credit of this account as already stated £186,000.

The Commissioners have received from the Treasury during the year £121,000; from Baring's £25,000 and the Treasurer has in hand £27,000. The two first of these items together with the amount in 1854 and other smaller sums show the actual amount expended up to the 31st December 1855 to be £216,000—for the disposal of which the Railway Board will account in the papers that will be laid before the House in a few days. With this short statement—which I think must be satisfactory to this House and the Country I lay these documents on the Table. It will be gratifying to Members to perceive that the public accounts under the able superintendence of the Financial Secretary are exhibited in so perspicuous and lucid a shape that the expenditure of every shilling of the public money can be traced in a moment and classed under its proper head. The authority under which it is made is also apparent, and the constitutional control and supervision of this House are recognized and rendered effective.

Mr. Marshall.—Is that 5 per cent on the face of the Debenture or a mere reduction at the price of articles furnished.

Hon. Attorney General.—A party purchases one of our Debentures of £500 redeemable in twenty years, upon which sum he receives interest at the rate of 6 per cent per annum. For this Debenture he pays a premium of £25.

Hon. Mr. Johnston.—Do Baring and Brothers purchase at that rate from us?

Hon. Attorney General.—No! The Government found that up to the first of June next it would be necessary to realise from the sale of our debentures £150,000 sterling, without the command of which the Railway could not be conducted east and west as was contemplated. Mr. Howe was instructed by the Government to negotiate for the sale of these, and a bargain was effected with the Messrs Baring's for that sum—they to advance the Amount and take our Debentures at par bearing interest at the rate of six per cent. It was found utterly impossible to

procure for a new and untried stock a premium in the first instance; but now Baring Brothers are obtaining 5 per cent for it—and we will hereafter, if our public credit remains untouched, be enabled to make our Sales at a similar advance. But Sir, it has been calculated that the Saving Commissions on the sale and interest amounts to a premium of three per cent.

Hon. J. W. Johnston.—Have any Debentures been sold on account of the Province?

Hon. Attorney General—None whatever.

Hon. Mr. Johnston.—Then all the Debentures sold at 5 per cent advance have been on account of Messrs. Baring Brothers and Company alone?

Hon. Attorney General.—Yes! and I think no reasonable man can complain of the arrangement effected—advantageous as it is to the Province in every point of view.

After some discussion upon a proposition of the Hon. Solicitor General to limit the number of each Committee to 7, the house adjourned till 3 o'clock on Monday. W.

MONDAY, February 4.

The House met at 3 o'clock.

Hon. Attorney General reported from the committee appointed to prepare a list of committees. The report was read.

PUBLIC WORKS, &c.

Mr. Annand said—I have reflected upon the proposition made the other evening for the appointment of a committee of Public Works, and the more I think of it, the more advisable and necessary such a committee appears. We have now in this Province extensive public works—railways, canals, light houses, the Lunatic Asylum, and public buildings; but this House has no means at hand for ascertaining the extent of their progress, and the manner in which the gentlemen who hold commissions for controlling these works perform their onerous and responsible duties. Now, sir, although I have the highest and most implicit confidence in these gentlemen, I yet believe that they should give an account of their stewardship. The papers which will be furnished by the Commissioners of the Railway will not shew what progress has been made towards the completion of the various sections of the line under contract, nor the course pursued by them in obtaining these contracts.

Hon. Attorney General.—Although I am of opinion that the conduct of the public works mentioned by the hon. member for Halifax may safely be entrusted to the Commissioners, I quite concur in the opinion expressed by him, that the House should have the means of ascertaining what has been done—what policy has been pursued—what contracts taken—what payments authorised and made. That a committee should be appointed for this purpose, I am not at all inclined to controvert; but I am of opinion that there should be two committees, as the railway of itself would afford quite sufficient

work for the most intelligent committee that could be appointed. It must be understood; however, that this motion has been made, not by the instigation of the Government, but by the hon. member for Halifax entirely upon his own responsibility.

Mr. Marshall.—If the committee were only to perform the duties announced to them by the hon. member for Halifax (Mr. Annand), they would do little else than interfere with the duties appertaining to the committee of Public Accounts. If I apprehend the meaning of the proposed committee, its duties will not be so much to audit the accounts as to report upon the nature and extent of the works; in the case of the railway, its direction—what branch is to be first constructed—to Windsor, Pictou or Amherst,—and to report on the propriety of the action taken by the commissioners with respect to its construction. There is no difference of opinion as to the propriety of constructing the railway, but there may be much diversity as to the route which the line should follow, and the part to be first constructed. In this way the action of the committee may prove of real value; but if confined to the mere auditing the Commissioners' accounts, it will only interfere with the committee of Public Accounts, without being productive of any real advantage to the public or to the House.

Hon. Provincial Secretary.—The question refers simply to the appointment of a Committee and the propriety of confining its action to the Railway alone, or placing within their privilege the Saint Peter's Canal and other of our Public Works; when I advert to the immense comparative magnitude of our Railway engagements, I cannot but think that any committee would find sufficient employment in enquiring into and investigating the affairs of the Railway. It is true that we have by Law invested the Railway Board with almost unlimited power as to the construction of the Railway, but I cannot conceive that it was the intention to stop there. In my view, Sir, it was always designed that this House should have the power of instituting a strict, thorough and scrutinizing investigation into all the proceedings of the Railway Board. There is no subject which so deeply touches the welfare of this people as the mode in which this large expenditure of Public Money is conducted; all parties are interested equally, and I am of opinion that the appointment of such a Committee is very desirable and that their right of investigation should not be confined or limited to the mere auditing of the Accounts, but extend into the whole system of Railway management and all the proceedings of the Board from its creation up the latest possible period.

Hon. J. W. Johnston.—The subject is one of very considerable importance. One gentleman has thrown out the suggestion that the Committee to be now appointed should not only take the Accounts into consideration, but report the progress of the Railroad

—the number of miles finished—the course of the track to be followed and other particulars. Another gentleman considers that the duties of the Committee should be confined to a thorough investigation of the Accounts; and my honorable friend for Guysborough thinks the Committee of Public Accounts should be charged with the duty of investigating the Railway expenditures. As regards the two first, they appear to have been disposed of already; for commissioners have been appointed, who receive £1,700 to be divided among them, and whose duty it is to adjudicate upon all particulars relating to the route of the road, by the aid of their engineer, and to render the accounts to this House in every possible way and shape, both in the aggregate and particulars, so that we may know the cost of every mile of railroad, and of the whole, as far as it is finished; so that every member of this House may analyze, dissect, and understand them. To appoint a committee, therefore, to attend to this duty, would only be doing what ought to have been done before.

The most important point of consideration, is that which has been thrown out by my Hon. friend from Guysborough, and I regret to differ from him in opinion. I have always considered that the duty and responsibility of laying out the route of Railway ought to rest with the Commissioners. What can a Committee do on that subject? They may make enquiries, and examine Witnesses; but it is utterly impossible for them to arrive at a proper conclusion; because they could not get at the necessary information. On the other hand, the Commissioners have their officers all along the line, who judge by personal and ocular observation, and I may say that I believe both officers and Commissioners would act for the best interests of the Country. The same subject occupied the attention of the House last Session, and the House could only come to the conclusion that it was best to leave the matter in the hands of the Commissioners. The Committee can only form an opinion on loose and insufficient information. It may be well to appoint a Committee to investigate the accounts; but I think there will be little benefit resulting from their labours, as regards the location of the line.

Mr. M. I. Wilkins considered the committee proposed to be appointed a very important one. I think the committee of Public Accounts will not consider sufficiently the subject of the Railroad. They have enough to do besides. We want a special committee to investigate thoroughly what money has been expended, and whether it has been properly expended; to inform us, in fact, what we have received for the £216,000 that has been expended, and how much of the railroad has been built—so that a committee is actually indispensable; and I take it for granted that when any other public works are necessary to be considered, they should be referred to the same committee, and that

every hon. member of this House should have the opportunity of explaining his views before it. In deference to my hon. friend from Guysborough, I think the committee ought to be appointed—but I have very great objections that it should be a packed committee (*laughter*); and I wish it may be a large committee, in order that their report may be satisfactory to the Province.

Mr. Annand agreed with the last speaker that the subject should be tried out as regards expenditure, but had very great objections that the power of the Commissioners and the Governor in council, under the law, should be frittered away, when they had proceeded with the work, and entered into contracts, which it was for the interests of the country to have completed.

Hon. J. W. Johnston said that most of the information would be obtained by the report of the commissioners.

Mr. Wilkins—The committee should receive information from every source; the report might be contested or supported. The great object would be to make the commissioners render a proper report of our whole railway affairs. The committee could go far beyond and wide of the report altogether.

Hon. Attorney General—Let us see now what is the actual course of this business. No money can be drawn for the work without the signature of three commissioners; every shilling is verified by the signature of three, and at the end of every quarter an exact balance sheet is struck and checked by some member of the Government. I have always done that myself. Then, as regards the construction of the railway, it is done by tender and contract; so that, let not gentlemen suppose we have anything to conceal. We court the most ample enquiry, so that the House and people may know that all is right. I hope it will be a large committee, who will find that in the whole conducting of the business, there is not a shilling wrong; that they may enquire of the commissioners—where are your letters? where is your correspondence?

There are contracts now being taken to the amounts of £20,000 and it should be enquired—have you taken the lowest tender? and other particulars like that. We court enquiry; so that—insinuating that there is any thing to be found out, where there is nothing to be found out, is rather premature. The subject should be referred to the enquiry of a large, intelligent, and responsible committee. At the same time I should be very reluctant that any committee should undertake to give the commissioners any directions as to the progress of the work which has been already settled by law.

Mr. Marshall.—If that be the view of the case, I think there is great misunderstanding as to the duties of this House and any committee we may appoint. We have given power to the Commissioners, assisted by their Engineer, to point out what route the Rail Road ought to take. But do our functions

cess there? and have we not a right to see that they are conducting it in a most economical way and that they are taking it to a right point, whether to the borders or to Pictou? Who is to supervise all that? It never entered into my head that they were to superintend curves and other Engineering work: that is left to the proper officer; but it is the duty of the House to see that the monies have been expended faithfully. But does the Hon. Attorney General tell me that we have not a right to say where the Rail Road ought to go—to Windsor, or to Pictou, and where it shall stop? No! It is our duty to see that the expenditure and route are for the best interests of Nova Scotia. The Government may be capable of auditing the accounts; but the members of that body are not the best Statesmen, nor best acquainted with the best localities for this great Public Work. Who ought to instruct them? The members of this House.

The Rail Road is now a *fixed fact*; and every member must feel anxious to get it into operation as soon as possible; but on the members of this House devolves the duty of selecting the right Track. Some say it should go by way of Stewiacke to Pictou or Cumberland. My own opinion is that it should first tap the Pictou Mines so as to bring their products to the City. I am not acquainted with the qualifications of the Engineer—nor, indeed, of the Commissioners themselves. One of them I have had the honor of knowing for 20 years, as an honest, honorable, and just man in all his dealings. He has made a fortune in the Province of Nova Scotia and that is pretty good evidence that he is fit to manage the public business, but that is no reason why the approval of members of this House should be passed over.

Hon. Provincial Secretary.—If you interfere with their duties you impare their obligations and cast reflections on them which I am perfectly confident are wholly undeserved. In the Parliament which had just passed we had the benefit of the experience of a gentleman who enjoys the confidence of the House and the Country—the advantage of which we are now deprived of. In the absence of that gentleman, it is our duty to see for the people of this Province that the greatest surveillance has been exercised over all the expenditure of the Rail Road. It is certainly true that the law of the land prescribes certain directions which the Rail Road is to take; but it is above all things important that the people of this country should know that their Representatives are in free and open conference with the Commissioners of Railroad and their accounts; not merely as to what they have done in the past, and what they shall do in the future and whether the lines they had selected were the best, but the committee should report as regards any modification of the law. I think, Sir, that if the people of this country, through a Committee of this House, should have full communication with the members

of the Board and with all the accounts, they would be more satisfied with carrying out an object of such transcendent importance as this.

Mr. McLellan.—I think that the committee of public accounts have enough to do without troubling themselves with the Rail Road; the expenditure of so much money ought to be under the examination of a special committee. As to where the Rail Road is to go, the understanding was we should be guided by New Brunswick. If she were to advance we would meet her and if she did not, we were to advance as far as suited our interests. I think it is our duty to appoint this committee, and thus accomplish a full and thorough investigation.

Dr. Tupper said that after the remark of the Hon. Provincial Secretary, it was due from him to say that no person more than himself could possibly regret that he did not bring to the House the enlarged intellect and business tact of the gentlemen to whom the Hon. Provincial Secretary had referred, and who had preceded him in the representation of Cumberland. While I am addressing the House, Mr. Speaker, I may say that if this Committee is to be appointed, I trust that its functions may be properly understood. I trust that if the Railroad is now to proceed,—as, for our own credit it must proceed, this House will not be denuded of its power of regulating the route which shall be chosen. I have no idea, sir, that the Committee now to be chosen shall interfere with the question of cutting down a hill or going round it; but I do ask that their duties shall be of a substantial character. The Legislature has given to the Government the power to construct the Railway, and the Government have appointed the Commissioners; therefore, as regards the question of accounts, I take it for granted this House will hold both responsible, and neither absolve the one, nor relieve the other. And I trust, Mr. Speaker, it will not be found, as has been asserted in the press, that Cumberland is to be excluded from the benefit of this new accompaniment of civilization—the Railroad. That we are to have it now is no longer a question. The policy of having Railroads, and Railroads by Government, is now settled; but I trust, sir, that policy may be made subservient to the interests of the country at large. I have been happy, Mr. Speaker, to hear a rumour, (of which the Government may give us more information than I possess, but which I hope may be correct,) that the Hon. and learned Attorney General of New Brunswick, who passed through this city a few days ago, has tangible proof that New Brunswick will soon be ready to proceed with a Railway through that Province, to connect us with our brethren there—with the United States and Canada; and I hope, sir, that before any minor matter as to whether the track should go through Stewiacke or Gay's River be taken into consideration—the great question of connecting us with the whole continent should employ our earnest attention. I approve of the

committee, sir, and trust that the eastern part of the Province will be well represented on it.

Mr. Annand.—I moved, Mr. Speaker; for the appointment of a Committee of Public Works, generally; but in deference to the House, I will restrain it, if they wish, to a Railway Committee.

Hon. J. W. Johnston—I want to know what is to be the real use of this Committee. The operation will be, as has been expressed by an honourable member, to take a bird's eye view of the matter, and smooth accounts instead of opening them up. My idea is to keep responsibility where it belongs: to the Commissioners and the Government.

Mr. Archibald deprecated any reflections on former Committees of Public Accounts. The Chairman of that Committee was the Hon. member for Yarmouth; and surely, sir, it will not be pretended that so great an economist would smother over anything prejudicial to the public funds. The accounts were always carefully looked over, and a detailed report brought in. I approve of the committee; but I think the house should not only charge its chairman with the Railway Accounts, but with an investigation into the progress and expenditure of our other public works.

Mr. Morrison—It seems to me, Mr. Chairman, that this should be a Committee to answer any question put by members of this House in reference to a Rail Road, and the committee of Public accounts should not interfere.

Mr. Esson—All the accounts go before the committee of public Accounts as usual; but this committee is to investigate the whole subject of the Rail Road. I think there should be a head here to answer any question on the subject.

Mr. Tobin—Mr. Speaker, the more this subject is discussed the more I feel that we should be careful in the appointment of this committee. I see that Gentlemen do not know what their duty is to consist of. The Railway Board is responsible to the Government and the Government responsible to this House and the Country. Now, suppose you appoint a Committee and empower them to examine a section of the country and locate part of the Rail Road, I think it would be a very dangerous subject for them to interfere with. In that case, any question arising could not be settled. Any committee appointed should be charged to see whether the money has been properly expended and in a business like manner.

Mr. Whitman—This committee, sir, ought to be appointed to prevent monopolies. This House gave power last year to expend large sums of money on our Roads, and the Financial Secretary had to sign every payment as authorised by the House, except in cases of advances for which the Government will show the reason. As regards the Railway how are we to tell whether the commissioners have made a good or bad bargain by substituting days work for tender and contract. As to

the progress of the work, it was understood that the commissioners were to get the approbation of this House in the route to be taken. I suppose, if the commissioners make an application to this House we will be ready to answer them. I think there must be a committee of audit at least.

Mr. Killam—Another committee is certainly necessary to see how the money is spent, because the committee of Public Accounts have quite enough to do already. What supervision should take place over the road, is another question. The committee of Public Accounts are already pressed down with work; this should be an independent Committee.

Hon. Attorney General—I can only say that the accounts were constructed entirely on that principle. The Railway Accounts for the year would cover the Clerk's Table from end to end. As regards the construction of the Rail Road, some of the tenders came in too high, and the House last session authorized the Government to make 2 miles by day's labour as an experiment, but contracts were returned to, and I think the Province will be perfectly satisfied that the work was done in the cheapest manner.

Mr. Annand.—In answer to the Hon. Member for Cumberland, Sir, I am happy to corroborate the rumor that the Hon. W. Fisher who past through here a few days ago can command funds for the New Brunswick Railway and they are progressing as fast as they can. The basis of negotiations with Mr. Jackson have been given up; so that there is a hope of a clear track between New Brunswick and Nova Scotia. The Hon. gentleman concluded by moving his resolution.

Hon. Provincial Secretary—Saint Peter's Canal has been struck out. Before I sit down, I will explain why I approve of this committee; and that it is not so much from its necessity as its policy to enquire whether the money has been spent economically and judiciously, and whether there ought not to be important alterations in the road.

Mr. Killam—I think, before we enquire about St. Peter's Canal, the House had better send a committee to survey the place and the work first, and ought to pay the expenses of that committee. No information can be got from the report that came from it; but as regards mixing up St. Peter's Canal with the Railroad, it is all nonsense.

Hon. Attorney General—This movement has not been requested by Government, but is entirely independent of it.

Mr. Annand—I suppose the committee will be taken from the House openly.

Mr. Killam—Let us have a fair committee, the right men in the right place, and there ought to be a majority against the Government, not in its favour.

Hon. Attorney General—That will be asking rather too much from the generosity of the Government. The first question is, whether we shall have five or seven. I agree that the right men should be in the right

place, but a majority against the Government would not be fair. The resolution was adopted.

MUNICIPAL CORPORATIONS.

Hon. J. W. Johnston—I ask leave, sir, to introduce a bill to amend the Act for the Municipal Government of Counties. It will be remembered that the last bill was restricted in its operation to four counties, and therefore was not deemed open to any others. I think we cannot do less than allow the people of all counties in the Province to do as they wish, and not cast on some of them the reflection that they are not to be trusted with their own discretion. I may say that I am not interested in the bill, as the county I have the honor to represent was one of the four that adopted it. But as I introduced the former bill, I think it my duty to bring forward this. Last session the other bill came down from the Council with very distasteful amendments, but as the bill was the best we could get, I took it. This bill does not represent my feelings, and if any gentleman will undertake to make it obligatory on all the counties, I will support him with all my heart—so that the constituency may not be subjected to the local jealousy that formerly prevailed; for I look upon it as essential to the elevation of Nova Scotia, the management of our business, and the freedom of our people, that every county should be incorporated.

Mr. McLellan spoke a few words which we could not hear.

The bill was read a first time.

CONTESTED ELECTIONS.

Mr. Whitman presented a petition from Charles F. Harrington against the return of Thomas Fuller, Esq., of Richmond, which was laid on the table.

The Speaker.—Name a day and hour.

Mr. Whitman.—I have no instructions.

The Speaker read the law.

Mr. Whitman.—Wednesday next.

Hon. Attorney General.—There must be four days at least. The time given was Friday next at 12 o'clock.

Mr. McLeod.—Mr. Speaker I take leave of this opportunity to present a petition of a similar character. It is a petition of Hypolite Marraud against the return of Henry Martell, and I take the occasion to say that I stand perfectly aloof from either party in the contest.

Saturday next was fixed upon for the consideration of the Petition.

House adjourned till to-morrow. C.

TUESDAY, February 5.

OFFICIAL PAPERS.

The Hon. Provincial Secretary, by command of His Excellency the Lieut. Governor, laid on the table sundry papers with reference to the transfer of Government lands to the Province for Railway purposes.

Also—papers relating to the mission of the Hon. Joseph Howe to London to negotiate for monies to complete the Railway. The

report stated that the Government had authorized the Hon. Delegate to negotiate for liabilities from £800,000 to £800,000, but the sum of £150,000, would be sufficient for the expense of the Railway from the date of the letter for a year. Laid on the table.

Also—Telegraph and Post Office Accounts, which were referred to Committee on Public Accounts.

REPORTING.

Mr. Annand, from the committee on Reporting, brought in his report—recommending that the service should be open to tender and contract—that an additional reporter should be employed to take a daily summary; and that the whole debates should be made up in a sheet the same size as the morning papers, and all the publishers thereof might have as many copies as they pleased—finding the paper.

Mr. Wade—Is it not the intention of the committee to consider the services of two old and favorite reporters, instead of throwing the service open to every one? I wish the claims of these gentlemen to be distinctly understood.

Mr. Annand—It would be expected they should be taken into consideration. In the plan now proposed there are two new features—the first is a summary every day for all papers that wish summaries; and the second that all papers that desire it can obtain full copies of the debates for their subscribers at the mere expense of paper. In former sessions, the debates were so heavy that they completely crushed the papers. This remedies the evil.

Mr. McLellan—As a general principle tender and contract may be desirable; but as there are but few competent, I should have liked the persons chosen to have been named.

Mr. Annand—The gentlemen before in the gallery have been engaged.

Mr. Wade—As we are talking on our own business, I may as well say that no member ought to be allowed to speak more than a certain time.

After some conversation the report was received and adopted.

STATUTE LABOUR.

Mr. Chambers—I rise, sir, to ask for a committee to amend the law regulating Statute Labour and the expenditure of road money. Sir, I know of no law in the province which gives so much dissatisfaction as this. It is a law, sir, which seems to have been framed for the benefit of the rich and not for the poor; for it compels the poor man to pay more than his proportion, while there is little or no increase on the rich. It compels every householder to perform six days labor for himself, and for every ox or horse one day more. Thus, Mr. A, a rich farmer, with a farm worth £3,000, four yoke of oxen, and four horses, has to pay but ten days; his poor neighbour B, with a rented farm, at £30 a year, is required by law to pay nine days labour. Now, sir, I have heard such frequent grievances on this matter, that I

deemed it my duty to represent the hardships to the House. It was with the greatest difficulty last year that we could get our road work done. Few would work for 2s. 6d., so that the overseer had to pay 5s., and in many instances the work was not done at all. Any gentleman travelling through my part of the country will see this. In reference to laying out the money there is a deficiency also. The law will not allow more than 4s a day, and the man that is not able to work gets as much as the able-bodied labourer. Provisions are so high that men require more pay, and 4s. a day is not too much. We ought to allow the Commissioners discretion to employ the best labour they can find. I will not detain the House further but move for the appointment of a committee.

Mr. Wade—I give the hon. member much credit for the motion he has made; because there are great difficulties to be encountered in carrying out the present Statute Labour Law. From all my experience, it seems to me that matters are only getting worse and worse. I endorse the sentiment that the laying out of the money ought to be left to the discretion of the Commissioners. With us, last year, they could not get labour for the money. I will be very happy to give the hon. member every assistance in my power to carry out his object.

Mr. Morrison—Some difference should be made in applications for remission of labour—the Commissioner should have power to reduce the days—not a magistrate; for often a man goes to the latter, and gets off with one day's work. It is perfectly true, (as the hon. gentleman opposite has said,) the poor farmer has to pay too much; but I believe, during the present high price of provisions, &c., able bodied men go elsewhere and get their 8s. a day, while the labor of the country is performed by boys.

Mr. Esson—I am very glad a committee has been moved for; I know very well that last year we had the greatest difficulty in getting men to perform our work.

Mr. Dimock—I am very glad this matter has been brought before the House. I remember when 5s. a-day was given—then it fell down to 2s. 6d., because it was considered that an overseer might get men for 2s. 6d. to perform the work. Then it rose to 5s., if paid in advance. Now, it is evident that something ought to be done to make the Statute Labour of benefit to the country.

Dr. Webster—It appears to me the subject should be distinct—Statute Labour and the Commissioners. In the county where I reside men who had teams sent them off a little before the Statute Labour time came on.—There is no way of coming to a just contribution of labour except to make every man pay according to what he is worth. Many Commissioners in our county had £40 or £50 and could not spend a shilling of it. They could not get men at 4s. when these men could get 10s. a day. If the Commissioner had the power to give what was right

he could get men; but not under the present system, where the rich men of the country did not do their share of work.

Mr. McLellan—One thing the house should consider and that is taxing lands. Many persons hold large tracts, and will not dispose of them. They wait till the lands around are made valuable and then have the benefit of the improvements. As to the magistrates, some of them believe anybody—others do not; but in my experience we can not get hands to work at any price. The Commissioners have to go "cap in hand," and then only get labour as a favor.

Mr. Geldert—I should think a labourer ought not to be equal to a ship builder; and four shillings a day is quite enough for men to make a road for themselves.

Mr. Tobin spoke from under the gallery, and was inaudible.

Mr. C. J. Campbell (of Victoria) was very glad that this subject had been brought before the House by some new member, and hoped the government would bring down some measure for the improvement of the system. It is undoubtedly true, sir, that the rich man does not do his fair share of work and the poor man has to make the roads for him. A commissioner can not get mechanics to make bridges for 4s. a day, and the consequence is, he has to make arrangements which waste his time and squander the public money.

Mr. Chambers—Gentlemen of the long robe are missing when anything arises on the Statute Labour Law.—(Laughter.) Magistrates, sir, are like other Government officers. I have known individuals who ought to have performed six days labour, and only to have performed three. Sweep away this whole system, and give us a plain, common-sense, simple law, and assess every man according to his ability to pay.

Mr. Dimock—Every man should go and make oath as to his ability to work or pay. Magistrates should act conscientiously; and ought to know on whom to bear hard and with whom to deal leniently. I want to know whether the overseer would feel more responsibility than a magistrate?

The committee was appointed as stated in the routine already published, after which the House adjourned.

WEDNESDAY, Feb. 6.

JUROR'S FEES.

Dr. Webster moved for leave to bring in a Bill to authorise the payment of Coroner's Jurors.

Dr. Tupper—We should also consider the whole Jury Law.

Hon. Solicitor General—The Legislature allowed the Grand Juries to assess to pay themselves in the Sessions, but not in the Supreme Court. If the principle be sound it should apply to both. Parties have some times to travel 50 or 60 miles without pay. It should be considered whether all Jurors ought not to be paid for attendance

on criminal trials. If the committee do not move in the matter, I will bring in a Bill before the end of the Session.

Mr. M. I. Wilkins—I think there ought to be a general committee on the subject of Jurors' fees.

Mr. Dimock—As well petit Jurors as grand.

Dr. Tupper—I do not say I would confine the question merely to fees. No one subject is so much complained of as that involving fees to petit jurors. In New Brunswick where the number of jurors is now reduced to seven, each one gets paid five shillings per day. I have known jurors to have been obliged to travel from 40 to 70 miles and be detained for days, sometimes returning home without coming to any decision at all. In New Brunswick the fees form a jury fund, partly paid by the county treasurer, and the balance made up out of the provincial funds. I hope the committee will take the whole matter into consideration and make some substantial reform.

Mr. McLellan—If a man has jury business to perform, will he not be better off at the end of his life for submitting to that trifling sacrifice, than if he had paid a tax-gatherer to collect in enough money to pay jurors? I think so.

Mr. Wilkins—There is no sense in opposing an alteration in this law. Paying jurors is the law in New Brunswick; and I have been in Prince Edward Island, where no reasonable payment is made, and the consequence was that whenever a man's name was called and he did not want to appear he could be proved to be sick. The idea of asking a man to transact another man's business for nothing is perfectly monstrous and absurd.

Committee appointed—Dr. Tupper, Dr. Webster, Mr. Wilkins, Hon. Sol. General, and Mr. McKeagney.

Mr. A. Archibald moved in the matter of fees paid for Commissions taken out by Militia Officers.

Last year the law provided that Commissions should be given without charge, but some of the more enthusiastic had already paid for their Commissions. The matter ought to be regulated fairly.

(AFTERNOON.)

Hon. Mr. Johnston—Petition from Benj. K. Dodge, for aid to keep on hand a constant supply of vaccine matter.

Dr. Webster—Is he a medical man?

Hon. Mr. Johnston—He is a man who, though partially deaf and dumb, and though, strictly speaking, not a professional man, is yet able to make himself extremely useful in the neighbourhood where he resides. He has, by a sort of intuition, made himself acquainted with the herbal qualities of fruits and plants, and has done a vast deal of good in healing the sick around him. I move the petition be referred to a select committee.

Agreed to.—Dr. Webster, Mr. Ryder, Mr. Churchill.

Hon. Provincial Secretary laid on the table correspondence relating to copper coinage.

Mr. Johnston's Bill to amend the Municipal Incorporation Act was read a second time and committed.

Hon. Solicitor General said that there were a number of gentlemen in this House who were not here last session, and who ought to have an opportunity of studying the subject in all its phases.

Hon. Mr. Johnston was quite willing.

Mr Peter Smyth—Petition in favor of an Oat Mill.

LEGISLATIVE COUNCIL.

Hon. Mr. Johnston gave notice that he would move at an early day for a reconstruction of the Legislative Council.

Mr. Annand—And I give notice that at an early day I will bring under consideration of the House the state of the representation of the Province. In matters of reform, it is the better course to begin at home and reform ourselves—(Laughter.) Gentlemen may laugh but the subject is one of moment, and demands the action of Parliament.

Hon. J. W. Johnston—I perfectly agree with the hon. gentleman—this House does sadly want reforming.

Mr. Annand—I mean as regards the anomalies between County and Township Representation.

House adjourned.

C.

THURSDAY, Feb. 7.

The House opened at half-past three.

The hon. member for Truro (Mr. Hyde) attended at the table, and, in presence of the Hon. Hugh Bell as Commissioner, took the usual oath, and his seat in the House.

PETITIONS PRESENTED.

By the Hon. Solicitor General, from inhabitants of Gulf Shore, for further aid to Arisaig Pier.

By Mr. Ryder, from George Bingay, for compensation for services performed in his capacity as Coroner.

By Mr. C. Campbell, from Joseph Emsly, M. D., of Baddeck, C. B., for compensation for services performed to sick Indians. Referred to committee on Indian affairs.

By Mr. Whitman, from certain inhabitants of the township of Clements, for alteration of the township line.

Mr. Whitman apprehended there would be a counter petition, and moved that the present petition do lie on the table. Laid upon the table.

By Mr. Tobin, from Susan Kelly, praying aid in the education and support of her son, now in the deaf and dumb asylum in the United States. Referred to a select committee.

By Mr. Davidson, from Wm. Minard, praying the interposition of the House in the matter of some difference between him and the Crown Land Office. Referred to select committee—Messrs. Wier, Campbell, and Wilkins.

By Mr. Ryder from Stephen D'Entremont, for remuneration for services performed to sick Indians. Petition referred to committee on Indian affairs

By Mr. Geldert from the Revd. Henry Deblois, praying (as the reporter understood) repayment of a sum of money, of the School monies of the county of Lunenburg, accidentally lost by him. Petition laid upon the table.

By Mr. Bourneuf from overseers of poor at Weymouth for expenses of transient paupers.

Also from Andrew Bourneuf for expenses incurred in a suit to collect duties.

Mr Fuller introduced a bill to legalize the drawing of the Grand and Petit Juries, (county of Richmond,) in October last.—Bill read a first time.

House adjourned.

FRIDAY, February 8.

RAILROAD.

The House was engaged during all the early portion of the day in receiving Petitions.

The Hon. Attorney General, by command, laid on the table of the House the report of the Commissioners of the Railway, which, he said, exhibited the amount received and expended by the Railway Board to 31st Decr. last. The accounts shewed that up to that date £205,078 17s. 8d. had been received, and £202,482 7s 6d., leaving cash on hand £3593 10s. 1d. That to complete all outstanding contracts to 1857 would require £220,648 2s. 6d., and that when the 61 miles contracted for were completed the cost would not exceed £5873 stg. per mile. The receipts of the road for the six months ending 31st Dec. 1855 were

From passengers	£1689	13	2
" freight	94	18	1
" do of iron	38	9	4
Contractors for use of locomotive	105	0	7
	1898	1	2
Running expenses	£845	12	11
Per repairs occasioned by accident	150	10	0
	996	12	11
	901	18	3

The next paper is a statement of the operations of the Nova Scotia Railway for six months, viz., June, July, August, September, November and December.

Trains run per day, to and from Sackville—June to November	4
November to 31st December	3
Miles run	8098
Passengers carried	30,563
Freight carried, viz.:	
Horses and Waggon	472
Single Horses	48
Mail Coaches	72
Do Horses	278
Hogsheads and Puncheons	168
Barrels	612

Boxes	110
Bags	1200
Bundles and Parcels	587
Baskets	98
Bars Iron, owt.	192
Quintals fish	57
Lumber	M feet 21
Chests Tea	82
Tubs	20
Cows	6
Pigs, Sheep, and Calves	8
Stoves	4
Iron Rails	2068
Chairs	4101
Tons	384½

The last document I have to submit is a report of the progress of the works—shewing that since May 1854, 6½ miles of road had been located and put under contract—of this 8 miles were completed, over which traffic is daily passing. The report then goes on to shew the direction of the lines located so far as laid out. The main line commences at Bedford Basin, follows the valley leading to Lilly Lake, thence crosses Rocky Lake, passes between first and second Lakes, thence along north side Long Lake, down Rawdon River Valley, along east shore of Grand Lake to Sandy Cove here, and continuing on its west side to Nelson's. The Windsor line is next described with the reasons for its adoption.

[As the report has been already published, in extenso, we omit any further reference to it.]

It will be perceived then that the actual cost of the 6½ miles located is no longer dubious but has become mere matter of arithmetical computation. This fact also is of a character equally interesting that a line of road commencing at the Governor's farm and terminating at Sackville, passing over the most costly portion of the whole line has yielding over and above the working expenses together with an accidental loss of 150l. 10s. two and one half per cent on the outlay. Looking then to the whole subject as it is presented to us in these documents I cannot but congratulate the House upon the certain prospect of a speedy completion of our lines East and West, and a remunerative return from them afterwards. Under these circumstances, Mr. Speaker, we confidently look forward to the time when our Railway system shall tap the waters of the Bay of Fundy on one side and the the Gulf of St. Lawrence on the other; while the main trunk will connect us with New Brunswick, the Canadas and the United States.—With these remarks, sir, I beg leave to lay the papers to which I have alluded on the table.

Mr. Tupper said—As there is nothing particular before the House, I rise to offer a suggestion which I hope will commend itself to the minds of hon. gentlemen,—in connection with the subject to which the hon. Attorney General has just called the attention of the House. It is exceedingly gratifying both to the House and country to receive such cheer-

ing intelligence as to the progress of our Railway and the prospects of success which the undertaking in its present aspect exhibits. It would be well that the House should understand whether the route pursued does or does not conform to the surveys of Mr. Sykes and Mr. Beattie. While I am on my feet I may also observe that the establishment of a pier at Parrsboro' to which a steamer might ply and be accommodated in taking on board and putting out passengers and freight arriving from and going to St. John, N.B., would prove of great advantage, and in a short time amply repay the outlay; in this opinion I am sustained by the Chairman of the Board of Commissioners.

Hon. Attorney General—In reply to the remarks of the hon. and learned member for Cumberland, I think I am correct in saying that the line pursued by the Railway is nearly identical with that surveyed by Mr. Beattie for the first eight miles—but that when it passes beyond these eight miles it pursues an entirely different course. The cost of constructing those eight miles is about 6,000*l.* sterling per mile—much less than was anticipated.

Hon. J. W. Johnston—I think there is some deviation from Mr. Beattie's survey of the first section; the line he contemplated ran further from the water and would not have interfered so much with the road.—None of us, however, are disposed to cavil with the course pursued; but on the contrary, now that the work is fairly underweigh to offer no opposition that might at all retard its completion—or to interfere with the exercise of such a discretion by the Commissioners as is necessary to carry on the project to a successful issue; but it will be perceived that the cost—so far as the work has yet proceeded, exceeded the amount contemplated by the more sanguine of the friends of this work.

Mr. M. I. Wilkins—In the larger estimates submitted it was probably contemplated that the work should be of a more expensive character than that of the one in course of construction.

Mr. McLellan—I am sure, sir, that when the road was first talked of—as good a line could have been built for 4000*l.* sterling per mile as that which now costs 6000*l.*

Hon. Attorney General—The rise in prices has added considerably to the cost; in the article of gunpowder alone, which cannot be imported from the United States into the colonies, the cost per mile has been increased by several hundred pounds.

Mr. M. I. Wilkins asked if any work had been performed on that portion of the line which branched from the Windsor route towards Truro?

Hon. Attorney General—Yes; contracts for a considerable portion have been taken and some work done on the line.

Mr. Chambers said—The hon. member for Cumberland in attending to the require-

ments of the constituency has reminded me of my duty; I feel that if any accommodation can be afforded to the county of Hants and more especially to the township of Newport, which I more immediately represent, it ought to be conceded. The course which the Railway is to run will deprive a large, fertile and thickly settled district of its advantages, compelling the inhabitants to travel upwards of ten miles to Windsor or a greater distance to the half-way house before they will be enabled to avail themselves of it, while it passes through a district almost entirely uncultivated if not unproductive. I would suggest, therefore, that the government should consider the propriety of lending their aid towards the construction of a short branch to connect this fertile district with the main trunk.

Hon. Attorney General explained that the Railway Board had found it necessary to adopt the line of the present Railway because of the difficulties attending the construction of line running through any other locality to Windsor.

Hon. Provincial Secretary said it was true that the Railway followed a barren track, but the course pursued was inevitable. He entirely coincided with the hon member for the township of Newport in the ideas he had expressed and the loss sustained by the people of a portion of the county in consequence of this; but he much mistook the intelligence, public spirit and enterprize of the inhabitants of that district if they do not, very shortly after the construction of the line to Windsor, effect a junction with the main line by means of a branch.

Mr. Dimock—The line of the road is settled and the districts through which it is to pass finally decided on; it is, therefore, of little use to revive a subject which I have been instrumental in meeting here before; but, sir, I do believe that if Mr. Sykes had been requested to pass upon the propriety of adopting either of the respective routes alluded to—he would not have chosen the one now adopted—for, looking to profit as well as convenience, the other would prove infinitely more advantageous.

Mr. Whitman—One reason for adopting the line was, that it would shorten the distance—in my view, a very valid one; but the hon. member for Newport seems to think that every consideration should be accorded to them, and that there is no other place in creation but Newport or Hants.—(Laughter.)

Mr. Chambers—Creation is a large word—(Laughter). I presume the advantage of the line spoken of exists only in diminishing slightly the distance; if so, the preponderance of benefit is in favor of the course which I believe should have been adopted.

The discussion here dropped.

A number of petitions were then presented which have already been noticed in the summary formerly published.

REVISED STATUTES.

Hon. Solicitor General said—It is well known to hon. gentlemen round these benches that in the year 1851 the Provincial Statutes were revised, combined together, and published in one volume by a commission appointed for that purpose; since that period very many important alterations and additions have been made in and to the Laws. So many Statutes have been repealed, and so many others passed, that the principal portion of our Law is not to be found in the Revised Statutes at all, but is contained in four other volumes. The commission who originally executed that work had many and serious difficulties to contend against,—it required much science, information and ability to perform it with satisfaction, and I believe they succeeded in carrying out the design of the House as fully and with as great accuracy and fidelity as could have been anticipated for a first effort; with the experience and labours of that commission to guide and assist them a new one would be enabled to supply that which had formerly been omitted.

Mr. Morrison hoped that if a commission were appointed it would be composed of laymen—since by the hon. Sol. General's own showing the lawyers were not competent to perform the work.

Mr. Marshall—Hear, hear. I perfectly coincide with the ideas expressed by the hon. gentleman who has just resumed his seat. The manner in which the work has been performed previously, gives us but little inducement to place its revision in the hands of the same persons.

Hon. Solicitor General would, as a lawyer, be quite prepared to entrust the performance of this duty entirely to laymen, since he was quite sure that nothing could tend to increase the pay of the profession more than such a course of procedure.

The discussion dropped, and the House adjourned.

W.

SATURDAY, Feb. 9.

ARICHAU ELECTION.

The Hon. Speaker announced the order of the day, and the House proceeded to draw the committee on the petition of Hypolite Marraud, Esq., against the return of Henry Martell, Esq., for the township of Arichat.

The members having been summoned by the Sergeant-at-Arms from the adjacent places, the doors were locked. The Clerk then drew from the boxes fifteen names, and attended by the sitting member and the counsel for the petition, proceeded to strike off seven—leaving the following who form the committee: Hon. Solicitor General, Messrs. Munro, McKeagney, Eason, John Campbell and Davidson.

Numerous petitions were presented, which have already been published in their proper place in the daily synopsis.

MINES AND MINERALS.

Papers connected with the Mines and Minerals were laid on the table by command of His Excellency.

Hon. Attorney General said—In the first place I am happy to find that the Imperial Crown Officers have confirmed the opinion which I formed against that of the Solicitor of the General Mining Association. That opinion was, that the Crown, by assenting to the Civil

List Bill had ceded away the right to grant any new lease of our Mines and Minerals; it follows then that this House has alone that right, and no lease can be granted without its authority. The Crown Officer has, however, thrown out a strong opinion in favor of the Equities attaching to the Mining Association. In the two letters which have passed between myself and the Secretary of State, he has intimated it as his opinion—which has been confirmed by the law Officers—that we ought not to enforce Royalty to the full extent to which we are legally entitled. By the lease, according to its strict literal and legal construction we may exact the royalty on all coal raised—they think we should ask it only on coal sold; and it will be for the House in its future legislation to determine whether it would be wise or not to yield to this suggestion. We will be required to determine whether the representatives of the Duke of York shall be permitted to stand between this people and their inalienable rights, and whether under the unanimous resolution of last session we may not finally settle this vexed question.

Hon. J. W. Johnston—To what resolution did the hon. and learned Attorney General refer? I am not aware that any resolution on this subject last session passed unanimously.

Hon. Attorney General—It was a resolution by which we agreed—provided the Mining Association would confine its operations and assumed rights to the coal fields now being worked by them, to receive in lieu one half the amount of royalty we are compelled to pay.

Mr. Marshall—I know of no such resolution.

Hon. J. W. Johnston—The circumstances transpired on the last day of the session and my recollection must be altogether at fault if any one of the resolutions proposed were passed unanimously.

Hon. Attorney General—True; several resolutions were proposed and passed, to one or two of them amendments were proposed which were negatived, and the resolutions passed. But I find the following record on the journals. The hon. gentleman then read the following resolution:—

“That this House respectfully request and authorize his Excellency the Lieutenant Governor to continue the negotiation which has been opened, pursuant to the resolution of last session, with the General Mining Association; and to enter into such an agreement and compromise as are contemplated in the letter of 31st July, 1854, from the Hon. Wm. Young, Attorney General, to Robert Mosher, Esq., the chairman of the Association; and should such agreement or compromise be effected, this house will ratify and confirm the same; with such modifications thereof as may be found necessary or advisable, and be approved of by his Excellency in Council.”

Which was agreed to.

Mr. McLellan moved that the House do come to the following resolution:

“Whereas, in consequence of the Reciprocity Treaty entered into with the United States, a much larger sale of coal may be expected from our coal mines in future:

“Resolved, therefore, That this House respectfully request his Excellency the Lieut. Governor to order an examination of the way and manner of working the Coal Mines in Nova Scotia, and Cape Breton, the mode of measurement, and all other conditions on which the Company hold

their mines, and to take such further action in the matter as may appear just and right for the interest of the Province, and to fully secure the fulfillment of the company's agreement."

Which was agreed to by the House.

Now, sir, a great public question is under discussion and hon. gentlemen on both sides had spoken previously—a resolution is proposed and passed without amendment—without dissent; am I not justified in concluding that it met the unanimous approval of the House?

Hon. J. W. Johnston—Most certainly not.—My recollection, Mr. Speaker, went back to the circumstances attending the passage of the resolutions referred to by the Hon. Attorney General with too much exactitude to permit my accepting his statement as correct. Now, sir, what were those circumstances. The learned Attorney General avowed that whatever rights the Mining Association possessed at the time of the transfer should be secured intact,—but that which he expressed in words he declined to bind himself to on paper. What I wished the hon. and learned Attorney General to do was to express this idea in the resolution without exaggeration—my amendment merely went to cure this defect in the original resolution. As regards the other—true, no division took place on it. The government of Nova Scotia were authorised to enter into an arrangement with the General Mining Association on certain terms—but it left the company free to adopt those terms or not as they should see fit. Feeling that the Association were quite competent to understand the effect of any proposed agreement, and that they were the best judges of their own interests, I offered no opposition to the resolution,—but the hon. Attorney General is not justified in asserting that it passed unanimously; when a resolution is entered as having passed unanimously, it is an evidence that no conflicting opinions are entertained in the House, but that all are animated by the same opinion; but are there not many cases when hon. gentlemen dissent from a particular motion though they do not from many motives openly oppose it. Can such a resolution be said to have passed unanimously? No; but simply without opposition; and it is only when the question is directly put to the House—whether it shall be entered as "unanimous" on the journals, and no objection is made to the proposition, that this can be said. Now, sir, if the hon. and learned Attorney General will attach to the word equities, used in the papers just submitted, the same significance and meaning which I think it conveys, there will be but slight, if any, difference of opinion between us. I believe and am assured that it is there used in its legal sense; that we are informed by these documents that the legal title having passed by the Bill to the Province we must be prepared to fulfil all the duties which the Crown would have been obliged to perform had the title not been transferred. I believe that statesmen regard it as an equitable obligation, equally binding with a legal obligation, and differing from it only in that it is to be enforced if resisted by a different tribunal.

Hon. Provincial Secretary. If hon. gentlemen will refer to the journals they cannot fail to perceive that a majority of this House were right, and that the hon. and learned gentleman who has just sat down was wrong. None of us were disposed to question so palpable and self-

evident as that when the Legislature of this Province adopted the Civil List Bill and obtained the revenues derived from the Mines and Minerals, they became responsible for the performance of all those duties for which the British Government were bounden at that period. But a difference arose as to the nature of those equitable rights and duties; one party contended that the British government should not make any new lease to the Association or to the representatives of the Duke of York, or in any way alter the terms on which the mines and minerals were held in April, 1849, without the concurrence of our Legislature—the other party asserted a right in the British government to complete a lease on the terms of April, 1849, without consultation with or reference to the Legislature of Nova Scotia. The House thought that the views of the former were right and negative those entertained by the latter—Sir, I consider the mode in which the Crown officers have dealt with us in this matter to be most creditable to them and fair to us; they have not confined the decision of the equitable rights of the Mining Association to the Chancery Court in the mother country, but have given to our own Equity tribunal a large power and extensive jurisdiction.

Hon. J. W. Johnston—Let us see what scope there is for the argument of the Hon. Provincial Secretary. He says there was a difference of opinion—I entirely dissent from that; there was no diversity of sentiment expressed—but the resolution moved was ambiguous.

Hon. Attorney General—Where was the ambiguity?

Hon. J. W. Johnston—I will tell the hon. gentleman. The resolution went on to "protest against the granting of any new lease to the Association or to the representatives of the Duke of York of our mines and minerals or any alteration of the terms on which they were held in April, 1849;" which left it undetermined whether the House was or was not favorable to securing to the Mining Association those rights which were indisputably theirs in April, 1849. My amendment was that the word *new* before the word *lease*, and the word *or* after the word *minerals*, be struck out, and that the word comprising be substituted therefor. The resolution would then read thus—"The people of this province do solemnly protest against the granting of any lease to the Association or to the representative of the Duke of York of our mines and minerals comprising any alteration of the terms on which they were held in April, 1849." Thus securing to the Association all the equitable rights to which they were entitled at that period.

Mr. McLellan—So far as my apprehension of the matter goes there was no difference of opinion as to rights, but hon. gentlemen did entertain conflicting opinions as to how those rights were to be ascertained. The hon. Atty. General wished them to be settled by the House and the hon. and learned member for Annapolis desired that the British government should settle them.

Hon. Solicitor General—But, sir, hon. gentlemen seem to forget that there has always been a large party in this country who entirely denied that the Mining Association had no legal rights. It is true we once obtained the opinion of Crown Officers on that point—which opinion was dissented from by a very large section of

the people. Many of us thought and still think that the grant was improvident and unjust,—but independent of this, if the Association are entitled to equitable consideration—in my opinion we are entitled to deal with and decide them. The matter stands as though it were a question between individuals. The people claim to be heirs of a property which has been leased without their consent, being entitled—they now claim the possession and ownership of them.

Mr. Archibald—The question before the House is of a very simple character, easily understood, and as easily explained. The Crown had entered into certain agreements with the Mining Association. The substance of these agreements was embodied in a Treasury minute passed in 1845, expressing the assent of the Crown to certain terms on which they were willing to lease the mines of Nova Scotia—These terms, with several modifications, are set forth in an agreement between the Crown, the Mining Association, and the representatives of the Duke of York, which was executed in 1849. This agreement contemplates the making of a lease, but does not actually make it. Meanwhile, the Civil List Act of 1849 passes our Legislature. By this Act the legal Estate of the Crown is, by the assent of the Crown, vested in the Legislature of Nova Scotia. Any lease, therefore, that gives a valid legal title must emanate from our authority. The Hon. the Attorney General in the correspondence submitted last year maintained this doctrine. He said that the Crown, by assenting to the Civil List Act, had denuded itself of the Estate and was not in a position to grant a lease. In this the Crown Officers of England actually agree with him. It is true that with the legal estate, we are subject to the Equities, to which it was liable in the hands of the Crown—and it will be the duty of this House to carry them out fairly. The Legislature on this subject would have to act in a two fold capacity. First, as parties judging as judges—

Hon. Mr. Johnston—No. Not as judges.

Mr. Archibald—Yes, as judges. The Mining Association came to this House to ask certain Acts to be done which they consider to be their rights. The House in granting or refusing must decide whether the claims are just or unjust—and so far they are exercising the functions of judges.

Hon. Mr. Johnston—No!

Mr. Archibald—Then, let me ask the hon. and learned gentleman, if the House take a view of the rights of the Association different from their own, and refuse to execute a lease on the terms demanded by them, to what authority they are to apply to compel them? It is obvious then that we must act as judges as well as in the character of trustees, and, therefore, we ought, in approaching this subject, to view it calmly and dispassionately, so as to give to the Equities of the Association the fullest consideration.

Hon. J. W. Johnston—This, sir, is the first time I ever heard of any tribunal being a party and a judge. It is a position of such delicacy that I am sure none would desire to occupy it. But, sir, if necessity on any occasion did compel human beings to assume positions so anomalous, characters so contradictory, it would be indeed essential that they should be of principles too just, of integrity too strong, to permit

their being swerved from the strict line of duty. The discussion here dropped, and the House adjourned. W.

MONDAY, Feby. 11.

MUNICIPALITIES.

House in Committee.

The Municipal Corporation Amendment Bill was taken up.

Hon. Mr. Johnston—The Bill goes no further than to give to every county the privilege of being incorporated if they wish. Some members wish it modified—or the great question should first arise, as to whether the general bill should be made obligatory on every county. I take it for granted that there will be no objection to this bill, in case the House do not prefer the whole bill applicable to the whole province.

Mr. McLellan—I am in favor of Corporations, but so that they shall do more good than harm. This bill is like the Indian's gun—bad lock, stick, and barrel. First, it was too expensive. A man with plenty of money does not care much to pay less or more; but the poor man who had to pay to support his family felt every addition to his taxes a serious burden. Let the people vote for whom they want. Men that were qualified to vote for members of this House, ought surely to be fit to vote for county officers. This bill will increase litigation. We have now quarterly Courts. This bill holds them once a month. We had small courts before, and the people swept them away. Litigation is a bad thing. I may be told the people are the best judges. Are they the best judges in temperance; if so, why coerce them? No! We find it necessary to coerce the people sometimes. Tavern keepers love courts—so do lawyers—(Laughter.) There is another class—those who think their coats are too small for them and that if they get this bill, they will have an office or other place to get into. The Council did quite right last year in the manner they sent down the bill—removing the coercive clause. Where are the petitions in favor of this bill? They are not here, and therefore the bill is condemned. Annapolis has not taken it; Yarmouth, which has taken it, has already sent in petitions against it. We have spent an enormous quantity of time on the bill—only one county has adopted it—and I now move that it be deferred for three months.

Mr. Chambers—Mr. Speaker, I conceive it to be the peculiar duty of new members to give their opinions on this bill, as it affects the political machinery of this province. Sir, I cannot understand the opposition of the hon. member for Colchester. I always understood he was one of the warmest friends of responsible government. Now, sir, I am not prepared to go the whole length of this bill; but I think the time has come when some system of county government should be adopted, having a tendency to give much greater satisfaction to the people of this Province. We have, sir, certain heads of departments for the province, who are responsible to the government—that government responsible to this House, and this House responsible to the people. We are also told that the heads of departments in each county are responsible to the government. This, sir, is true in theory, but not in practice; and the fact creates a great deal of dissatisfaction among

the people. Take, for instance, magistrates and road overseers. Who so able to choose these officers as the people who are acquainted with the character, abilities, and general business habits of those among them? How can the government know who the proper men are all over the province? Take our road commissioners:—Gentlemen around these benches may exercise all their discretion; but even then, men are sometimes chosen who are not fit to be entrusted with the expenditure of money, because they are incompetent to do so properly. This difficulty will be got over by this bill; and if the people make a bad choice, we will not be blameable for it. I am not prepared to go into particulars; but I can see no difficulty but much advantage in giving this power to the people. I have, however, an objection to the first clause of the act as it stands on the Statute Book. I would have the number of persons to decide in favor of receiving the bill increased from 100 to 500.

Mr. Morrison—Had the bill come before us in anything of a compulsory nature, I should feel it my duty to give my voice against it; but since it comes here leaving it to the choice of the people to reject or adopt it according to their circumstances, I will give my vote to the bill, subject to a few alterations. My hon. friend beside me has taken exception to the first section of the act, and I agree with him. As he has already remarked it is very easy to get a crowd together—some turbulent spirits in a county may soon draw not only 100 but 1000 together for the sake of a spree, and put the county to a very large expence without any commensurate benefit. There is another point in this bill which ought to be amended. On the meeting being held to accept or reject the law, the Sheriff is to receive 20s.; the Deputy 10s., and the Clerks 5s. I do not see how this money is to be collected—at least I cannot find it in my copy of the laws—it may be that they are so badly indexed. Then again, in page 17, section 15th, there are provisions for making Commissioners of Schools. This I think ought to be embraced in a general system of education. Again, in page 26, and section 84, a Judge of the Supreme Court is authorized to amerce for certain amounts in case the Wardens and Council do not pay. This is wrong. If the wardens and council do not do right they should be prosecuted. For the sake of not paying £5 they may put the county to £50 expence. No, sir, let the man who has his claim, sue the wardens and councillors. I cannot understand another point, sir, and that is, the oath of an auditor. I do not know, sir; that I may not be called upon to act as auditor for the county of Colchester. It says “and have I have not since had.”—(page 33). This I cannot understand; and the law ought to be made so that it can be understood.

Hon. Solicitor General—I think, sir, hon. members perceive that the bill is not in the shape in which it ought to pass; and suggest to the hon. member for Annapolis the propriety of referring it to a special committee; members then would have an opportunity of making suggestions to suit the circumstances of their respective counties. As regards my own county numerous alterations are indispensable.

Hon. J. W. Johnston—I would suggest to the Hon. Solicitor General whether his motion be the right one; because the motion of the hon.

member for Colchester strikes at the root of the whole bill. The motion now made, therefore, is rather premature. When the main question is decided, I shall have no objection to a select committee.

Mr. McLellan—I withdraw my motion.

Hon. Mr. Johnston—It should not be withdrawn now, if it is to be renewed again. It would give a great deal of trouble for nothing; for I have taken and shall have to bestow considerable labour on the bill. I wish to make it obligatory on the whole province; next to that I wish this bill; but let us try the principle first.

Mr. McLellan—I am not against the bill for any county that wants it.

Hon. Attorney General—The compulsory clause opens a wide field; and I must confess, Mr. Speaker, I am disappointed that some of the large agricultural counties like Annapolis and Kings have not adopted the Bill. I think, sir, there is a large majority in favor of the bill that passed last year, but both this and that ought to be sent to a committee, so that every member may make what suggestions he thinks may subserve the interests of his county. I have always been in favor of self-government by the people, through these incorporations, but we are not yet ripe for the compulsory clause.

Mr. Wade—The bill passed last year for four counties—King's, Queen's, Yarmouth, and Annapolis—only one county has adopted it; and in the absence of petitions, I do not know what can be done further; therefore I approve of the motion to defer the bill to this day three months.

Mr. Chambers—I think there would be a majority against the bill as it is; and, therefore, it should be referred to a committee to make the necessary alterations.

Mr. Marshall—In the county of Guysborough we are anxious to have the bill; but I think it better to allow the compulsory question to be decided after the bill has been completed. One gentleman object that if the warden in council refuse to assess, the Judge of the Supreme Court shall do so. That power, a Judge has now. Suppose the Grand Jury refuse to assess for building a court house, feeding prisoners, or other necessary county business, some authority above them ought to have the power. I am in favor of this bill; first, because it is necessary for carrying out the system of government in the country; and, secondly, because you will never get a proper system of taxation for education without it. It will teach your people self-reliance, and to act on their rulers instead of being operated upon by them. The power of a county will be trusted to men of property and intelligence, and I hope they will be entrusted with the appointments of your Road Commissioners; for, under the present system, nothing can be done for the improvement of the roads, so keen is the pressure of individuals on members. I am in favour of the bill. I have no objections for it to go to a committee; but after having been twelve years in this House, I can only say that I have seldom seen any benefit arising from sending bills backwards and forwards to committees. I would prefer dividing on it at once, and if deferred let it die a natural death.

Hon. Mr. Johnston—I would remind the hon. gentleman that the bill passed last session has already gone through the ordeal of several intelligent committees. It is not, therefore, a crude measure, but has been made as perfect as

possible under the suggestions of every member of the former House. I think a select committee at this stage would lead to no very beneficial result. The reason why the bill was not adopted in Annapolis was that the elections interfered first and the occupations of the farmer next. It was left till autumn. But the elections were fresh in the remembrance of the peasantry and it would have created as much excitement as the general election itself. The people would have been terrified by a thousand threats; apprehension of enormous expense, and other bugbears to frighten them from a good measure. Like the hon. member from Newport, I am astonished that the people have not adopted it with acclamation. But it is expensive! Is that the language of Englishmen—is it the language of freemen who hold everything dear under their own dominion without reference to the small consideration of pence. Why, sir, throughout the whole arrangement there is only one salary fixed—that is one dollar each for councillors, and their term of services is limited, and a county government cannot be extravagant unless the people choose. But, sir, a higher motive animates me! that of giving the people capacity for business, a higher public character, an ability to sway their public institutions that they never had before. The very fact of the other branch restricting the bill to four counties is proof that you want it; because if the people were fully educated up to their rights no council would dare to refuse them this boon! Means have been taken in Annapolis to make the bill suspicious; the people have been frightened at it. It has been made political; and that is the reason why I would make it obligatory. I would ask you, the representatives of Nova Scotia, whether you would not entrust this power to the people that sent you here? The hon. member from Londonderry enquired how much higher the expenses of the city of Halifax were since its Incorporation; I ask what the citizens of Halifax would take, as a bribe, to give up their corporation? What the city of Boston or any of the cities on this continent? Why, sir, you would not get ten men to go back. If they have increased expenditures, they have increased improvements. If the people of Nova Scotia will not risk a few pounds or shillings they are not fit for the bill; but I believe they are actuated by sound wisdom and would preserve these incorporations as an invaluable boon, after they had once tried the experiment and observed their beneficial effects.

Mr. Tobin—I think, sir, if any public voice had been expressed, asking for this bill there would be no objection to it; but I am not disposed to force on my constituents that which they might not receive with favour. The bill has been before the country since last session, I believe; but I never heard it mentioned in our canvass before the election. The population of this county is scattered, and from Hubbard's Cove to Ecum Secura is over 100 miles in length. It is bad enough to have an election every four years, but this bill would create the same agitation and expense every year; the sheriff must do the same duty as for the election of members to this House. I think that would be too expensive as well as injurious to the people.

Mr. Annand—I am not prepared to go the length of this bill. As my colleague has stated

our population is sparse and when the road service came to be attended to, and a sum of money was handed to the warden, the extreme part of the county would get nothing at all.—The money would be divided up in the centre, and the road commissioners, I am afraid, would not be much better appointed than they are now. The elections would run heavy, and the money be given to favourites of the candidates who got in.

Mr. Wier—There is an old vulgar saying—“What is sauce for the goose is sauce for the gander.” I cannot understand how many gentlemen say they are in favour of the bill, but are afraid it cannot be carried out. I asked myself first whether it was a good bill; and, if so, it ought to be made obligatory on the whole people. To pass it in this way is like throwing a fire brand into the country. If responsible government is good; it ought to apply to the whole people, and to every county. It is merely giving into the hands of the people the direction of their own affairs. Under the present system you cannot get magistrates to do the work. If the people are not ready for the bill now, when will they be ready? The right way is to give them the bill, and let them educate themselves up to it. The people of Halifax would not, at this moment, for any consideration give up their corporation. I am ready to vote for this bill; but I would rather make it compulsory; and in a few years the people would be glad we took the responsibility of passing it.

Mr. Tobin—No people in the United States have gone farther than the State of New York—they have gone so far as to elect their judges; but now they are beginning to think that they have gone too far; and I believe that Mayor Wood, to administer justice, will require something more of the one-man power. He was not able to put forth Executive power when blood was shedding in the streets.

Dr. Brown did not think that the bill could be made much more perfect than it was now; but the only way to induce the people of this province to adopt it was to make it compulsory. The people were alarmed at it, but pass it as other laws, and they would adopt it, and after a while hail it with joy. The reason why the law had not been adopted in King's, was because the elections and harvest interfered. One alteration he should like was to give the townships a separate organization.

His Honor the Speaker—I do not rise, sir, to offer the slightest opposition to this measure, because I have always been in favor of the act now on your Statute book; but there is one part that appears to me to be liable to some objection, and that is, the election of officers of Electoral Districts. Some portions of my county will be virtually disfranchised; for, at the last election, out of 300 voters only 30 came forward to the poll. Some revision ought, therefore, be made with an eye to this disfranchisement before the bill will be perfect.—With reference to the bill itself I do not see how there can be any objection to it. I do not see why any member of this House can wish to deprive his constituents of the benefit of self-government. I think it worthy of consideration whether it is not prudent to accept it for all the counties in its optional shape rather than run the risk of losing it altogether.

Mr. McFarlane—I am perfectly ready to se-

cond the proposition of the hon. member for Halifax, (Mr. Wier,) and make the bill compulsory instead of optional. I should also move that the Sheriff be made elective.

House adjourned with the debate. C.

TUESDAY, Feb. 12.

REPORTING.

Mr. Speaker laid before the House, a tender of Richard Nugent, of Halifax, printer, for the reporting and publishing of the debates and proceedings of the House, furnished to the clerk by the said Richard Nugent, in accordance with the report of the committee on that subject, which having been read was accepted for one year.

BILLS AND PETITIONS.

Mr. Wilkins, pursuant to leave given, presented to the House, a bill to amend chapter 16 of the Statutes of 1855, which was read a first time, and ordered to be read a second time.

A petition of the inhabitants of Ship Harbor was presented by Mr. Esson and read, praying for an extension of mail communication. Also, a petition of the inhabitants of Middle Musquodoboit, in the county of Halifax, praying for an extension of mail communication—referred to the committee on Post Office Affairs.

A petition of Henry A. Gladwin, and others, of Musquodoboit, in the county of Halifax; also, a petition of John A. McKeen, and other inhabitants of the counties of Halifax, Sydney, and Guysborough, were also severally presented by Mr. Esson and read, praying for a grant to John Nelson, to enable him to keep a house of entertainment on the road between Musquodoboit and St. Mary's. These petitions were referred to Messrs. Marshall, Esson, and Whitman to examine and report thereon. It was ordered that the petitions of George Merry, Nathaniel Parker and others, be referred to the same committee to examine and report thereon.

Mr. Esson also presented a petition of Isaac McCurdy, and other inhabitants of Middle Musquodoboit, in the county of Halifax, praying for a division of the county of Halifax,—laid on the table. Also, the petition of A. A. Braden and other inhabitants of Middle Musquodoboit, praying the House to pass an act for the support of Common Schools by assessment—referred to the committee on Education.

A petition of Peter Boice and others, overseers of the poor for the township of Clements, was presented by Mr. Whitman and read, praying for a return of expenses incurred in supporting a transient pauper; referred to committee on expenses of transient paupers.

Mr. Whitman also presented the petition of John Harris and others, praying for a grant in aid of the Le Quille Mills in the county of Annapolis; referred to committee on Trade and Manufactures.

Mr. Wier presented the petition of Jonathan Elliott of Dartmouth, in the county of Halifax, stating that he had received a grant of land which he subsequently ascertained had been granted to another person, and praying compensation; referred to committee on Crown Land Department. Also, a petition of John McGuire, of the city of Halifax, praying compensation for a loss sustained by him on contract for repairing a street in the city of Hal-

ifax; referred to Messrs. Tobin, Marshall and Brown to examine and report thereon.

Mr. Marshall presented the petition of Edw. Dillon of Guysborough, in the county of Guysborough; also, a petition of Robert M. Cutler, of the same place, praying compensation for damage done to their respective lands by running a road through them; referred to committee on road damages. Also, a petition of R. M. Cutler, of Guysborough, praying for an increase of salary in consequence of an increase of the duties of his office; referred to committee on Post Office Affairs. Also, the petition of Thos. H. Patterson, and other inhabitants of the county of Guysborough, praying that the Act for Municipal Government of Counties may be extended to that County; laid on the table.

Mr. M. I. Wilkins presented the petition of Amos Seaman, of Minudie, in the county of Cumberland, praying for aid in erecting a Breakwater at Lower Cove in that township; referred to committee on Navigation Securities. Also, a petition of William H. Harris, Deputy Sheriff of the county of Pictou, praying for an alteration in the Fees payable to Sheriffs; the petition was referred to the Hon. Solicitor General, Messrs. Killam, Chambers, Wilkins and Marshall, to examine and report thereon.

The Hon. Provincial Secretary, by command of His Excellency the Lieutenant Governor, presented to the House a report and estimate by William Anderson, respecting the construction of a portion of the Harvey or Eastern Shore Road; laid on the table.

The Hon. Provincial Secretary, asked leave to introduce a bill to authorise a sale of the old Presbyterian meeting house at Windsor; leave was granted and the bill read a first time.

The Hon. Provincial Secretary also presented to the House a bill to enable the inhabitants of the town of Windsor to procure a fire engine.

Mr. Thorne presented the petition of the overseers of the poor for the eastern district of Granville, praying for a return of expenses incurred in the support of a transient pauper; referred to committee on that subject. Also, a petition of Richard James, Esq., of Bridgetown, in the county of Annapolis, clerk and treasurer to the eastern Granville poor district, praying for the passing of an act on the subject of assessment for the support of the poor; the petition was referred to a select committee composed of Messrs. Wilkins, Robecheau and Webster.

Mr. Moses presented the petition of William Fletcher, of Yarmouth, stating that he had become the purchaser of one of the stud horses imported by the House last year, and that such horse had proved to be unsound and useless, and praying compensation; referred to committee on Agriculture.

A petition of Peter Doyle, clerk in the Crown Land Office, was presented by Mr. Esson and read, praying for an increase of salary; referred to committee on Crown Lands.

Mr. Munro presented the petition of John Young, of North Sydney, county of Cape Breton, praying for compensation for a water lot, adjoining his property at Lingin, in said county, alleged to have been improperly granted to other parties; referred to the committee on the petition of Campbell & Co., and others. Also, a petition of the Rev. Richard J. Uniacke, and other inhabitants of Sydney, C. B., praying the House to grant a pension to Thomas Battersby, of Sydney, a disabled mail carrier, pursuant to

the prayer of petitions already presented to the House on that subject; referred to the committee on Post Office affairs.

A petition of Christopher Jannison, of Walton, in the county of Hants, was presented by Mr. Dimock and read, praying for a return of duties on Machinery imported; referred to committee on trade and manufactures.

Mr. Parker presented the petition of Arthur M. Cochran and other inhabitants of the township of Douglas, praying for the passing of an act to equalize the representation of the county of Hants; laid on the table.

Mr. Ryder asked leave to introduce a bill to enable the township of Argyle to hold general sessions; leave was granted and the bill was read a first time.

A petition of Alexander Cameron, of Durham Village, at the west river of Pictou, was presented by Mr. McDonald, praying for an increase of his salary as Postmaster of that place; referred to the committee on Post Office affairs. Also, a petition of Allan Wier and others, inhabitants of Churchville, in the county of Pictou, praying for a change in Postal arrangements; referred to committee on Post Office affairs. Also, the petition of William Murray, of Barney's river, in the county of Pictou, mail carrier, praying compensation for carrying extra mails; referred to committee on Post Office affairs.

Mr. McDonald presented the petition of Jas. Carmichael, and other inhabitants of New Glasgow, praying for a grant to aid them in deepening the channel of the east river of Pictou, and removing obstructions therefrom. Referred to Messrs. Marshall, Moses and Munro to examine and report thereon.

A petition of Dr. Samuel Muir, of Truro, was presented by Mr. Archibald and read, praying for compensation for services performed to sick Indians—referred to committee on Indian affairs. Also, the petition of William Holdsworth, Postmaster, at Lower Stewiacke, praying for an increase of salary—referred to committee on Post Office affairs. Also, the petition of Edward Kent, of Tatamagouche, in the county of Colchester, praying compensation for the expenses of an unjust prosecution against him for acts done in the discharge of his duties as a constable—referred to Messrs. McDonald, Tupper and Wilkins to examine and report thereon.

The Hon. the Solicitor General, by command of His Excellency the Lieut. Governor, presented to the House an estimate of the expenses of the Civil Government of the Province for the year 1856. Laid on the table.

Mr. Marshall presented the petition of James B. Hadley, of Medford, in the county of Guysborough, praying for compensation for conveying the mails between McNair's Cove and Ship Harbor, at the Strait of Canso; referred to committee on Post Office affairs.

A petition of certain inhabitants of McNair's Cove and Pirate Harbor, at the Strait of Canso, was also presented Mr. Marshall and read, praying for the establishment of a Post Office at McNair's Cove; referred to committee on Post Office affairs. Also, a petition of A. Fraser and others, inhabitants of McNair's Cove, in the county of Guysborough, praying for aid to an additional Ferry across the Strait of Canso; referred to committee on Navigation Securities. Also, a petition from the Guysborough Agricultural Society, praying for a return of duties on

agricultural implements imported; referred to committee on Trade and Manufactures. Also, a petition of Thomas O'Flavin, of Marie Joseph, praying for remuneration as a Way Office keeper; referred to committee on Post Office Affairs.

Mr. Munro presented to the House a bill to incorporate the trustees of the Free Church at Great Bras d'Or, in the Island of Boulardrie, which was read a first time and ordered to be read a second time.

Mr. Munro also presented the petition of James Fraser and others, of Boulardrie Island, praying for the establishment of a Ferry at Little Bras d'Or; referred to committee on Navigation Securities. Also, a petition of Murdoch McNeil, of Boulardrie Island, praying for the establishment of a Ferry across the Great Bras d'Or; referred to committee on Navigation Securities.

A petition of the Margaretville Pier Company, was presented by the Hon. Mr. Johnston and read, praying for aid to extend their Breakwater at Margaretville; referred to committee on Navigation Securities. Also, a petition of the proprietors of the South Baptist Meeting House at Wilmot, praying for an act of incorporation for their trustees; the petition was laid on the table and leave given to bring in a bill in accordance with the prayer.

The Hon. Mr. Johnston then presented to the House a bill to incorporate the trustees of the South Baptist meeting house at Wilmot; which was read a first time.

Mr. Whitman presented the petition of John H. Potter, of Clements in the county of Annapolis, praying for compensation for land laid out to him by the county surveyor of which he was dispossessed by a prior claimant; referred to committee on the petition of Wheeler Minard.

A petition of the overseers of the poor for the second district of the township of Annapolis, was also presented by Mr. Whitman and read, praying to be reimbursed the expense of maintaining a transient pauper; referred to committee on expenses of transient paupers.

Mr. Webster presented the petition of J. M. Caldwell and Albert Chaise, praying for return of duties on a quantity of Hay imported from New Brunswick; referred to committee on Trade and Manufactures.

A petition of Willis Foster, Way Office keeper at Aylesford, in the county of King's, was also presented by Mr. Webster, praying for an increase of remuneration; referred to committee on Post Office affairs.

Three petitions from inhabitants of the county of Inverness, were presented by the Hon. Attorney General and read, praying for a grant to Alexander Gillies to aid him in running a Packet between Port Hood and Halifax; referred to committee on Navigation Securities.

A petition of Alexander Connor, of Sheet Harbor, in the county of Halifax, was presented by Mr. Annand, praying compensation for land granted to him, but which had previously been granted to another person; referred to committee appointed to consider the petition of Campbell & Co. and others. Also, the petition of Ann Connor, of the city of Halifax, praying for compensation for injury done to her land by running a road

through it; referred to committee on road-damages.

A petition of Ann Fitchet, of Fort Laurence, in the county of Cumberland, was presented by Mr. Tupper and read, praying for compensation for injury done to her land by running a road through it; referred to committee on road damages. Also, a petition of inhabitants of Amherst, Cumberland, praying aid to erect a public wharf, at Fort Laurence; referred to committee on Navigation Securities. Also, the petition of Thomas Robson, of Sackville, in the province of New Brunswick, praying for a grant in consideration of his having invented a fog bell; referred to committee on Navigation Securities.

A petition of certain inhabitants of the counties of Cape Breton and Victoria, was presented by Mr. C. J. Campbell, praying for the erection of a Light House at the mouth of the Great Bras d'Or; referred to committee on Navigation Securities.

Mr. Bourneuf presented the petition of certain inhabitants of Clare, in the county of Digby, praying for a grant to aid them in erecting an addition to the wharf at Bellevau's Cove in that county; referred to committee on Navigation Securities. Also, the petition of Augustin Melancon, and other inhabitants of Clare, in the county of Digby, praying for a grant in aid of the breakwater at Gros Coque, in that county; referred to committee on Navigation Securities. Also, the petition of Mondee Melancon, and other inhabitants of Church Point, in the township of Clare, praying for a grant to aid them in improving the Breakwater at Whale Cove, in that county; referred to committee on Navigation Securities. Also, a petition of the overseers of the poor for the township of Clare, praying to be reimbursed expenses incurred in maintaining sick Indians; referred to committee on Indian affairs. Also, a petition of certain inhabitants of the county of Digby, praying for a grant to aid them in removing obstructions from the West branch of Bear River; referred to committee on Navigation Securities.

Mr. Thorne presented the petition of Thos. Spurr, Postmaster at Bridgetown, in the county of Annapolis, praying for increase of remuneration on account of an increase in the duties of his office; referred to committee on Post Office affairs.

Mr. McDonald presented the petition of John McLeod, and other inhabitants of New Larig, in the county of Pictou, praying for compensation for portions of their land taken for a new line of road; referred to committee on road damages.

A petition of William Chappell, of Bay Verte, master mariner, was presented by Mr. Bent and read, praying for aid in running a packet between Bay Verte and Charlottetown, P. E. Island; referred to committee on Navigation Securities.

A petition of Mathurine LeBlanc and others, was presented by Mr. Robicheau and read, praying for the establishment of a Way Of-

fice at Bellevau's Cove, in the county of Digby; referred to committee on Postal Affairs. Also, a petition of the inhabitants of Montagon, in the township of Clare, praying for aid to a Breakwater at the mouth of Montagon River; referred to committee on Navigation Securities.

A petition of William Dunbar, of Lake Ainslie, in the county of Inverness, was presented by Mr. Smyth and read, praying for a grant in aid of his Fulling and Dyeing Mill at that place; referred to committee on trade and manufactures. Also, the petition of Mary Melsaac, of Julique, in the county of Inverness, a destitute immigrant, praying for a grant in consideration of her circumstances; referred to committee on transient pauper expenses.

Mr. Killam presented the petition of Heman Crowell, of Yarmouth, praying for a return of duties on a steam engine imported; referred to committee on trade and manufactures.

A petition of certain male inhabitants of Aylesford, in the county of King's; also, a petition of certain female inhabitants of the same township, were severally presented by Mr. Bill, praying the House to pass the Prohibitory Liquor Law,—laid on the table. Also, a petition of D. Van Buskirk, Postmaster at Aylesford, in the county of King's, praying for an increase of remuneration; referred to the committee on Post Office affairs.

Mr. McKeagney presented the petition of Dr. Thomas E. Jeans, of Sydney mines, county of Cape Breton, praying remuneration for medical attendance and surgical aid rendered by him to a transient pauper; referred to committee on transient paupers.—Also, a petition of Thomas Cullen, of North Bar, in the county of Cape Breton, praying remuneration for supporting a transient pauper; referred to the same committee.—Also, a petition of Thomas E. Jeans, of Sydney mines, praying compensation for professional services to George Fanning, a transient pauper; referred to committee on expenses of transient paupers.

A petition of Henry Grantmire, of the North-west Arm, in the township of Sydney, county of Cape Breton, was presented by Mr. McKeagney and read, setting forth that petitioner was appointed a Trustee of the School in that Settlement,—that relying on an assessment which was made for the support of the School, petitioner had incurred pecuniary responsibility to the teacher—that the assessment having proved to be irregular, the money could not be collected, and petitioner was sued upon his contract and committed to jail, and was ultimately obliged to pay the debt and costs, and praying the House to grant him compensation therefor; referred to committee on Education.

Mr. Killam asked leave to present a bill to Naturalize Andrew C. White; read a first time and ordered to be read a second time.

Mr. Esson presented a bill to divide the Eastern School district of the county of

Halifax, which was read a first time and ordered to be read a second time.

On motion it was resolved that a committee be appointed to revise the general rules respecting the practice of the House, and to report generally on the transaction of the business of the House; and the Hon. Attorney General, Hon. Mr. Johnston, Mr. Killam, Hon. Solicitor General, Mr. McDonald, Mr. Chambers and Mr. White were appointed a committee for that purpose.

The House adjourned until Wednesday at three o'clock.

WEDNESDAY, February 13, 1856.

PETITIONS AND BILLS.

Dr. Brown—On Education.

“ Breakwater at Horton.

“ Return of Duties.

Mr. Wade—On a previous day a petition was put it in favor of the Grammar School at Bridgetown, I now present a petition from Major Chipman, Chairman of the Board of Commissioners, praying some regulation.

Hon. J. W. Johnston was very sorry that the memorial had not been signed by the individual members of the Board, and he would presently call the attention of the Government to the uncertainty as to who were the Commissioners of Schools in Annapolis. Hon. Mr. Johnston proceeded to explain the circumstance under which Mr. Shipley claimed the £25 which the Commissioners now asked to dispose of as undrawn money. He complained that this was an attempt to put down a schoolmaster who had earned the money, and was sustained in his claim by the Trustees and by the Committee on Education.

Mr. Wade presumed that the Custos of the County, as Chairman of the Commissioners, had signed on behalf of the Board.

Hon. Mr. Johnston. — What I consider strange is, that after this poor man had earned his money, and had been approved of by the Trustees, yet the money was refused him; he memorialized the Government, which memorial was sent to this House and adjudicated upon in favor of Mr. Shipley, by the Committee, the Report adopted by the House—and yet the Commissioners withhold his money, and take not the slightest notice of the action of this House, nay, they ask for the very money Mr. Shipley has earned, calling it undrawn money!

Petition was referred to Committee on Education.

Mr. Wade, also from inhabitants of Paradise, Annapolis, for a Way Office.

Also, from James E. Young, mail contractor from Annapolis to Bear river, for remuneration for carrying a mail three times instead of twice a week.

Also, from inhabitants of Westport, to be allowed to lay out a road of less than usual width.

Also, for aid to Digby landing.

Hon. Atty. Gen. introduced a Bill to incor-

porate the Trustees of the Free Church congregation at Wycocomah, Cape Breton.

Also, a Bill to provide for the improvement of the harbor of Port Hood.

Mr. Wier, in favor of Infant School, Halifax.

Also, from Governors of Halifax Visiting Dispensary. He considered it an establishment well worthy the aid of this House.

The petition was read, and stated that during the past year 1,100 persons had been relieved at the establishment.

Dr. Brown raised some objections.

Mr. Esson said that if the hon. and learned doctor would visit the establishment he would find it was not merely local, but had relieved many cases of illness from the country.

Petition was referred to a special committee.

Mr. Wier, from the society for the support of a House of Refuge—sent to the same committee.

Mr. M. I. Wilkins—Overseers of Poor, township of Egerton—Transient Paupers.

Also, from Samuel Murphy, for alteration in scale of fees levied on shipping.

From inhabitants of county of Pictou, for aid to John McLean, to enable him to manufacture bone dust.

From James Grant, to be indemnified for the effects of a judgment for the failure of a contract on the railroad. He moved that it be referred to a select committee.

Mr. McLellan thought it perfect nonsense to entertain such petitions, unless the House came to the broad principle that they would relieve every one who had made a bad bargain. If a man made a good contract he pocketed the money, if a bad one he came to the House to be relieved. The principle was monstrous. I move that the hon. member have leave to withdraw the petition.

This motion passed.

Mr. Wilkins, from Wm. Heard, of Charlottetown, for aid to a steamboat, and a petition from inhabitants of Pictou, in favor of the above application. The latter petition was very numerously signed, and both were referred to the committee on Navigation Securities.

The time for receiving private petitions was fixed for Saturday next.

Mr. Esson—Six petitions from printers, for a return of duties on paper and a steam press.

Also, a petition in favor of changing the name of Halifax to Chebucto. It was signed by the present Mayor, four ex-Mayors, and many other inhabitants.

Also, a Bill to increase the capital stock of the Halifax Water Company.

Mr. Archibald, from Onslow, to convert a school house into a town hall, and a bill in accordance therewith.

From Onslow, for legalizing a town plan, in place of one lost. Bill introduced accordingly.

From Donald Robertson for aid in erection of a fulling establishment.

From Clerk of Peace in county of Colchester, for reimbursement for support of a transient pauper, who was insane.

From courier between Truro and Amherst, for payment for extra labor in the conveyance of the English mails.

From contractor between Halifax and Truro on the same subject.

Mr. Tobin, from James Neville, for extra services as courier between Halifax and Sambro.

Dr. Brown, Lower Horton additional post accommodation.

Mr. Dimock, from inhabitants of township of Kempt, for aid to a breakwater at Cheverie. They had never petitioned the House before, while all other parts of the shore had, and they had subscribed £94 towards the object.

Referred to committee on Navigation Securities.

Mr. McDonald introduced a Bill for the incorporation of the Caledonia Lodge of Freemasons.

Also, two petitions in favor of the Prohibitory Liquor Law.

Also several road petitions.

From Dr. George L. Johnston—transient paupers.

From Major David Matheson and brother officers, of Pictou militia, representing that they had paid over £60 for commissions in 1854, and praying reimbursement.

From Pictou Academy, for usual grant.

From William Henry Waddell, for usual Grammar School grant.

From Joseph McNaughton, for reimbursement for loss on the building occupied for a Normal School at Truro. Referred to committee on Education.

From Overseers of Poor for second section of township of Pictou.

Hon. Pro. Secretary—Overseers of Poor in Windsor—transient paupers.

Also, by command, the accounts for public printing, and the report of the Wesleyan Academy at Sackville.

Mr. Ryder, from Simon D'Entremont, to enable him to reconstruct buoys in the harbor of Pubnico.

Mr. Marshall, a Bill for alteration of electoral districts in the county of Guysborough, and the addition of one more district.

THE LIGHT HOUSE SERVICE.

Mr. Marshall also presented a petition from Jacob P. Miller, on his dismissal from office of Superintendent of Light Houses. The petition prayed investigation of the House into the merits of his dismissal after such a long and useful career in the service of the country. He alleged that Mr. McKenna, one of the Superintendents, had picked a quarrel with him and procured his dismissal by stating that he would not serve with him, leaving the Government no alternative but to allow Mr. McKenna to retire, or to dismiss Mr. Miller.

Hon. Pro. Secretary.—In answer to what

has just fallen from the hon. member opposite, Mr. Speaker, I beg leave to say that the Government cannot have the slightest objection that the request of Mr. Miller shall be complied with, if this House, referring to the public business and to the legitimate functions of the Government, desire it. If the Government, having exclusive control over all appointments held under executive authority, are to be subject to the supervision of this House, let it be so understood; but no Government ought to be held responsible for the acts of its subordinates, unless it has the right to control their appointment. The Government of the country hold their tenure of office under the vote of this House; and it would evidently be a political paradox to make that Government responsible, and yet withdraw from it the right of appointing for its servants those in whom its members have confidence. If, therefore, in the exercise of its wise discretion, the Government feel itself obliged to dismiss one officer and retain another, we must, of course, throw ourselves on the judgment of the House, although if every appointment were to be criticized thus, the duties of Government, already onerous, would become doubly embarrassing, and the time of the House uselessly wasted. Now, sir, what are the facts of this case? It became necessary for the public service to make an additional appointment in the office of Board of Works, and the Government did appoint a gentleman who had long been engaged in the public works, Mr. McKenna. Soon after he is appointed a conflict takes place between him and the petitioner, Mr. Miller, then the Superintendent or Surveyor of Light Houses, a conflict so violent in its character and so hopeless in its results, that the Government were called upon to decide on—not the conflicting points between Mr. McKenna and Mr. Miller—but, whether the public service was to suffer; in fact whether we were to have the public work done at all. In fact, sir, it became necessary for the Government to make its choice, to remove either one or the other. This I will say of Mr. Miller, that I have ever known him to be a man of amiable accomplishments, and high abilities for the station he filled. But the Government, without alledging any charge against him, felt that they had no alternative; and if the step they took is to be fully canvassed, it may lead to developments of which members around these benches are little aware. The difference of opinion which led to his dismissal was not the only one; but there were many others to which I will not now refer. The simple question for the Government was this—whether the public interests should suffer. Mr. McKenna did not bring forward any positive charge against Mr. Miller, they simply saw that such were the relations of these two gentlemen that they could not act together. The Government did not desire to lower or degrade Mr. Miller, or to have his friends or the public think he was degraded; but to retain the valuable services of Mr. McKenna,

they had no alternative except to do what they did.

Mr. Marshal—I must deny, as I ever will deny, the ground taken by the hon Provincial Secretary, who, by implication, maintains that the Government is not responsible to this House for every act it commits, and every appointment it makes. That doctrine is diametrically opposed to Responsible Government. How far that system is applicable to this country, the people will discover by-and-bye. But I must deny the assertion of the hon Provincial Secretary that no charge has been made against Mr. Miller. Has he read that correspondence? Has he heard it? Does he look at the papers that pass through his office? I deny, sir, that Mr. Miller stands unimpeached, and as high in the estimation of his fellow citizens as he did before. He has been dismissed on the charge of having neglected the work of his Department; and, sir, in the face of that, I have yet to learn that an Englishman is to be denied the right of self-vindication from a charge preferred against him as a public officer, before the only tribunal which has cognizance of the matter. He comes not here, sir, to ask to be reinstated. He acknowledges the right of the Government to remove him; but he asks to be allowed a vindication of his character as a public servant, so that he may stand as high in public estimation as he ever did. That gentleman was an old and well-tried public servant, honest in his character, and intrepid in the discharge of his duty—frequently incurring dangers on this iron-bound coast which most other men would have shrunk from in dismay. That man's character should be held sacred, and subject to the investigation of the only tribunal before which it can be brought. While I have a seat in this House, sir, I will never hesitate to exercise my right to bring the case of any individual before the Representatives of the People by petition, which is every freeman's right; and I trust every member present will pursue the same course, which is so essential to the safety and happiness of the people of Nova Scotia. When that right of petition is denied sir, when this House refuses to inquire into the case of the humblest man who feels himself aggrieved by the Government, then, indeed, we shall have thrown away and alienated the dearest rights of Englishmen.

Hon. Attorney General—I will offer a few words, Mr. Speaker, and only a few, at this stage of the discussion, in order to place the matter in a very narrow compass before the House. There is no question, sir, as to the right of petition; none as to the power of this House to hear all petitioners and to control the Government. Therefore, do not let us be deceived—the questions raised have not been authorized by us—neither is there any objection to a committee, if the House consider that, with reference to the public interests and their own time, this petition should be so referred, the Government ought not, and would not, object to a committee. Now,

sir, what are the facts? Mr. McKenna, for eight years Superintendent of Sable Island, had acquired the confidence of the Government; he had performed valuable services, saved a vast amount of property and hundreds of lives. He applies to the Government to be relieved from that lone island in the sea; he says, "I have served a pretty long captivity here; my children are growing up, and I have no means of educating them; give me an appointment equal or nearly equal in emolument to that which I hold, and my post here is at your disposal." We wanted an active man in the Department of Board of Works, to aid Mr. Bell; and offered the place to Mr. McKenna at the same salary he received before, £250. But Mr. Miller, on some ground which it was unnecessary for the Provincial Government to inform themselves, disagreed with Mr. McKenna—(and, let me say, this was not the first time a collision had taken place)—in consequence of which it was obvious that the two gentlemen could no longer work together; and it was essential for the public interests that one at least should be dismissed. Now, let it be understood that Mr. McKenna was a member of the Board of Works, and Mr. Miller not a member of the Board, but his subordinate, at £150 a year. He was, therefore, unable to agree with his superior officer, and work in harmony. What then could the Government do other than they did do? What are you called upon to do now? To hear Mr. Miller on the one side, and Mr. McKenna and the Chairman of the Board of Works on the other? Can you restore Mr. Miller? Such a thing cannot surely be pretended. Do not let it be said or supposed that we are afraid of enquiry; but we cannot see what good it would lead to, even towards Mr. Miller himself. Had we accused him of peculation or any serious offence like that, we would be bound to invite enquiry; but there is nothing of the sort here. Still, we offer no objection to a Committee, if you think one ought to be appointed. We think it would be a waste of time which might be more usefully employed in the public service.

Mr. Annand—I rise, Mr. Speaker, to oppose the appointment of a committee. Under the theory and practice of responsible Government, sir, the proper committee to determine on such appointments is a committee of the Executive Council; and my idea is that the government had good reason for dismissing this officer, I have no idea, sir, that a committee of three hastily appointed here, is to adjudicate on every act or appointment of the Government. Suppose they were to bring in a report adverse to the act now under discussion—would that bind this House? Would the report be received and adopted here? No, sir; you might as well establish a court of revision by committee of this House, over the appointment of every Sheriff, and every other petty officer whose appointment comes within the legitimate sphere of Executive authority. Sir, I shall oppose the

appointment of this committee if I stand alone.

Mr. Wier—If this motion were to be affirmed, sir, what would be the result? The next thing, perhaps, will be a petition from a tide waiter, who being found incompetent to perform his duties, is dismissed, and another appointed in his place. Are the government bound to give the time and the place, how and in what manner this incompetency has been discovered? No, sir, they are guided by the general conduct of the officer, for *they* are responsible that his work is properly done. Is such an officer to come here and raise a disturbance, and demand the why and wherefore of his dismissal? I maintain that if the Government had substantial grounds, they are not bound to divulge them. Now, Mr. Miller was a subordinate, and the Government had a right to dismiss him at any moment. I shall oppose a committee because I think Mr. Miller ought to have been dismissed years ago; and if he had, the present application would not have been here, and the occurrences would not have taken place which disturbed the harmony of the Board of Works, and injured the public service.

Hon. J. W. Johnston—I put it to the House whether the course pursued by the hon. member who has just resumed his seat, is fair. He says in one breath that we ought not to investigate the reasons for putting Mr. Miller out of office; and in the next he proceeds with general insinuations against his character, which makes that investigation essential, as a matter of justice between man and man—between the Government and the officer. Such a course is beneath the dignity of any legislative body.

Mr. Wade—I am not sure, Mr. Speaker, that a division just at the present time will not be the very best step we can resort to. What, sir, have we to investigate? Does Mr. Miller come here for a certificate of character? I should hope not. I have known that gentleman for many years, as remarkable for probity and honesty; I believe him to be a highly honorable and worthy man. But, sir, he has one quality that may interfere with the successful discharge of his duties, and that is stubbornness. I agree, Mr. Speaker, that if the Government find an officer doing his duty, it would be more or less injustice to wedge or press him out; but if they find one impracticable—that he cannot agree with those whose decisions and views he should respect and carry out—I would despise the man that would not have the nerve to dismiss him; and, Mr. Speaker, I must say that I think it was on account of the disputes now referred to, that we are still without a Light House at Boar's Head, county of Digby. I know nothing, sir, about Mr. McKenna, nor of the merits of this petition; but I uphold the Government in sustaining the officers whom they have confidence in to perform the public work, and if Mr. Miller has been in the habit of obstructing Light House improve-

ments, as I believe he has, he ought to have been dismissed long ago.

Mr. McLellan—I hold that every individual that is arraigned or injured by the Government has a right to come here for redress; but what have we to do with a quarrel between Mr. Miller and Mr. McKenna?

Mr. Archibald—I believe all that has been said in praise of Mr. Miller as an honest, intelligent, upright and honorable man—the question is, Mr. Speaker, whether he is not an *impracticable* man. He is not the head of department, and therefore is not bound to choose how he shall do the public business; but simply to carry out the directions of his superiors, who are responsible for the orders they give and for his faithful fulfillment of his duty. He is not responsible, but they; and, therefore, they must take care to have an officer on whom they can depend. Take another instance, sir. Suppose the Receiver General went to the Government and said—I cannot do business with my clerk; he will not make up the accounts agreeably to my directions—would not the Government be bound to allow his dismissal and the appointment of another in his place? Certainly they would—otherwise the doctrine of responsibility of heads of departments would be a mere name, that it would be impossible to carry out in practice.

Mr. Wier—I wish to explain, Mr. Speaker, that when I said Mr. Miller ought to have been dismissed years ago, I meant entirely on *political* grounds. I have known Mr. Miller since boyhood, and have always respected him; but he was one of the Old School, and should have gone out of office when the old system was swept away. I consider him impracticable; and the bare fact that he is not able to agree with those associated with him in office—those whose instructions he was bound to carry out—is enough for me.

Mr. M. I. Wilkins—I think that, under the circumstances, a committee would be useless; because a committee could only give Mr. Miller a certificate of character, and that has been given him by every member who has spoken here on either side. The committee might add that the Government did perfectly right in dismissing him, because the Government we have now ought not have a man of honesty, probity and uprightness in their employ.—(*Great Laughter.*)

Hon. J. W. Johnston—The members of Government tell us that Mr. Miller was dismissed because he could not work harmoniously; but their supporters launch out with various charges against him. Sir, the mouth of every member ought to have been sealed from uttering such charges, unless it were intended to give Mr. Miller a full opportunity of defence. This is the fair-play always cherished by Englishmen. But the document emanating from the Board of Works itself, says that the business of the Department was in arrears owing to the neglect or obstinacy of Mr. Miller. The House may deal as it pleases with this charge; and perhaps the

appointment of a committee may lead to no very beneficial result; but one point must strike the feelings of every gentleman. Mr. McKenna, recently appointed, says "If you don't put out this individual, I must go." Right or wrong, you must put him out. Sir, he could not be condemned if he was not heard—he was simply wedged out by an individual of the Board. Whether he was efficient or not, whether he had performed his duties or not, he must go. It seems to me it would have been more just and more dignified if the Government had required Mr. McKenna to withdraw that letter, and to have substituted one containing some definite accusation; for, as regards the reference of the hon. member for Halifax to political grounds, I take it for granted that if Mr. Miller performed his official duties, he had a perfect right to exercise his political opinions as he pleased. Surely the Government do not contemplate anything so degrading as to buy up a man's political principles by conferring office, or prolonging its tenure.

Mr. Wade—There is an old saying, of very truthful application—"Save me from my friends." It was not my intention to have risen again or to say anything here against Mr. Miller; but when I see a document brought here from an individual whom his friends seek to whitewash, laying charges against the Government, in a matter wherein I believe that Government has acted rights and for the benefit of the people, I feel it would be wrong for me to remain silent.—And if, sir, this vexatious movement be continued, although I am only 4 years old politically, perhaps, I may show these gentlemen that I have cut my bridle teeth, and will enlighten them a little more on our past history of light houses than it would be convenient for them to know.

Hon. J. W. Johnston—The hon. and learned gentleman is at liberty to enlighten us on any matter he pleases—what I did consider unfair was to deny investigation and still make charges.

Mr. Wade—To avoid misunderstanding, I repeat again, that in the private walks of life, I have always known Mr. Miller to be a man of probity and uprightness.

Mr. Killam—Mr. Speaker, we are making considerable progress in the expenses of this Board of Works. At first, when it was called into existence there was to be but one salaried officer, the head of the department, Mr. Bell, at £250 a year. Now we are told there is another gentleman added, at a similar salary, making £500, instead of £250. Mr. McKenna is a very respectable man, and I have always heard him highly spoken of; but it seems he has been brought up by the Government for the purpose of wedging out Mr. Miller, and the consequence is that our light houses have not been properly attended to the past season. Now, sir, my opinion is that the government had no right to create a new salaried office, without the previous express sanction of this House; and they had

no right to turn Mr. Miller out without investigation. The members of the Government intimate that it is beneath their dignity to enquire into the conduct of a subordinate officer; but if he is not to be heard before the Government, and if he is not to be heard before this House, where is he to be heard? What gross injustice might not be perpetrated on a man under this doctrine? Within my knowledge Mr. Miller has been eminently useful in the position he held. He advised against the adoption of the Kerosene Gas for light houses; and the result has proved that his predictions were correct; nevertheless, against his advice the Government persisted in introducing that mode of lighting, and the consequence was a dead loss of £1,000 from the monies appropriated from the revenue for the light house service. Does this show that Mr. Miller was incompetent? No, sir; and I maintain that when he was paid for his services, he was bound to give his advice.

Hon. Attorney General—The Act of the Legislature alluded to by the hon. member for Yarmouth, has been repealed, and the Government have been authorized to carry on that Department to the best of their discretion, provided the expense does not exceed that of the previous Board; it is done for one half. As regards the Kerosene Gas, that improvement was attempted on the authority of this House.

Hon. Mr. Johnston—Is it not true that Mr. Miller received £150, and Mr. McKenna receives £250?

Hon. Atty. Gen.—Yes.

Hon. Mr. Johnston—It is a little singular that while the offices before cost £250 and £150, making in all £400; now costing, without the Superintendent of Light Houses, £500, the hon. Crown Officer should say is but one-half of its former cost. I would ask if the duties of Superintendent can be performed by either or both of the Commissioners?

Hon. Attorney General—No. It is very likely we shall have to appoint a Superintendent at £150 a year. Why, does the hon. member know that the Board last year expended no less a sum than £23,000? The difficulty is to get competent officers for the salaries offered, instead of their being too high.

Hon. Mr. Johnston—See, what a singular spectacle we present! Here is an officer of 20 years' standing, a man of great skill and judgment, unimpeachable integrity, and remarkable daring through the dangerous services in which he was exposed, turned adrift from what would appear to be mere caprice, and the Light Houses, Beacons, and nautical interests of the country suffering from his absence, while there is a greater drain on our Treasury for the expenses of the Department than there was before his dismissal.

Hon. Pro. Secretary—I have listened to the debate just going on with surprise; because it appears to me you might as well attempt

to try a man on the Ten Commandments, as to try Mr. Miller on the grounds of his dismissal. From this simple matter, too, the subject has branched out into every conceivable form and shape. Now, sir, what are the plain facts? The Government, in the exercise of its discretion, seeing a large increase in the duties of the Board of Works, deeming it necessary to infuse more energy into that Department, drew Mr. McKenna from Sable Island, and gave him £250 a year for his services, as they were authorized to do by the law of the land. He came here some time before Mr. Miller's dismissal—received his salary up to that time and ever since; so that the allegation that he was sent for to wedge out Mr. Miller, falls to the ground. In addressing the House before, I spoke from memory; but, on referring to the correspondence, I find Mr. McKenna did charge Mr. Miller with neglect and obstinacy. I admit that every man who has been ill used by the Government has a right to appeal to this Assembly; but, if every subordinate officer who holds his place at the free and undoubted pleasure of the Government or the Head of a Department, is to take up two or three days in proving or disproving his fitness for office, most of our time will be frittered away in frivolous charges and defences, instead of being engaged in the legislation of the country. The change which the Government have made must be presumed to be a just one, so long as this House support the Government in its position; but to question the right of the Government to chose its subordinates to do the work for which you hold the Government responsible, would be a most dangerous and pernicious precedent.

Mr. Marshall—I presume the Hon. Prov. Secretary will not suppose that we are such simpletons as to allow him to build up a man of straw at our expense, in order that he may have the pleasure of knocking it over. Does he suppose that any gentleman on this side of the House would be so stupid as to move a vote of want of confidence in the present Government, for any act, however corrupt or ridiculous? No, sir, they have a lease of power and let them for the present revel in its sweets. But just mark the difference between the explanations of the mouth-pieces of government here. The last speaker tells us that more energy was wanted in the Board of Works; but did not the Hon. Attorney General tell us that Mr. McKenna was withdrawn from Sable Island at his own request, as he was growing in years, and wanted to educate his children.—(Hear, hear.) The reason then, for Mr. McKenna's transfer, as given by the two officers are entirely different, and before they make such another exhibition of themselves here, they had better compare notes with each other.—I admit, sir, that the head of the Board of Works, should have a perfect right to discharge a subordinate for not doing his duty; but this was not the case here; for the Government discharged Mr. Miller, as the let-

ter of the Provincial Secretary shows; and, sir, as regards the "white-washing" spoken of by an hon. member on the other side, I can tell him that when myself or any of my friends want our characters 'white-washed,' this place would be the last we would come to for that purpose. Now, sir, as I understand this petition, it comes here in this manner.—Mr. Miller says, in effect:—"I do not charge the Government, nor the Chairman of the Board of Works, nor Mr. McKenna with wrong-doing; but I want you to enquire whether it is not all a mistake, or whether I have been discharged for being a lumbering blunderer not up to my business?" I can only say, sir, that I have been a witness to the failure of the wind bags and Kerosene gas which he denounced, and the effect of which, in many cases, was nearly to have drowned the light house keepers; and I have seen him abused most violently for carrying out instructions without saying a word in reply—until I have expressed my astonishment that he could keep his temper. Mr. Miller does not ask to be restored to office—he admits that the Government had a right to dismiss him—all he asks is that he may not be sent forth a branded man, but that the community may know the cause of his dismissal.

Mr. Archibald—The letter of the Provincial Secretary shows that there was no charge against Mr. Miller. The change was a mere matter of Administrative discretion, with which this House has nothing to do further than to dismiss the members of Government, if they have betrayed the confidence reposed in them. I have great respect for Mr. Miller, and have so expressed myself several times; I would be very glad to do him a favor, if in my power; but all this is very different from interfering with the legitimate functions of a Government responsible for its actions to this House.

Mr. Marshall—How would this matter have been brought before the country, had it not been for this petition.

Mr. Archibald—The same as the case of Mr. Shipley yesterday, when an hon. member rose and moved that the papers relating to it be brought down.

Mr. Marshall—Yes! And the Government would have produced them or not, just as they pleased.

Hon. Attorney General—I move that the House adjourn.

Mr. Marshall—All right. We'll have at it to-morrow.—(Laughter.)

The House then adjourned till three o'clock on Thursday.

THURSDAY, February 14.

INLAND RAILWAY.

Mr. McLearn presented a petition from Sylvanus Morton and others, of Liverpool, for an act to incorporate a company for the construction of a railway. Also a bill to carry out the prayer of the petition.

The petition was received, and leave was granted to introduce the bill.

PENSION.

Mr. Marshal presented the petition of Mr. Justice Halliburton, asking that he might be permitted to retire from the Bench with a pension equal to that which he enjoyed previous to his having accepted a seat on the Supreme Court Bench.

CASE OF RICHARD LOGUE.

Mr. M. I. Wilkins said—I rise, Mr. Speaker, to present the petition of Richard Logue who for many years has filled the situation of Deputy Sheriff for the County of Cape Breton. The petition set forth that he has been dismissed without cause assigned; that he has asked the reasons for that dismissal, and that he is told his request cannot be complied with. Now, sir, this may be the right way to govern a people: if so, it is a mode with which I, as a Briton, am utterly unacquainted. The certificate of the Sheriff, under whom he served, is appended, and he states that Logue has acted under him for four years: that he has found him to be an honest, active man, and that he has always diligently and efficiently performed his duties. I do not deny the abstract right of the Government to discharge, at will, any officer, without assigning a reason; when an officer whom they have appointed, and over whom they have control is dismissed, I admit that they may assert this abstract right, and say: "we dismissed him because, in the exercise of the discretion which the Constitution vests in us, we saw fit to do so." But have they a right to go further? Are they justified in insisting on the dismissal of subordinates to those whom they have appointed? Can they compel their officers to part with servants which those officers alone have a right to appoint? What right has the Government to go into the kitchen of a Sheriff, and demand that his domestic shall be discharged? In my view they have no such power. They might as well claim the privilege of dictating as to how many cats he should keep, and whether they were to be Liberal cats or Tory cats?—(Laughter.) It is not becoming in a Government to descend so low; a Government of a great country like this should aim a little higher.—(Laughter.) There is no necessity for this interference with matters in which they have no concern; to the Sheriffs we may entrust, with all confidence, the appointment of their Deputies, the principal is accountable for the acts of his subordinate, and if, in the discharge of the duties with which he is entrusted the Deputy does wrong, the Sheriff, and he alone, is liable to the penalty.

Hon. Attorney General—The only item in the account appended to the petition which can be recognized by us, is £43 ls. for board and lodging; that is the only just claim either in whole or in part, and whatever portion of it is just, ought to be paid. A charge of £3 ls., if payable out of the Provincial

Treasury, should be at once liquidated. Another charge of £11 8s., and various other counter charges, of which we know nothing about, are annexed in the account. Now the matters involved in this petition open up questions of some interest in this country, and to which the Bill laid on our table a few days since respecting the appointment of Sheriffs, has reference. By the law, as it stands, Sheriffs must be appointed from year to year, and, in their appointment, two of the Judges and two members of the Executive Council, must concur. When the appointment of the Sheriff for Cape Breton was under consideration a meeting was held; what passed at that meeting I do not deem it desirous or proper to state in detail; I was not one of the four, and even if I had been, would still pursue this course. But, sir, since the hon. and learned member for Pictou has seen fit to make a distinct charge against the Government, I feel justified in saying that the Government would not and did not voluntarily step in to deprive Mr. Logue of his office; that his dismissal, in the absence of the Chief Justice, was made a sine qua non by the two learned Judges who presided, and that it was the act of the Judges, and their act alone. To myself, and to the two members of the Executive who attended the meeting, Richard Logue was entirely unknown; and his retention to or dismissal from office was matter of no consequence. Nay more, sir, I have good reason to believe that the member of the Government residing in Sydney did not approve of the act.

Mr. Marshal—Would the honorable and learned Attorney General be willing to give the names of the two learned Judges to whom he has referred?

Hon. Attorney General—No; I do not wish to bring the Judges or their acts here.

Mr. M. I. Wilkins—But we have asked for the information, and the Government will surely not refuse to give it!

Hon. Atty. Gen.—It is enough that they refused their assent to the list unless the name of the petitioner was struck out. Was the Government to leave the County of Cape Breton without a Sheriff? Hon. gentlemen will scarcely assert, whatever their hardihood, that the Executive would have been justified in pursuing such a course! No; they yielded their own judgment, that the County might not suffer for want of so necessary an officer. But, sir, this I do say—and I have no hesitation in avowing it—that the moment the Government, yielding to a political necessity, consented to this man's dismissal, it became their act; it was no movement of theirs, but, after the movement was made, they were compelled to adopt it. I am quite ready to assent to the appointment of a committee, any papers in possession of Government shall be laid upon the table; but, sir, I do think the hon. and learned member for Pictou would have evinced more discretion and better taste had he refrained from indulging in the tirade to which he has just

treated the House. I shall not follow his example, but, when he ventures again to assail the Government, let him bethink himself of the position he occupies—let him be sure that the charges he prefers are at least capable of substantiation, and the ground he takes can be sustained; let him appeal to the moral feelings, the sound sense, and the gentlemanly propriety of the House, and he may then have some hope of creating an impression in favor of the cause he advocates. But let him be assured of this: that whenever his appeals are based on frivolous, unsubstantial, untenable grounds—such as those upon which the remarks he has just addressed to this House are based—he will fail in the object he desires to attain. If he wishes to assail the Government, let him seek some more substantial reason.

Mr. M. J. Wilkins. I am aware that the Government are exceedingly strong, and that, sir, is one very good reason why they should be merciful; but the honorable and learned Attorney General need not expect to disturb my equanimity by his boasting—nor to diminish my good humor by invective. Let us see how this matter stands from his own showing. An efficient, competent, but needy officer is sought to be displaced by the Judges—no charge having been preferred against him—no reason being assigned,—and the Government have not the moral courage to resist the perpetration of this wrong. They acceded to an act of such inhumanity and cruelty that even the honorable and learned Attorney General's heart bleeds for the victim, (laughter,) merely because the Judges desired it. Am I to understand that this strong Government were coerced to do an act like this by the Judges?

Hon. Attorney General. I have told the honorable and learned member already that I was not present at the meeting, but the Government assumed that the Judges had sufficient grounds for objecting to the appointment of Richard Logue.

Mr. M. J. Wilkins. Then the Government desire to shield themselves from the obloquy attaching to this suspicious transaction under the wing of the Judges. But what does the honorable and learned Attorney General say to the dismissal of the Sheriff of Cumberland, Mr. Chandler?

Hon. Attorney General. The Government do not desire to shield themselves in any way; I have previously stated that they did not desire the dismissal of Logue—but were reduced to the alternative under the law—of leaving Cape-Breton without a Sheriff or consenting to his discharge—the assent of the Judge to the appointment of a Sheriff being essential. With regard to Mr. Chandler—that was not the act of the Judges; the Government assume any responsibility attaching to his dismissal.

Dr. Tupper said: I should have borne

no part in this discussion, which has arisen unexpectedly, had it not taken a wider range and assumed a more important aspect than the petition under consideration demands. The honorable and learned leader of the Government has said that the present was not the only instance in which the Government had acted under the coercion of the Judges in the appointment of Sheriffs, and expressed his regret that the Bill lately introduced by the honorable member for Halifax, (Mr. Annand,) which would have relieved the Government from that compulsion—had not previously passed into law. Sir, I listened with the most profound astonishment to the speech he has just delivered—standing here, as I do—prepared to state that the opinion of the Judges, in the matter of Mr. Chandler's removal, did not receive that consideration, that gentlemanly deference, which the honorable and learned Attorney General seemed to think so important in the case under consideration; prepared, as I am, to assert that the principle which the law contemplated was departed from; that the government without occasion, without charge evicted from his office a man on whom the hand of providence had previously been laid heavily—who depended upon his office for his bread—an officer of thirty years' standing who had faithfully and honestly fulfilled his duty, performing the functions of his office in such a manner as to give general and unqualified satisfaction; I say I listened with unmingled astonishment to the honorable and learned Attorney General when I heard him assert that the Government had acted under the compulsion of the Judges. I tell him that the course heretofore pursued in the appointment of Sheriff has been that the one who stood first on the list was considered as appointed, and that in passing Mr. Chandler's name all principle was departed from, all precedent violated, as the Committee of Council had agreed with the Judges to place it first.

Hon. Attorney General. The honorable member for Cumberland is mistaken; I never asserted that the Government were coerced into dismissal of Mr. Chandler. I at once assumed the responsibility attaching to that act; it was done by the Government, and by the Government alone.

Dr. Tupper. Considering that I am unpracticed in public speaking, the honorable and learned Attorney General might have permitted me to conclude the few remarks which I intend offering to the House without interruption. Now, sir, honorable gentlemen will perhaps be astonished to hear that so far from this extreme deference—this punctilious regard for the opinion of Judges which the honorable and learned Attorney General would have us believe is entertained by the Government, being evinced—the meetings appointed by the

member of Council were not attended by any of the Executive, until the time allowed by law was almost passed; that after objection had been made to the re-appointment of Sheriff Chandler when they did finally meet, and the Judges who had known him for thirty years said, unless you submit some reason, unless you assign some cause why he should be removed from his office, disgraced and degraded in the eyes of the public, we cannot concur in placing any man above him, the objections were apparently withdrawn by the members of Government, and his name placed at the head of the list; yet the Government, in violation of all precedent, appointed another. Sir, I never spoke more seriously, I never uttered a remark with more perfect consciousness of its truth than when I state that to Sheriff Chandler I owe nothing either personally or politically, and that I never received a favor from him in my life; but, sir, were I indebted to him a tithe of that which the Liberal party owe to him, I should not only be the last to injure but the first to benefit him. But, sir, it does seem to me to be a most extraordinary and anomalous thing that under Responsible Government, of the principles of which I came here an admirer, as essential to the liberties of freemen, that these acts are to be perpetrated with impunity. If, sir, I am to gather my opinion of Responsible Government from the acts and speeches of some of those who profess to be its sincere advocates and supporters, my admiration would not be of long duration. The other day I understood the honorable and learned member for Digby to say that the supporters of the Government courted a division, and that on a question of purely personal character.

Mr. Wade. Yes.

Dr. Tupper. Is the honorable and learned gentleman afraid that the session will expire before an opportunity is afforded him of testifying his devotion to the Government? True, up to this time I have had no fault to find with the Government as to the mode in which they have managed the public business during the present session. The desire expressed by the honorable and learned Attorney General to avoid such discussions is commendable; I take it to be unwise and unjust unnecessarily to inflame the minds of members for party purposes. Sir, is there nothing more in Responsible Government than that which we heard unblushingly asserted lately by the honorable member for Shelburne, that "the Government should govern by a party and for a party;" that the revenues of the country were to be expended but to reward their political supporters. Sir, if the lineaments of the human countenance are any index to human hearts, I think myself justified in saying that no considerable body of men could be found in this House pre-

pared to endorse that principle, or to be driven to the support of Government, irrespective of the merits of the question under consideration. Sir, I did not come here to play the game of follow my leader. I did not come here the representative of any particular party, bound to vote contrary to my own convictions, but to perform honestly and fearlessly to the best of my ability my duty to my country. In the past, I have seen measures which lie at the root of all our prosperity and freedom burked because they emanated from the leader of the opposition, nor have the measures of Government always received a dispassionate hearing from the opposition. Whenever the measures of the Government commend themselves to my judgment, I shall not hesitate to support them; if a different course is pursued by honorable gentlemen opposite they may find that some of the independent supporters of the Government will feel it necessary to withdraw from them their support, and at all events, I do trust that in acts of tyranny and oppression the Government, strong as they may be on general questions, will find that they will not be sustained. I have before said that I have not been influenced in this matter by feelings of friendship for Mr. Chandler, and I may add that I have no reason to complain as far as it affects my political position, for had the Government given me the entire patronage of the county for the next four years, I could no thereby have strengthened myself as much as they have done by this one act of unqualified injustice. Whilst in this house, sir, I shall ever contend for the right of every subordinate officer to a hearing before he is dismissed from his office. To this day, Mr. Chandler has never heard of a complaint. It is true that anonymous libellers in a press supporting the Government, have asserted that his jailor, Mr. King, made a rum-shop of the jail and kept an open house in it for myself and my colleague. To this statement I give the most unqualified denial. There was not any spirits in the jail during the election, and of the persons entertained there on nomination day (the personal friends of the jailor and his wife,) more than half were the supporters of the Hon. Mr. Howe. Now, sir, is the principle to be adopted that an officer faithfully discharging his duty is thus mercilessly to be sacrificed to such irresponsible influences as these? If so, it is time that instead of additional power being placed in the hands of the Government, the old British usage be adopted by which the people elect their Sheriff, and, I may add, that to the present day the British constitution has carefully avoided placing the appointment of Sheriffs in the unrestricted hands of the crown.

Mr. Wade said: Mr. Speaker, I congratulate the honorable member for Cum-

berland that he has at last, after severe travail, come to understand that the bantling he professes to father bears some resemblance to himself. Let me tell that honorable gentleman that in this house men are estimated at their true value, and that he who seeks to lead must first show that he possesses the ability. It is in vain for the honorable gentleman to insinuate that the principle of "follow my leader," so long the watchword of his party, should be ignored merely because he conceives himself possessed of the ability to lead. It may be that the gift of speech has been conferred on the honorable gentleman, but there are other qualities more essential to a leader than the verbose expression of his own preconceived opinions. A clear insight into the requirements of the country, a thorough understanding of its wants; the practical ability to carry out his views; all these are necessary qualities in one who seeks to lead the mind of the country as shadowed forth in this House. The honorable and learned gentleman must pass through many an ordeal more trying than any to which he has yet been subjected before he can claim the right. With respect to the bean box of Cumberland, what have we to do with it here? Why did the honorable gentleman conceive himself justified in following the honorable and learned member for Pictou, and dragging the dismissal of Mr. Chandler into a discussion concerning the petition of Richard Logue? What have we to do Mr. Chandler here? his name is not mentioned in the petition, and if he seeks redress for any real or supposed grievance, let him make his charge, and he will be met upon its own merits; but let him not seek to hang upon the skirts of another, and by that means bolster up his own case. With respect to the honorable member for Cumberland who has chosen without cause to introduce my name, let him understand this, that whenever he thinks proper to attack me I shall be prepared to defend myself; my public conduct is always open to the criticism not only of my own constituency, but of the public generally, and that conduct I shall always be prepared to justify.

Mr. Annand said: I am sorry, sir, that this discussion has arisen, a discussion at once unfair and unnecessary. What has given rise to it? A petition has been presented by the honorable and learned member for Pictou, setting forth that he was a Deputy Sheriff, and that he has been dismissed from his office by the Sheriff. Now, sir, whose officer was this deputy? The officer of the Government? Certainly not; he was the servant of the Sheriff, appointed by him, amenable to him, and liable at any time to be dismissed by him. How then does the honorable and learned gentlemen and his supporters here seek to assail the Government because of the dismissal of

Richard Logue? How can they with any degree of propriety, with any show of reason fasten a charge upon the Government, when it is broadly and boldly stated here that it was not at their instance, but at the instance of the Judges that Logue was dismissed? Sir, if blame attach to any, upon the Judges of the Supreme Court be it,—let not the Government be held responsible for a wrong perpetrated by them. Sheriffs were elective during the reign of Edward the Sixth, and during his reign alone; it was found that the practice was inconvenient, and therefore it fell into disuse. In the discursive discussion that has just taken place, sheriffs and responsible government, theory and practice, have been heterogeneously mixed up. Sir, the honorable member for Cumberland has thought fit to attack the honorable and learned member for Shelburne, (Mr. Locke.) The honorable member for Cumberland, by what right I know not, seems to consider that he alone is capable of understanding the principles of Responsible Government, that he alone appreciates and acts up to those principles. Sir, he will pardon me for saying that there are men in this House who have testified through years of trial their devotion to those principles, who understand and value them; and it will require some thing more than mere admiration testified by words alone to give the honorable gentleman the right to take his stand with them, or entitle him to participate in the confidence which they enjoy. With the principles enunciated by my honorable friend from Shelburne, I entirely concur; I hold the doctrine that to the victors belong the spoils. I hold that he who battles for and succeeds in carrying out a principle, who spends his time and exercises his ability in endeavoring to achieve a reform, is entitled to any little reward—and the rewards for such labor are certainly few and small in this Province—that it is in the power of his country to bestow. If, sir, I have any fault to find with the Executive Government, it is that they have not carried this principle out as they should. But, sir, we are not discussing this question now, the Government did not dismiss Richard Logue, he was no officer of their's, and therefore I hold that in any view they are not responsible for his removal.

Mr. Marshall said—After having been for 16 or 17 years in this House, I had at last come to the conclusion that I was educated up to Responsible Government; but sir, after having listened to the discussion of to day, I find that I shall be obliged to commence my education anew. Am I to be told that the stories we have hitherto heard of the blessings of Self-Government, have dwindled into mere government for self?—(Laughter.) Am I to be told that,

in a civilized country like our own—with an intelligent, and comparatively well educated population, glorying in being the descendants of Englishmen, the doctrine is to be upheld that parties are to strive for majorities that they may divide the spoils of office among themselves and their adherents—that all who do not subscribe to the political dogmas of one set of men, are to be excluded from office, and denied the right to aspire to any office, however humble, in this country; nay more, sir, that if any persons who hold office should dare to exercise their undoubted rights as freemen, they are to be immediately dismissed. Once announce this principle and ratify it by the decision of this House—the sooner all men who value their civil liberties pass our borders, the better for themselves. The honorable member for Halifax tells us that “to the victors belong the spoils.” Is this a principle of Responsible Government? Sir, I have always understood that the Liberal Party urged upon the country as one of the reasons why they were entitled to support, the fact that the Conservatives bestowed too many offices on their own adherents; that they had not sufficient consideration for their opponents; this is but another evidence of the ephemeral character of so-called Liberal doctrine. When they were out they denounced proscription in any case; now that they are in, the doctrine is carried to the extreme.

Mr. Annand explained. His remark was intended to apply in a figurative sense only.

Mr Chambers: After listening Mr. Speaker, to the long speeches which have been delivered here, perhaps a few homespun remarks may not be out of place. The whole question is comprised in a nutshell. Have the Government the right to discharge such officers as are in their employ, when those officers fail in the performance of their duty? I will give you a few practical illustrations. Suppose I held some public office; I say to the man in whom I have confidence, there is a workman on whom I would rely to perform a required duty with fidelity and despatch; and suppose my confidential agent reports to me that the workman has not performed his duty, or refuses to obey instructions? I would call him, pay him his wages, and send him to seek employment elsewhere. Suppose, again, the man is stated to have performed his duty faithfully in some respects, and not in others; perhaps that, after his day's work is over, he went about among the neighbors, endeavoring to damage my character. What would I say to him? “Sir, I cannot retain you in my employment, you have endeavored to undermine my business and destroy my good name. I am, therefore, necessitated to discharge you.”—Would that man have any right to complain? No, sir; and just so is it with the

Government. I hold them responsible for to do what ought to be done; and if they fail to exercise their power in essential things, they fail in their duty to the people. At the same time, sir, I would not by any means attempt to prevent any investigation that ought to be had on the floor of this House. I would be sorry to see the Government discharge a faithful servant who had been attentive to his duties, they should be very cautious about exercising their power without a due and thorough investigation. With respect to the remarks made as to the “follow-my-leader” tendency exhibited here, I can only say that, as member for Newport, I gave my Constituents to understand that I would act independently—supporting the Government as far as I thought right, according to my judgment—and no further.

Mr. Moses: I came to this House, Mr. Speaker, to do what was right, and to support, irrespective of Party, the measures best adapted for the benefit of the country. I have long doubted very much the propriety of establishing a strong Party Government, and I have heard enough this afternoon to confirm me in that opinion. I believe, sir, that no sooner do you establish a strong Party Government, than you establish a despotic Government. I can recollect, sir, before the so-called Liberal Party came into power, and when the Conservatives were in the ascendant; they professed principles of Responsible Government, and many admired them for the boldness of their stand; but, what do we see now? The party in power domineering and setting at naught the very principles which they once professed; grasping at everything—which they blamed the other party for doing—making use of every stratagem to maintain themselves in power—squandering the revenues of the country for this selfish object—displacing faithful officers in every part of the country who do not bow down to them—and contriving everything for their own advantage. Sir, the sooner we get rid of such a Government as this, the better.

Mr. Annand explained with reference to his expression—“To the victors belong the spoils.” He meant simply that whatever Government was in power had a right to enjoy the patronage which their position brought. I do not mean, sir, that the Government should go into offices and displace subordinates indiscriminately; but the heads of departments should certainly be the right men, in the right place, and of the right party. We have been referred, sir, across the waters; I am willing to adopt the English practice to the very letter. I could easily show that the honorable gentlemen opposite were not always averse to the removal of officers, and I undertake to say that if they were in the Administration to-morrow, they would do as the pre-

sent government did. They have gone no further than they were authorised by Lord John Russell's despatch of October, 1839; and the doctrines laid down by Earl Grey after the elections of 1847.

Mr. M. I. Wilkins—What offices does he refer to?

Mr. Annand—All the subordinate officers of Government, whom he says must either be prepared to refrain from opposition to that Government in any way, or must be ready to resign office. If then, the members for any county send a remonstrance to the Government against the conduct of a public officer, as a violent partizan, or as even having taken an active part against the election of the candidates on the side of the Government, the latter would be bound instantly to remove the transgressor from office. This, sir, is my reply to the hon. member for Guysborough.

Hon. J. W. Johnston—I could turn back to a period when the honorable member who spoke last took very different grounds from that which he assumes now. With the sentiments of the honorable members for Falmouth and Newport, I entirely concur, namely, that in making these appointments, all other things being equal, talents information, character and fitness, the Government should prefer its political friends. My objection is to the proposition that gentlemen should be put out of office, because their principles do not run parallel to those of the Government, although they may take no active part in politics. This was what the honorable member for Halifax contended when he said that Mr. Miller ought to have been dismissed long ago. The doctrine enunciated here is not to be found in British constitutional practice.

Mr. Marshall—But in the present instance we do not go so far as to question the power of the Government in any shape whatever. We do not complain of an officer being dismissed, but we do complain of the attempt to shut a man out upon the right of petition. Suppose the servant mentioned by the hon. member for Newport (Mr. Chambers) had a defence to make against the charges of his master's agent, would that master be just to refuse that servant a hearing—would he be honest to deprive him of his wages? I think a man is fairly entitled to a hearing when accused of any fault in private life—much more so when his career and his acts are before the public. Now, sir, if this man Logue has done wrong—if he has rightly forfeited his office, and if the wages he claims are not fairly due, then let the Government be justified in their act, by giving the man a fair and impartial hearing.

Mr. Morrison—I do not believe, Mr. Speaker, that there is the slightest disposition on the part of the Government, to withhold the committee asked for on this

petition. On the contrary the hon. and learned Attorney General has risen in his place and stated that there was no desire on the part of the Government to shut this petitioner out—nay! that he had a right to come here and be heard. Then, what is the use, sir, of gentlemen here building up a man of straw for the pleasure of knocking it down? The hon. member for Cumberland brought into this debate subjects which had nothing to do with the petition before the House, and, among other things, spoke of a "whipper-in," to rally round the members of a party. Sir, speaking for myself, I am here as independent a man as any within the walls of this House; and that was my language on the hustings to the people who sent me here; and, sir, while I yield to no man in the exercise of that independence, I shall yield to none in a firm determination to support what is right. With respect to this appointment, sir, I think the Government has an undoubted right to make choice of the officers who are to serve under them; and that, I know, is the opinion of the vast majority of the people of Nova Scotia. We have a proof of it here—we have been assured of it in the Press. I believe it to be a sound principle of government that there should be a party to rule and another to watch the rulers. That is the way to preserve the peoples' rights. I believe that those who object to the power of the Government are not sincere; for I am sure if that Government were to infringe on the rights of the people to-morrow, there would be independent men enough here to hurl them from power.

The committee was here appointed—Messrs. Tobin, McFarlane, Wier, McKeaney, and Chambers. W.

FRIDAY, February 15.

PETITIONS AND BILLS.

Mr. Killam—For a Way Office.

Dr. Webster—For a Draw in Cornwallis Bridge.

Mr. Parker—Gore, Douglas, Way Office.

Mr. Bill—Aid to Wharves.

Mr. Bill—Lower Town Plot, Cornwallis, for aid to erect an embankment; Cornwallis, aid to Breakwater, Road to a Breakwater. Another on same subject.

SELLING LIQUOR IN TRURO.

Mr. Wilkins—from Alex. McKay, Truro, formerly of Halifax, and hotel keeper at Truro, representing that he had applied for a license to the Court of Sessions, and at a meeting of eighteen Grand Jurors, there were eleven in favor of his application; but an impression having got among them that twelve Jurors were necessary for a presentment, they did not make one, and he was fined £10. His petition to the sessions set forth that the moderate sale of

liquors was essential to the successful prosecution of his business; and the indiscriminate withholding of licenses tended to demoralize the community, instead of promoting public morals. Petition prayed that proceedings might be stayed until the matter could be again brought before the Sessions.

Mr. Morrison said that before the question for a Committee was put he would make one remark, and that was to express his utter surprise that Grand Jurors, who were sworn to secrecy, should have divulged that there were 11 out of 18 in favor of the petitioner. It was a reflection on the Grand Jury of Colchester, and he moved that the petition be not received.

Mr. Wilkins said that the point referred to had been well considered before the petition was brought here. A Grand Juror was sworn to keep the Queen's Counsel and that of his fellows; but the number of Jurors was no secret. Had any of the Jurors told the names of those who voted on one side or the other, it would have been undefensible, but such was not the case.

Mr. Parker spoke against the petition, and seconded the motion to withdraw it.

Passed 15 to 13.

FINANCIAL STATEMENTS, ETC.

Hon. Provincial Secretary, by command, laid on the table of the House tabular statements of the revenue and expenditures—trade and commerce of the Province during the last year.

Also, the memorial of Temple and Lewis Piers, praying reparation for damages done their property in Bedford Basin, by the course of the Railroad.

Also, laid on the table a despatch from Mr. Labouchere, on the Fisheries of the Bay of Fundy.

Also, Petition from Messrs. Currie, manufacturers, Windsor, for aid.

Also, from Messrs. Burnham and Lynch, Windsor, for road damages.

From Peter S. Burnham, Post Master, for increase of salary.

Also, several other petitions, the purport of which we could not hear.

Mr. Whitman—to remove obstructions in Lequille River.

Also, Messrs. Shaw and others, for township incorporation.

Also, from Clements, for road from Bear River Bridge to Bear River Ferry.

Mr. Chipman—Wm. Payzant and others to enable them to build a steamboat wharf at Oak Point, on the east part of Cornwallis.

Mr. McKeagney—from Thos. C. Cann, of Sydney, C. B., for aid to a ferry boat.

Mr. Thorne—from Chutes' Cove; from Seizing Officer on Annapolis River; and a road petition.

Mr. McFarlane—A bill to enable inhabitants of Pugwash to procure a fire engine; bill read a first time. Petition from J. A.

Chipman, Postmaster at Amherst; Robert McKim, alteration in mails; Rev. W. S. Darraugh, for Way Office; Donald McKay, Teacher of Grammar School, Wallace, for money withheld; Jonathan McCully, road.

Mr. Annand—Messrs. Ritchie and Willoughby, for return of duties on paper.

Mr. Annand also introduced a Bill to incorporate the Union Bank of Halifax. He explained that the principles were to be the same as those of the Bank of Nova Scotia.

Mr. Wier reported on the petition of Peter Minard and others, with reference to a grant of land, recommending a partial reimbursement. On the petitions of Wm. H. Potter, with reference to a suit of Wm. B. Perkins, the committee recommended no payment.

Mr. Wade rose to present a petition from several shipwrights, praying that a law might pass making vessels liable for their wages.

Referred to Messrs. Wilkins, Killam, and McKenzie.

Mr. Wade—For increase of mail accommodation; Digby Neck, for aid to grist and oat mill; Weymouth, to remove obstructions on Sissibou River; Smith's Cove, for way office; Hillsborough, to remove obstructions from Bear River; John Barnaby, to assist further in educating a deaf and dumb boy. From inhabitants of Digby Neck, for alteration in the law for appointing Fish Inspectors.

Mr. Churchill—Hantsport ferry; Kempt, same subject. Road petition.

Hon. J. W. Johnston—Praying the repeal of an Act which passed concerning the Chesley abiteau.

Mr. Ryder—Petition from Thomas W. Chesley, counter to the above, with certificate.

Mr. Thorne moved that both petitions be referred to a special committee.

Messrs. Ryder, Bill, Bent.

Hon. Attorney General—J. E. Tremain, Esq., Postmaster, Port Hood, for an increase of salary, warmly recommended by the Postmaster General; Jas. McKeen, Postmaster at Plaister Cove; John McDonald, praying the aid of the House for support of a blind person.

Dr. Tupper—For improvement of the navigation between Cumberland and Prince Edward Island.

Also, from Mr. Bradbury, Parrsborough, for reimbursement for expenditure on a Bridge.

Mr. Esson—A bill to enable the corporation to procure a general survey of Halifax.

Also to enable the corporation to improve the side walks; also, to keep the streets in repair.

Mr. Fuller—Maurice Kavanagh and others, to erect a public wharf at St. Peter's;

for aid to repair a mill destroyed by a freshet; also, several road petitions.

Mr. John Campbell—Millton, for an act to control the rafting of logs.—Bill read a first time.

“ Merchants of Liverpool, for Marine Railway; Trustees of Sackville Academy, for aid towards that institution; Proprietors of “ Wesleyan,” for drawback on paper.

Mr. P. Sinyth—inhabitants of Mabou and Port Hood, for a tri-weekly mail.

Mr. Morrison—district of New Annan, for new road to Onslow—about 12 miles.

Dr. Brown—overseers of poor, Horton; sick Indians.

Mr. Marshal—bill to amend the act to incorporate the trustees of Burn's street Church, in the county of Sydney.

Mr. Parker presented a petition from Walton and Kempt, praying for the equalization of the representation of the county of Hants.

Mr. Geldert—Bill to incorporate the Trustees Zion Meeting House, Mahone Bay.

Mr. Wier—E. G. Fuller, for compensation in respect of losses sustained by him in the importation of agricultural implements for the Industrial Exhibition, in 1854.

Mr. Wier—also, a petition of rate payers of Halifax, for an amendment in the act of incorporation. The petition prayed for the abolition of the office of Recorder, the creation of a stipendiary magistrate for the trial of causes, and the election of City Clerk, and Assistant Clerk, by the people.

Mr. McLellan—Wm. Delay, to open a new road

Mr. Davidson—From Dr. Forbes, Sick Indians; Mrs. Jane Boyle, sick sailor.

Hon. Pro. Secretary, by command, laid on the table a return showing the appointment of Sheriffs.

Hon. Sol. Gen., by command, laid on the table the account sales of the sale of Stud Horses last year. The balances had all been paid into the Treasury.

Hon. Sol. General also presented the petition of the Sheriff of Cape Breton, for reimbursement of expenses incurred by him in the maintenance of a prisoner in Cape Breton. Received and referred to the committee on the petition of Richard Logue.

Hon. Sol. Gen. also laid on the table the account of expenditure for colored people, in county of Halifax, last year.

Mr. Davidson—For return of duties on a coach imported.

Hon. Sol. Gen.—From Trustees of St. Francis Xavier's College, Antigonish, to enable them to purchase apparatus; also from inhabitants of Tracadie, for Post Office; for a special grant to great road to Cape Breton; for improvement of Tracadie Harbor; Alex. MacPherson, Mail Carrier, county of Richmond, for remuneration; bill to establish the town of Morristown, county of Sydney. Petition from overseers

of poor, township of St. Andrews—Transient Paupers; Edwin Ferrestal, ferryman, additional allowance.

ROAD SERVICE.

Mr. John Campbell rose to present the petition of Mr. Peter Colp for payment for building a bridge in the county of Queens, under the following circumstances:

Last winter, sir, Mr. Cowie, the late member, with my concurrence, wrote the petitioner to prepare timber and materials for building a bridge, as they could be obtained in the winter on much better terms than in the summer. Having obtained these, Mr. Colp called on me after my return from the Assembly, to know if he should build the bridge, as it was much wanted. I recommended him not to do so, until I heard from the Provincial Secretary, from whom I expected a confirmation of his appointment. After some time I received the usual printed list from the Secretary's Office, with his name in the list for the sum named, whereupon I told him to go on and build the bridge, as he would receive his commission. Some time after the bridge was built I understood that another person was appointed, which I did not believe, as I had never known commissions to have been sent to other parties than those named in the Lists. I then addressed a respectful letter to the honorable Provincial Secretary, stating that I was again returned for the county, that I had understood he had altered a number of our commissions, and requested he would favor me with the names of those newly appointed, against those who had been superseded. To this, Mr. Speaker, I was not favored with an answer. Sir, since I had the honor of a seat in this House, I have endeavored to appropriate the money for the county without favor, and to select the best persons, in my opinion, to lay out the money. This is well proved by the fact that, at the last election, one half of those that I recommended for commissions supported, and the other half opposed me; and yet the Government, not satisfied, removed Commissioners recommended by us to expend amounts between £800 and £900. Having been informed that the Government Commissioner had built another bridge, and still incredulous as to the fact, I paid a visit to the place, and found that he had indeed made another bridge within a few feet of the one previously built, and for which the petitioner now claims the reward of his labor. I trust, sir, he may be relieved, either by a special grant, or out of the road money for the county.

Mr. M. I. Wilkins—I suppose one may be called the Government bridge, and the other the *pons asinorum*.—(Laughter.)

Hon. J. W. Johnston—Several cases, similar to that which the honorable gentleman alludes to, have occurred in other counties; and numerous have been the

complaints against the interposition of the Government, in putting other parties in place of those whom the members of this House have recommended for Commissioners. Now, sir, I maintain that the nomination of these Commissioners is the constitutional right of the members of this House according to the Parliamentary practice of Nova Scotia; for, in no other way can the theory and practice of responsibility to their constituents be carried out. The Government ought not, therefore, interfere, however obnoxious these recommendations may be; for the practice has grown up with our country, and forms part of our system of colonial polity. The Lists last year did not come out till late; and I could state several instances in which the threat was held out that, if a man did not vote for the Government candidates, he would lose his commission. I do not say that the Government kept the commissions back to lend vigor, point, and significance to those threats; but there is something very strange in the coincidence; and it was an injury to the public service, as well as insulting to the members for any county—first to publish members' recommendations, and then to ignore them. Such conduct, sir, is derogatory to the dignity and standing of the members of this House. Look, sir, at the anomalous position in which stands my honorable friend from Queen's! Expected to bear the responsibility, without the power to act! Sir, the Government ought to stand on its own intrinsic merits, and ought not practice on Road Commissioners for electioneering purposes. They ought not trample on the personal feelings of honorable members here, as they have done; nor send them back, like fools, to be laughed at for their pains. The right of recommending these Commissioners has been a privilege enjoyed by members of the Assembly for scores of years, and their nominations have never, until lately, been interfered with.

Mr. McLellan.—It is natural that the Government and the party in this House sustaining it, should each endeavor to support the other; and it is equally natural that the party in opposition should strive to weaken both. It is quite enough to say that in this matter of Road Commissions the Government never interfere except in cases of special injustice, and I can show cases where it was their imperative duty so to interfere. If the honorable members for Queen's authorized a man to build a bridge before he knew that another was appointed as commissioner, that is a case for the consideration of the House; and under such circumstances I think the man ought to be paid; but if he went on spending the money, *after* he knew that another person had been appointed to make the Bridge, then I think the House ought to exercise a wise discretion on the matter.

Mr. Martin I. Wilkins.—The learned Attorney General is of opinion that the Government should step in to protect the people from the oppression of their own representatives. For instance, I had £100 to spend last session in a particular locality. Not feeling myself very well acquainted with the best men to do the work, I had a meeting called of the people themselves, (those very same people whom the Hon. Attorney General seeks to take under his benevolent protection,) knowing that they were most capable of judging who were the best men to expend the money. Well, sir, they named two, and I forwarded their names to the Government, requesting that the commissions might be directed to these two gentlemen. What was my astonishment to find that this Government, without saying a word to me—which in courtesy, if not by right, they were bound to do—sent the Commissions to two other parties; thus making a fool of me, and ignoring the judgment of the freeholders. Now, sir, I put it to the House and the country, referring to parliamentary usage, or the liberty and happiness of the people of the West Branch of the River John—whether the Government were justified in making the alterations they did. It appears to me, sir, to be an infringement on the rights of the people, and contrary to the principles of that responsible government which we are told has been conferred upon us,—and if this system be continued, I am very much afraid it will not be long before the beautiful Responsible Government we have heard so much of will go off in a galloping consumption. (Laughter.)

Dr. Tupper—I cannot allow this discussion to pass over, Mr. Speaker, without offering a few observations, which have suggested themselves to me while other honorable members have been speaking. If, sir, the members of government had come into the House and offered any just and reasonable grounds for the course they have pursued, I should not have uttered a word upon the subject; but, sir, it appears that not only were recommendations of members of this House concurred in by the Government, but that concurrence was confirmed by the transmission of printed lists to the members, who thereupon felt authorized to set the commissioners they had recommended, to discharge the public work; and in one instance, as stated here by the hon. member for Queen's, one bridge had been completed before the Government commissioner had commenced another alongside of it. Sir, this is a most important question affecting the liberties of the people, and the rights of members of this House, which should now be definitively decided. I do not deny that the Government should hold and exercise the prerogative—yet, sir, a very important question for the members of this House is

whether they will act on the principle which has heretofore guided the Legislation of this country? I can speak, sir, of a matter in my own county, and in which Mr. Logan, an ex-member of this House, and a supporter of the present government took an active part. A gentleman who enjoyed the esteem of all classes—who was desirous of improving a road leading to a public wharf—who had spent his time and money in promoting the object, and had given his land for the use of the public, was proposed by Mr. Logan as Commissioner to improve the road, and recommended by the three members, Messrs. Howe, Bent, and Fulton; and his commission was actually prepared and signed in Halifax, and sent up to Amherst to a young gentleman at the Corner, for delivery to Mr. James Corbit. What was our astonishment, sir, when we found that this Commission was returned to the Government by the young gentleman, and another commission issued to a person of his recommendation, or that of somebody else unknown, in defiance of the united voice of the three members; and this, sir, notwithstanding there was a subscription in favor of the work, conditional on the appointment of the party recommended by the members. Thus, sir, a valuable subscription list was lost, the interests of the country interfered with and injured, and an insult thrown on one of the best road makers in the county. The case of Mr. George Moffit was very similar, and altogether inexcusable. He, sir, was recommended to expend £25 between the River Hebert and Maccan bridge, and his commission was forwarded to this same young gentleman, to be handed to him; it was returned, and a man who does not live in the district appointed instead, although Mr. Moffit stands at the head of our road makers, and was admitted by all to be one of the best in the country. A subscription list here was also lost in consequence. Sir, if members are to be controlled in this manner by the Government, let us understand it; if we are to be subjected to this kind of petty tyranny, let us prepare to resist, or calmly and slavishly submit to the indignity. This is not a question of politics, but one in which every man here is interested, on both sides of the House. If a member puts his hand to a recommendation, he is responsible for it to his constituents, but, how are those constituents to judge of his acts when they are controlled, misrepresented, and stultified by the acts of the Government? No man should be placed in so humiliating a position as to make recommendations under such circumstances. Rather let the Government take the patronage, and be responsible for it themselves. I regret, sir, the necessity which has imposed upon me these observations. I have come to this House not to

offer any factious opposition to the present Government, or to any member or party in this House; but am determined to give my best and most earnest co-operation to any measure for the benefit of my constituents and of my country at large, come from where it may.

Mr. McDonald.—I will take the liberty of explaining with reference to the appointments spoken of by the honorable and learned member for the township of Pictou (Mr. Wilkins). These appointments were not made until my honorable and learned colleague and myself had as much right to make the recommendations as he had. It was not until the Sheriff had forwarded our names as duly returned for the county—he being only the member for the Township—that we recommended the Commissioners for the work at West Branch. Before doing so, I waited on the honorable and learned member for the township, and stated that I was willing all his recommendations should prevail except one. Now, the gentleman who had been recommended by the honorable and learned township member had always supported the Liberal party, till then; but when I called upon him in my canvass, I found that he had come to the conclusion to vote for the opposition members in case he should get the expenditure of the money. I therefore determined not to give my consent to his appointment, because if he were so anxious to obtain it, he was not fit to discharge the duties required of him. We explained to the Government the circumstances of the case; and if gentlemen around these benches were cognizant of all, I am quite sure they would acquit the Government of anything that might be considered unjustifiable.

Mr. M. I. Wilkins.—The parties recommended by me for Commissions, pledged themselves not to interfere in the elections in any matter whatever; gentlemen may therefore judge of my astonishment at the information just given to them.

Hon. Provincial Secretary explained that the Road Scales were printed immediately after the House rose, and sent by the Queen's Printer to each member, and not from the office over which he (the Provincial Secretary) had direction. The doctrine enunciated to-day that each member had a right to appoint Commissioners might sound novel to honorable members who had not been here before, but the question was perfectly understood by honorable members who had been familiar with former debates; for it had been debated and decided on a previous occasion that the Government had the right they exercised, and that it was responsible for its own acts. The Government were prepared to give a list of all the alterations that had been made. If the principle were to prevail that members' recommendations were to be final, where

was the use of referring them to the Government?

Hon. Attorney General admitted to the fullest extent that the recommendations of members ought to be respected; but the Commissioners here recommended were nominated by two Liberal members of the whole county, supporters of the Government, while they were opposed only by the township member; so that on the argument of the honorable gentleman himself the Commission issued by the Government was right, because it was in accordance with the wish of the members elect.

Mr. M. I. Wilkins replied.

Hon. J. W. Johnston urged the absurdity of having the recommendations of the people's representatives set at naught by amendments hatched up in the back office of a lawyer, or at the counter of a country merchant. The Government had certainly the right of appointment, a right that none could dispute. A few days ago, on the election of Speaker the House attended his Excellency, and the Speaker asked for the privileges of this House, as usual. These might have been refused; but is it never done? No; because the members here are responsible for their choice of Speaker, and responsible afterwards for the proper discharge of the duties of his office. So, take the county of Annapolis; there have been four elections, resulting in the return of the same members. Is not this an expression of the opinions of the people? Certainly it is. The people of Annapolis have said—"These are the gentlemen to whom we wish to give the regulation of our affairs, the management of our road scales, the appointment of our Commissioners." Why, sir, what is Responsible Government? Who is it that comes down to the Council Chamber, and gives vitality to our acts? Does the Governor frame the laws? No. But the Attorney General has claimed for the Government the exercise of the prerogative in this matter. I can only say that, during the four years in which I had the honor of a voice in the Government of the country, the recommendation of members were never set at naught, except in extreme cases; one in Londonderry, and one in Pictou; but, in both cases, the parties disputing were patiently heard by the Government. And, sir, never shall I forget the indignation of the late Mr. Huntington, in a case similar to that which we are now discussing. A recommendation was made by him and Mr. Ryder, for a Commissioner in the township of Argyle, and, when the township member got home he wrote back, that he did not think the appointment recommended would be a judicious one, and we altered it according to his recommendation. Mr. Huntington was so incensed with the change that I believe he never forgave us for it. I was pleased, sir, with the remarks of the honor-

able and learned member from Cumberland. He touched a chord that vibrated in the breast of every member in this House, and ought to have had a sensible effect on the Government. Sir, the members of this House occupy a high and responsible position, they have responsible, difficult, and delicate duties to perform; and how, sir, can they discharge those duties and meet that responsibility if the recommendations that they make are treated with derision, and the power entrusted to them is taken from their hands? I admit, sir, that a former House has justified the superseding of Commissioners recommended by members of this House by others chosen by the Government; but it was done by a strict Party division, and I was astonished to see members sitting on that side of the House, to the number of 26 or 27, thus sacrificing their own rights, as Representatives of the People.

Hon. Attorney General—Let us view this matter, Mr. Speaker, in its true light. At the close of last session it was represented to the Government that all the nominations for some parts of the province were from the Conservative side of politics. The Government, therefore, stepped in and appointed one Liberal to every ten. Since then, however, we are determined to allow the nomination of members for commissioners in different counties to prevail; because it was said that the change we had made produced more bitterness and disturbance, and injury to the public service, than if we had never interfered at all.

Mr. Wade—I beg to ask, Mr. Speaker, what is the question before the House. In former sessions it took some days before the political waters began to move; but at the very threshold of the assembling of this new House, we are given to understand that we shall soon hear the roar of a hurricane. When the time comes, sir, let us be prepared to meet it; but in the meantime I can see no objection to this petition being laid upon the table.

Mr. McKeagney—I rise, Mr. Speaker, very reluctantly to enter a slight complaint against the hon. members of Government for what I consider ill treatment to myself in the expenditure of the road money of the township I have the honor to represent. When, on being returned last spring, I found £700 to be expended on the roads of the township of Sydney, I wrote to the Hon. Provincial Secretary (whom I am glad to see in his place) requesting a voice in the subdivision of that sum. The answer I received was that it would be discourteous to the retiring member to interfere with his scale of division, especially as he had been a steady supporter of the Government. I thought, sir, at the time it was not right that he should be left at liberty, if so disposed, to wreak his vengeance on the people who had defeated him by par-

selling out the road money exclusively amongst his own adherents; because, sir, although he had been a supporter of the Government, yet I also for many years that I occupied a position within these walls, sustained the Government with unwavering constancy and very often to my own injury and disadvantage. My acts are spread over a period of ten years, and I had no right to suppose that any reasonable request coming from me as member elect for the township of Sydney would be so utterly disregarded. The feelings which prompted the Government in the matter were, no doubt, natural feelings; but they ought not have been allowed to interfere with the rights of the people or with the just privileges of the member elect.

Hon. Provincial Secretary—I do assure the hon. and learned gentleman that the subject matter of his letter was a source of very great embarrassment to the Executive at the time it was received. They had a very lively sense of the services of both gentlemen; but inasmuch as the gentleman, now no longer a member, had given in his list of Commissioners, his road scale having been approved of by the House, we did think it would be highly discourteous to supercede any of the persons nominated by him.

Mr. McFarlane.—I am very glad, Mr. Speaker, that this subject has been brought up for the consideration of the House; and I am ready to give all information that may be required in reference to the county of Cumberland. It appears to me, however, that in the complaints which each member has to prefer, we are wandering off from the real point in question, and losing sight of the petition presented by the honorable member for Queen's, which I trust will be sent to a committee to enquire and report upon its peculiar merits. The recommendation of Commissioners to expend the road money of each county, has always in my mind been a sacred duty of members of this House, and if those recommendations are not to be respected by the Government, why are honorable members here called upon to make them? Better for the Government to choose their own men and take the responsibility. I hope, at all events, that I shall never make a nomination that the Government will refuse to confirm; if so, they will only have the opportunity but once. Sure I am that I would never make a recommendation contrary to the wishes, or adverse to the interests of the people.

Hon. Solicitor General.—I am astonished, Mr. Speaker, to hear constant complaints in this House of a violation of Responsible Government, emanating from the very men who, to the last, resisted its introduction into this country. I congratulate the country and themselves on the "change that has come o'er the spirit of their

dream," and on the public improvement that may arise from it. Now, sir, what is Responsible Government? Is it that each county is to be governed by the final action of the members who may happen for a time to be elected, or is the Government to exercise a wise supervision in matters where the interests and feelings of the whole Province are at stake? I well recollect, sir, during the existence of our opponents in power for four years previous to 1848, that they claimed to exercise protection over the minorities in different counties, where they thought the members returned by majorities were acting unjustly towards the weaker side; and if my memory serves me that Government headed by the learned member for Annapolis, was accused by the members for Halifax of having gone so far as to interfere, at the instance of one township member, with the road appropriations of the county, outside of the township.

Mr. Annand rose to explain—In the case referred to, an influence was exerted against one township and two county members, by one township member, who, on the advice of a newspaper, and against the recommendation of the other three gentlemen, succeeded in having his own nominee appointed to expend a certain amount of road money; so that members opposite were complaining of what they themselves had done.

Hon. Solicitor General—Thus far has the Government gone and no further. Where it appeared palpable that the member or members of a county or township, representing the majority, were tyrannizing over the local minority, the Government stepped in, and, to a very moderate extent redressed the grievances complained of.—It would be contrary to all constitutional rule for members to enjoy the irrevocable power of appointing road commissioners. The Government of necessity have authority to interfere, if in their judgment it be advisable; and if they do so interfere the members thereof in this House should be prepared to give satisfactory explanations. Why, sir, this House does not even exercise the sole power of making subdivisions, at the instance of members—every vote has to go before the Legislative Council also for approval; and if members for a county differ as regards their appropriations, the dispute is settled here.

Hon. Mr. Johnston—Yes.

Hon. Solicitor General—Yes, and then it has to go the Legislative Council to be approved of. So much for the division of the money; as regards Commissioners, the Government have the power to appoint them by the law of the land, and when called upon to exercise it they have no right to divest themselves of the responsibility of doing so. If, then, it becomes necessary that a change should be made in any of the

nominations of honorable members here, the Government should make that change, otherwise the power said to be vested in it becomes an unmeaning theory, and a mere farce.

In answer to a question from Dr. Tupper, with reference to the division of £700 for the township of Sydney,

Hon. Attorney General explained that it was quite competent for any honorable member to move that the sum of road money for his township or county be expended under the immediate direction of the Government.

Mr. Killam complained that great inconvenience was felt in the country in consequence of the commissions being issued so late.

Mr. John Tobin—In all these complaints, Mr Speaker, some consideration ought to be felt from the fact that last year there was a General Election, and consequently a derangement of business in all branches of the road service. Sir, I had no idea of interfering with the distribution of the road money; I left that in the hands of my colleagues, who were members of the former House; as I thought it was their due. But I begin to see, from what I have heard here to-day, that this road expenditure is made a political engine in the hands of persons for running elections. I should be glad if some system could be devised for doing away with the present abuses altogether. I am informed that, in the county of Halifax, a pressure annually comes upon members from all sides; and those who are too modest to press their claims are passed over, while the more pressing, are served. Last year, we could not find a practical road maker, and, where a new line of road was to be opened, the members had to go and survey it themselves, and then we could scarcely get a piece of road properly finished. Some there were who allowed roads to be opened through their land, and then set up claims for land damages—claims of which we were not aware of the existence, for, if they did exist, it was only in the imagination of those who preferred them. And then, sir, if these claims were not paid, the parties would run a fence across the road, and destroy the work they had been instrumental in making. Such are some of the annoyances to which we have been subjected, and I do hope that this discussion may result in the appointment of a committee whose labors will result in the adoption of a more business-like and efficient system. The causes I have alluded have brought us to the difficulties which now surround us.

Hon. J. W. Johnston—I am happy to be able to give the honorable gentleman who has just sat down a most effectual remedy for the abuses he deplors, viz., Municipal Incorporations, under which the people will have the choice of their own workmen, and

the regulation of their own road services; and, as I have always been an advocate for such municipal government, the honorable gentleman will, of course, acquit me of having made nominations in my county, for party purposes.

Mr. Locke.—I am for party Government, Mr. Speaker, in its widest sense. I consider it the bulwark and guarantee of the largest political freedom. I claim for the present government the right to make whatever appointments they please; and when our opponents get into power, I shall not complain of any appointments or changes they may make, in opposition to the views or interests of myself or my friends.

Mr. Charles J. Campbell.—I am glad this discussion has arisen, Mr. Speaker, because it affords me an opportunity of enquiring how it was that the Commissions were last year sent, in blank, to the favorite member of the Government in Victoria, to be filled up by him as he pleased? I sent to the Government for some of these Commissions, if it was my right to have them, but received no satisfactory answer. I am anxious to understand what the constitutional rule is, so that I may know how to be guided in future.

Mr. Chambers—It is said that the distribution of commissions is altogether regulated by party views and interests. I cannot see this, sir, for after I was elected, I made some few recommendations to the Government, which were not assented to. Now, sir, I am of opinion that we ought to get rid of this system altogether, and allow the people to chose Commissioners for themselves.

Cries of "Yes!" "Yes!" from both sides of the House.

Mr. John Campbell then moved that Mr. Colp's petition be referred to a special committee, which was agreed to, and Messieurs the honorable the Solicitor General, Tupper and Killam, were appointed.

MUNICIPAL INCORPORATIONS.

Hon. Mr. Johnston moved that the House go into Committee on the Municipal Incorporation Amendment Bill.

House in Committee.

The first clause was read. It provided that the Act should not be confined to four counties, but might be taken advantage of by all other counties that desired it, agreeably to its terms.

Hon. Solicitor General reminded the committee that a motion had been made, the other evening, to defer the Bill for three months—he did not desire to push that motion; but as a number of amendments had been spoken of, he considered it ought to be referred to a select committee.

Hon. J. W. Johnston said that the passage of this clause did not preclude any

other amendment which members had to offer.

Mr. Marshall had the greatest objection in the world to have this bill sent to a Select Committee; because it was known throughout the county that the honorable member for Annapolis was the author of it; and he did not wish the bill to be mutilated by a committee until it was perfectly ridiculous.

Hon. Solicitor General was quite willing that the honorable member for Annapolis should be chairman of the committee and have charge of the bill. Several very reasonable amendments had already been spoken of in the House, and he would be satisfied that these should come before the House, with others to be suggested in committee, under the supervision of the hon. introducer.

Mr. Marshall—In that case, I am satisfied.

Mr. Archibald expressed his approval of a select committee as an advantage in saving time. He declared that he had ever been in favor of the bill, and in its compulsory form—for that was the true principle of legislation; but as the bill had been put before the people in its optional form last session, he did not think it would be prudent to alter that feature of it. He trusted the bill would go to committee and be perfected, so as to be universally acceptable to the people.

Hon. J. W. Johnston was of a very contrary opinion as regards the optional clause, and, if he had known as much last year as he knew now, he would have abandoned the bill rather than accept that feature. This was the last bill that should have been made to turn on such an alternative. It gave time to parties to raise a thousand prejudices against it, to make it a political instrument, to raise alarm as regards expense, while the real operation of the bill would not bear. He was confident that the act would become the law of the whole land; that we would not go back, but would go forward. We had borrowed the optional clause from New Brunswick, and that Province found themselves environed with the same difficulties that we were preparing for ourselves. Under all the circumstances he could only assent to the motion of the hon. Sol. General.

Mr. McLellan said the honorable member for Annapolis had referred to New Brunswick; but why had he not referred to Canada, where the law was received with open arms by the people; but the bill introduced by the honorable member for Annapolis was no more like the Canada law than a jackass was like a sheep. (Laughter.)

Hon. J. W. Johnston—I shall not disturb the union of the hon. gentleman's graceful trio—himself, the sheep and the

donkey; although I am not quite sure which of the two quadrupeds he intended for his own prototype.—(Laughter.) But I was going to compare him to a distinguished statesman. Yes, sir! only think of that—a distinguished statesman of the Imperial Parliament—the late Richard Brinsley Sheridan! It was his practice whenever a measure of reform was introduced by another member to exclaim—Oh, yes! he was in favor of that, only it did not go half far enough. So with the hon. member for Colchester—he starts at my bill, and says—“Oh! I'm a great Reformer—your bill don't go half far enough.” I dare say, sir, his arguments will exercise a check upon a good many gentlemen as regards their own counties. For instance, suppose there was a prospect of the hon. member being elected Warden of the county of Colchester—that would be an object of high and honorable ambition; but if there were no such prospect, the fact would unveil the secret of steady opposition to this Bill.—I have only to say to him that if he will bring in a bill similar to the Canadian system, framed in such manner as to satisfy the House, I shall be perfectly satisfied to go with him. I may remind the House, however, that the Bill I first introduced was framed after the Canada Act, but after much consideration and conference with committees of this House we came down to the Act now on your Statute Book; and as we have got it here, we had better make it as perfect as we can.

Mr. McLellan—My objection is—not that this Bill does not go far enough, but that it goes *too far* into the pockets of the people.—(Laughter.)

Mr. Killam.—The bill is pretty well understood in the House, especially among the members who were here in previous sessions. The county of Yarmouth is the only one that has adopted it, and they have not much experience in its working as yet; consequently they do not know whether it will require many alterations; but whatever amendments they ask for I have no doubt the Legislature will grant. I had a letter from the Warden of the County a few days ago, and he says that the business was going on most satisfactorily, and he did not think one shilling expense would have to be assessed on the county, as the fees of suits, &c., promised to cover all expenditures. I am of opinion that county incorporation will be the law of the land before many years, and I think the law should now be made compulsory, because the optional clause promotes party politics as opposed to the introduction of this sound system of self-government brought home to every man's door. The present system, sir, has been fastened upon us by use and prejudice; but I would ask if we are going

to chose a system for the first time, would we take that under which we have lived so long, or the more free and simple government by municipal incorporations? I cannot see how there can be any question about the matter—nor how there can be any difficulty in carrying the new system out in any county. It is said that the representatives of the people in different parts of the counties will travel long distances; but does not the very same objection apply to the present system, where the grand jurors and justices of the peace have to come from remote parts of the counties to do duty? So that this is no objection at all, and the adoption of the new system will enlarge the liberties of the people.

Mr. Morrison.—I cannot agree with the honorable member for Yarmouth, who has just sat down. I am not opposed to the principle of the bill; but I cannot agree to the compulsory clause which he desires to engraft on it. The bill would give much power to the warden of a county, and, although it would denude the members of this House and the Government of the country of much power and influence, I would still go for it if the compulsory clause were not added. That clause, sir, would, I fear, create serious mischief and disturbance in the country; without it I would vote for the bill with all my heart, and be content with the result; for I have an abiding faith in the people, sir, that when we leave to them the election of their own officers, they will act for the best. I am free to admit, Mr. Chairman, that the new system may lead to some additional expense; but it will act as a schoolmaster, as well as a Court of Justice; and, so long as you leave it to the people themselves to adopt the new system or plod along in the beaten path trod by their forefathers, you may think yourselves perfectly safe. I believe it will have the beneficial effect of training up our people to the principles of self-government—a thing very much wanted. I know, sir, that we have men among us gifted with abilities equal to those of any other people on whom the sun shines; but they have not had a fair chance of development; and the consequence is that we are fast falling behind our neighbors, who have seized advantages that we have allowed to pass by. I trust that this bill will be the means of improving the status of the whole population of Nova Scotia.

Mr. Wade.—Mr. Speaker, we are going off on a wide range again. I am opposed to a committee, sir, because I am against this bill altogether. But I am also opposed to a committee, because if the House entertain the bill, there is no reason why the amendments should not be made at once and the time of the House saved. As regards the operation of the bill, I deem it right to state to the House that I have visited the county of Yarmouth since its adoption there; and wherever I travelled, I did not find its opera-

tion so satisfactory as has been stated by the honorable member for that county.

The House here adjourned without coming to any decision. C.

SATURDAY, Feb. 16.

PETITIONS, ETC.

Mr. Marshall presented the petition of C. B. Marshall, mail-carrier between Molasses harbor and Crow harbor, praying for an increase of salary; referred to the Committee on Post Office Affairs. Also the petition of the inhabitants of Cole harbor, in the county of Guysborough, praying for aid to a terry; referred to the committee on navigation securities. Also the petition of James B. Hadley, of McNair's Cove, at the Strait of Canso, read, praying compensation for trouble and expense incurred by him in arresting criminals who had escaped from jail; referred to the committee on the petition of the sessions of Guysborough on the same subject. Also the petition of L. P. W. DesBrisay, of Richibucto, in the province of New Brunswick, proprietor of the steam packet Lady LeMarchant, praying for a grant to aid him in continuing the service of that steamer as a packet between Pictou, Charlottetown, Bedeque, and Shediac. The petition was referred to a select committee composed of Messrs. Wilkins, KILLAM, and McKENZIE.

Mr. Esson presented a petition from John Northup, Esq., and the hon. Richard A. McHaffey, praying compensation for loss and disappointment, occasioned to them by the refusal of the Government to grant them a tract of land on the railroad to Windsor, after an order of survey had been issued, and the deposit paid; referred to the Crown Land Committee. Also the petition of Daniel Gallagher, of Halifax, an aged teacher, praying for an annual allowance in consideration of his past services as a teacher; referred to the Committee on Education. Also a petition from John H. Crosskill, of Halifax printer, praying for a return of duties on printing paper imported by him; received and referred to the Committee on Trade and Manufactures.

Mr. Esson also presented a petition from William Evens, and other inhabitants of Sackville and Bedford basin, in the county of Halifax, stating that the present road between Sackville and Halifax, had been rendered inconvenient and dangerous by the railroad, and praying for a special grant to aid them in opening a new line of road; received and referred to the Committee on Railroad Affairs. Also a petition from Nepean Clark, of Halifax, Esq., praying compensation for services rendered by a clerk to the commissioners for issuing treasury notes. The petition was received and referred to a select committee composed of Messrs. Wade, Brown, and McDonald.

The Hon. Provincial Secretary presented the petition of Mark Curry, of Windsor, merchant, praying for reimbursement of ex-

penses incurred by him in prosecuting a criminal; referred to the committee on the subject of the amendment of the criminal law.

The honorable the Provincial Secretary, by command of his Excellency the Lieutenant-Governor, presented to the House a list of the names of the Commissioners of Schools for Annapolis county; and also several accounts of expenditure incurred in erecting the bridge at River Philip; which were read and laid on the table. The honorable gentleman also presented a petition from the Overseers of the Poor for the township of Windsor, praying for reimbursement of expenses incurred in the support of a transient pauper; referred to the Committee on Transient Pauper expenses. Also the petition of C. B. Bowman, praying to be exempted from any assessment that may be made under the act to enable the inhabitants of Windsor to procure a fire engine. The petition was referred to a select committee composed of Messrs. Esson, Archibald, and Churchill. Also the petition of the inhabitants of Tusket, in the township of Argyle, praying an alteration in the mail arrangements at that place; referred to the Committee on Post Office Affairs.

Mr. Martell introduced a petition from certain inhabitants of the county of Richmond, praying that vessels owned in this Province may be exempted from pilotage fees on entering the harbors of Pictou and Sydney. The petition was received and referred to a select committee composed of Messrs. Killam, McKenzie, and Martell.

Mr. Wade, presented a bill to assess the township of Granville; which was read a first time, and ordered to be read a second time. Also a petition from certain inhabitants of Digby Neck, praying that James H. Timpany, a mail-carrier at that place, must receive a grant to compensate him for the loss of his horse, accidentally killed; referred to the Committee on Post Office Affairs.

Mr. Annand presented the petition of Messrs. Gammell and Tupper, of Halifax, praying for a return of duties on agricultural implements imported by them during the past year; referred to the Committee on Trade and Manufactures. Also the petition of Alexander Munro, of the province of New Brunswick, praying the house to encourage the circulation of a work published by him, entitled, "New Brunswick, with a brief outline of Nova Scotia and Prince Edward Island;" referred to the Committee on Education.

The Hon. the Provincial Secretary, by command of his Excellency the Lieutenant Governor, presented to the House returns shewing the condition and finances of the Pictou academy for the past year; which was read and referred to the Committee on Education.

Dr. Brown presented a petition from the Overseers of the Poor for the township of Horton, praying for reimbursement of expenses incurred by them in supporting tran-

sient paupers; referred to the Committee on the expenses of transient paupers.

Mr. Whitman presented a petition from the Overseers of the Poor for the township of Annapolis, district No. 1, praying the House not to make any alteration in the township line; referred to a select committee composed of Messrs. Morrison, Fyson, and Moses; to which the petition from George Ryarson and others previously presented by Mr. Whitman was referred.

Mr. Marshall presented the petition of Edward Jennings and John Slayter, physicians, of Halifax, praying the House to pass an act to impose a tax on shipping, for the purpose of providing hospital accommodation for seamen at Halifax; referred to the committee appointed to consider the petition on behalf of the Halifax Visiting Dispensary. Also a petition from Peter Boidet and others, of the same county, praying for certain alterations in the electoral districts in that county. The petitions were laid on the table and leave was granted to introduce a bill.

Mr. Tobin presented the petition of Peter Piers, a blind colored man, of Halifax, praying a grant to enable him to acquire a trade for his support; referred to the Committee on the Deaf, Dumb and Blind.

Mr. McFarlane presented a bill to incorporate the trustees of Saint Matthew's Church at Wallace; the bill was read a first time.

A petition of certain inhabitants of Barrington was presented by Mr. Robertson, praying for an increase of mail accommodation; referred to the Committee on Post Office Affairs.

Mr. Robertson presented the petition of Dr. T. O. Geddes, of Barrington, in the county of Shelburne; also a petition of the Overseers of the township of Shelburne, praying recompense for services and expenditures on account of transient paupers; referred to the Committee on the expenses of Transient Paupers.

A petition of the Proprietors of the Christian Messenger, newspaper, was presented by Mr. Robertson and read, praying for a remission of duties paid by them on printing paper imported; referred to the committee on trade and manufactures.

THE GOVERNMENT.

Hon. Attorney General said—I have, Mr. Speaker, to announce to this House that the vacancies in the Executive Government have been filled up, the Hon. Samuel Creelman, late Financial Secretary, having retired from that responsible office which he so long and so honorably filled, with the regret of his personal and political friends, and carrying with him their highest esteem. Samuel Chipman, Esq., the honorable member for Cornwallis, has been appointed to the office, and having been sworn in, is ipso facto the Financial Secretary of this Province at the present hour. I have now to request, Mr. Speaker, that a writ should issue for the election of a member for Cornwallis vacant because of Mr. Chipman's acceptance of this office.

The two other vacancies have been filled up by the appointment of Benjamin Wier and John Locke, Esquires, who have likewise been sworn into office—thus filling up the Executive to the number of nine.

GENERAL WILLIAMS.

Hon. Attorney General continued :

I have now, Mr. Speaker, to propose a resolution of a novel and highly interesting character; a resolution which I feel assured will be hailed with the sympathies, and be equally grateful to the feelings of all parties in this House. It is said, sir, that war draws forth and strengthens the sterner and more masculine qualities of our nature; that when nations are engaged in deadly hostilities room is afforded for the exertion of the highest administrative and military ability—that every nerve is drawn to its utmost tension and every faculty strained to the performance of the noblest actions—that then the true character is developed and the real man made known. In the struggle in which the mother country is now engaged, the energy and genius of her sons has been brought out into bold relief; achievements have been performed which for devoted heroism and stern self-reliance may well vie with any performed on the fields of Agincourt, Blenheim or Waterloo. Our fellow subjects at home look with pride on the men who have earned for themselves a deathless name;—a feeling in which Nova Scotia also may proudly participate. From our soil have gone forth heroic spirits who have found a grave in the land of the stranger, and monuments are about being erected to the memories of WELLSFORD and of PARKER—men who maintained unsullied the honor of their country and met their death as brave men should, with bold and unflinching fortitude. There is another, too, for whom fortunately a monument is not yet required; who has earned for himself a higher fame, a more wide-spread celebrity. General WILLIAMS, the hero of Kars, left this country a youth to study in the schools of England the elements of that profession in which he has become so eminent. There he soon gained the confidence of his superiors, and twenty years ago was despatched to Constantinople to superintend the Turkish artillery. Having secured the confidence also of the Sultan, in 1842 he was employed on a highly honorable service in connection with other commissioners from Russia and Persia to settle the boundaries on the frontier line—a task which he conducted with much diplomatic skill. We find him in 1852 on the sacred soil of Mount Ararat, where the dove went forth and brought back in her mouth the olive leaf, and, as I lately hung entranced over the graphic pages of Layard and of Curzon describing the route which Xenophon has immortalized in his Retreat of the Ten Thousand, and presenting a vivid picture of the wild passes and snow-clad hills of Armenia, I little thought that the Colonel WILLIAMS who figures largely in the tale was our own fellow countryman, a Nova Scotian, born and bred at Annapolis. In

1854, immediately after his late visit to his birthplace, he was appointed Lieutenant General of the Turkish army, and was actively employed at Erzeroum, while his recent exploits at Kars have filled the measure of his fame and crowned his brow with deathless and unfading laurels. In a position of the most imminent danger,—amid circumstances of the most trying character, with an army of forty thousand men surrounding him without and gaunt starvation assailing him within the fortress,—he repelled every assault of the Russian and maintained his position with but 17,000 men until sheer famine compelled him to submit. The high qualities he there displayed as a general were acknowledged by his more successful but generous rival, and have been celebrated by the *Times* in an article of great eloquence and power. Such a tribute is matter of just pride, and thrills to the heart of every true Novascotian. I conceive, therefore, that this is a proper occasion for recording our sense of the merits of our countryman, and anticipate from this House a cordial and unanimous acquiescence in the resolution which I beg to propose.

Resolved, unanimously, That his Excellency the Lieutenant-Governor be respectfully requested to expend one hundred and fifty guineas in the purchase of a sword to be presented to General WILLIAMS, as a mark of the high esteem in which his character as a man and a soldier, and more especially his heroic courage and constancy in the defence of Kars are held by the Legislature of his native Province, and this House will provide for the same during its present session.

Hon. J. W. Johnston—I rise, Mr. Speaker, with great pleasure to second the motion which has just been made. It has been the singular fortune of Nova Scotians—when we consider the comparatively small population of our country—to mark with pride, and view with unmingled satisfaction, the achievements of their fellow countrymen abroad; and, sir, although we may have been called to mourn their loss, we have mourned them as heroes who have fallen covered with glory; we have mourned them, but there has been pride of country in our sorrow, for they have braved danger and met death with an undaunted front and unwavering courage. Thus have we felt the loss of WELLSFORD and PARKER, to many of us familiarly known. This resolution acknowledges the merit of General WILLIAMS, the hero of Kars. We are not called upon to mourn him as numbered with the dead—though we have occasion for sorrow when we reflect that, from circumstances over which he had no control, he, with his gallant band, has fallen into the hands of the enemy. But we find him only a victim to a misfortune which, if indomitable courage and consummate skill had been able to avert, would never have overtaken him. With General WILLIAMS, sir, I have had a personal and friendly acquaintance; a boy in his home, with his mother and his sisters, in his native town, Annapolis, many of us can remember him.

He has frequently visited his relations and friends in Nova Scotia and New Brunswick; with that love of country which characterizes the Novascotian; and, on the last occasion, I had the pleasure of spending a most agreeable evening in his company; and those who know him personally will concur in the justice of the remark I have lately seen in an English newspaper: that his amiable qualities and unassuming manners scarcely prepared his friends for the development of the stern courage and enduring fortitude exhibited in the defence of Kars. I regard the achievements and position of General WILLIAMS as unapproached and unequalled in the history of the present war. Many have exhibited an heroic courage not to be surpassed, but he has united to the bravery of the man the skill and military capacity of the distinguished leader. His professional skill in perfecting the defence of Kars may best be judged by their terrible effectiveness on the day of assault; his talents in organizing and inspiring troops have the highest testimony in the spectacle of defeated, dispirited, and ill-disciplined bands winning laurels that veterans might envy, and achieving a triumph in the defence of Kars that will go down immortalised to posterity—a defence carried on and sustained by no mere animal courage, but with cool, unalterable determination, united with provident precaution, and conducted with consummate skill. In reading the history of that memorable day, as contained in the graphic and eloquent despatch of General WILLIAMS, which may well compare with many of the classic accounts of ancient battles, one cannot fail to be impressed with a sense of his genius and ability. When the enemy concentrated an overwhelming force on one point, and poured in almost irresistible numbers on a lame stricken garrison, and a fatal success was almost accomplished, here, as the fortunes of the day hung on a perilous issue, at that critical moment reserves arrive, and the enemy are driven back: at another point the Russian bands, strong in superior numbers, and desperate in energy, had again won the object of attack, and another moment's critical point had arrived, and again the reserves were round prepared for the emergency, and snatched the half-won victory from the foe. But whose eye, amid the din of conflict, calmly surveyed the battle-field, and whose judgment had provided the reserves to meet each emergency? It was

GENERAL WILLIAMS.

Now, sir, under these circumstances, we are paying to General WILLIAMS no vain compliment, no empty honor in passing this resolution—we are paying that tribute which as Novascotians and the descendants of Englishmen, we feel due to a native of our Province whose achievements abroad have been characterised by a courage so exalted, a fortitude so invincible and an ability so great. We are paying this compliment to one who, though compelled to yield to a dire necessity against which neither strength nor courage nor intellect can contend, is yet covered with glory,

and who is endeared but the more to the hearts and sympathies of all true Britons, and we are but claiming for our own Province a share in his glory by claiming him as our own.

The Provincial Secretary said—There were some peculiar circumstances which distinguished the latest scene in the military career of the gallant General to whom this resolution refers, which have not been adverted to by the learned members who have preceded me. The poet, alluding to the excitement of conflict—the rapture of the strife—when hostile armies contend, hand to hand, and foot to foot, with all the intensity of their physical energies, has thus sung:

“There is something of pride in the perilous hour;
Whate'er be the shape in which death may lower—
For Fame is there to tell who bleeds,
And Honor's eye on daring deeds.”

Brave men are forbidden to lament the enviable destiny of those who fall upon the battle field, and whose dying achievements Fame and Chivalry record.

What heart does not respond to the beautiful sentiment of the bard who thus laments the quiet and undistinguished death of the young soldier whom he loved, and who, during the Peninsular war, fell a victim to fever at Coimbra:

“While glory crowns so many a meaner crest!
What hast thou done to sink so peaceably to rest?”

Active gallantry, in the animation of the conflict, when every high incentive stimulates the soldier, excites our admiration, in deed, but it is a very common form of courage! But that passive fortitude—that high-souled heroism—which, when exhausted nature is prostrated, exhibits the spirit unsubdued by that unseen, and spectral, but irresistible foe, with which the gallant General WILLIAMS, and his brave followers, were doomed to contend, excites in our bosom a sentiment far more exalted than the mere praise of valor. This noble self-devotion to the sacred cause of duty we should honor in a mere stranger, but, when it is associated, as in the present instance, with the name of a countryman, we sympathise tenderly with his sufferings, whilst we almost seem to participate in the glory of his fame.

The Resolution passed unanimously.

PETITIONS, ETC.

Hon. Attorney General, by command, laid on the table a balance sheet shewing the amount received by the Board of Railway Commissioners from the Treasury, and disbursed within the year 1855, distinguishing each head of expenditure; and also copies of the accounts which, under the law, have been furnished quarterly to the Financial Secretary. Referred to the Committee on Public Accounts.

Mr. Richard presented a petition from John Publicover and others, praying the passage of a law to prevent injury to the fisheries by the use of bag nets; referred to the Committee on Fisheries.

Mr. Davidson asked leave to present a

petition from the inhabitants of the northern district of Queen's county, praying the passage of an act to equalise the representation of Queen's; leave was granted and permission given to bring in a bill.

Mr. Davidson also introduced a bill concerning the division of school districts in the county of Lunenburg. The hon. gentleman also presented a petition from William H. Sargent of Liverpool Queen's county, praying that the House should pass an Act of Naturalization.

Mr. Davidson presented the petition of Cobliel Goad, an Indian, residing in Queen's county, praying for a grant to aid him in erecting a frame dwelling house on his land at Ponhook, in that county; referred to the Committee on Indian Affairs. Also a petition from Jabez Morton, and other inhabitants of the county of Queen's, praying for compensation for attendance and expense incurred on account of a transient pauper; referred to the Committee of Transient Paupers.

Mr. Esson presented a petition from Colin Yorke Campbell, commander in the Royal Navy, praying a reimbursement of expenses incurred by him in conducting proceedings in the Court of Vice Admiralty against vessels seized for the violation of the fishery laws; laid on the table.

A petition of certain inhabitants of Port Hood, in the county of Inverness, was presented by the Hon. the Attorney General, praying for a grant to aid them in improving and preserving the harbor at that place; referred to the Committee on Navigation Securities.

Hon. Sol. Gen. presented a petition from Hon. J. B. Umacke, Commissioner of Crown Lands, complaining of the diminution of his salary by the Legislature, and praying to be allowed the salary which he enjoyed previous to the last session of the Legislature; referred to the Committee on Crown Lands.

A petition of the inhabitants of Little Tracadie, in the county of Sydney, praying for a grant to aid them in improving the harbor at that place; referred to the Committee on Navigation Securities.

Mr. McDonald presented a petition from the Overseers of the Poor, for section No. 5 of the township of Egerton, in the County of Pictou, praying to be reimbursed expenses incurred in the support of transient paupers; referred to the committee on that subject.

A petition of James Purcell, and other inhabitants of Ship Harbor, at the Strait of Canso, was presented by the honorable the Solicitor General, praying for aid to a ferry between that place and McNair's Cove; referred to the Committee on Navigation Securities.

A petition of the Free Church Presbytery of Pictou, was presented by Mr. McDonald, praying the House to pass the Prohibitory Liquor Law; laid on the table.

Mr. McDonald asked leave to present a bill to enable the inhabitants of Pictou and New Glasgow to assess themselves for repairing streets. Leave was granted, and the bill was read a first time.

A petition from the inhabitants of Little River, in the County of Sydney, was presented by the Honorable the Solicitor General, praying for a grant to aid them in constructing a public pier at that place; referred to the Committee on Navigation Securities.

Mr. Bill asked leave to present a bill to incorporate the Oak Point Pier Company, at Cornwallis; leave granted.

Mr. Bill asked leave to present a bill to incorporate the Ira Woodworth Brook Pier Company, at Cornwallis; leave was granted, and the bill was read a first time.

A petition of certain male inhabitants of the County of Pictou; also a petition of certain female inhabitants of the same county, were severally presented by Mr. McDonald, praying the House to pass the Prohibitory Liquor Law; laid on the table.

Mr. Bill presented a petition from the Halls' Harbor Pier Company, and from certain inhabitants of Cornwallis, praying for a grant to aid them in improving the pier at that place; referred to the Committee on Navigation Securities.

A petition of Peter LeLacheur, of Arichat, was presented by Mr. Fuller and read, praying a return of Light Duties paid on a vessel lost on her first voyage; referred to the Committee on Trade and Manufactures.

Mr. Fuller presented a petition from Nicholas H. Martin, of Sydney, Cape Breton, praying to be reimbursed sundry expenses incurred by him, on account of his late trial, and the detention consequent thereon; referred to the committee appointed to consider and report on the petition of Richard Logue.

A petition of Wm. Elliott of Boston, merchant, was presented by the hon. Mr. Johnston and read, praying to be reimbursed the expense of a suit against him in the Court of Vice Admiralty, for an alleged violation of the Fishery Laws by the schooner Creole; laid on the table.

Mr. John Campbell presented a bill to incorporate the Liverpool Marine Railway Company; read a first time.

Mr. Whitman reported from the Committee to whom was referred the petition of Alpheus Jones; received and laid on the table.

A petition of C. J. Campbell and Peter Smyth was presented by the honorable the Solicitor General, praying for a grant to aid of establishing a ferry at the northern entrance in the Strait of Canso; referred to the Committee on Navigation Securities.

On motion of the hon. Mr. Johnston it was Resolved, That a Committee be appointed to examine and report upon the bill to amend the act for the Municipal Government of Counties. A Committee was appointed, composed of the honorable Mr. Johnston, Mr. Archibald, Mr. Brown, Mr. McLellan, Mr. Chambers, Mr. Annand, Mr. McDonald, Mr. Killam, and Mr. Marshall.

Mr. C. J. Campbell presented a bill to alter the Harbor Master's fees in the harbor of Sydney, Cape Breton; read a first time.

MONDAY, February 18.

ST. PETER'S CANAL.

The Hon. the Solicitor General laid upon the table, by command of his Excellency, Report of Commissioners of St. Peter's Canal. Report received, read, and referred to Committee on Public Accounts.

INDIANS.

Also, account of the expenditure of £30 for relief of poor Indians.

PENITENTIARY.

The honorable gentleman also presented the petition of the Keeper of Penitentiary; referred to Committee on Penitentiary Affairs.

ASSESSORS, CAPE BRETON.

Also, laid petition of William Young and Thomas Donohoe, Assessors County of Victoria, praying remission of fines imposed for non-performance of duties. Petitioners plead that, not being able to read or write, they were incompetent to the discharge of the duties imposed, but had been nevertheless fined for non-performance of the same.

Mr. Munro explained that petitioners had stated to Magistrates their incapability to perform the duty imposed, but had been brought up 70 miles, and fined. It was truly a hard case, seeing that they had offered to pay any one who would do the work for them.

Mr. McLellan opposed the petition.

Mr. Whitman moved that the honorable member have leave to withdraw it.

Mr. Munro advocated the petition, and said that the least the House could do was to send it to Committee—if right, it should receive consideration—if wrong, the Committee should so report. I always observe that when a petition comes from Cape Breton, it is opposed by members west.

Mr. McLellan had no reference to where the petition came from, but thought it would be a bad precedent.

Hon. Attorney General advocated the petition.

Mr. Killam thought the people should take these matters into their own hands by adopting municipal incorporations.

Petitions was referred to Messrs. Fuller, McLellan and Marshall.

CUSTOMS.

Hon. Solicitor General laid on the table, by command, a despatch from Downing street recommending the accounts of the Colonial Officers of Customs to close on the 31st December instead of the 5th of January, in order to make them uniform with the general accounts of the empire.

Hon. Attorney General spoke highly of the new arrangement.

Mr. Wade, while on the subject of Customs, would ask whether any answer had been received to a memorial sent last year on the subject of salaries of discharged officers?

Hon. Provincial Secretary.—A despatch on the subject has been laid on the table.

Mr. Wade.—I was not aware of it.

The despatch with reference to making up

accounts to 31st December was referred to Committee on Trade.

POSTAGE AND TRADE.

Hon. Solicitor General also laid on the table despatches on the subject of book and newspaper postage;—a despatch of 26th of June, 1855, stating that in future a British rate of 1d postage will be levied on all papers sent to the Colonies from the United Kingdom. Also a despatch of 3d of September, 1855, stating that in future such newspapers, although still liable to the 1d. postage, need not as heretofore required bear the impressed stamp denoting the stamp duty, the stamp being neither required nor being counted as postage, it being presumed that where it is employed it has already served for the transmission of the newspaper within the United Kingdom.

Also, Correspondence with the Government of Prince Edward Island, on the subject of trade; referred to Committee on that subject.

Also, a despatch from Downing-street, dated April 12, 1855, on the subject of Inland Postage. The despatch stated that this inquiry was made because the Imperial Government were anxious to know to what extent, and with what final results, the Penny Postage Act of the United Kingdom of 1840 had been followed by the reduction of Inland Postage in foreign countries and in the Colonies. The despatch and enclosures were referred to the Committee on Post Office Affairs.

NEW PASSENGER ACT.

Hon. Pro. Secretary, by command, laid on the table a despatch from the Colonial Minister, with reference to the New Passenger Act, with a copy of the act, and an abstract thereof.

LIGHT HOUSES.

Also a despatch on Colonial Light Houses, with enclosures; all of which were referred to Committee on Navigation Securities. The documents embraced a despatch dated 8th September, 1855, enclosing a letter of the 15th August, 1855, from the Board of Trade to the Under Secretary of State, stating the object of the Imperial Act of 1855 on this subject, and enclosing also a printed memorandum concerning Light Houses and Light Vessels required for the Colonies. The object of the Imperial Legislature in passing the act of 1855 is stated to be to assist the Colonies in erecting and maintaining Light Houses by means of Tolls levied on the ships which derive benefit from the Lights, whether they go into Ports in the Colony where the Light is situated or not, and to give the Colonies the benefit of the information and experience which the Board of Trade has acquired from having had the Lights of the United Kingdom under their control since 1853. The results of this information and experience are embodied in the printed memorandum.

The printed memorandum alluded to is a little volume of 80 pages, containing very full instructions to Keepers of Light Houses and

of Light Vessels, as to the management of the Light Houses and Light Vessels, the trimming of the Lights, the keeping of Barometrical and Tidal observations, &c.

SIGNAL STAFFS.

Mr. Wade asked special leave to introduce a petition which he had mislaid—it having been sent to him at an early part of the Session. It was from Edward Leonard, of Digby, praying remuneration for erecting Signal Staffs. Special leave was granted, and the petition was referred to Committee on Navigation Securities.

COLONIAL STEAM NAVIGATION.

Hon. Mr. Locke, by command, laid on the table of the House various correspondence relating to Steam communication between New Brunswick, P. E. Island and Nova Scotia; referred to Committee on Navigation Securities.

BEAR RIVER SURVEY.

Mr. Whitman called the attention of the House to a resolution passed during last session authorising the Lieut. Governor to appoint persons to hold a survey of Bear River. He would ask whether anything had been done in compliance with that resolution?

Hon. Attorney General would enquire.

WINDSOR AND DIGBY RAILWAY

Hon. J. W. Johnston asked leave to introduce a bill to incorporate a company to construct a railroad from Windsor to Digby. The honorable gentleman spoke considerably in a low tone.

Hon. Attorney General would like to know to what extent the guarantee of the Province would be asked for. We are now liable for £60,000 a year for railway, and although there can be no question in this House as to the desirableness of a railway extension to Digby, yet it might be well for the House first to see the experiment tried out as to the railway to Windsor or Truro.

Hon. J. W. Johnston had no desire extravagantly to burden the public revenues. He hoped to be able to produce a bill which would receive the approbation of the House. One thing was certain, that none of the capital would be asked for—merely a guarantee of the interest.

Leave was granted.

COMMITTEE OF SUPPLY.

Hon. Solicitor General moved that the House go into Committee of Supply, to vote the ordinary sums.

On the £200 for the first clerk,

Mr. Whitman called attention to the fact that the £200 had always been granted at first and £100 afterwards; and £100 to the Assistant Clerk, and £100 afterwards for extra services. If entitled to both sums, why not vote them both at once?

Mr. McLellan said that he had always thought the salaries of the Clerks too high; and when the Reform House came in, although they commenced by reducing the pay of members, and of other public officers, the salaries of the Clerks had never been inter-

ferred with. He thought that £200 for the Clerk, and £150 for the Assistant Clerk was quite enough.

Hon. Solicitor General was not afraid to be ashamed to state his views on this subject. He knew that any gentleman occupying the place of first clerk had to sacrifice a great deal of his professional practice; and in bringing up the Journals, and attending to the printing of them at the end of the session, almost the whole of his time was engaged throughout the year—not to speak of the arduous and constant labors, day and night, throughout the session. He was satisfied that there was not a legislative body on this continent that received so much work for the same amount of money.

Hon. J. W. Johnston suggested that, as there was no objection to this sum it might pass, and a question, if any, might be raised on the £100.

Various other votes passed without division or comment.

The two extra sums of £100 each to the Clerk and Clerk Assistant of the House, were laid aside for the present.

On the vote to the colored population of Halifax,

Dr. Brown would like to know whether the sum was necessary to expend on this service.

Mr. Esson replied in the affirmative. The poor people were now almost starving.

After some conversation the vote passed—25 to 14.

On the vote of £100 for Reporting and Publishing the Decisions of the Supreme Court,

Hon. J. W. Johnston asked whether this grant included the whole service.

Hon. Sol. General—Yes, both Reporting and Publishing.

Mr. Marshall—I wish to know before this grant passes, whether the work is really done or not. I have not been able to get hold of a copy; and, if we grant money for the service, the people of the country ought to have the benefit of it, and it is most important that they should be informed on these decisions when I learn the substance of some of them; for I learn that although heretofore, when a man loaned his money on land, all he had to do was to go into the Record Office, and ascertain the title of the property; yet recently the Judges have decided that, if A and B own property alongside of each other, described in their deeds and grants by metes and bounds, and these two parties, wishing to make a bargain, may take witnesses and draw an imaginary line between them; so that, if I have £100 on one farm the owner may secure to me an acre of swamp, instead of the good farm I supposed I had advanced my money on, and give to his neighbor the only valuable part of his land. These matters should be understood in the country; and the House ought to see value received before they granted the money.

After considerable discussion the resolution passed.

The other ordinary votes were agreed to.

On the votes being brought up, several underwent discussion—especially that relating to the Post Office Department.

Mr. McLellan called attention to the fact that the establishment in Halifax cost more than all

the postal establishments throughout the Province, put together.

Mr. Annand wished the whole postal system improved, by the mails starting in the evening, so that mercantile men might receive their letters in the morning, and despatch their answers at the close of the day. He did not, however, expect any improvement from the present Committee.

Mr. Marshall declaimed against the habit of centralizing all offices of emolument in the city of Halifax, while country Postmasters received but a paltry pittance, not sufficient to induce any respectable man to remain in his office to do the public duty. He moved that the Post Office Committee be enlarged by adding two members.

Hon. Mr. Wier defended the Post Office at Halifax

After further conversation, participated in by the honorable Solicitor General, Messrs. Wade, Wilkins and others, the motion to enlarge the Committee was negatived—28 to 7.

Mr. McLellan asked leave to withdraw from the Committee, which was seconded, but the motion was allowed to pass over.

Dr. Brown, from the Committee on the petition of Matthew Sprow, reported against the prayer thereof.

House adjourned.

C.

TUESDAY, February 19, 1856.

GENERAL WILLIAMS.

The Legislative Council by message informed the House that they had unanimously agreed to the resolution of the House requesting his Excellency the Lieutenant-Governor to apply the sum of one hundred and fifty guineas to purchase a sword to be presented to General Williams.

Mr. M. I. Wilkins reported from the Committee to whom was referred the petition of L. P. W. DesBrisay; and then delivered it in at the Clerk's table, where it was again read.

The report was received and adopted.

Mr. Munro presented a petition of certain inhabitants of Saint Ann's, in the county of Victoria and the adjoining settlements, by special leave, praying for the erection of a light house in that vicinity. After some discussion leave was granted and the petition was referred to the Committee on Navigation Securities. Also a petition of the inhabitants of Saint Ann's, praying for a grant to aid them in constructing a public landing at the Bird Islands, for the benefit of the fishery at that place; referred to the Committee on Navigation Securities. Also a petition of the inhabitants of Saint Ann's, the north shore, and English town, was praying for an extension of mail communication.

Hon. Mr. McLeod presented a petition of certain merchants, coasters, and fishermen of Gabarus bay, in the Island of Cape Breton, praying for a grant to aid them in removing a bar at the mouth of the harbor at that place; referred to the Committee on Navigation Securities.

Mr. Whitman presented the petition of Andrew R. LeCain, and other inhabitants of the county of Annapolis, praying for the passing of an act to amend the law relating to trespasses on wilderness lands; referred to Mr. Archibald, Mr. McFarlane, and Mr. Killam, to examine and report thereon.

The Hon. the Provincial Secretary, by command of his Excellency the Lieutenant-Governor, presented to the House the account of Richard Nugent for printing performed for the House during the past year, pursuant to his contract therefor; also the account of the Queen's printer of printing performed by him for the public departments during the past year. These accounts were referred to the Committee on Public Printing.

A petition of Hezekiah Ingraham, of north east branch of Margaree river; also a petition of Moses and John McDonald, of Margaree, in the county of Inverness, were, by special leave, presented by Mr. Smith and read, praying grants in aid of their respective oat mills. All these petitions were referred to the Committee on Agriculture. Also a petition of certain inhabitants of Judique, in the county of Inverness, praying for an alteration in the way office at that place; referred to the Committee on Post Office Affairs. Also a petition of John McLeod, way office keeper at the River Inhabitants, praying for an increase of salary; referred to the Committee on Post Office Affairs

MINES AND MINERALS.

Hon. J. W. Johnston asked if the last packet brought out any further information relating to the subject of the Mines and Minerals—with the draft of any lease relating to that subject; and while on my feet I beg to remind the Government that this important discussion has, every year, within my recollection, been embarrassed by the delay which has taken place in bringing the subject on. It has always been kept back until about the last week of the session, when many members has returned to their homes, and time is not afforded to discuss the subject as it deserves.

Hon. Attorney General—The last packet did bring certain despatches and the draft of a lease which will be laid on the table of the House in the course of a few days. I would be the last person to undervalue the extreme importance of this subject—or to delay its investigation. The documents to which I allude contain an appeal to the sense of justice of this House, and asks the assent of the Legislature to acts which I cannot help thinking will be in the last degree distasteful to many hon. gentlemen here and which nothing but a strong overbearing sense of justice will induce them to support.

PETITION OF J. P. MILLER.

Hon. Atty. General said—I rise, Mr. Speaker to call the attention of the House to the position in which the question on the petition of Jacob P. Miller stands on our journals. The petition complains that he has been unjustly dismissed from his office. On introducing it Mr. Marshall moved that it be referred to a select committee, and, after a discussion in which the Government were vehemently assailed, it was moved and carried that the debate do adjourn. It is neither right for the House nor justice to the Government that such an entry should be allowed to remain on the Journals; but, as I have no desire to act in the least degree offensively, I shall leave it open to the honorable introducer to withdraw the petition, otherwise I shall move that it be dismissed, and that I may be enabled to do this, I shall now move that the adjourned debate be resumed.

Hon. Mr. Johnston thought the honorable and learned Attorney General had scarcely put

the subject to the House on the footing it occupied. He argues as though the petitioner has no great grounds of complaint; the argument the other day did not assume this complexion. It was averred by those who supported the petitioner that he had been injured, and the complaint was that he had been dismissed—the Government refusing to investigate the grounds of his dismissal. They justified themselves by stating that Mr. Miller's superior officer, a member of the Board of Works, complained of him, and therefore he was dismissed. Is such a course justifiable? Does it follow that, because a man occupies a station somewhat superior to that of another, that the former is to be considered on all occasions in the right, and the latter always in the wrong? Even now it is not clear whether Mr. Miller had or had not grounds of complaint; perhaps he might assume that he had, otherwise the Government would not seek to evade the inquiry into the circumstances which this petition asks.

Hon. Attorney General—The honorable and learned member for Annapolis somewhat misconceives the views and course of action of the Government. I have carefully abstained from saying one syllable as to Mr. Miller's integrity or capacity—having justified the Government by alleging that he was found to be an impracticable officer, who would not obey the orders of his superiors. The main purpose—the vindication of Mr. Miller's private character—has been answered by this discussion, since no charge has been preferred against him.

Hon. Mr. Johnston—But Mr. Miller says—investigate my conduct, ascertain whether I am right or not, but do not, on the mere ipse dixit of one man, eject me from an office which I have long filled. The same reasoning applies to the complaint of the honorable and learned member from Digby, that Mr. Miller had refused to erect a Light House in the spot where that honorable gentleman thought it should stand. Now Mr. Miller informs me that this was a mere conflict of judgment, and that, if the matter were investigated, it would be found that he, (Mr. M.), was right.

Mr. Marshall—I have just entered the House, Mr. Speaker, and, as it is a general and well known rule that all honorable gentlemen who seek to take action on a petition presented, always wait until the introducer is present, I shall have to ask that the honorable the Attorney General repeat the remarks he made in moving the question before the House.

Hon. Attorney General after stating that he was not cognisant of the hon. member's absence, reiterated the remarks he had previously made.

Dr. Tupper said—With Mr. Miller I am totally unacquainted—but, sir, I listened with attention to his statement as I hope I always shall to every respectful petition asking investigation into charges preferred against a petitioner. It is probable that I should have taken no part in this discussion if the statement of the hon. and learned leader of the government, had not opened up a wider and more extended field. Sir, his remarks fell discordantly on my ear, when in connection with the assertion that they left Mr. Miller's character untouched—preferred no charge against him, conceding probity and almost the faithful discharge of his public duties—I say it fell discordantly on my ear when, in connection with this it was asserted that his conduct had been such as to drive a

valued member of the Board of Commissioners from his position, and that another had declared that either he or Mr. Miller must leave. Sir, I ardently desire not to put this discussion on the ground of character; when I found that the discussion of the other day assumed something of that complexion—that the petitioner was asking investigation into that which was dearer to him than life, I felt that it might place him in a prejudicial light to divide in a minority on a question of so much importance; and, therefore, sir, would I have gladly allowed this question to remain in statu quo. But when the hon. and learned leader of the government comes forward and moves that this, a respectful petition, asking the privileges of a Briton, should be dismissed, I feel it my duty to offer a straight forward, conscientious opposition to a proceeding so monstrous in its character and so disastrous in its results if admitted in principle. Sir, it may be that I am ignorant of the true relative position of subordinate officers; but I feel that the ground assumed by the government is entirely untenable. Hon. gentlemen come into this House, and in answer to the prayer of a petition from a dismissed officer tell you that the government have not examined into the merits of the case; that a man who depended on his office for his bread—a man of probity and character by their own admission—a man who has devoted the prime of his life to the cause of humanity in the prosecution of arduous public duties—the head and front of whose offending is that he is perhaps too unswerving for the time serving days in which he lives; when the Government tell this Legislature and country that they cannot stoop to the investigation of his case they enunciate a sentiment which will not meet with a responsive echo in the breasts of hon. gentlemen around these benches. Sir, I do not wish to question the abstract right of the government to discharge any officer; I do not deny that they are justified in awarding due consideration to the claims of political supporters—but I do hope that the day has not yet arrived in this country when a man who has faithfully discharged the duties of his office is to be proscribed and driven out, houseless and homeless, because he cannot change with every variation of political sentiment in the government, or accommodate his principles to those who guide and control the public business. On the last discussion the hon. member for Halifax announced that Mr. Miller had been discharged on account of his political opinions. What was his reward? A seat in the cabinet. Sir, I hope that hon. gentlemen has sounder claims to the honor than the enunciation of the principle that political proscription is to be the order of the day.—Let him regard the pages of the past history of his party; let him look to the record of their proceedings on the journals of the House and he will find that that principle was never inscribed on their banners. No, sir, theirs was a war against exclusiveness and proscription—that all men were entitled to equal consideration was the sound and noble principle by which they professed to be governed and which, I believe, this House will ever uphold. Sir, I do hope that the Government will not court a conflict of party; if they do, though I sit alone in the cool shades of opposition, my name shall stand recorded on the journals against an act so arbitrary and unjust. Let the government

bring down the correspondence which has passed between themselves, Mr. Miller and Mr. McKenna, let the matter be referred to a committee and thoroughly investigated, and then this House and country will be in a position to judge as to the merits of the case.

Mr. Marshall.—If I understood the honorable and learned Attorney General aright he asserted that the main object of McMillen in petitioning the House for a Committee was to obtain investigation into private charges. This may be the opinion of that honorable gentleman, it is not mine; when I presented that petition, I asked for a committee to inquire into the cause of Mr. Miller's dismissal and report on the manner in which he had been treated. But perceiving that any attempt to obtain an investigation was entirely hopeless; that members of Government were determined to shield themselves behind the cry of party,—when the debate adjourned, I decided to allow the matter to remain in the position it then occupied. The Hon. Attorney General, however, not content with refusing Mr. Miller the investigation he desired announces his intention to move that the petition be dismissed. He knows well the obloquy attaching to a proceeding of that nature; that to dismiss a petition is to treat the petitioner with disrespect, and having injured him by depriving him of his office, would now insult him by dismissing his petition. Sir, the Hon. Attorney General referred in congratulatory tones to the course he pursued in abstaining from censuring Mr. Miller—from attacking his probity of character or business qualifications;—he was obliged so to abstain, for, by his own admission, there is nothing in either open to that honorable gentleman's censure. But perhaps, sir, the course the Government have pursued towards Mr. McKenna, and the movements made to advance his interests are not equally inviolable. We cannot forget the removal of an able and efficient officer from Sable Island to make room for him there; we cannot forget that this gentleman, whom the Government delight to honor, was brought from thence to occupy a place in the Board of Works, before there existed a vacancy to fill up; and we can't forget that an able, efficient, experienced and meritorious officer was removed to make room for him. Sir, there were but two chairs in the House, and therefore one of the three occupants was removed that the other two might have comfortable seats. (Laughter) If the situation was intended for Mr. McKenna, why not avow it? Why seek to evade the consequences of the injury you have perpetrated by asserting that the gentleman you have dismissed was an impracticable officer. Sir, the language they should have held to Mr. Miller is this,—however necessary your services may be for the good of your country, it is essential that you should be displaced that we may confer your office on a man of our own way of thinking—that we may fill it up with a partizan of our own. It is not that the duty will be performed more satisfactorily to the country, but that we have a majority who call themselves the victors and that to them belong the spoils' These, sir, are the sentiments which the honorable and learned Attorney General should have avowed, and we could then thoroughly understand his action; but if the action of himself and his supporters continuously belies their precept, they must

expect to hear the plain truth told, and to bear the infliction of some troublesome speeches. We have heard of whipping syllabubs during this debate; well, sir, I do very often whip a syllabub (laughter,) and perhaps, sir, I shall whip something else before I have done.—(Laughter.) Does the honorable and learned Attorney General in his place here assert that Mr. Miller has nothing to complain of? Sir, he complains that having gone into office, and having faithfully performed this duties for a period extending over twenty years—the flower of his life—he has, contrary to British precedent and in violation of British practice, been ejected from his office to make way for a political supporter of the Government. Will any honorable gentleman here assert this to be one principle of Responsible Government. In the past we have been told that Responsible Government meant Government for the benefit of the whole people, but since the establishment of that system, its supporters have repudiated that principle in their language and by their acts. We have heard unblushing declarations made here that the Government should govern for the benefit of the Government; that self-government is government for self. To such a principle I cannot subscribe; I believe the executive should be the servant of the people transacting the business of the people for the general benefit of the whole Province. I understood the honorable and learned Attorney General to say that his object in making this motion, was to show to the country the nature of this application, and the reasons for its dismissal; but that he would not oppose an application for leave to withdraw the petition.

Hon. Attorney General.—Yes; those were the views I expressed.

Mr. Marshall.—If I were to withdraw the petition at the present stage of the debates it would appear to the country as though Mr. Miller had been properly and justifiably dismissed. That the propriety of the course taken by the Government was so apparent that he had nothing to complain of. The hon. and learned Attorney General seems very anxious that regularity should be preserved in the journals. Let me turn his attention to the fifteenth page; he is there made to figure conspicuously as the mover of the Railway Committee. What are the facts? Will the country believe that the honorable member for Halifax (Mr. Annand) prefacing his resolution with a speech moved that a committee be appointed, and that it was in consequence of a speech made by the hon. and learned Attorney General that the jurisdiction of this committee was confined to the Railway only. How comes it then that he appears on the Journals as the mover of a resolution which he actually opposed. Is the hon. and learned gentleman's vigilance of that character that it is only awakened when anything affecting himself goes wrong? So much for his desire to keep the Journals regular. Now, sir, in conclusion I may say that I had no intention when I rose to occupy so much time, but I felt that the honorable and learned Attorney General should have made himself aware of my presence in the House before moving to dismiss a petition which I had presented.—I shall not tell him at present whether I will or will not withdraw the petition—the course of this debate will decide.

Hon. Attorney General.—I shall condens⁶

what I have to say into a very small compass. As regards the entry on the journals to which the honorable member for Guysborough has alluded, and to which the members of Government readily assented, notwithstanding the account we have just heard, the error was made inadvertently by the Clerk, who, so soon as the mistake was discovered, went to Mr. Annand, and offered to have the whole edition reprinted at his own expense, provided Mr. Annand desired it. That honorable gentleman, not wishing to compel the Clerk to incur such unnecessary expense, stated that it was not his desire to have the edition reprinted, and it was finally concluded that the mistake should be rectified by Erratum in the Appendix. Now, sir, I will not be drawn into the enunciation of any general principle of Government; the Executive is responsible for their acts, and will not be held bound by all that is said in the heat of debate, even by the warmest and most active of their supporters. I hold it to be unwise in a Government to lay down general principles until necessity arises. The Government did not dismiss Mr. Miller because of his political opinions, therefore the necessity has not yet arisen; but, sir, I do not hesitate to say that the Executive were tardy rather than premature, in dealing with that officer. They allowed a valuable Public Department to remain for a whole year hampered by a conflict of opinions among its officers rather than exercise their power; and I now reiterate that it was because Mr. Miller refused to obey his superiors and the business of the country suffered, that he was dismissed. Sir, is this the only ground for attack which the Opposition can find? If so, their vocation is nearly gone. Are we to have a grand Constitutional debate upon a question like this! An inquiry so petty, so insignificant, so contemptible, concerning an office of £150 a year? Sir, I disdain to argue it on the basis which the honorable gentlemen who addressed the House have assumed, and I now move that this petition be dismissed.

Mr. Marshall—It is in vain for the honorable and learned Attorney General to assume this tone of indignation; to tell us that he disdains to do this or to do that: the sooner he learns to control that temper the better. It is vain for him to attempt to frown down or talk down opposition; there are many honorable gentlemen in this House who occupy a position which he never can hold; and, if it were not that I might commit a breach of Parliamentary rule, I should tell him that his position was an accident. Sir, if his stature were equal to that of Goliath, and his beauty rivalled Absoloms, members of this House would not bow down and worship him.—(Laughter.) Then, sir, I hope the honorable and learned Attorney General will refrain hereafter from talking of degradation, contempt and disdain. Honorable gentlemen laugh; well, I am almost disposed to laugh myself.

Mr. Annand rose to order.

Mr. Marshall—Oh! don't let the honorable member for Halifax be afraid; I am not going to hurt his leader.

Dr. Tupper—I think the House will agree with me that before the House come to a decision the Government be requested to bring down all the correspondence on this subject.—Does the hon. and learned Attorney General treat an officer having a salary of £150 a year as an object of too much insignificance to en-

gage his attention? To me the salary is nothing, the principle every thing; and it is matter of indifference whether it be £25 or £2,500; the claims of the incumbents are entitled to equal respect. Let the charges against Mr. Miller be investigated and if he is found to be unworthy I would not hesitate to dismiss him whatever position he might hold.

Mr. Wade—The honorable and learned member for Annapolis having seen fit to introduce my name into this debate, I feel it incumbent on me to offer some explanation. On the debate which took place recently, I informed the House of the reasons which induced me to support the Government in dismissing Mr. Miller. I tell the honorable and learned member that Mr. Miller did obstruct the erection of a Light House in a position where it was most required, and set up his judgment against that of persons intimately acquainted with the locality. The Government have announced no general principle; they found that Mr. Miller in many instances was self-opinionated and impracticable; they found that it was impossible to conduct the business appertaining to the Board of Works, while he occupied an official position there, and therefore they dismissed him. Previous to the presentation of this petition, I was about to call on the Government to do its duty, and inform the House and Country of the motives which induced them to remove that gentleman.

Mr. A. G. Archibald said—My views, Mr. Speaker, differ from those expressed by many honorable gentlemen. I cannot give my adhesion to the opinion of the Hon. Attorney General, that because the subject involved the consideration of an officer whose salary amounted to £150 only, therefore it was not entitled to a hearing—although I do not think from the preceding remarks of that honorable gentleman that he meant to put it on that ground. No matter whether his salary be £5 or £500 if he comes here with a claim which entitles him to consideration, he should be heard. Neither do I agree with the honorable gentleman who has just resumed his seat in the remark he made respecting the Light House at Digby; nor can I acquiesce in the view of the honorable member for Cumberland that this subject should be discussed on broad constitutional grounds. I put it on this single ground that an Executive which would permit a man who refused to obey the mandate of his superiors jeopardizes public interests and must be paralyzed in the exercise of its administrative functions. Sir, I say nothing with respect to Mr. Miller; I am supposing him to be a meritorious and respectable public officer; but I believe that gentlemen may vote for the dismissal of this petition without interfering with any broad constitutional question or at all injuring the individuals. Why should a committee be appointed? Cui bono? Suppose the petition was referred to a committee, and that they reported to him to be an active and efficient public officer, of probity and integrity. All this has not been denied. Suppose, too, they found, as I presume would be the case, that his dismissal arose from his refusal as an inferior to obey the order of his superior, it would be impossible for them to recommend that he should be reinstated. That would be an undue interference with the exercise of the executive functions of the Government. The friends of the petitioner have accomplished their object; the public mind has

been satisfied as to the capacity and probity of Mr. Miller—that has not been assailed, but the petition stands on the Journals, it must be dealt with in some way and without intending any mark of disrespect to Mr. Miller, I shall vote for its dismissal.

Hon. Mr. Johnston.—I wish to ask the chair what course should be pursued when a debate has been adjourned to a particular day, and is not resumed on that day.

Mr. Marshall.—I think it might be stated in justification of the Speaker that on the day to which the debate was adjourned, I suggested that it be continued over until the following day.

Hon. Mr. Johnston.—I do not desire or intend to find fault with the chair; I only wish to ascertain what course should be pursued when a debate is not taken up on the day to which it is adjourned. True, at the suggestion of the honorable member for Guysborough, the debate stood over to the day before yesterday, also passed, and no allusion was made to it.

After some further remarks, it was decided that the debate continue.

Hon. Attorney General said—Hon. gentlemen have entirely misconceived the scope and tendency of my remarks; the personalities indulged in by honorable gentlemen I shall dispose of in a very few words,—I never indulge in them myself, and I shall allow them to go on until the House itself, to sustain its own dignity sees fit to interfere. Sir, I never put this question on the ground that Mr. Miller should not an ample investigation when entitled to it merely because his salary is small; I never alluded to his personal reputation or charged upon him want of capacity in the performance of his public duties. What I did say was that on an inquiry touching, touching the dismissal of an officer with a salary of £150 per annum because that officer disagreed with and disobeyed his superior, it was preposterous to raise a grave constitutional debate on a principle, which had never been announced that the Government removed officers on political grounds alone.

Mr. M. I. Wilkins.—There is one fact stated in the course of this debate which I should like to hear explained. It was said that McKenna was brought up from Sable Island, and promoted to the Board of Works at a time when there was no vacancy. That Mr. Miller was not removed until after Mr. McKenna's appointment.

Hon. Attorney General.—When Mr. McKenna was appointed not the slightest idea of removing Mr. Miller was entertained by the Government. Mr. McKenna was appointed under the act of 1853, which conferred on the Government the power to expend a sum equal to the old Commissions.

Mr. M. J. Wilkins.—What was Mr. McKenna's salary?

Hon. Attorney General. Two hundred and fifty pounds.

Mr. Wilkins—Does not Mr. McKenna now enjoy a portion of the salary previously paid to Mr. Miller?

Hon. Atty General—Not a farthing!

Hon. Mr. Johnston—I think the deliberate judgment of this House will concur with me in dissenting from the view of the honorable and learned Attorney General, when he states that it was necessary to remove this petition from the journals. It certainly should not have been

made with a view of forcing on a party division. Why should not Mr. Miller have a right to require that the Journals should convey a history of this petition? A motion was made that the petition should be referred to a Committee—a debate ensued on the motion, the debate adjourned, and there the honorable introducer and the friends of the petitioner were content that the matter should rest. Will the honorable and learned Attorney General tell men of common understanding that the abandonment of all further action in the matter was not sufficient? But not content with this, he seeks to obtain the dismissal of the petition. Will he search the records and find an instance in which a petition has been dismissed that did not, in some way, violate the rules of the House? Is it not ignominious treatment? and does not a portion of the ignominy attach to the Petitioner? But, sir, the expressions of the honorable and learned Attorney General, which he subsequently qualified, (after the speech of the learned and honorable member for Colchester), exhibited the animus that dictated this movement. Sir, he did speak of this question as one petty and insignificant, because Mr. Miller's office was of a subordinate character, with a small salary attached to it. Does he not know that Englishmen, of all other people, look to principle, and do not regard the amount involved. Some of the greatest and most beneficial reforms in the Mother Country have been achieved in contests for principle, where the sum of money involved did not exceed a pound. It is stated that Mr. Miller was found impracticable. What right had the Government to assume this fact without investigation? unless, indeed, the power of appointment or recommendation to office rested with Mr. McKenna, which could not be the case here, for Mr. Miller held office long before Mr. McKenna's appointment. Should not the Government inquire into the grounds of the complaint preferred by the superior before they arbitrarily dismissed the inferior? I think every honorable gentleman who hears me will admit that would be the just and equitable course to pursue, and if the complaint was ascertained to be well founded, their right to dismiss, or the propriety of exercising that right, would not be questioned. Twice Mr. Miller differed from the honorable and learned member for Digby, as to the place best situated for the erection of a Light House. Should the Government remove an officer merely because he entertained a conscientious opinion in opposition to that of any honorable gentleman here? Surely not. Take the Ragged Island Light House; I think few will be found willing to assert that Mr. Miller's judgment was not correct in this instance. He should not be condemned because, being possessed of high talent, great zeal, and determination which jarred from no danger, he, on some occasions, differed from his superiors in official position. It is idle, then, to urge upon the House that Mr. Miller has been guilty of opposing improperly his superior officers; and, if he had not offered his opinion when he had good reason to believe himself right, he would have failed in his duty.

Mr. Locke said the Ragged Island Light House has been denounced by Mr. Miller; it has stood heretofore, and will remain there until it rots, doing good service to Navigation. I never supposed that it was part of Mr. Miller's duty to select the site for Light Houses;

my impression was that it was his Province to superintend the construction after he was informed of the place in which they were to be erected. This is the first time, sir, that I have ever heard of Mr. Miller's judgment being so very superior. What right has he to set up his opinion against that of the people? I think that his conduct with reference to the Ragged Island Light was sufficient to induce his dismissal; the Chairman of the Board of Works—his superior in office—whose function it was to decide on the locality on which that Light House was to be erected, ordered him to build it in a particular place; Mr. Miller turned his back on the Chairman, and refused to comply with his command. Mr. M. says that naval officers agreed with him; this is not the case,—they disagreed with both of us at the time, but they now agree that the Light House has been erected in the proper place.

Mr. Wade denied that there was any political feeling in this matter. As regards the light near Digby, the inhabitants who have lived there all their lives wanted it in a certain place, and Mr. Miller set up his Ebenezer against them.

Mr. Killam.—I am acquainted with the coast westward. Captain Shortland said the light ought not to be placed on Boar's Head, nor opposite, but on Mack's point, for the advantage of the Bay of Fundy and St. Mary's Bay, both of which were very important. Neither Mr. Miller nor the people of Westport agreed; and I hope the Light House will be put in the right place.

Hon. Provincial Secretary argued that such was the conduct of Mr. Miller towards his superior, that there was no alternative but his dismissal.

Mr. McLellan said every man had a right to be heard, and have his petition considered by the House; but it was for them to judge whether the petition was well founded, and if it should or should not remain on the Journals. It was quite apparent that Mr. Miller complained of one thing, and the Government qualified his dismissal on a ground entirely distinct from that complaint. He was therefore of opinion that the petition should not be allowed to remain on the Journals.

Mr. Marshall said—After what has fallen from honorable members, I rise to ask leave to withdraw the petition. Leave was granted, and the petition withdrawn.

LAND RETURNS.

Mr. Wier, by command, laid on the table the Quarterly Returns from the Land Office.

Hon. Mr. Johnston rose to ask the Government to lay on the table of the House all the grants which had passed during the last twelve months, and especially all those in the vicinity of the Railway, from Halifax to Windsor.

W.

WEDNESDAY, Feb. 20.

ILLNESS OF THE SPEAKER.

Soon after the opening of the House at three o'clock—

Hon. J. W. Johnston rose and said—It being understood, Mr. Speaker, that you are suffering from indisposition—in short this fact having been apparent to the House for the last few days, I rise to move that the

House do adjourn until any convenient time that may suit the House.

Mr. McLellan—There is a good deal of work to do on committees.

Dr. Brown—The only objection is that if we adjourn for two or three days, members may go off and not return to do business again.

Hon. Solicitor General—Some gentlemen have expressed a desire to adjourn in order to be present at the examination of the Normal School, at Truro, on Friday.

Several gentlemen did not think the business of the House would be retarded by adjournment till Monday, inasmuch as it would give scope to the committees to complete their business.

Dr. Webster—If the House adjourn, I wish as chairman of the committee on the Richmond election, to adjourn from to-morrow until Tuesday next, in case the papers we have written for do not arrive to night.

Mr. M. I. Wilkins—Does not the Law adjourn the committee, on an adjournment of the House.

His Honor the Speaker.—No; the committee is adjourned only by the prorogation of the House.

Leave was granted to Dr. Webster's committee.

Hon. Solicitor General also asked leave to adjourn over the committee on the seat contested between Messrs. Martell and Marraud; leave granted.

Mr. Chambers and Mr. Morrison asked whether, in case the Speaker were unable to attend on Monday, the House could not appoint a temporary Chairman.

Hon. Attorney General.—O—yes! there can be no difficulty about that.

The House then adjourned until Monday next at 12 o'clock. C.

MONDAY, Feb. 25.

ILLNESS OF THE SPEAKER.

The House was adjourned till 12 o'clock, but were not called to order till one; when the Clerk of the House stated to Members present that he had received an intimation from His Honor the Speaker that he would not be able, in consequence of illness, to attend the House.

The Attorney General waited on His Excellency the Lieut. Governor to acquaint him with the fact; and shortly after returned with the information that His Excellency would attend to-morrow, at two o'clock, in the Council Chamber, to authorise the House to choose a Speaker *pro tem*.

The House then adjourned until Tuesday at two o'clock. C.

TUESDAY, February 26th.

ILLNESS OF THE SPEAKER.

The House having met at 2, a message from his Excellency the Lieut. Governor was soon after announced, and

The Gentleman Usher of the Black Rod appeared at the bar and stated that his Ex-

cellency the Lieut. Governor commanded the attendance of this House immediately in the Council Chamber.

The House repaired to the Council Chamber, and having returned,

Mr. Bailey proposed Mr. John C. Wade, of Digby, as a fit and proper person to fill the Chair of this House, until the present Speaker should be enabled to resume the duties of his office.

Mr. John Tobin seconded the motion; which being put by the Clerk, by open vote, and no division called for, the Clerk pronounced — "The ayes have it," and Mr. Wade was declared duly elected, and proceeded to the Council Chamber, where his Excellency having approved of the Speaker elect, the House returned, and Mr. Wade was led to the Chair by the Hon. Attorney General and Hon. Provincial Secretary.

The Hon. the Speaker elect then said:

"Gentlemen—I beg to offer you my grateful acknowledgments for the honor you have been pleased to confer upon me, in electing me to act as your Speaker during the inability of your Speaker to attend the House in consequence of his indisposition; and having assumed the office, I shall endeavor to discharge its duties with impartiality and firmness; to preserve the order and maintain the privileges and dignity of the House so long as I shall continue in the chair."

PATENT INVENTIONS.

Mr. Marshall asked leave to introduce a bill to amend chapter 101 of the Revised Statutes, relating to patent inventions. The object of the bill was to throw open the privilege to all persons of any country.

Mr. Marshall reported from the Committee to whom were referred the petition of Henry A. Gladwin and others, asking aid towards supporting a House of entertainment in a wilderness district, recommending that £15 be granted to George Merry, Annapolis county; £15 to John Nelson, Great Eastern road, and £25 to enable him to erect a frame house. The report was received and referred to the Committee of Supply.

POST MASTER GENERAL.

Mr. Annand asked leave to introduce a bill to repeal the second chapter of the Revised Statutes which went to disqualify the Postmaster General from holding a seat in the House.

Mr. Marshall.—Although this bill purports to be a measure merely permit the Postmaster General to have a seat in the House if he should desire to obtain a constituency; yet, sir, I cannot but regard it as an entering wedge designed ultimately to not only remove the disability imposed by the present law, but to compel that officer to obtain a constituency.

Mr. Annand.—There is no such idea in contemplation; the bill merely removes the disqualification, and I should like to ask the honorable member for Guysborough why the Postmaster General should be excluded?

Mr. Marshall.—Then the Bill is only designed to do a little mischief instead of a great deal. The law which it is designed to repeal was introduced by myself; and, sir, I had the pleasure to find that the Colonial Minister was pleased to announce her Majesty's assent to that Act in commendatory terms—for while the other measures which were assented to by her Majesty at that time are merely mentioned as having been acquiesced by her Majesty without comment, the Colonial Minister, in the measure which I had the honor to introduce, was noticed in this way: "Her Majesty has been graciously pleased to assent to the truly Constitutional Bill of the Loyal Commons of Nova Scotia, for preventing certain public officers from holding seats in this House." Now, sir, I do think the Administration should be content with the power they at present possess in this House. It cannot be denied that the Departmental Officers who now have seats on these benches, sufficiently strengthen the hands of the Government. For what reason, then, is this Bill introduced? Does the honorable member for Halifax desire to eject from office an able and efficient officer? Is this only a round-about-way of telling him to walk out of his office? If so, I scarcely think it will commend itself to the good sense of honorable gentlemen in this House. It has been the fashion, of late years, to quote the opinions of Colonial Secretaries, and to argue upon these opinions as though binding on us. Now, although I am not disposed to accord unqualified assent to all doctrines emanating from the Colonial Office, I am yet of opinion that they are entitled to some respect and consideration, and it must be remembered that the Minister who so eulogized the Bill to which I referred; did not entertain opinions coincident with those held by myself. I think, therefore, that honorable gentleman would do well to pause before they agree to support a measure of this kind, so doubtful in policy and so dangerous in principle.

Honorable Attorney General had every reason to believe that the gentleman who now occupied the position of Post Master General was, from his business habits and practical ability, eminently qualified to perform the duties appertaining to that office. The Government had nothing whatever to do with the Bill or its introduction; it had been introduced by the honorable member for Halifax on his individual responsibility, and the Government would either support or oppose it as their judgment dictated.

Mr. Tobin was rather inclined to believe that the Government were quite as well represented in the House as they should be; to increase the number of members of Government who had seats in the House was, in his view, unwise, and would not operate beneficially. The Postmaster had a very extensive power; he had a controlling influence over every Post and Way Office Keeper in the Province. That, however, was not the time to discuss the Bill. Upon its second reading,

after making himself more thoroughly acquainted with its nature and supposed operation, he would be better prepared to express a decided opinion upon it.

Mr. Annand explained that the Bill was not intended to compel him to become a Departmental Officer, with a seat in the House, until the public necessities require it. By the law, as it now stood, the Postmaster General was prohibited from holding a seat there, and, in his opinion, this disability should be removed. It was unwise to say to any intelligent, well-educated man, that he should be debarred from becoming a representative of the people. My honorable colleague says that the Postmaster General has control over Post and Way Office Keepers; does he not know that every subordinate in that Department is eligible for election to a seat in this House, while the Principal of the Department is expressly excluded? Should such a state of things be allowed to continue? He thought not, and was of opinion that the country would sustain any movement which was designed to remove this anomaly.

Leave was granted, and the Bill was read a first time.

Mr. Annand—I have now, sir, to ask leave to introduce a bill which may, perhaps, be more distasteful to certain hon. gentlemen than the last. It is entitled an act to amend chapter 10 of the Revised Statutes, relating to the vacation of seats. Now, sir, the objects of this bill are two-fold. First, it provides that, after a General Election, the Government shall have authority immediately to fill up any vacancy which may occur in the Departmental Offices, between the dissolution of one Parliament and the assembling of a new one; by the death or unseating of the Head of the Department; and that the person so appointed shall thereupon vacate his seat, and, upon being re-elected, assume the duties of his office. As the question now stands, no appointment can take place between a dissolution and the meeting of a new House, however much the public necessities may require it; because the law makes it necessary that the Writ for a new Election shall be issued only on the application of the Speaker: and the Speaker, with the remainder of the members, having died with the House, it is obvious that no appointment can take place until the meeting of the new House. Secondly—It provides that, in the event of a mere change from one Office to another of any two of the Heads of Departments, it shall not be necessary that either shall be compelled to return to his Constituency, provided such change shall be made within one month. If, for instance, it shall be found after the formation of an Administration, after a General Election, that the gentleman appointed to the office of Financial Secretary is better qualified to perform the duties of Provincial Secretary, and *vice versa*; and that the public service would be better subserved thereby, then it would be competent for the Government to make such change without subjecting the

parties to the expense and inconvenience of running a new Election. The alteration proposed I have borrowed from the Canadian practice, where it has been found to be necessary to the efficient working of the Responsible system.

Leave was granted, and the bill was read a first time.

INDIAN AFFAIRS.

Mr. Whitman stated that during the adjournment of the House, the committee on Indian Affairs had met, and found there were claims which the Indian Grant could not meet. One of these was from Clare, amounting to £70; and another from Horton, of something like £5; and the expenditures were made for the support of sick Indians. The committee thought that these accounts should rather be referred to the committee on Transient Paupers.

Mr. Dimock—Surely Indians cannot be considered transient paupers? They were born in the country.

Hon. Attorney General said it was quite clear there would have to be an extra grant. Whether that should be disbursed by the Indian committee or that on Transient Paupers, was matter of choice.

Mr. M. I. Wilkins said it was quite improper to refer these accounts to the committee on Transient Paupers, because they would be sure to be sent back; as the rule of that committee, fixed by this House, would exclude all persons born in this province, as most of the Indians were.

Dr. Tupper concurred.

Mr. Morrison offered some suggestions on the subject.

Hon. Att. General considered that the only way would be to refer the accounts back to the Indian committee, because the House wanted information from some quarter as to the necessity for an extra grant, and to no source could they so fairly look for information as to the committee charged with the investigation of the whole condition of the Indians.

Mr. A. G. Archibald did not see any difficulty in the matter. The Indians of the province were always considered a class apart from transient or any other paupers. All the House wanted was the information the committee could furnish.

Hon. Attorney General—To refer it to the Government would be entirely nugatory, because all they could do would be to take the amount out of the usual grant. The committee had better take the papers and report what extra grant is required.

Mr. Whitman—If you relieve Indians in this manner, you will soon have all in the province a burden on the treasury.

Hon. Att. General—The hon. member can report that difficulty among the other features of Indian distress, relief and economy.

Mr. Whitman resumed charge of the papers to which he referred.

PILOTAGE.

Mr. McDonald presented a petition from certain merchants, ship owners, and others interested in the trade of the port of Pictou, praying the House not to make any alteration in the law relating to the remuneration of pilots at that port. Referred to the select committee appointed to consider the petition of certain of the inhabitants of the county of Richmond, upon the same subject.

PICKLED FISH.

Hon. Provincial Secretary, by command, laid upon the table of the House returns from the Inspectors of Pickled Fish for the various counties for 1855.

SHERIFFS.

Hon. Provincial Secretary also laid on the table the lists of Sheriffs appointed since 31st March, 1848.

MINES AND MINERALS.

Hon. Provincial Secretary, by command of his Excellency, presented to the House copies of certain despatches and correspondence relating to the mines and minerals.

Hon. Attorney General said—The papers which have just been laid on the table are of great importance, and involve largely the material interests of this country. The lease of August, 1826, transferred for sixty years to the late Duke of York, all the ungranted mines and minerals of this province, including coals, copper, lead, iron, and even limestone and slate. Within a few days after the execution of this document, and in consequence of an understanding previously had by the Duke of York with Messrs Bridge and Rundell, these gentlemen became, on the 12th September, 1826, the legal holders of this extensive grant. In 1828, the Imperial Government entered into a fresh agreement with Messrs. Bridge and Rundell, transferring to them the exclusive right to work the reserved mines of Sydney and Pictou—the consideration being the payment of £3000 a year, and a royalty of 1s. per chaldron on all coal raised over and above 20,000 chaldrons; and in this position did the respective parties stand up to the year 1845. The treasury minute of that year increased the quantity from 20 to 26,000 chaldrons, and settled the question between the Winchester and Newcastle admeasurements, so that the association to whom Messrs. Bridge and Rundell had assigned their rights were entitled to raise in consideration of a rent of £3,000 sterling, equal to £3,750 currency, 26,000 chaldrons Newcastle measure, equal to 52,000 Winchester, paying one shilling per chaldron of the latter measure for any excess. I have no desire to deny that the rights acquired by the General Mining Association up to 1849 were intended to be reserved to them by the Civil List Bill passed in that year; by it we assumed the payment of the salaries of our own officers—the Lieutenant Governor, Judges, Provincial Secretary, and other leading officers of the Government, in exchange for a full sur-

render of the Crown Estate in our mines and minerals. We now stand in the same relative position with respect to that branch of our industrial capabilities, which the Crown then occupied; by that bill we acknowledge, however unwillingly, the existence, and, it may be said, the legality and validity of the lease of August, 1826, and the agreement of 1828 as binding on us. So the matter stood till the session of 1854, when it was discovered that an agreement had been entered into by the Association and the creditors of the Duke of York with the sanction of the Home Government in May, 1849, giving among other things to these creditors a royalty of ninepence sterling on every chaldron of coal, raised within the Province by the agents of the Association, and providing for the execution of new papers to carry the arrangement into effect. This agreement was unknown to us when we passed the Civil List Act in 1849—and, as we contend, injuriously affects our condition as a people. Being in London in 1854 I accidentally discovered at the Treasury that the surrender of the old lease a new lease from the Crown for the residue of the sixty years, and an assignment to the General Mining Association had been prepared and were ready for execution, requiring nothing to perfect them but the sign manual of her Majesty. I read these papers with the utmost attention, and at once came to the conclusion that although I was not armed with authority from the Executive Government or this Legislature, it became me as a Novascotian to enter my formal protest against the execution of documents so injurious to the Province without the Legislature being first consulted. I contended that the Crown, after the passage of the Civil List Act, had not the power to lease or in any way interfere with the management of the mines and minerals, unless with the assent of the Government and Legislature of this country. A meeting of the Solicitors representing the Duke of York's creditors, the Association and the Crown, at which I attended, was held, and at that meeting the Solicitors of these creditors and of the Association, contended that my protest should go for nothing, and that the Province of Nova Scotia had no right to interfere with the prerogative of the Crown. I begged to differ with them, and now, sir, the Attorney and Solicitor General of England to whom the question was formally referred have decided that on the point of constitutional law I was right, and the opposing Solicitors were wrong; they have decided that the Crown has not the power to grant a new lease, but, in consideration of the equities, it is suggested that we should pass an act declaring that these three papers shall be valid and binding on the Legislature and people of this country. Now, sir, while we must concede that the Civil List Bill of 1849 acknowledged the existence, and, to a certain extent, recognised the validity of the lease of August, 1826, we must remember also that the Crown

by assenting to that bill, divested itself of any right to exercise control and authority over those mines and minerals which formed the consideration for the agreement on which that bill was founded.

In the assignment not only did the Duke of York reserve to himself and now for his creditors one-fourth of the nett profits, but it is further provided that if those profits should at any time reach the sum of £30,000 sterling a year, in that contingency the Duke of York was to be entitled to one-third. By an agreement then to which the Province of Nova Scotia is no party, which the Legislature and Government of this country never recognised, made between the General Mining Association and the creditors of the Duke of York, we and our children are to be bound for the next thirty years to pay to those creditors 9d. sterling per chaldron, Winchester measure on every chaldron of coal raised—which reservation now yields between 5 and £6,000 sterling per annum. From the year 1843 up to first of January, 1855, the sum of £55,400 sterling has been paid into the 8 per cents. in the mother country, awaiting only the execution of these very papers to be distributed among those creditors who have no shadow of claim on the resources and industry of this country. The first of these papers is a formal document reciting the whole history of the legal transactions connected with this question—numerous, involved and complicated as they are—and ending with clauses by which the present holders abandon to the Crown the lease of 1826 and all rights thereunder—so that on the next day the Crown should grant a new lease in the same ample terms, conveying, in fact, every thing but the soil we tread on, as has been so often complained of with regard to the lease of 1826. There is some difference, too, between the lease of 1826, the agreement of 1828, and the contemplated lease of 1856; by the agreement of 1828 a royalty was reserved upon all coal excepting such as was used in working mines or smelting ores and minerals. By the Treasury minute of 1845 that exception is done away with, and the royalty is made to extend to all coal raised. In the new lease the exception is again introduced to the advantage of the Association, and to our injury. Here, then, is a difference between these documents and a difference favorable to the Association, which we can hardly be expected to legalise.

In conclusion, sir, I am not without hope that we may be enabled to come to a unanimous conclusion on this subject; I can scarcely think that there is any party in this House prepared to advocate the passage of the bill as it stands. These voluminous documents are well worthy the attention of honorable gentlemen—after their contents have become thoroughly understood, we may be in a position to suggest and perhaps to carry some such just and reasonable compromise as I suggested while in London, and

which would place the people of this country in a better position with relation to their mines and minerals than they now occupy.—I have now to move that these papers be referred to the Committee on Mines and Minerals; and it may be that the Committee will report back to the House an address declaring the terms on which this House would be willing to define and make valid the limited and just rights of the General Mining Association. In treating this great question it will be perceived, Mr. Speaker, that I have carefully abstained from saying one syllable that can provoke opposition, or raise any feeling that would create irritation or retard a patriotic and equitable arrangement acceptable to all parties.

Hon. J. W. Johnston—I am very sorry that the honorable and learned Attorney General has seen fit to go so much into detail, before honorable members have had an opportunity of becoming acquainted with the contents of the documents to which he has adverted. I am happy, however, to find that there is at least some hope of concluding this vexed question; and the honorable and learned Attorney General laid the basis of that hope when he declared that this question shall be settled on a just, patriotic, and equitable basis, every consideration being given to the rights of all parties. I do not believe that there is a man in this House who would desire anything else. For my part all I desire is that this question should be carefully considered, and rationally and calmly debated. From the opening remarks of the honorable and learned Attorney General, I anticipated the development of some new facts, but I failed to perceive anything in his remarks with which we were not previously acquainted. The creditors of the Duke of York received a certain proportion of the profits; they accepted a sum in commutation of that, which I do not believe in any way affected the rights of the country. I understood the honorable and learned Attorney General to say that an arrangement entered into after 1845, materially affected the position of the Province in relation to the General Mining Association.

Hon. Attorney General—The honorable and learned member for Annapolis does not quite apprehend the nature and tendency of my remarks. A very essential difference does exist between the lease of 1826 and the ultimate arrangement entered into between the creditors of the Duke of York and the Association. The idea thrown out by the honorable and learned member is, that the lease of 1826 gave one-fourth of the profits, and the subsequent agreement was a mere commutation for a specific 9d.

Hon. Mr. Johnston—Yes, that is my idea.

Hon. Attorney General—By the lease of 1826 the creditors of the Duke of York were entitled only to one-fourth of the profits to be derived from working mines at that time unopened, but the subsequent agreement

gave to them 9d. sterling royalty on all mines opened and unopened, including the reserved mines of Sydney and Pictou, from which latter, in fact, the whole revenue has been subsequently derived. When in England, I pressed the Solicitor of the Association to inform me how it came that the Mining Association had yielded this large concession to the creditors of the Duke of York. I have looked into the papers with the utmost care, and have come to the conclusion that this large sum, nearly £55,000, has been paid by the Association to enable them to escape from litigation and settle some intricate Chancery suits. The effect of this must be apparent; that nine pence per chaldron does not come out of the Mining Association, but is paid by every man in the Province who purchases a chaldron of coal.

Hon. Mr. Johnston—The honorable and learned Attorney General has anticipated a question which rose to my lips, as to the consideration given by the creditors of the Duke of York for the royalty of 9d. The other circumstances to which he has referred are collateral to, and arise out of, papers previously in our possession.

Mr. A. Arnibald—We should have but little to do with the Mining Association or the amount they pay to the creditors of the Duke of York, provided that what they give away does not fall as a burden, weighing down and crippling this branch of our industry. When the report comes up from Committee, we shall then be in a position to take some definite action on the information which these papers afford.

The several documents laid on the table were referred to the Committee on Mines and Minerals. W.

MILTON RAILROAD.

Mr. McLellan introduced a bill to incorporate the Milton Railroad Company.

VOTE BY BALLOT.

On motion of Mr. McLellan the House went into committee of the whole to consider the question of Vote by Ballot.

House in committee.

Mr. Dimock in the chair.

Mr. McLellan—I have moved the House into Committee, Mr. Chairman, for the purpose of taking the sense of hon. members on the following resolution:—

“Resolved—as the opinion of this committee—that the taking of the Poll by Ballot, at elections for members to serve in General Assembly, would lessen the evils of such elections, and should in future be adopted.”

Now, Mr. Chairman, I think it will not be disputed that if members will be guided by addition and subtraction—that is, fairly adding up the advantages and disadvantages of every measure—subtracting the lesser from the greater, and acting according to the balance, then they will always go right and never wrong. Trying this question by these rules, we find the following results on the credit side of vote by ballot. *First*, by

the new system we find that the majority is the foundation on which the governments are built; by open voting, bribery or fear may make a majority, which will produce a government composed of men made honorable by bribery or mortgages; what can be expected of a building erected on such a rotten foundation? On the other hand, by the ballot, you will have a pure election, the true opinions of the people fearlessly expressed—a foundation resting on truth, and on which a blessing may be expected. *Secondly*—Candidates are now frequently running neck and neck—great excitement is produced; and the novelty of seeing how different men vote, chains as it were our whole people to the polls until the election is over. By the ballot there is nothing to be seen to cause excitement—nothing to induce any one to stay. In the United States you may be walking with a citizen in the streets, and he will say—“Excuse me a moment while I step in here;” you hardly miss him until he is with you again, and you afterwards ascertain that he has been in to give his vote. Truckmen stop their teams in the street and step in to vote, and other persons vote as they go to business or return to their meals. There is no confusion or crowd. A stranger, unless told, would never suspect there was an election going on. The same thing would take place here if the ballot were introduced; men would give their votes and proceed to work. What an advantage this would be!—not only time, which is money, saved, but bad feeling avoided, which excitement is always sure to create. *Thirdly*—You had better take a man’s money rather than his peace of mind. How often does a man feel most unpleasant at the very idea of voting? He respects both candidates, and would get up in the dead of night or any hour to serve either of them; in voting he must do violence to his feelings, because he must appear as an enemy to one, when he really is not. The ballot would very much alleviate this evil. *Fourthly*—It is evident that under the present system, bribery will increase in proportion as elections get more and more warmly contested; but the ballot will cripple and reduce bribery to a very small figure, if not obliterate it altogether; because no man will be fool enough to give much for a vote without knowing whether he would get it or not. *Fifthly*—Go now into our country villages before an election, and you will find the people living in peace and harmony like brethren who love to dwell together; return after the election and you will find nothing but discord and contention, families divided, friends estranged, bad feeling reigning everywhere. Give us the ballot and you will find every one the same after an election as before. *Sixthly*—I believe in many places the rich run rough-shod over the poor. I am informed that in some countries during a canvas, the unmistakable words to debtors are—“My money or your vote.” This should not be, sir, when the

ballot will cure the evil, and sweep away the disgrace. Any man that has property, and uses it fairly and honestly will have a feeling created in his favor, and he is sure to get under the ballot all that he is entitled to; but should we adhere to a system that gives the wealthy man power to get votes by using his means arbitrarily and oppressively against his poorer neighbour? *Seventhly*—Our elections have a great tendency in some counties to cause a sudden pressure in the money market. Debtors who were told before the election to take their own time for payment are told quite a different story after it is over; in fact the pressure is so urgent as frequently to require a Court for the prosecution of suits. The ballot would cure this evil, and leave money quite as plenty after the election as it was before. *Eighthly*—We have been told that truck-men, milk-men, and mechanics, have been turned out of employ for not voting to please their masters. The ballot would prevent that. *Ninthly*—It is said that men are chosen not so much for their fitness for office as for the way they voted. The ballot will cure all that; because governments and candidates cannot say who are and who are not their voters, and much time of this House will be saved, and many angry discussions avoided, about dismissals from office on political grounds. So much for the credit side of the question in favor of the ballot. On the debtor side it could only be said that voters would be able to use deception, and make candidates believe that they were going to vote for them, when they were not. This is an evil, to be sure; but after all more imaginary than real. I see the hon. and learned gentleman from Pictou (Mr. Wilkins) smile; but I ask that gentleman if an elector in Pictou who voted against him at the last election had pretended he was going to vote in his favor and then ballot for his opponent, what great harm would that do? The votes on the poll book would remain the same—there would be no difference, and the breach of faith could not be called a public evil—but merely a private affair between the candidate and voter.—Now, Mr. Chairman, when this single objection is placed in contrast with the nine solid advantages I have recounted in favor of vote by ballot, I think hon. gentlemen round these benches must have grown rather rusty in addition and subtraction, if they do not see that the balance is very largely in favor of the ballot. I trust they will be convinced as I have been and vote for this resolution.

Hon. Mr. Johnston enquired whether the honorable gentleman had any bill prepared; because, although members generally might be prepared to vote for the principle, some machinery was necessary to carry it out.

Mr. McLellan—If the resolution pass, I shall move for a Committee to prepare a bill.

Mr. Whitman—If the system of Ballot is to be carried out, I suppose it will be admitted that Registration will have to accompany it. I should like to have some details; to know

the expense; whether it would be so enormous as to preclude the adoption of the principle.

Hon. Mr. Johnston considered that this question had been partly answered by the honorable member already. For himself he was in favor of the principle, but would have been better satisfied if the honorable member had laid on the table some sketch of how he meant to carry out his measure.

Mr. Tobin was opposed to the principle because he was aware of its pernicious effects. It was made use of, in many countries, to subserve the interests of Secret Societies. Thus it was with the neighboring States, which were only saved from being prostrated to that pernicious influence by the noble State of Virginia, which held their elections as we did, by open voice. What man was there, in the form of man, that would hesitate to come up before his fellow men, and give his vote for the candidate to whom he gave his choice, instead of giving a secret vote in accordance with this new-fangled theory, now sought to be engrafted on our Provincial institutions.

Hon. Mr. Johnston denied that the system was new-fangled in this Province, for our own citizens held their elections under it. The system of open voting had its advantages; but the balance, he thought, was very much in favor of the ballot.

Mr. McLellan—It is very easy for gentlemen like the honorable member for Halifax, (Mr. Tobin), who have no debts hanging over their heads that they cannot pay without injury, to talk about coming up to the Poll, and boldly declaring who they vote for! But, sir, it is quite a different thing with the man whose independent vote may be the means of turning his family out of doors, and casting himself into prison. This sir, cannot be called a new question. It has been advocated long before our day, and it is rather an unfortunate move to quote the example of the United States against the Ballot, when nine-tenths of that intelligent people declare, by their use of it, that it is the most fit and proper mode of taking the Poll at Elections. New Brunswick* had a better opportunity than we have of observing the operation of the Ballot in the United States, to which that Province joins; and our own brethren there were so pleased with the principle that they have engrafted it on their own institutions. Human nature has been mentioned; and that teaches us that the Ballot is sound in theory and practice. Nature has given us the power of thought and speech separately; doubtless to enable us to conceal such thoughts as would do evil if made known. Those who say "Let all come boldly out and vote as they please," to be consistent must go further, and say "Let the thoughts of every man's heart be proclaimed to the world also." In that case, sir, all society would be destroyed; men could not live together; and what applies to other thoughts also applies to a man's choice in voting. That is his secret,

and should remain so. It has been said by somebody that if a company of gentlemen dining together only knew the thoughts passing in each other's breasts, they would run for their lives, as they would run from a gang of highwaymen and robbers. (*Laughter.*) The honorable member for Halifax seemed horrified at the idea of the Ballot for the people; but he was not a bit frightened the other day, when the officers of the House were elected in that matter. If his humane and generous emotions were protected by the use of that principle, how can he deny to the people the same means of preventing their feelings being put to the rack and torture?

Mr. Hyde.—I am glad to find my honorable colleague copying from nature. It makes him eloquent. With reference to the resolution on the table, sir, I rise to give it my hearty concurrence and support. I feel that we have been sent here to advocate the rights and extend the privileges of the people, and that we should stretch out our hands for the protection of our poorer population in the independent exercise of their elective franchise; we ought to give them in reality that independence of which we hear so much within these walls. I believe that many persons have not heretofore given their votes as their consciences dictated—having been restrained by pecuniary and other influences, and I believe that this Bill will set all men free to vote as they please. That is enough for me, sir, and I shall record my vote in its favor.

Mr. Morrison.—I shall oppose that resolution, sir, and for one of the very reasons given by the honorable member for Colchester in support of it. He argues that a man who is in debt to another will not vote as he wishes, because he is afraid that his property will be destroyed, and himself subject to persecution. Now, sir, it is a fact that in the United States where the system of the ballot prevails, every voter is known as well as if he voted in the British mode so happily recognised among us. Yes, sir, I have heard the voters counted by tens, and scores, and so it would be in Nova Scotia. What then, would be its operation in a country like ours, where it would be impossible for men to give secret votes and keep the name on their ballot from being discovered? Most men can tell by a man's eye how he voted or intends to vote. The poor debtor's vote would assuredly become known, and what would his rich creditor say? "Ah! I know how that man voted, but the public don't know how that I know it—and I'll fix him—I'll punish him for it;" and if any man should ask if he was distressing him because of an adverse vote, his reply would be, "Of course not—how do I know how he voted?" But if the man had given his vote openly, his creditor would not dare, in the face of the world to destroy and prosecute him, or if he did, a sympathising public would rush to his relief. I shall vote against the resolution.

Mr. Charles J. Campbell.—I am averse,

Mr. Chairman, to hasty and continual changes in the constitution of the country; being of opinion that we should give our present institutions a fair trial before bringing others into existence which may not work so well. I must express my surprise, too, at the expression of the honorable member from Londonderry, to effect that there is a great scarcity of money after an election. It may be so where he lives, sir, but I assure him and the House that such is not the case in other parts of the Province—no such difference prevails in the county of Victoria, and I should be ashamed to cast such an imputation upon any other electoral district—township or county. I do not believe the aspersion is deserved, and therefore I shall vote against the resolution.

Hon. B. Wier.—I once did entertain a rather favorable opinion of the Ballot, Mr. Chairman, but, after mature deliberation, looking at the experience of other countries and the enlarged liberties we now possess, I have come to the conclusion that the open vote is the right vote. The argument that a poor man may be persecuted for his vote, I do not attach much weight to; such cases would be of very rare occurrence. There is something in the human breast which requires the independent exercise of a man's conscience, even though it may be against him who admires it, and to whom the voter may be under obligation. Now, suppose I was going to be a Candidate for Election, and were to say to my servant "John, I expect you to vote for me." "Oh yes," he replies, and straightway goes off, and puts a card in the ballot box for my opponent. Now, this is supposing the argument of the opposite side to be correct, and that the shackles of kindness or of interest are to be stricken from the heart and the hands of a voter, so that he may ballot as he pleases. What follows? What did you make of him? A hypocrite and a liar! The benefits you argue from the Ballot can only be had at the expense of demoralizing your population. A man that wants to vote in secret is not worthy to have a vote, from the very fact that he wants to practise deception. No honest man should hesitate to come to the poll manfully, and give his vote. But suppose corruption were practised—it is more feasible under the Ballot than under our present system. Think you there would be nobody at the polls watching the cards dropped into the boxes, their color or shape? Yes, sir; every voter would be as well known as now, but dishonesty would be more prevalent. I believe we have now in this country all the freedom we can rationally enjoy; and that, if you introduce the Ballot, you will destroy the independence that has existed and ought to continue in this Legislature. Under the Ballot, I believe the best men would not be sent to this Legislature, but the most cunning, tricky, and unprincipled. I am unwilling to make any more alteration in our Election Laws, at present. When the people come up and ask for this change, we should

be prepared to give it to them; but I do not believe the people of Nova Scotia desire to follow in the Know-Nothing system of the United States. I believe our people seek to be free from that; and, therefore, I shall vote against the resolution.

Mr. Chambers.—Before the question is taken, sir, I must express the grounds of my dissent from the views propounded by the honorable member for Halifax. He seems to take it for granted that every man under the present system exercises independently that privilege which is the birthright of every British subject. That may be very fine in theory, but is it so in practice? On the contrary, sir, that at the last elections corruption and bribery prevailed to an extent that requires some check by law, and I believe if the resolution of the honorable member for Londonderry be adopted, it will have the desired effect. I can recollect, Mr. Chairman, when such a thing as bribery was never thought of; but under the largely extended franchise we have now, we must expect corruption to creep into all our counties and townships, too, because from one it must extend to another, and I should deplore the existence of such an evil in the county of Hants. Suppose, now, for example, two men went out to canvass a county, and one of them asked a man for his vote. The elector would tell him in plain terms that he would vote for him if he would give him so much.

Mr. Whitman.—Let the honorable member confine himself to his own county, and not cast imputations on others.

Hon. Mr. Johnston.—Presuming this is in Hants county, what does the candidate say?

Mr. Chambers.—An unprincipled man at present might give the bribe; but if the ballot were in existence he would say—"No, I won't trust you, because if my opponent were to come along and give a dollar more, you would vote for him."

Hon. Mr. Johnston.—Yes! but what did the Candidate actually reply at the last Election, —what did you say to the Voter? (*Roars of Laughter.*)

Mr. Chambers.—If the honorable and learned member will kindly initiate us into the mysteries of the late election for Annapolis, I shall be happy to enlighten him about the county of Hants. (*More Laughter.*) I believe, sir, that the system of vote by ballot is the right system, that it will correct many evils which exist now, and prevent the possibility of corrupt influences at elections. I am, therefore, prepared to vote for it.

Mr. Esson.—I hope the honorable member for Hants' does not intend to insult the whole Province of Nova Scotia by intimating that every voter can be bribed! At all events, I can assure him that it cannot be done in Halifax. The time has gone past for such influences, and the Ledger can no longer be crammed down a man's throat; on the contrary, as regards mercantile transactions, the

advantage is now recognized to be as much on one side as on the other.

Mr. Marshal.—I believe that bribery is not very common throughout this country; but that won't convince me that there have not been some pretty large bargains made in this same virtuous city and county of Halifax. I have heard of the sale of a barrel of flour for seven pence half-penny; and of a counter sale by another party, who gave two barrels for seven pence half-penny.—(*Laughter.*)

Hon. Solicitor General.—This reminds me, Mr. Chairman, of a story I heard, which occurred in one of the upright and incorruptible States, where the ballot system reigns in full vigor and security. One of the Candidates, wishing to secure the support of an influential Blacksmith, sent his horse to be shod one morning, and requited his skill and industry with the payment of £100. The other Candidate hearing of the fact, sent his horse also, to be shod; accompanying his order with £100, also. The first one got wind of this, and suddenly discovered that his horses' shoes did not fit, the corks were too long, the hind hoofs interfered, and the nails were not driven right. (*Laughter.*) He starts off his groom; all the shoes must be removed and put on again—another £100. The Blacksmith went up and voted for the £200 man. The other accosted him, and asked him if he did not know him? "Yes," said the Blacksmith, "I think I've seen you before." "Don't you recollect shoeing my horse, this morning?" "O! yes," replied the smith, "but the other man had his shod twice." (*Roars of Laughter.*) Now, sir, my opinion is that where bribery is resorted to, it will flourish as successfully under vote by Ballot as it can under our present system, which has the advantage of being more manly, and more in accordance with the spirit of British freedom. The man who gives money for a vote will take good care that he gets what he paid for; and will assure himself of the fact either by a colored ticket, or some other of the numerous artifices which such men are ever ready to resort to; and, if a man's vote is coerced by a creditor, he is just as likely to vote on the best side, after all. I do not think this innovation is needed at the present time, with our free institutions, under which every male in the country, 21 years of age, has a voice in our legislation, and in controlling the Government. There are no petitions on the table asking for this change. The Ballot has often been spoken of through the country, and, if the people required it, they would not be content with silent indifference. The people do not desire it, and therefore I shall vote against it.

Mr. McKeagney.—Mr. Chairman, I do not like to give a silent vote on this question. As it is a new experiment in legislation, I think we ought to pause. First, sir, it is un-English; and, before we introduce an innovation of this kind, we should be certain it will be better than what we have got. It is natural for man, sir, to prefer seeing his fellow-being

hostile or friendly, according to the promptings of his heart. Disguised hostility is a detestable thing; and, when a man has a friend, he likes to feel his bosom glow with kindred warmth towards him. I am not prepared to say much on this resolution, the subject is comparatively new to me, and has come upon me unawares. But, before we receive it, I wish to know what are its adjuncts? Where its details? How is it to prevent deception being practised on the people? In short, what are we to receive in exchange for our present system? Every institution on earth must have its imperfections; were it not so we should be more than human beings. I presume the Ballot will have its evils. I pause, therefore, before I can assent to it.

Mr. McLellan—The honorable and learned member for Sydney complains that there are no details to the resolution; but, of what possible good would details be to him, when he declares he is going to vote against the principle? The honorable member for Halifax, (Mr. Wier), tells us about these awful Know Nothings, and the evil they do under the Ballot; but, surely, he must know they could do the same by open voting; besides, we have none here, and are not likely to have any. It is pleasing to find that not a single argument has been raised against the Ballot in detail, all objections are in general terms, mere declamation; bad results are sure to happen, but nobody can tell how. The horse-shoeing story told by the honorable the Solicitor General, was in favor of the resolution; it happened in open voting, and could not have happened under the Ballot; and, surely, the honorable member does not mean to say that coercion is right because a man may, perchance, be forced to vote for the Candidate whose labors will most benefit the country! I have been amused to hear gentlemen talk of the real Simon Pure elections, and to mark their astonishment at anything wrong having ever taken place under the present system. It reminds me of a story some old people used to tell, of innocent Abigail, a girl whose mother asked her, one night, whether she knew there had been a young man in her bed-room. "Why yes, mother," said she, "I think I did see a brass button during the night, but I could not help that, and, for the life of me, I can't think what any man came here for."! (*Roars of Laughter.*)

Mr. Hugh Monroe—Mr. Chairman, I was not in when the motion of the honorable member for Colchester was introduced; but, it appears to me that we have arrived at an epoch in the history of this Province, when it is impossible for us longer to remain without the registration of Electors and vote by Ballot. I wish, sir, to see every man enabled to come up to the Poll, and exercise his birth-right as a freeman and a Briton. (*Hear, hear.*) Does he do it now? No, sir! We have monopolies in the country, monopolies that control the free spirit of a large number

of men, and prevent them from exercising the Elective Franchise with the freedom of choice which ought to characterize and govern so sacred a privilege. Give us vote by Ballot, and you will soon see changes beneficial to the country at large. I happened to enter the House just as the honorable and learned Solicitor General was speaking. I know he cannot vote for the Ballot; but, sir, I should be proud to be turned out of my seat to-morrow, by the operation of that free and pure system; because I should then know, free from the uncertainties which attach to an open vote, that I was not the choice of the people, but that, in the majesty of their will, they had sent a more active, a more able, a more worthy man in my place. Give us the Ballot, and then you will have men here who are the choice of the people—men in whom they confide their trust—without which no man can make a good, honest, and wise Legislator. Give us the Ballot, and every man, however poor in purse or crushed in spirit, can vote as he thinks will promote the interests of his country, without caring for friend or foe. That, sir, is the true system; the present is a slur upon the country. I shall vote for this resolution if I were to stand alone.

Mr. Morrison.—I have listened with much pleasure to the eloquent remarks which have just fallen from the hon. member for Victoria; but I cannot agree with him, sir, in the opinion that we should be more likely to get the better men here under the ballot than under the present system. If we look to the United States, we do not find his doctrine verified; for we know that four of the most prominent, talented, and distinguished statesmen of that country—men who had risen to a world-wide fame, went down into the grave one after the other, without having occupied the Presidential chair. I intend no disparagement to the men who have occupied that position, but the prominent individuals whom the world marked out for that honor, are known to all of us. It is said, sir, that individuals holding mortgages, and other claims on poorer men may unfairly press themselves or friends into this Assembly; but I believe the case is otherwise; and that many a man has lost a seat on these red-benches, because he brought money or money-influences to bear. If you could pass a law to improve the principles of the people, and banish wickedness from the land, that would be a tangible benefit; but I do think secret voting would do more harm than good. The honorable member for Victoria expatiated largely on the nobleness of a man being able under the ballot to vote like a Briton or a Novascotian. Sir, he would do neither; but he would like an American, and none of us would much admire that. Some gentlemen talk about bribery. I do not think it prevails to any moderate extent. I confess that after my friends

had induced me to offer for the northern district of Colchester, one man who had promised me his vote one evening, came to me the next morning and said, "Morrison, can't you give me a barrel of flour,—I think I could get one for my vote." My answer to him was one of indignation. "No, sir, if you cannot vote for me without that, you may vote for whom you please." I told him where he might get flour, and that man came and voted for me, although I refused him his request.

Mr. Munro would remind the honorable gentleman of one or two things which he appeared to have forgotten. He seems to have entirely overlooked Hammond's Plains, and to have forgotten that in past years it has been openly avowed that the electors in that district have been purchased and re-purchased over and over again. If the honorable gentleman will deny that I have nothing more to say on the subject. I have heard, sir, that not many years ago, indeed no later than the last election, large sums were expended to buy these votes over. I would like to ask that honorable gentleman if a system so subversive of the liberty of the people could have existed under the ballot system.

Mr. Esson said—I am astonished, Mr. Chairman, at some of the remarks made by the honorable member for Victoria. When he ventures to charge home upon the constituency of Halifax acts so flagrant, I cannot permit his remarks to pass without reply. As the representative of the county of Halifax, I beg leave in the most unqualified terms to deny that this constituency or any portion of them were bought over at the last election. Nay, more, sir, I assert without fear of contradiction, that no undue influence was used, nor was violence or intimidation resorted to in order to procure the return of those who now represent the county and township of Halifax.

Mr. Munro.—The honorable member for the county of Halifax surely knows me too well to believe that I intended any personal reference to him. I meant my remarks to apply generally.

Mr. Esson.—I can say in all truthfulness, that not one shilling was expended by myself or my colleagues to obtain the vote or influence of a single elector.

Mr. Munro.—Was none expended by the opposition candidates?

Mr. Esson would not answer for them. (Laughter)

Mr. Tobin.—I only wish to set the honorable member for Victoria right. If he looks back to the history of the colored population, he will find that they were imported here from another country by the British Government; they were forced on us and we have been obliged to maintain them. This climate is not suited to them; they were brought from a southern and

thrown ignorant and shelterless on a northern shore. Is it to be wondered at then that we find them paupers and ignorant; some of them, it is true, are capable of earning their own livelihood, but the majority of them cannot. The city of Halifax bears the largest proportion of the burthen of their support. Is it matter of surprise then, that these unlettered and poor people should have but a meagre idea of their franchise and be hardly able to understand the nature of the privilege with which the law has clothed them.

Mr. Wilkins—I agree with the picture which the honorable and learned gentleman has drawn of the condition of these poor persons. Would you, then, deprive them of the opportunity of disposing of the only commodity which they have for sale? (Laughter.) The honorable member for Newport has inveighed against the system of permitting the Mortgagee to vote for the Mortgagor. And why not? I ask him which is the greatest evil, for the Mortgagor to vote for the man who had supplied him with money to relieve his necessities, or to take his oath to vote for his friend, vote against him, and, by means of the Ballot, rest secure that his fraud cannot be detected?

Mr. Esson—I travelled in the United States not long since, and it was there currently reported that, had it not been for the Ballot, the Know Nothing nuisance, that has disgraced the Union for such a length of time, would never have existed.

Mr. Whitman—This has not been a lost debate, whatever the decision to which the House may arrive. We have been told there is but one constituency open to the charge of bribery and corruption, and that is the county of Hants. (Laughter.)

Mr. Chambers.—The honorable member for Annapolis should be careful how he misrepresents any honorable gentleman in this House. I did not assert that the constituency which I represent, and which I assert to be as pure and incorruptible as any in the country, not even excepting that represented by the honorable member himself, was open to that charge. Sir, my remarks were intended to apply generally; I came here to tell the truth, and not to smother it; perhaps the honorable gentleman intended to occupy himself differently. Sir, we know well that the influences of wealth and position do operate at elections; we know well that this is a growing evil, and demands the interposition of the Legislature.

Hon Mr. Johnston—I concur in the opinion of the honorable member for Hants, but I must answer for Annapolis, there is no such operative power there; there is no patronage exercised there but Government patronage. (Laughter.) But, sir, I do believe with the honorable member for Newport, that this is a great and growing evil, which, if permitted to extend, cannot fail to sap the very vitals of our Constitution. I judge, sir, that where

open voting is, there the principles of the human heart and the operating influences which control it, will give birth to these evils. If, sir, the evil does not exist, expunge your oaths for bribery, &c., and do not put it in the power of any person to insult the poor voter by asking him to swear that he has not been bribed. For these reasons, sir, I shall vote in favor of the resolution.

The question on deferring the bill being here taken, was agreed to 23 to 19—majority of 4 against the ballot.

The House then adjourned.

C.

WEDNESDAY, Feb. 27.

CUSTOMS FEES.

The petition of Samuel Murphy was referred to the committee already appointed on the regulation of Sheriff's fees.

MEDICAL ATTENDANCE.

Dr. Tupper, from the committee on Transient Paupers, brought to the notice of the House the petitions of doctors Weeks and Dennison, of Newport. The petitioners set forth that the claims made were for services rendered to injured labourers, principally those who had been working on the railroad; and for which they had received no compensation. The amount altogether was £102 17s. 8d. The petitioners set forth that a number of these cases were of fractured limbs, involving much labour; he had no doubt that the services were rendered, and faithfully, but not to the parties as transient paupers. Many of the persons belonged to Nova Scotia—some to New Brunswick, and some to other countries. I would suggest to the House, sir, the propriety of the appointment of a special committee to enquire into and report upon these claims. As a professional man, I would not deal niggardly or parsimoniously with claims of this sort, because I know full well that charges made have been well earned; and the services of medical men are very often given for nothing, and even medicines paid for out of their own pocket. We should be very glad to consider these claims, but are forbid by a resolution of the House; and if they are referred back to the Transient Pauper committee, we shall be reluctantly obliged to throw them out.

Hon. Attorney General—This is a case exactly analogous to the case before the House yesterday; and what the House want respecting it is the fullest information. The best source to derive that information from is the committee before whom the petitions have been; I therefore think the learned chairman should resume charge of them, and report the facts fully, to guide the house to a just decision.

Mr. Chambers spoke in favor of the application, and stated from his own knowledge his conviction of the justice of the claims.

Dr. Brown thought the petition absurd. He had to attend 30 or 40 gratis cases every year, and was content to make no charge.

Mr. Chambers replied.

Dr. Tupper said that the very fact stated by the hon. member for Horton, that he was obliged to attend so many cases every year where there was no railroad, was a sufficient argument in favor of considering the claims of professional gentlemen who were pressed upon by extraordinary accidents in consequence of our extending public works. Dr. Tupper also pressed the claims of a doctor who had given services in the township of Uniacke.

Mr. Dimock advocated the claims of the professional men of Newport.

Hon. Attorney General considered that the only way to come at a wise decision was to instruct the committee to report specially on this case.

Dr. Brown.—If these men are transient paupers, not belonging to the Province, their claims come here; if not, they should be liquidated in the county where they reside.

Dr. Tupper resumed charge of the petitions, to report specially.

ACCOUNTS—ROAD DAMAGES.

Hon. Mr. Locke, by command, laid on the table of the House accounts for advertising; also, claims for land damages, for alterations on the main post road.

Hon. Mr. Johnston suggested the necessity of amending the law relating to land damages on the railway route.

SCHOOL AND LAND RETURNS.

Hon. Provincial Secretary, by command, laid on the table the School Returns for the county of Hants; also from the St. Francis Xavier College, Antigonish; and from the Normal School at Truro. Also, the Report of the Commissioner of Crown Lands.

LIQUOR LAW.

Dr. Brown presented petitions from Horton for the Prohibitory Liquor Law, signed by both ladies and gentlemen.

Mr. Dimock, ditto—one signed by 142 ladies, and another by 172 gentlemen.

Mr. Campbell, of Victoria, presented petitions of the same character; and another for a Light House at Bras d'Or.

Dr. Webster—Petition from ladies and gentlemen of King's County, in favor of the Prohibitory Liquor Law.

Mr. Chambers, from 400 or 500 of his constituents, to the same effect. In looking over the petition, he saw so many ladies' names that he would feel bound to give his support to their prayer.

Mr. Robicheau presented petitions from various parts of Digby, among others, the township of Hillsborough, in favor of a Prohibitory Liquor Law.

STEWIACKE RAILROAD ROUTE.

Mr. Annand.—Petition numerously signed by the inhabitants of Stewiacke, praying that the route of the railroad might be directed through the valley of that river, as the shortest and most eligible.

Mr. A. G. Archibald hoped that the ful-

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PETITIONS.

THURSDAY, February 28.

PETITIONS.

lest consideration would be vouchsafed to the petition just read; and that the best line should be selected, with reference to the interests of the whole province, without reference to sectional feelings.

Hon. Mr. Johnston thought that whatever the House might do with the petition, the question would have to find its way back to the Railway Commissioners at last.

Mr. Wier did not think the petition should have found its way here at all.

Mr. Wier explained.

Mr. M. I. Wilkins—You will have to send your Committee to Stewiacke to examine the route, and then you will have to send them to school to learn engineering.

The petition was referred to the Railway Committee.

SHIPPING.

Mr. Whitman moved for returns of Shipping owned in the Province.

PRIVATE BILLS.

Hon. Attorney General moved that Mr. McDonald be substituted for his Honor the acting Speaker, as Chairman of Committee on Private Bills; passed *nem con.*

A large number of Bills were read a second time, and referred to Committee on Private Bills.

CENSUS.

Mr. Wilkins—Mr. Speaker, the Revised Statutes provide that a Census should be taken by the Sheriffs during the ensuing summer. I am desirous of ascertaining how many have left the Province since the 1st of January, 1848; the place of their present abode, and the occupation they follow abroad.

Hon. Atty. General said that it was within the choice of the House whether they would have a census taken in less than ten years. The House should consider the expense, &c.

Mr. McLellan thought every 10 years quite enough.

Mr. Wilkins thought it a matter of great importance to know how many of our industrial population had been driven away by the Trade regulations since 1848; those who were driven away by starvation to other countries, which they were now enriching by their industry.

Hon. Attorney General and Hon. Benjamin Wier both controverted the statements that the country had fallen off in prosperity since 1848.

Dr. Webster—In the county I represent, the people are returning by hundreds.

Mr. Wilkins—We want to bring them back by thousands; but hardly expect to under the present Government.—(Laughter.)

ROUTINE.

Mr. Marshall informed the House that he had several petitions on hand relating to Education, Agriculture, and other public subjects; and wished to know whether there would be any objection to his handing them to the Chairmen of the respective Committees to which they referred.

After some conversation on the subject, the House adjourned.

Mr. Dimock presented a petition from the inhabitants of Noel, in the county of Hants; also two petitions from the inhabitants of the eastern section of the county of Hants, praying for the passing of an act to equalize the representation of the county of Hants; laid on the table.

The following petitions were presented by the undermentioned members, viz:—Six petitions from the male and female inhabitants of the county of Queen's, by Mr. John Campbell.

A petition from the inhabitants of the county of Cumberland, by Mr. Tupper.

Two petitions from the male and female inhabitants of the county of Cape Breton, by Mr. McKeagney, and a petition from the inhabitants of the county of Shelburne by Mr. White, praying the House to enact a law for the total prohibition of the traffic in intoxicating liquors, except for purposes of medicine and useful manufactures; laid on the table.

Mr. Marshall presented the petition of Robert C. Grant, and other inhabitants of the county of Guysborough, praying for the repeal of the law for the inspection of pickled fish, and the substitution of local inspectors, to be appointed by the sessions, and that the former inspection law may be re-enacted. Also, the petition of James A. Tory, and other inhabitants of the county of Guysborough, praying for several alterations in the laws relating to pickled fish; and the petition of A. W. Whitman, and other inhabitants of the county of Guysborough, praying for a reduction in the fees payable to inspectors of pickled fish; referred to the Committee on the Fisheries.

Hon. Solicitor General presented a petition from certain magistrates, and other inhabitants of the township of Dorchester, praying the house not to pass the act to establish the township of Morristown; referred to the Committee on Private Bills.

Mr. Thorne presented a petition from Joseph Wheelock, and other inhabitants of the township of Granville, containing a statement of the accounts between that township and James Delap, and claiming a balance to be due from him to the township, praying the house not to pass the bill to assess the township of Granville; laid on the table.

Dr. Tupper.—Seeing the honorable and learned Attorney General, the leader of the Government, in his place, Mr. Speaker, I beg to make one or two enquiries in connection with the remark he has just made, that there is nothing on the table of the House to engage our attention. I should like to ask, sir, for the information of myself and some other equally unsophisticated members of this House, who have not had the advantage of much parliamentary experience, whether the bill

introduced and laying on the table respecting the appointment of Sheriffs is here as a Government measure? Whether the bill introduced yesterday by the honorable member for Halifax, (Mr. Annan,) for allowing the Postmaster General to obtain a seat in this House, is here by the concurrence of the Government; and whether the meaning of it is that on his disqualification being removed, the Government is to be empowered to require that officer to find a seat? I would also ask, sir, whether the bill for altering the law which imposes upon members of this House the necessity of vacating their seats on the acceptance of office, and allowing such persons under certain contingencies to continue in office without returning to their constituents for re-election—is also here with the sanction of the Government. I believe there are likewise on the table, one or more bills for the alteration or equalization of the representation of the Province; and I would make a similar enquiry with reference to any measure of that description. I ask these questions, sir, in order that these matters may be fairly understood by the House, and as soon as the honorable Attorney General has favored us with his explanations, I will conclude my remarks with a motion.

Hon. Attorney General.—I heard the honorable member for Halifax when he introduced those bills, explain most distinctly that he did so as an individual member of this House, and that the Government had nothing to do with them. I mentioned yesterday that the bill with reference to the Postmaster I had never heard of before. These bills, therefore, come here as any bills do, from any independent member of the House, and each gentleman here, whether he belong to the Government or not, has the right to exercise in their consideration his own independent judgment, to approve or condemn. This remark applies to all the measures to which the learned and honorable gentleman has referred; and I wish him in future distinctly to understand that when the Government introduced a measure here, the fact will be broadly and definitely announced. I am not aware of any bill having been introduced by the Government this session. We have some in progress on which a great deal of care has been expended, and for which we hope to secure the approval of the Legislature as regards the bill relating to the appointment of Sheriffs, I think a change in the law has become indispensable; and after the observations thrown out here the other day, I received an elaborate review on the subject from His Lordship the Chief Justice, of which the hon. member from Annapolis has also been furnished with a copy.—When the bill comes before the House for debate, I shall request the reading of that

paper for the information of the House. Hon. gentlemen must not conceive that measures of great public utility affecting the position of the whole Province, and dealing with a great diversity of interest can be matured in a day. Great care is required in perfecting them that they may be made acceptable to all classes, and meet the requirements of the country. It is true there are no Government measures at present before the House—but in a day or two hon. gentlemen will find their hands sufficiently full in dealing with those that Government contemplate sending down.

Dr. Tupper said—I perceive, sir, that I have been heretofore ignorant of the design for which Governments were established, and the duties which devolve on them; and I am happy to say that at last some little light is beginning to beam on my understanding through the medium of the hon. and learned Attorney General. As a real admirer of Responsible Government, I had heretofore believed that the peculiar advantages arising from our having a number of highly paid heads of Departments, was, that during the interval between the Sessions they should occupy their time and great abilities in maturing public measures adapted to the requirements of the country, which, when the Legislature was convened, it should be their province to bring down and submit with all their weight and influence. Sir, I had been inclined to believe that if Responsible Government meant anything it meant that the acts of the Government must assume such a shape and be propounded in such a way by the Government as would commend them to the right feeling and sound judgment of this House. Entertaining these views, I confess myself surprised to hear the hon. and learned leader of the Government inform the House that there was no great question to be discussed—in fact that the Legislature had nothing to do, and at the same time more than insinuate that in his opinion it was not the duty of the Government to find employment for the Legislature while it is in session. Yes, sir, I was surprised to hear such an expression of opinion emanate from the lips of the assumed exponent of the principles of Responsible Government in this House. Have we no business of importance to transact? What has become of the Educational Bill, which, in the Speech from the vice regal throne at the opening of the Session, we were informed was to be submitted?—a Bill, which I have reason to suppose, was to be based on the principles of assessment. Where is this measure, I ask? Is it not important that we should maturely consider the expediency and propriety of adopting that principle?—Sir, it is, in my opinion, of the utmost moment that a measure which

at one sweep strikes away the Educational system now in existence, and has for its object the introduction into this country of a new, untried, and important experiment, should have been placed on the table of this House at the very opening of the Session, that hon. gentlemen on all sides might deliberate on it clause by clause, and in some measure gather the sense of their constituencies. And yet, sir, with this great question in prospect, after we have been in session for thirty days, the learned leader of the Government folds his arms and coolly tells this House that there is nothing to do. Sir, the only measures submitted to the Legislature have been introduced by a subordinate officer of the Government, not in the Executive. Those Bills are of moment; Bills which must engage the provident attention of the House. Sir, they are of such importance, comprehending and expressing such important alterations in our present law, that I feel it was essential that the Leader of the Government should be in a position to tell us whether they came here by the authority and with the assent of the Executive. Now, I would ask, is this House or country to test their confidence in the Government, if measures of importance, such as these, are submitted in this irresponsible, stealthy manner—if members of Government shake themselves clear of the responsibility which duly attaches to them, and either obtain the introduction of measures by their subordinate officers, or refrain from expressing an opinion on them when introduced. Sir, if there are no measures requiring the attention of Government—requiring elaboration or discussion, it is time this country should know it; it is time this people should be informed that the vocation of their Government is gone. As a young member of this House, I naturally look to the Government to supply us with work. Sir, I am not unmindful of the duties we all owe to the country; but, sir, when the hon. and learned member for Annapolis introduced his Colonial Union resolutions, what was he told? that measures of such importance came with a bad grace from that hon. and learned gentleman; that questions of great magnitude should come down with the sanction of—back up and sustained by the Government. Sir, I adopt this as sound in theory. I will not question the accuracy of the principle that Government should propound to this House measures—needful, beneficial measures, ably, carefully, systematically matured. I would further say, Mr. Speaker, we are told to wait a little longer. Why wait? If the Government intended to submit measures, they should have been here before. Sir, I, in common with the other members from country constituencies, have a deep interest in bringing the Session to a close, feeling naturally anx-

ious to resume my own private avocations. I am therefore unwilling to sit here, day after day, and be perpetually answered in our applications for measures, with—"Wait a little longer." I am unwilling, also, sir, to be forced into the discussion of grave and important topics at a late period of the Session, when time cannot be afforded to consider them as they should be considered.

Now, sir, if a glance is taken at the measures submitted, it will be found that they all have one bearing and tendency,—that they are all stamped with one impress,—that they are all calculated to place additional power in the hands of the Government—they are stamped with the same signet, and they exhibit no feature tending to enlarge the power of the people. Yes, sir, to consolidate power in the Government and to weaken the influence of the people, is the object and tendency of all these measures. There is the question of the ballot; no government patronage can be created by that, and the learned leader of the Government abstains from offering an observation upon it, but consistent with his invariable practice, votes against it. In like manner he opposes making municipal incorporations the law of the land, as the people would thus manage their own affairs instead of being controlled by Governments. The same course is pursued with the Elective Council question, that would enlarge the power of the people and curtail the patronage of Government, so it, too, must be desired, only those measures must pass which tend to increase the power and patronage of the Government.

And now, sir, in conclusion, since the hon. and learned leader of the Government has gravely informed the House that there is nothing to do, I feel it necessary to assume the responsibility of moving "that this House do resolve itself into a committee of the whole, on the general state of the Province, with a view of taking up the Elective Legislative Council Bill."

Hon. Provincial Secretary—The honorable member for the county of Cumberland has, in an elaborate speech, impeached the Government. He charges them with being, in practice, regardless of the conditions upon which, on constitutional principles, they hold office; with having introduced, in this present session, measures few and unimportant, and with having contented themselves with laying these upon the table, as if disowning the parentage of their own children, or, at least, as evincing a great indifference about their fate. The honorable member reminds us that a considerable period of the session has already elapsed, and that, although a good deal has been said, very little has been done. It may reasonably be questioned, however, whether, admitting all this to be true, the undivided responsibility of it rests upon the shoulders of the Admi-

nistration. The honorable gentleman himself has certainly introduced matters of mal-administration connected with his own county, of no very momentary characters and occupied a good deal of time in their discussion. The Government are very far from conceding that the past period of the session has been wasted, so far as they are concerned, or that the real business of the House is now in arrear, as compared with a corresponding period in former sessions. They have introduced such measures as they thought called for and expedient, and they are prepared to prosecute them with vigor and despatch. The honorable gentleman, however, appears to me to misconceive the legitimate functions of the Government. He seems to suppose that they are bound to introduce a certain number of measures. Now, I conceive it to be as much obligatory upon independent members as it is, unquestionably, as competent to them to prepare and bring forward such legislative measures as they conceive the interests of their constituencies require. The duties of the Government are executive, not legislative. I remember, not very long ago, reading in the *Times* a debate in the House of Commons, wherein that position was maintained by Lord John Russell, in answer to an attack of a nature similar to the present, made upon the Administration to which he belonged, by the then Leader of the Opposition. The honorable member has been pleased to assume that the bills relating to the Post Master General, and to the vacating of official seats, were introduced by the honorable member for the county of Halifax with the knowledge and connivance of the Government, coupled with something like an insinuation that this has been the result of a preconcerted plan, the object of which was, on the part of the Administration, to avoid the responsibility of those measures. None are so hard to convince as those who do not desire conviction; but I undertake to assert that the bills referred to were brought forward by the honorable member for the county of Halifax, without any understanding whatever between that honorable gentleman and the Government. The former is responsible for them—not the latter. An educational measure has been promised in his Excellency's speech, and will be submitted in due time. Adverting, however, to the well known difficulties which surround that question, and the diversities of opinion known to exist as regards that principle, which will form the basis of the bill that will be presented; it will be introduced as an open question, and one in regard to which the members of the Government are not unanimous. That measure will, I trust, be met and discussed by honorable gentlemen opposite apart from all political considerations, and in a spirit which refers to the momentous inter-

ests involved in it. The baneful influences of party and faction should certainly keep aloof from a subject so sacred and so important as this.

Mr. McKeagney said—I rise for the purpose of answering some of the remarks made by the honorable and learned member who has just sat down. He tells us that it is not the duty of the Government to bring down measures—that its functions are executive and not legislative. To this dictum I cannot subscribe; common sense proclaims such a proposition to be unsound,—it is opposed to the very first principles on which Responsible Government is based. Sir, look to England,—does not the Executive take the initiative in propounding all measures of which they approve, and the necessities of the country require? In the United States and in all free countries possessing a Legislature it is the same. Sir, did we not battle for years to obtain the concession of this very principle, and we are to allow that which cost us so much time and pains to uprear to dwindle into insignificance or to crumble into ruin. Are we to be told that it is the duty of each individual member to propound measures, and that the Government are under no obligations to provide for the necessities and exigencies of the country? Sir, this desire to evade responsibility is not becoming in the government of a free people. The difficulty of the task is no reason why they should fail in the performance of their duty. Is it not the high privilege of a seaman to brave danger in the hour of peril, and provide for it when no storm is raging; to testify his devotion by perishing on the quarter deck rather than flinch from the performance of his duty? If, then, there be difficulties besetting the Government, they should use their best efforts to surmount them. No measures required, indeed! are the requirements of 360,000 people so few that the Government needs to exercise no vigilance, to exhibit no industry in providing for them? The honorable and learned Attorney General told us that Responsible Government merely meant the responsibility of the Executive to this House. Surely this was a bald and naked exposition of the principle; but even that responsibility, it seems, does not exist in its pristine vigor. Sir, a party banded together to accomplish great ends and carry out great principles, is naturally swayed by the conflicting passions and interests of individuals; and that party which, irrespective of their own honor or what is due to individual merit, elevates to high places those not entitled to them, while their best friends, those who have borne the heat and burden of the day, cannot obtain even the poor consolation of being told that they have not the power to reward them. Is it right that a Government should thus entirely alienate themselves from justice,

make subservient all men, to be cast aside when the Executive may no longer be in need of their services? These are among the many things of which I complain; and, until I hear some explanation from the Government, I shall, on all occasions, assert my right as an independent member of this House, of dealing with this and questions of a similar nature, as I may think necessary.

Mr. Charles Campbell—I am much surprised, Mr. Speaker, to hear the honorable and learned Provincial Secretary explicitly announce to the House that it is not a duty of the Government to submit measures to the House; that their province is executive and not legislative; and, sir, to hear the honorable and learned Attorney General declare that the country requires no measures from them; that there are no grievances to be redressed, no measures to be introduced; that we have arrived at that happy state of perfection. If this be true, of what use is our Executive Government? I came to this House a Liberal, prepared to support the Government when, in my view, they were right; but I did not come here to endorse the sentiments of the honorable and learned Attorney General, that the Government have nothing more to do but to repose on their beds of down and enjoy the emoluments of their offices; and, in answer to a call for measures, say, "there is nothing that demands our attention." Sir, this is not the practice in England—

Hon. Pro. Secretary—The honorable member for Victoria must first show that the beds of the present Government are beds of down. (Laughter.)

Mr. Campbell resumed—Sir, I thought from all I had previously heard before coming here, that the country was governed by a strong Administration, able and willing to initiate and carry out measures for the general benefit of the people; in this view, I admit I have been entirely disappointed; and if these are the opinions, principles, and actions of the Liberal party, all I can say is, I am not one of them. (Laughter.) Sir, there are questions of vital importance to the people of this Province, that require the attention and demand the consideration of the Government. Take, for instance, the Crown Land Department; there is scarcely a man in the eastern portion of the country who has not felt the effects of the system, its evils prevail everywhere, and almost all persons admit that amendment is required. Why then, I ask, do not the Government come down to the House with a measure matured for the purpose of obviating the glaring defects in the present system, a system which is rotten to the core? (Laughter.) I intended to have made a move in this matter, and bring the subject to the notice of the House; but the honorable Solicitor General informed me that the Government had the subject under

consideration. But what has been done? Only to submit the subject to a committee, who will only patch up the old system: if a man pays for land, does he get it? In many instances he does not, or his money either. Why, sir, it was only a day or two ago that I signed a Report of a Committee for to pay a man £40 instead of £200, applied for a broken head and lawyer's expenses, where the Government had sold him lands which they had sold some years previous, to other parties. I can give another instance of the working of the present system, where a man paid for two water lots, some eight years ago, but he found that he could only get one, and that the Government would keep what they had received for the two, as the price of one. Finding reasoning to have no effect, the party agreed to take either his money or one lot, which was all he could any way obtain; but, up to this time, he has been unable to get either his money or his title. If this system be allowed to go on much longer, the Legislature will be called on to pay for many a broken head and lawyer's fees, incurred by men in defending property which they deem to be their own. Now, sir, I did not rise for the purpose of making a speech; but this I must say, that if the honorable the Provincial Secretary be correct, if all the public business has been performed, of what use is it for us to loiter idly on these benches, looking at each other? We had better go home.

Mr. Hyde said—Since it appears that honorable gentlemen all round the House are getting their education, I see no reason why I should not come in for a small share. It has been asserted here that it is no part of the duty of the Government to bring down measures; I must say that this sounds very different from the story told in past years. Sir, I always sympathised in the struggles and admired the precepts of the leaders of the Liberal party in times past. I took my first lessons in political economy from them, and was willing to be guided by them. They at that time professed that it was the duty of the Government to guide and direct legislation and to submit such measures as the country required. Well do I remember that years ago, before the present administration came into power, the executive of that day was twitted frequently with cries for "Measures—measures." The Liberal party then thought the Government were bound to bring down bills to this House—not mere bald skeletons, but perfected so that the House might sustain them. I had expected that the present administration, being so suppositiously, would ere this have given us an evidence of their ability and strength by bringing down some of those grave measures which, at the opening of the session, we were led to expect at their hands; but thirty days have elapsed,

and at last I have got sick and tired of waiting. We are now told that these measures should be brought forward by members of the House not connected with the administration. This did appear to me to be a most extraordinary doctrine, but if true, no better reason could be given to induce the great men in the present Executive to resign and give place to that inferior order of men whose duty it is—according to them—to prepare and submit measures to the House.

Hon. J. W. Johnston said—I was quite prepared to have gone into the Legislative Council Bill for some time past, but have not been favored with an opportunity. We occupy a very peculiar position, having been in session for four weeks, and as yet we have done nothing. This House was led to believe by his Excellency's speech, that two measures of great importance which had engaged the attention of the Executive had been matured and would be immediately submitted; I allude to the re-organization of the Excise Department and the Educational Bill. Whether these should have been introduced as Government measures upon which the Executive were prepared to stand or fall, it is not for me at present to say; it is enough that these bills have not yet been introduced. When honorable members reflect on the character of the business submitted by the Government, they will be at no loss to understand the cause of delay. I saw in one of the morning journals some time since that the Public Accounts had been laid on the table, but was much astonished shortly afterwards to find that the Committee on that subject could not proceed to business, inasmuch as the most important portion had not been submitted. It also surprised me to see it asserted in a journal which devotes itself very actively to the support of the Government, that the House had been over a month in session, and little or nothing had been done, while the time was wasted in needless harangues. Now, sir, I will engage to say that less time has been occupied in speaking during the present session than has been consumed in the same period for many years past. Now, sir, we were told by the honorable Attorney General that no measures had been submitted because there were none to bring down; that the country did not require legislation. Admirable reason, sir, I admit its force; but the Hon. Provincial Secretary goes further than his honorable and learned colleague in the Government. He does not consider it the duty of the Government to concoct and submit measures to this House; but that it is the duty of the members for Hants, Colchester, Cumberland, Annapolis, or some other county to introduce measures. The honorable Provincial Secretary would constitute us the judges of what is best

for the interests of the people,—not because he has confidence in our opinions, but obviously for the purpose of evading the just responsibility resting upon the administration. Do not honorable gentlemen well know that time and trouble are required to perfect measures, in order that they may be introduced to the House in such shape as would meet the approval of honorable members. It will not do for the Hon. Provincial to say, "I will pocket my salary—and hold my office, enjoying the honor and emoluments connected with it, while I lounge at my leisure and look to the independent members of this House to introduce measures, which it should be my duty to submit,"—sir, the Hon. Provincial Secretary mistakes our position, our duty, and the relative position we occupy in relation to his people. But, sir, this is not the main point. Let the position assumed both by the honorable and learned Attorney General and Provincial Secretary be correct,—I ask, then, if it was not a vain show with which the people of this country were deluded some ten or fifteen years ago—a fallacy by which certain gentlemen sought to turn the current of salary into different channels by reiterating over and over again to the administration, the query, "Where are your measures,"—by impressing on the public mind that the Government had not performed their duty, because they did not introduce bills. The people of Nova Scotia were humbugged, (laughter,) and, sir, I hope never after the spectacle we have this day witnessed, to hear the taunting calls for "Measures, measures!" directed to this side of the House; calls, sir, which I, when in the Government, ever met with manliness; not in the tone adopted by the honorable and learned Attorney General to-day. True, sir, we have had measures submitted during the session, but they have emanated from a subordinate officer of the Government; they do not come here with the influence of the Administration; nay more, sir, we do not even know whether the Administration is, or is not, favorable to them. How is this House to judge whether, or not, those measures comport with the interests and necessities of this people? Do the members of Government mean to lie by and allow them to pass without investigation or comment? Take the Sheriff's Bill and the Bill for Vacating Seats, are not these important in their nature? What may their tendencies and effects not be? And yet we are told that, because they are not introduced by a member of Government, the Executive do not feel bound to inform the House whether it is their intention to support or oppose them! If they are necessary and important measures they should have been sent here by the Government; if not, the members of the Government should be prepared

to announce their assent or dissent to them. Why, sir, in what we are told were the worst epochs under the old system, no such evil as this subsisted; what looser or worse system could exist? A measure affecting the seats of members of the Executive, is introduced; and the Government quietly sit on these benches without troubling themselves to affirm or disaffirm the principles it contains. One of the pillars of Responsible Government, if not entirely overthrown, is shaken to its foundation, and the Executive gaze at the efforts made to destroy it calmly, seemingly unmoved. True, the honorable and learned Attorney General does inform you that some reform is necessary in the law relating to the appointment of Sheriffs, if so, was it not peculiarly his duty, as Attorney General and Leader of the Government, to deal with a question of law which comes so peculiarly within the scope of his official functions? Is there a gentleman here who will answer that question in the negative? Again, sir, take the bill which goes to remove the disability from the Post Master General, and permits that functionary to have a seat in this House. Whether or not that bill is intended to be enlarged in principle at some future time, so that any gentleman who does not hold a seat in the House shall be excluded, *de facto*, or not, I am not called on to inquire at present; but surely a measure of this kind—repealing a law which passed this House by a large majority, which met not only the approval but the commendation of the then Colonial Secretary—requires that the Government, if they do not imitate it, should at least bestow some care and attention on it when brought here. The remark of the honorable member for Colchester was most significant and pertinent; let the wise men of Gotham come down from the high places they fill, and permit the inferior spirits of the country to govern its legislative action; or else let them inform the country that there are no subjects which deserve their action; while individual members of the Legislature are introducing important measures, such as these I have mentioned.

Hon. Attorney General—This discussion has arisen most unexpectedly. On a mere motion to resolve the House into Committee, honorable members have seen fit to wander into a miscellaneous debate, the clear object of which is to assail, and, if possible, defeat the Government. I shall not, at this late hour of the evening, take up the time of the House in exposing the many and glaring fallacies asserted during this discussion; but, sir, I feel that some few of the ideas propounded by honorable gentlemen require reply. Sir, there is not a member of the Administration who does not cheerfully recognise and acknowledge the sound principle of Executive responsibility; the Government have never sought

to evade the just responsibility resting on them to guard, with jealous vigilance, the rights and privileges of the people; to ascertain the requirements of the country, and devise such measures as it needs, and, when necessary, to bring them down to this House supported and sustained by the united ability of the Executive. These duties the Government have never, and will never, deny; but they do deny that they have any right to interfere with any independent member of this House, in the exercise of his right to bring here such measures as he may see fit. They, however, will take care that no bill, so introduced, shall pass through this House without being first subjected to a careful and thorough analysis. Then let not honorable gentlemen assert that the country is returning to the old system—that the people are humbugged; these statements sound very well, but are nothing more than mere empty declamation, after all. Going back to the old system, indeed! Has not this House a complete, effectual control over the Government which could not exist an hour if they lost its confidence and could not obtain a majority to support and sustain its acts. How was it in the past? The Conservative party held office and governed this country in defiance of the wishes of a large majority both in this House and country. The laws, the remonstrances, the memorials of this branch of the Legislature—on whose breath the present Executive exists—were treated with contemptuous indifference. What Government would dare, if they by any means could, to refuse attention to a resolution of this House? Let us not be told then, that the new system has given nothing to Nova Scotia, or that the present Government do any wise repudiate the popular control to which under our free Constitution they are subjected. Honorable gentlemen opposite must be hard pressed for means of attack on the Government when they found debate on stray remarks made inadvertently during the heat of debate. Sir, it is not in this way, but by its acts, that the Government is to be judged. Now, sir, we are told that there are no measures before the House, the Education Bill and the Bill to regulate the Excise Department are in the hands of the printer and will be submitted, most probably to-morrow or on Monday, both of these measures are of the greatest moment and gravest, dealing with great public interests, and have been prepared with much care and attention. The preparation and submission of these measures exhibits the true functions and duties of the Government. With respect to the measures introduced by my honorable friend from Halifax, I may say that it is quite the wrong for the members of the Government to

announce their policy, when those bills come to be submitted. I deny the statement made, that the business is not in a forward state; the Journals of this session will compare favorably with those of any previous session—they show that the public business is in an advanced state. I do not feel it necessary to reply to all the statements made here this afternoon; but, if the debate continues, at some future time I shall address the House at greater length.

The House then adjourned until Friday, at three of the clock. W.

FRIDAY, February 29, 1856.

MINES AND MINERALS.

Hon. Pro. Secretary laid on the table correspondence on the Mines and Minerals of Nova Scotia. Laid on the table.

SHIPBUILDING

Mr. M. I. Wilkins, from the Committee on the Petition of the Ship Carpenters of Digby, reported against the prayer thereof. Report was signed by all the Committee—Messrs. Wilkins, Killam, and McKenzie.

Hon. J. W. Johnston hoped the report would not be adopted without due consideration. How monstrous it was for a laborer on ships to see the result of his labor carried away before his eyes, and be told to look to a bankrupt for payment!

Mr. M. I. Wilkins—The report does not go so far as the honorable and learned gentleman supposes; but what is the difference between a laborer on a ship and a house? The builder of a house may be a bankrupt, as well as the builder of a ship. Laborers generally get paid at the end of a day, a week, or a month; and he has the power to protect himself.

Mr. Marshall could not view the question just as the gentleman who had just sat down. The supply of materials and labor for a ship was of a peculiar character. No claim could be had on a vessel until she was afloat—not so with house property. There was a very great difficulty in getting at parties who got credit on building vessels.

Mr. M. I. Wilkins—A vessel may be mortgaged before she is launched. If this petition were assented to, any man might detain a vessel at a wharf, ready for sea, at large expense, to await the result of a law suit.

Hon. J. W. Johnston replied. He had known house carpenters deprived of their just rights by agreements between the owner and builder of a house; and several very eminent minds were in favor of making the property liable.

Mr. M. I. Wilkins—No such rule has been adopted in the greatest ship building country in the world—England. The idea has been borrowed from the United States, where so many ridiculous notions prevail; for instance, the Maine Liquor Law. (Laughter.)

Mr. Churchill considered that the practice of fraud in this matter was a growing evil; the young men who worked at ships were generally unsuspecting, and worked away, with the expectation of getting their pay; but, at last, they found that other people should reap the reward of their labor, and they were to go without their just rights. A very hard case of the sort had occurred within his own observation, this spring Sailors had a lien on a ship, for sailing in her, and why should not those who had built the ships be entitled to equal rights?

Mr. McDonald differed with his honorable and learned colleague, and considered that the report ought to lie on the table, for consideration. The doctrine of builders having a lien on the ship prevailed in the United States, and was worthy of consideration here. A laborer should have a competent man to look to for his wages, and not a "man of straw." He believed that if such a wholesome law were adopted, it would put a stop to the mad and reckless speculations in ship building that could be seen carried on all over the country.

Dr. Webster—If the prayer of these petitioners were to be granted, only one class of persons would be protected. Are not house carpenters, joiners and others, as much entitled to a law in their behalf?

Mr. Whitman thought that if ship building laborers should be protected, all other industrial classes should be protected also.

Honorable Provincial Secretary gave some explanations.

Mr. John Tobin had seen the whole Central Railroad in the States, in the hands of the operatives—rolling stock and all—and he believed that they held it till they got paid their wages. So, in Newfoundland, he believed the fishermen had a lien on the fish they caught for their wages, and Judge Tucker upheld them; but Judge Bolton reversed that decision. His own opinion was, that the laborer should look to the employer for his wages.

Mr. Wilkins moved that the report be adopted.

Hon. Mr. Johnston moved, in amendment, that the report lie on the table.

Negatived by a majority of 11.

The original motion was then carried, 20 to 11.

CHESELEY ABOITEAU.

Mr. Ryder, from the Committee on the Chesley Aboiteau, reported, recommending that the present Act be left to its operation. Received and adopted.

TEMPERANCE CONVENTION.

Mr. Morrison presented a petition from the Temperance Convention, recently held in Halifax, praying that a law might pass prohibiting the sale of intoxicating liquors. It was signed by 70 gentlemen, who had been delegates from all parts of the Province.

OFFICIAL PAPERS

Hon. Pro. Secretary, by command, laid on the table the account of the Board of Works, and the account of the Treasurer of the Central Board of Agriculture, for the past year; the first was referred to the Committee on Public Accounts; the second to Committee on Agriculture.

CUSTOMS LAW.

Hon. Attorney General—I ask leave of the House, Mr. Speaker, to introduce a bill to alter and amend the laws now in force for regulating the Provincial Customs. The intention of the bill I will briefly explain. It is founded, first of all, on the several laws which were consolidated in the fourth volume of our Statute Books, previous to the publication of the Revised Statutes. They have been found to be, in many respects, cumbersome and inconvenient, and have been amended by various Acts of the Imperial Parliament. That august body has lately turned its attention to the simplification of its own revenue laws—has struck out all inconvenient restrictions—and improved or erased such clauses as were too involved or complicated for the understanding of merchants or navigators, generally. My attention has been turned, by the duties of the office I have the honor to hold, to the state of our revenue laws, and the absolute necessity for their revision; for it is, in many cases, impossible to discover what the law really is or was intended to be; how far the penalty of forfeiture or confiscation extends for carrying contraband goods; what regulations should be enforced respecting the return of duties; what rules should be enacted to regulate our coasting trade, and to restrain the immense facilities for contraband trade all along our shores. Whether it is prudent to impose any and what restrictions on our coasting trade, is a question that demands the attention of every gentleman here, conversant with the trade of the Province; but I believe that all men, in the Government or out of it, admit the necessity of some more stringent laws than we have yet had, to abate the evil of contraband traffic. In order to obtain the best information that could be obtained on this subject, the Government addressed circulars to several of its officers throughout the country, inviting them to offer suggestions as to the amendment of the laws, and the simplification of their language. We have received detailed returns from seven or eight, and, having these under my hand, I proceeded to revise carefully, the whole of these laws. I have taken a printed copy of the laws as they now are, interleaved it, marked out the clauses proposed to be struck out, and inserted the amendments in their proper place; so that any merchant or shipowner, as well as every member of the House, may distinctly understand what we propose to omit, and what to substitute instead. Take

for instance Chapter xvi. on the Importation of Goods. The third and fourth sections require that all goods imported in a British vessel shall be accompanied by a manifest; but, I am informed, that so great was the difficulty of enforcing this rule, that it was in fact nearly, if not altogether, abandoned. These clauses we have struck out. One of the gentlemen who have sent in these reports doubts the policy of striking out that restriction; but, in view of all the circumstances, the Government thought it should be abandoned in toto. Then comes the exportation of goods, and in this branch of the law we have made extensive alterations. On these I will not detain the House, except to remark that the Government thought the whole clauses, from number 14 to number 26, inclusive, could be struck out. We then come to the Chapter for the Prevention of Smuggling, and here we have introduced one or two regulations, giving the officers more extensive powers, to enable them to defeat the impositions and frauds now practised. The act concerning distilleries has been repealed; and, when the House go into Committee of Ways and Means, they will find in these Reports which I now lay on the table, a large fund of valuable information. I beg leave then, sir, to introduce this bill as a Government measure. I ask the House to refer it to a Committee, and wish to be on the Committee, not as Chairman, but in order to discuss, with five or six of the most intelligent members, the alterations we propose, with the best information we can get before us. I trust that a perspicuous and wholesome law will be the result of our labors; and I give this as one indication to the honorable member for Cumberland, (Dr. Tupper), of the sort of legislation the Government are proceeding with.

Dr. Tupper—I am very happy, Mr. Speaker, that I have been instrumental in inducing the Government to bring in one bill.—(Laughter.)

Hon. Attorney General—The Educational bill will be brought down to-morrow.

PROHIBITORY LIQUOR LAW.

Mr. Parker presented petitions from inhabitants of Douglass and Kempt, in favor of Prohibitory Liquor Law.

Mr. Bailey—Two petitions on same subject.

ORDER OF THE DAY.—THE GOVERNMENT.

On motion of Dr. Tupper, the House resumed the Order of the Day: Dr. Tupper's motion to go into Committee on the Elective Council bill.

Mr. Annand—I rise, Mr. Speaker, thus early in the debate, because I learn that yesterday, while I was absent, certain liberties were taken with my name, on which I desire to offer a few words of explanation. I learn that this debate arises on a motion made by the honorable member for Cumberland; (and gentlemen will pardon me if I

am not exactly correct, having gained what information I have outside these benches), and I learn that he enquired whether the four measures I have had the honor of laying on the table, were introduced with the sanction and approval of the Government. I am told, also, that the honorable and learned member for Annapolis expressed his very great surprise that a subordinate officer of the Government should have had the presumption to introduce such measures.

Hon. J. W. Johnston.—The honorable member is under an entire misapprehension.

Mr. Annand.—Such is the current report.

Hon. Attorney General.—The honorable member for Annapolis said something very like it.

Mr. Annand.—At all events, the honorable member expressed his great surprise.

Hon. J. W. Johnston.—No! I am not surprised at anything the honorable gentleman does.

Mr. Annand.—I accept the explanation of the Hon. Attorney General.

Hon. Mr. Johnston.—I beg pardon. I said nothing that I am not ready to acknowledge. The honorable gentleman was referred to quite incidentally.

Mr. Annand.—The honorable member expressed surprise that the Queen's Printer—

Hon. Mr. Johnston.—No.

Dr. Webster.—The honorable and learned member referred to "a subordinate officer of the crown."

Hon. Mr. Johnston.—The honorable member for Halifax has told what I did not say; I will now inform him what I DID say, — which was, that it was very strange that members of Government, with whom he was so closely connected in political affairs, should have known so very little of the bills he introduced.

Mr. Annand.—Well then, sir, a word or two about those bills, which seem to have created so much excitement and uneasiness in the honorable gentleman's mind. But first with reference to the resolution proposed by me, for the appointment of a Committee on Railway Affairs. That idea was first mentioned by my honorable colleague, Mr. Esson, and as he was not in the House when the list of Committee, were brought in, I took up his suggestions and moved for a Committee on that subject. Such were the simple facts attending that motion; but it really does seem that no action can be taken by any member of the Liberal side here, without the honorable member for Annapolis—from early training in courts and law, I presume—always imagining some sinister motive to be in the back. I found that Canada had such a Committee, and I considered it would occupy the labor of a similar body here to dissect the Railway Accounts, and

place on our Journals such a picture of the state of the Province, and the progress of our public works, as every Novascotian would be proud to see, and which would materially aid any negotiation we may have to make in the London money market. If the Committee do not come up to this mark they will fail in their duty. It may be assumed that I made this motion at the instance of the Government; but I tell the honorable member for Annapolis, that although he may call me a subordinate officer and Queen's Printer in debate, I am here as a member for the county of Halifax, and as independent as he is. I do not deem myself bound to consult the Government in everything; and if I am not to exercise my free judgment and the undoubted privileges of a member of the Commons, the people of this county should have sent some other person than this subordinate to represent them. While here, however, I shall act so as to promote their interests and sustain their dignity. But I am charged with having introduced a bill to regulate the appointment of sheriffs, and the Government must have something to do with that, too. Why, sir, ten years ago I introduced a similar bill, only far more stringent than this, and it was not till 1847 that we could get the law even moderately improved. And is there no occasion for this Sheriffs' bill? I think there is, and that we have evidence of it this session. Do we not find that the Judges have power to coerce the Government to make improper appointments, which cause bad feeling, and derange the public service? Sir, the time has come when the Government who are responsible to this House, should have a larger discretion in this matter—otherwise they will come to a dead lock, and will not be able to discharge the duties required of them. But I am accused of endeavoring to give the Postmaster General the privilege of entering this House. For what reason do I desire this? Why ought he be excluded? Sir, in 1846, when the honorable and learned member for Annapolis was leader of the Government, an attempt was made to strangle the Responsible system, by excluding every possible head of department. Because the Colonial Secretary had said in one of his despatches that the number of Responsible members here was of no consequence,—that one was just as effectual as a large number, the honorable member tried to narrow down the principle to that limit. But I maintain, sir, that every Novascotian, except collectors of the public revenue, and a few other persons, should be entitled to election to a seat in this House; and moreover, that the presence of the Postmaster General here is part and parcel of the Responsible system. It prevails in England, in Canada, and New Brunswick, and I do not wish

the stain of his exclusion to remain on our Statute Book. I would not have it longer a reproach to Nova Scotia that her people are satisfied with less freedom and responsibility in her institutions than our neighbors. It is said that there are enough heads of departments here. That may be. Perhaps I do not differ widely on that point; but that is no reason why this officer should be disqualified by the legislation of by-gone years. On the bill for altering the laws for vacating seats, I borrowed the idea from the practice of Canada. I will state the anomalies it is intended to remedy. Suppose that after an election is held—an administration formed—every thing settled down, and it is well known what party is in the ascendant; after trying out the administrative talent of the Government, it is found that the Receiver General is more fit for the office of Provincial Secretary, or vice versa. Would it not be absurd to send these men back to their constituents merely because they had walked across the floor to different offices? So in case of a death vacancy, I propose that there shall be no necessity for reelection if the office shall be filled up within a month. Again, under the present law, no election can be had between a general election and the meeting of the House, because a writ must issue at the instance of the Speaker. Suppose the office of Financial Secretary should have been filled up immediately after the last election. The new officer could not have gone to his constituents to be reelected last summer, simply because there was no speaker. To remedy these evils, this bill has been introduced. Now, sir, I have enumerated the four measures the Government have been arraigned here for not endorsing. The members of Council are quite able to defend themselves. I will confine myself to the advocacy of my own course of legislative action. But the honorable member for Annapolis has referred to subordinate officers of Government, and to me in particular. I repeat that my rights are as ample and clear as those of any member of this House. But are there no other subordinate officers of Government here? Are there not members around who are Judges of Probate, Registrars, Coroners, and Queen's Counsel? These are as much subordinate officers of the Government as the Queen's Printer; if not I should like to see him draw the line of demarcation between them. Some of them receive emoluments authorised by law, and others not authorised by law. The Queen's Printer receives no salary, nor do they. In turning to the Journals of last year, I find that the honorable member for Annapolis himself pocketed £14 9s., for conducting a Queen's prosecution. This year his partner has received much more. Then, sir, if I am to be tied up in my action here, let

those gentlemen who receive public money share the same fate. And let me ask how it happened that a Judge of Probate yesterday took a prominent part in the debate,—how he dared be so "refractory" as to make an exciting speech against the Government whose officer he is? I wish it to be distinctly understood that while I am here, I intend to act as an independent member, and when I am prepared to go into opposition, I will be ready to surrender the office I hold—if not, I hope the Government will have the manliness to dismiss me; but let the same measure be meted out to others. This doctrine they are not willing to apply to themselves, though they are quite anxious it should out or fetter an old and tried member of the Liberal party, who has done his best to support a popular Government. But it amuses me to hear these gentlemen talking about the introduction of Government measures. Why, sir, we saw the honorable and learned member for Annapolis in power while we were in opposition for four years, and what measures did he bring down and carry? I believe but one, the Simultaneous Polling Bill. What else did he try to do—to victimise and proscribe a gentleman whom I wish we could see on the floor of this Assembly to-day—a gentleman to whom Nova Scotia owes more than to all the members that ever represented the county of Annapolis put together. I have made these observations, Mr. Speaker, to set myself right before the House—reminding the honorable member for Annapolis, that although he was once accused of a desire to muzzle the Press, he has hardly succeeded in his desperate attempt to muzzle the Queen's Printer.

Hon. J. W. Johnston—I congratulate the hon. member that he has been able to get through his furious episode without material damage to himself or any one else. I saw, before he rose to speak, a gathering thunder-cloud, prepared to burst before the proper time; and feel quite relieved that it has passed so harmlessly away. I am not sorry that the hon. member was absent yesterday; because if he had been present, he would have found nothing in my remarks offensive or incorrect; and we should not have been favored with his eloquent address. He would have found that the most perfect good humour characterised my observations yesterday, as he will find now that I shall not permit any personalities he may have indulged in, to draw me aside from that tone of debate. A few words, however, to set the hon. gentleman right. I did not intend to insult or dictate to him or any other hon. member; and I never denied the right, in the widest sense, to introduce any measure he may please. I did not make use of the term "subordinate officer" or "Queen's Printer," by

way of reproach, for I do not conceive that either convey anything derogatory to the gentlemen to whom they apply; but I used them in the legitimate sense—that is, in contrast with the duty of those who hold the superior offices of government.—The hon. gentleman has referred to his proposition to form a Railroad committee—the functions of which are, I believe, at the present moment, a matter of doubt to this House. Indeed, if I mistake not, I heard an expression drop from the Hon. Solicitor General or some other member on the same side, to the effect that they did not know what the committee was intended for. The question which formed my argument was not whether he had the right to introduce these measures, but whether, if necessary, the Government were not bound to bring them down, or if introduced by another member, it was not their duty to express their dissent from, or approval of them. In no other way was the hon. member introduced than to argue that inasmuch as he was so closely connected with the government, they ought to have known a little more about these measures than they choose to profess.—Take the Sheriff's Bill. If that were necessary it ought to have been known by the Government. How came the hon. member for Halifax to have discovered the facts which he has related to us? Ought he to have known more than the Hon. Attorney General or the Provincial Secretary? Was it not a grievance that pressed upon them? Certainly it did; and my argument is that the remedy should have proceeded from the members of Government, who felt the difficulty, and not from an individual member of the House. So with the Postmaster General—if the Government thought his exclusion wrong they ought to remedy the evil, and not leave the question to be dealt with by a private member. I said that the bills were singularly suspicious, because it was most unnecessarily avowed that they were introduced without a word having been mentioned of them to members of the government. But it is said this bill has been introduced in order to cloy one of the wheels of Responsible Government. The doctrine referred to by the hon. gentleman is not mine, but comes from an authority far higher in his eyes than any expression of mine. He has said that the removal of a single officer was a sufficient test of Responsible Government, and if he will turn to our journals he will find that fact recorded as the opinion of Earl Grey, who merely affirmed what I had contended for warmly and earnestly before. I said awhile ago that I was not surprised at anything coming from the hon. gentleman; but I ought to be surprised—I ought to be exceedingly astonished that I am a subordinate officer of the Government. A subordinate officer under

the Atty. General.—(Roars of Laughter.) I never thought of the curious fact till this moment, sir, and I am afraid I shall have to be rather refractory, even though I wear "the brushing honors thick upon me." I am afraid that if I have to discharge the duties of Queen's Counsel, I may not be very submissive to the Attorney General or anybody else. The only subordination that I am subject to in this duty is, that when an alleged criminal has to be defended, as I have of an defended them, I have to ask permission of the Lieutenant Governor, which is always granted, as a matter of course. Then I am retained without a fee—a sort of retainer which Lawyers do not admire. (Laughter.) But the hon. gentleman says that I received £14, when or where I know not; but I suppose it must have been my good fortune to fall in with one of those *waifs* which occasionally float in the way of the profession, and the hon. gentleman is bound to assume that the province must have had value received for the money. (Laughter.) I think the reference to the chairman of the Railway Commission might have been spared; and that the gentleman alluded to will consider it an unwarrantable liberty with his name rather than any reflection on me. The hon. member's remarks were uncalled for by anything said by me yesterday. I did not want to muzzle him or the Press either. I was only surprised that the Government thought so little of his measures, and seemed to care less; and let me remind the hon. gentleman that he is grasping at too much popularity, for in promising a measure for the equalization of the Representation, he is committing a trespass on the preserves of the hon. Attorney General, who took that measure under his protection in his address to the freeholders of Inverness last spring. Then there is a contest between both gentlemen as to which of them shall take the Railway out of the hands of everybody else; what the nature of the co-partnership is I am not aware. Now, sir, having dealt with this matter very quietly yesterday, I have not allowed myself to be electrified by the hon. gentleman's eloquence, or mesmerised by the smoothness of his speech. Had he been here he would have found no cause of complaint; had I known he was not here I should have abstained from referring to him; and considering the severity of the Attorney General, I can hardly find it in my heart to say a word in disparagement of his measures. Why, sir, he need not complain of me! His friend, the Attorney General, actually called his bills a set of speculative bills; he considered it too ridiculous that the attention of Government should be turned to such insignificant things—he did not call them kites exactly but something very like it. In that I do not agree. They are very important bills—so important that I think one speculation of the sort might have been enough for any moderate member; but 4 or 5!—he is forestalling the Government altogether. In the debate of yesterday, however, there was rather a singular effect

produced on the Attorney General. At first he was altogether on the Know-Nothing system—(Laughter); didn't know anything about the bills—whether to support or oppose them—in fact knew nothing about them, and didn't want to know. But before the debate closed he had made up his mind on one of them at least—I think it was the Sheriff's Bill. "I know how to deal with that," said he; and he must have got at the minds of his colleagues in the Council, as he sat here—by what mesmeric influence I know not. But, sir, we want another government officer here. Make the Postmaster General a Head of Department in this House if you please; but I will tell you a government officer that ought to be here of far more use and importance. You want a government interpreter of damaging speeches—(Laughter.) Yesterday the Hon. Pro. Secretary expounded the duties of a Government as being solely Executive and not Legislative (contrary to all the principles of Responsible Government); when up gets the Attorney General and declares that he did not say that but said something else, or meant something else, which was all the same thing. Oh! yes, sir, we want a government interpreter, by whom all the various contradictions of members of the administration may be set right and square on the spur of the moment. It reminds me of an expression the hon. and learned member made use of before he entered the ranks of those with whom he is now associated, and by whom he was constantly taunted for his indiscretion. I suppose the sort of Responsible Government we have now exactly suits his idea. The Hon. Attorney General made a great mistake in his speech of yesterday.—He rose to answer, but sat down without meeting the argument addressed to him.—The question was not, sir, whether Responsible Government should be established or continued, but whether the present Government were carrying out its true principles. That was the question. How did he answer it? By vain declamation—it was a tree that had been well planted—sturdy in its growth, green with verdure, beautiful to look upon, watered by refreshing streams, the luxuriant branches spreading out and throwing their grateful shadows over the land. We all admired the picture, sir,—we all sympathized with it. But what we were asking for was to see the fruits. "Oh, no," says the Provincial Secretary, "we do no work, we prepare no bills, we sit in our offices in the cooling shade—look what a beautiful tree we repose under, but let us enjoy the fruits—(Great laughter); and every old act or prejudice has been raked up against me, to induce a majority of gentlemen here to enable a know-nothing and do-nothing government to bask in the sunshine of Executive favor, and devour the "fruits." The fruits form the bond of union—disjointed and disagreeing so widely that we have yet but a single bill upon the table, they yet cling together to enjoy the fruits. It reminds me of the rough expres-

sion of a plain old man whom I heard speaking of the agitation of former days, when fierce was the conflict, and "RESPONSIBLE GOVERNMENT" was the banner that waved in the eyes of the people. "Oh," said he, "take away the offices, and you will soon take the tongue out of Responsible Government." It has been left for the present Administration to take out the tongue in another way—whether we judge from the speech of the Provincial Secretary who denies its fundamental principles, or from the rapacity of the hon. member for Halifax who solemnly seems to imagine that the sole object of a Government is, not to benefit the people, but to enable "the victors to divide the spoils."

Mr. McLellan—The honorable and learned member for Annapolis has set us an example in the very good natured manner he has approached the debate. It was pleasing, sir, to hear the general expressions of admiration of Responsible Government which were uttered round the House by members of the Opposition, although they did not tell us how much they did to establish it. But their professions soon vanish when they attempt to explain what Responsible Government is; they distrust it so much that to have really made the honorable gentleman from Annapolis say the other evening that it was a humbug; and one soon learns that, after all, it is only a Government to suit their mind, they admire—not the genuine. The special duty of a Responsible Government is to carry out the well understood wishes of the people, as expressed by a majority of this House, and their general duty to act as they think most beneficial to the Province—to bring in measures as Government measures or as open questions, or to entrust their bills to any friend of the Administration, if that course was deemed most advantageous. It is said that the Government is opposed to the Ballot. Its members certainly did vote against that measure, as I consider unwisely; they had a right to do so; but, if the principle had commanded a majority here, and then the Government were to move against it, that would be a breach of Responsible Government. The honorable and learned member from Cumberland says that as we have a strong Responsible Government, they should have come down here with our work all ready cut and dried for us, on the table, when the House met. Now, a Responsible Government stands in the same relation to the body politic as a doctor stands to his patient. Does the honorable and learned member for Cumberland prepare his medicine before he sees his patient? No; from the general report of his skill and good management in his profession, I am sure he does not, but waits until he sees and understands what is wanted, and feels the pulse—from which he is enabled to give such medicines as will be beneficial, by which course he has become a popular doctor. Why will he not allow the Government to become popular in the same way! (Laughter.) We don't come here to see what the Government want, but to tell the

Government what the people want. Now, sir, this is the duty of a minority, (and it is all the good we get in return for the trouble and expense an Opposition gives,) is to watch, scan, and scrutinise every pound paid—every act of the Government during the recess. If they have done so and can still say we have no work to do, it is saying very much for the Government. But then, sir, there are the committees. We all know that most of the *real* work of the House is done by committees—these meetings for debate may be called the play hours. We do more evil in passing too many laws than too few. This eternally tinkering with the laws leaves the Statute Books in such a state that the people do not know really what is law for two years together. The system ought to be abandoned—one quarter of our laws ought never to have been passed. Laws are like medicines—very good when required—very bad when the health does not require them. Some Government measures are sometimes needful; but, as a general rule, for the good of the country, the less we have of them the better, as every measure should stand on its own merits, neither bolstered up by a Government, nor defeated by prejudices against a Government. It would be a poor reason for changing men, in consequence of not doing what they were not asked to do; nay! what they had no reason to suppose was wanted. It has been said that Sir Robert Peel's Government brought down measures, and ours ought to do the same; but, recollect, the life of the Peel Government was short—we want the life of ours to be long. (Laughter.) Complaints have been made against the Crown Land Office. Do gentlemen know that Surveyors have to go into the wilderness, where the quantity of land changes as much as the figures on this carpet; a lot is chosen here to-day, and in another place to-morrow; survey lines soon grow up, and the only wonder is that there are no more difficulties than there are. If any plan can be thought of to remedy the evil, I am sure members all round will be glad to bring it into existence. The honorable and learned gentleman from Annapolis says that the Attorney General's Responsible Tree may be very fine and beautiful to look upon, but where is its fruit? Surely the honorable gentleman need not go far to see it, as he was a branch of the corrupt tree in old times, and cost the country £750 a year as Attorney General; while the present Attorney General, as a branch of the Responsible Tree, costs only £500. (Laughter.) This yields golden fruit to the people to the tune of £250, from one branch alone; and then on the next branch we find that Sir Rupert de George got £1,250 as Provincial Secretary, while ours gets only £700; leaving £550 more of golden fruit for the people; and so on with nearly all the branches. The honorable gentleman must be getting short-sighted, not to see the valuable fruit this tree bears. (Much Laughter.)

Mr. McKeagney—Mr. Speaker, I must

offer a word or two in answer to the allusion made to myself by the hon. member for the county of Halifax; for I take it for granted that he made allusion to me, when he spoke of Judges of Probate in this House being refractory. Sir, I have the honor of being a Judge of Probate for the county of Cape Breton; but let not that gentleman suppose that any emolument I may receive from that office will deter me from expressing my true and independent sentiments as a member of this House—neither honor nor pay can rob me of my privileges as a member of this House—as one of the free people of this country. Let him, if he be paid by the Government, take the course which commends itself to his own conscience; but I will never allow mercenary motives to influence my voice or judgement in this House. Sir, I am a Judge of Probate, and if the Government do not like the expression of my opinion here, they may deprive me of that office, if they please; but I shall never let the apprehension of that contingency smother the free expression of my opinions—opinions which I believe to run parallel with the interest and happiness of the people of this country. But, sir, I owe not that office to this Government—I owe it not to a Conservative Government either; but to the Coalition Government under Lord Falkland in 1841. The hon. gentleman's allusion to bye-gones was not in good taste. Sir, I have witnessed here angry squabbles which I hope never to see renewed again in this country. A word or two, sir, in answer to the hon. the Attorney General. Sir, the hon. and learned Provincial Secretary *did* say that it was no part of the duty of the Government to introduce measures here; and it is a fact that the Hon. Attorney General did disagree with him in that point. Now, sir, when gentlemen, associated together in the Government, disagree in the main elements of our discussion—when one proclaims one principle, and another disavows it—when they disagree in the fundamental principles of Government as applied to this country, it is time for us to pause, and enquire whether that government is worthy of our confidence. The hon. and learned Attorney General went on to draw a very entrancing picture of Responsible Government; and in answer to him I must confess that my hon. friend for Annapolis has taken the wind out of my sails; but, sir, I need not obscure the fact, that in raising that noble tree I was myself a fellow labourer; but, sir, what have we found? That the labours of those who aided in planting and watering it have been rewarded by nothing but the withered leaves. How have they required the labours and the faithfulness of my late colleague LAWRENCE O'CONNOR DOYLE, whose voice was wont to thrill the hearts of the Commons of Nova Scotia?—(Applause.) Did he not for a quarter of a century illumine with his wit and learning the atmosphere of this House. Did he not throw his whole talents and ability in advocacy of the fair form of Responsible Government?—

Did he not dig about the tree and help at its rearing until it arrived at fair growth and maturity? Yes, sir, and he was rewarded by the fruits of the tree being handed over to others. Sir, when I make out a *prima facie* case I have a right to expect an answer. If a man be in possession of stolen goods he has a right to give an account of where he got them; so should this Government give an account of the principles they avow, and of the proscription they have been parties to.—Of my political action of the past I regret nothing. If I had to go over the same ground again I would not retrace one single step; but the efforts of the co-labourers of the members of the present Government have not been valued as they ought; while the members of the Administration shield and shelter themselves under the banner of Responsible Government. Like the pirates who seize upon a vessel after her haven is in view, they have grasped the spoils, without giving to the worthy mariners who navigated the vessel, their fair share; or, at least, their legal wages. Sir, I am not afraid to approach this subject—not afraid to express my dissent to the principles of Government avowed by the present Administration. I may speak again on the subject and am perfectly prepared to rest my arguments on the good sense of the people of Nova Scotia. I look upon it that the Liberal party have proved false to their own avowals, and lost sight of the principles of justice and fair dealing which in their hour of need they faithfully promise to observe. They have now become blinded with power and imagine they can with impunity indulge in individual preference and sectarian distinctions. Let them take care, however, how they treat their fellow laborers in the domain of Responsible Government. They have the will, and the power too, to punish traitors to their avowed principles, and to hurl them from the political arena, where they now stand. Before this debate closes I will be more explicit on these points—at present I will repeat that the liberal party have allowed themselves to be swayed by a spirit of gross partiality, and failed to recognize the just claims of their own supporters. Let the Attorney General give me straight answers on these points, and if he does I shall be prepared to support my views by a more particular reference to facts and incidents which cannot be disputed, as they are familiar to many, and spread over the records of years. I shall now sit down until I hear these matters fairly met.

Hon. Benjamin Wier.—Mr. Speaker, I differ entirely from the remarks thrown out by the honorable and learned member for Sydney as to the tree and its fruits. Is it to be supposed that every person working in favor of Responsible Government in this country, is to enjoy the fruits in the sense entertained and expressed by the honorable and learned member? Was not that system intended, sir, for the benefit of the whole people of Nova Scotia, who receive the benefit in the shape of good government from the

hands of men who are responsible to those people, and removable by them at pleasure? Sir, those principles have been impressed on the hearts of the people of Nova Scotia—the leaves of the tree have not faded—its form and its growth have been admired by the people of Nova Scotia, who appreciate its value. A certain number of persons must be employed to carry on the government; and some gentlemen seem to suppose that the division of the spoils is the sole criterion by which we should be guided. Sir, when I see the government of this country assailed from a quarter from which they have had opposition for the last fifteen years—from a party that has done its best to strangle those principles of Responsible Government which the men on this side of the House have been successful in establishing—I begin to feel that no better criterion can be exhibited than the Government is in the right path. I was not present at the commencement of the debate, but I have heard that the honorable member for Cumberland came here filled with love and affection for Responsible Government. He endeavored to explain the meaning of the term; I may be obtuse, but as I understood him, he signally failed. It was a mere rehash, and not improved in the cooking, of the absurdities we have heard for the last fifteen years. I will venture a short history of the facts relating to its establishment. In 1837, certain reformers in this country commenced the advocacy of a reform of abuses. How were they met? By the upholders of these abuses, denouncing them as traitors and rebels, until the elections of 1847 secured them a majority. Reference has been made to the dismissal of Mr. Miller; and it is said that after I had propounded some monstrous principles here, I was immediately elevated to a seat in the Government. Sir, I now state here again in my place my belief that if the Government had acted since 1847 on the principle of cleansing the Augean stable, we should not now be surrounded with the difficulties we feel; for it is monstrous that men receiving the pay of the Government should make use of the pay and influence of office to oppose the government which keeps the officer in existence. I would not prevent such men from the exercise of the franchise; but I would not allow them to use an active influence and canvass to overturn the Government. I was going to refer to the honorable member for Cumberland, who has made the motion before the House; but I feel a degree of timidity in approaching him; his fame as an orator, and his legislative capacity were carried on the wings of Dame Rumor over the Cumberland Mountains long before he came here; and I supposed we should have had not a bad substitute for the gentleman whom he superseded. I have not been very much disappointed; but when the honorable gentleman comes to lecture us on Responsible Government, he must give us a better speech than he did on that occasion. We are charged, sir, with not carrying out the principles of

honorable Government; and this, sir, because we are unwilling to hand it over to those who have been endeavoring to strangle it for 20 years past; and I have come to the conclusion that so long as we have these men opposed to us, so long may the country rest satisfied that we are in the right. Where, sir, would the railroad have been if we had entrusted it to them? Their action on that subject will be remembered by the people in all time to come; while on the contrary, the exertions of the Liberal party have ever tended to promote systems for the elevation of the people, and in which every individual of the community participates. Some gentlemen seem to consider the enjoyment of the offices as the great end and meaning of Responsible Government; but I do not think the offices worth the pencil in my hand in comparison with the valuable principles we have gained for the Government of this country in all time to come; and yet these gentlemen have the hardihood to come forward now and tell us that they don't condemn those principles, but they condemn those who introduced them into the country. Surely, sir, it will require more potent arguments than we have yet heard during the course of this debate to make the intelligent people of Nova Scotia believe that any arguments from this quarter on such a subject are sincere.

Hon. Solicitor General—Mr. Speaker, it would ill become me, as a member of the Government, to give a silent vote, in case the motion before the House be pressed to a division, which appears to be, now, the determination. I therefore think it my duty to make a few observations, although indisposition has rendered me almost inadequate to the task. I shall endeavor to review the question apart from all the excrescences by which it has been surrounded. The honorable member for Cumberland addressed himself to the bills introduced by the honorable member for Halifax, and enquired whether they were introduced with the sanction of the Government. The honorable gentleman need have asked no such question, for it was already answered; because the honorable member for Halifax, (Mr. Annand), in my hearing, on the introduction of the bills, distinctly stated that they were introduced without the knowledge or consent of the Government. Whether the members of Government may support them or not, is a question for their individual judgment to decide; and upon which, I take it, they, as a Government, are not yet called upon to take a position. After the questions put by the honorable member from Cumberland were answered in the negative, he rose in his place, and gravely and deliberately propounded two propositions. First—That the time of the House up to that period of the session had been wasted; and, secondly, that the fault was with the Government; winding up with a general charge against the Government, for not "bringing down measures."—Let us look at these charges in their proper order and discuss them deliberately. If the

first proposition be untenable it carries with it the second and then the third stands alone to be met. Has the time of the House been wasted? Let us take a look at the Journals and see what they say. They exhibit in bold relief a flat contradiction to the charge, and prove that for the last five years there never was so much work done as there was this session up to the time of the Speaker's illness. True, it is that here has not been so much speaking; but in the real business of the House we have made more progress than I recollect in any previous session. Of this I will not ask the House to judge from mere assertions; but I here give facts. On reference to the Journals, I find that in 1852, during the first twenty days of the session 53 bills were introduced; in 1854 there were 40; in 1855 there were 43; and in 1856, in the same time there were 64. So that in the first twenty days of this session, there have been twenty-one more bills introduced than the average of the last four years. Gentlemen tell us they are in want of work, and call upon the Government to give them something to do. What folly shall we hear of next? Are there not 64 bills laying on your table, 30 of which have been read a first, and 10 or 11 a second time? What is to hinder these gentlemen to put these bills through, and send them to the Legislative Council, instead of leaving all the work till the last of the session? Most of these bills have been introduced by individual members, rendering the action of the Government less necessary. But, apart from bills, which are no exact criterion of the business done, what else do we find? During the first 20 days of last session there were only 45 pages of Journals printed; this year, in the same time, 63 pages were complete—a difference of 23 pages in favor of the present session; so that the time of the House has not been wasted, in consequence, as is alleged, of the Government having failed to bring here something to do. The work of legislation has progressed quite as expeditiously as heretofore, and besides the facts I have mentioned, turn to your Committee Book and you will find that many more Committees have been appointed than in any former session. I do not find fault with gentlemen for raising this discussion, but I challenge them to deny what I have stated—they all know the facts I have stated to be true, and therefore the imputation of delaying the business of the session falls to the ground. But it is charged upon us that we have brought no measures, and advantage is taken of a hasty expression which dropped from the Provincial Secretary to fasten on the Government the doctrine that it is not their duty to originate measures. I believe that gentleman was entirely misunderstood—that he rather quoted Lord John Russell's opinions than expressed his own. If I am mistaken, I frankly say that I cannot subscribe to the doctrine in question. It has been repudiated by the action of the present Government, ever since it was formed. Last year, before it was

in existence more than six or seven months, numerous measures of importance were introduced by the Government. Let the honorable and learned member for Cumberland consult the Statute Book, and see if he has any reason to complain. First, in importance, was the Reciprocity Treaty—on which the Government had a right to expect more assistance than it obtained from the opposite side of the House. However, that was carried to a successful issue, and is now benefitting the country. Then there was the New Practice Act, introduced by the Government, and carried under the supervision of the Government. Another act, to amend Chapter 185 of the Revised Statutes, of Witnesses and Evidence, and Proof of Written Documents—a very necessary amendment of the existing law; a bill relating to Prothonotaries; one for the Registry of Ships; one for the Safe Custody of Persons charged with Offences; one to regulate the Savings Bank; one to amend the Railway Laws; one to abolish the Court of Chancery; one to authorize the Board of Works to sell or lease public property, so as to make it productive instead of waste; one to amend the Jury Laws; a bill to regulate the Crown Lands; one to obtain a Provincial Loan; and five or six Revenue Bills. Thus, sir, I can count up 15 specific acts, besides the revenue bills, introduced by the Government and carried here last session, besides many others of minor importance. Does this look like shirking responsibility, or shrinking from work? Does it look like a practical illustration of the doctrine that the Government do not recognize the duty of bringing down measures? Sir, I do not see what the people have to complain of, through the eloquent voice of the learned member for Cumberland. Why, sir, in England, it is quite unusual for Government to introduce more than one or two measures each session; and I have known the Government to have been asspersed and twitted for not introducing more. Such, however, is the fact. But I am asked how a Government is to be defeated if no measures are brought down? England and Nova Scotia are widely different as regards this feature of legislation. There the ministry have the initiation of money votes—here they have not. It has often been spoken of, but never conceded here; if the Government possessed that power they would certainly have more responsibility; if we were to ask for it, we should be accused of grasping at inordinate power. We have it not, and do not ask for it. The ministry at home are very often defeated on that very question of the Budget; we could be similarly evicted if we enjoyed the same power; but this House has at any time the right to change the cabinet by a simple vote of want of confidence. That is their security for the preservation of the rights of the people and for their good conduct? I think I have now made out my case; and my task is done. I listened attentively yesterday to ascertain what specific charge the opposi-

tion had to make against us that could be sustained, but I listened in vain. They have the worst of the argument, for they give us no facts. With respect to the bills introduced by the honorable member for Halifax (Mr. Annand,) I never heard of them before they came into the House. I find that the Sheriffs' Bill was introduced on the 5th of February, and two others on the 26th. Some gentlemen complain that we did not bring these measures in—the honorable and learned member for Annapolis asperses us because we did not at once state our approval or disapproval of them. That honorable member has served in a Government himself, and ought to know it is impossible for eight or nine gentlemen, some of whom are here and some not, to agree or disagree to a bill just introduced into the House, nor do I know on what principle a Government is bound to do either, with reference to bills introduced here by independent members, when the executive and other business of the country claims immediate attention. If any farther charges are made against the Government, I have no doubt we shall be able to answer them satisfactorily before the House and the country. One word in closing: ever since I have been in this House I have been in favor of Responsible Government. I have proved that, in one session alone the Government introduced 15 or 16 measures, to have done more would have been arrogating too much to itself, and trenching on the privileges of other members. One thing I am glad to observe—that there are no charges of wrong doing against us. Our faults, if any, have been of omission—not commission; therefore, I assume that all our acts, so far, have been right. When the question of an Elective Council comes up, I trust we shall find the gentlemen on the other side are as deeply interested in Responsible Government as they now lead us to anticipate. And that the true principles of Responsible Government, which they arrogate to themselves, will manifest themselves against that measure.

Mr. Hyde.—I rise, because I have been called up by my colleague, who has attempted to be a little facetious at my expense. A few days ago, when he imitated nature, he was eloquent; but the moment he attempted to copy art from the figures on this carpet, he stumbled and fell. The honorable member asked me whether, if I had a servant hired I would still keep him employed? I answer no, but send him about his business—just as this House, when its members come here and find the work of the country in arrears, should dispense with the services of those who have not discharged their duty. A good deal, sir, has been said about Responsible Government. As I said the other day, I must have been under a great misapprehension, if the explanations we have heard from the Government side be correct. Are we sailing without a chart? Is the vessel iron, that the compass varies—or is the course of the ship altered, to suit circumstances? I

should like to hear a common-sense explanation of the principles by which the Administration are to be governed.

Mr. Archibald.—I have listened with much attention to the great variety of views which have been expressed with reference to the subject before the House. One definition after another has been given as to what Responsible Government is, and really if the different speakers were to be considered schoolmasters and the House a school, the business of members would be like that of scholars in an ordinary school in the country, which consists to a large extent in unlearning under one teacher what they have been taught by another. But, sir, it is my misfortune to differ with the views of gentlemen, not on one side, but on all sides of the House. If we are to take the view which the honorable Provincial Secretary gives of the subject, the Government would have nothing to do but to carry into effect the laws which are passed by the Legislature. This, sir, is undoubtedly a part of the duties of the Government, but will any one say that here its functions cease? Again, take the honorable and learned gentleman from Sydney. He has referred to the picture painted by the honorable Attorney General, representing the fruit-bearing tree, and he complains that nothing but dried leaves find their way into his pocket, though he was a fellow-laborer in the planting of it:—Is the honorable gentleman of opinion that Responsible Government consists in an equal division of plunder? Then, again, the hon. gentleman for the township of Halifax seems to imagine that Responsible Government consists in cleansing the Augean stable. Now, sir, on this subject I may hold peculiar opinions, but I have never hesitated to express them on the floor of this House, and to act upon them in my own practice. I do not believe that, as a rule, subordinate officers should be dismissed on account of their political opinions—and I believe that any Government, acting on that principle, ought not to be supported, and would not be supported by the people of this country. Why, sir, a Government that would undertake to crush the independent spirit of the country, by insisting that its subordinate officers should be dismissed, if they differ in opinion from the Government of the time, would be not an Administration, but a Despotism.

Hon. Benjamin Wier—I said that officers who made themselves political partizans, and applied the revenues and influence of office to destroy the Government, should be dismissed.

Mr. Archibald—To what extent is that to apply? Every officer who receives fees and opposes the Government may be said to use the revenues of his office to destroy the Government; but is every such person to be dismissed?—Why, sir, the first election I ran was against an officer of the Government; and, not content with fighting out the election in the country,

my opponent brought me here, and before a committee of this House, conducted what I believed at the time to be a most vexatious and unjustifiable proceeding. But, sir, I should have felt myself disgraced if I had grounded on that opposition an application to dismiss the officer from the small government situation he held at the time. Here, again, the Hon. Solicitor General tells us of the great number of acts which the government brought in last year; and, while disavowing the doctrine of his colleague, the Provincial Secretary, that it is not the duty of the Government to introduce measures, he defends them by showing what they did last year. Sir, it was with pleasure and pride I heard recited the list of the acts of last session. These fifteen measures were such as any government might well be proud of; but does the Hon. Solicitor General suppose that any government is to live on the memory of the past?—that instead of being the deviser and architect of what is to be done, it is to be only the chronicler of what has been done? Sir, these are not my ideas of the objects and duties of Responsible Government. Then, again, my hon. colleague says that his idea of Responsible Government is the carrying out the will of the majority of this House. We are first to pass our opinion on any measure; and then, Responsible Government is the carrying out of that opinion. In other words, the members of Government are to be like the hands on the face of the clock—to point wherever the pulleys and springs (which we, the House, put in motion) may direct. If that be all their duty—comfortably to enjoy their salaries, and mechanically to obey the thinking that is done for them—it would be better not to put our best men in office; any persons could perform their functions, and the best minds of the House would be free to perform the real thinking and work of Legislation.—Of all the different speakers my mind runs more parallel with that of the honorable and learned Attorney General. He does not declare that it is not the duty of the Government not to bring down measures. He admits that duty, but he thinks that all, or nearly all, the great questions requiring legislation, are settled. Is it so? Does no measure remain, which requires to be perfected? Is there nothing to be done, to keep abreast of the progress of the age? I cannot accept the Attorney General's defence. I believe there is much to be done, and that the energy and ability with which the Attorney General and his Government have hitherto introduced and carried through important measures, will continue to be exhibited. I hope, sir, that many of the statements to which I have referred, and which I am willing to consider and do consider, as loose and unguarded expressions, will be modified or withdrawn; that the Government will take a view of its duties and its responsibilities more in accordance with the sentiments that ought to distinguish a Liberal and progressive Administration. I am quite willing to make the full allowance for the difficulties which may have existed during the past year in preparing measures and bringing them before the House. I am willing to consider this as an exception; and it is because I believe it to be so, and because I believe that the Government will not be found in the future less desirous of promoting the best interests of the country than it has been in times past, that I

should be disposed to resist any motion to displace them from their positions. At the same time I feel they owe it to themselves and the country to set forth a more consistent, generous, and enlarged view of their duties and responsibilities as a Government; if they wish to retain the confidence of the people of this Province.

Hon. Provincial Secretary—I have only one fault to find with the speech of my honorable friend the learned member for Colchester, who has just sat down, and it is that he has repudiated a supposed sentiment of mine that has occasioned some discussion, without having allowed me an opportunity of explaining it before he commented on it. Any honorable gentleman as long conversant with the practice of this House (in relation to its debates) as I have been, will quite understand how practicable it is for an experienced and adroit debater to invest himself with an air of perfect sincerity, and fulminate his indignant eloquence against assumed violations of Constitutional principles, when the motive of his harangue is the desire to damage and demolish a political adversary, the means being considered sanctified by the end. I must, therefore, be permitted to believe that my sentiment, already referred to, relating to Executive duties, has been rather misinterpreted, to serve a party purpose, than really misunderstood. The charge, in connexion with which it was uttered, was, that the Government brought down no measures. I remarked that the duties of Government—meaning, of course, the peculiar and more important duties of Government—were Executive, and not Legislative. I did not design to convey an impression that I did not conceive it the duty of Administration to survey, with a searching eye, all points of domestic economy in their various relations, and to advance them by well-contrived measures of legislation to be submitted to this Assembly. This Government has practically shown its recognition of that duty. It could not disavow that responsibility without denying the very foundation of the existing Administrative Constitution. It is really ludicrous to observe the new ground taken by the Opposition, in contrast with that first assumed by it. Now, in this advanced period of the debate, we are gravely told that we have quite misconceived the intentions of our opponents, and the meaning of the motion submitted from the chair. That motion was simply that the House should go into Committee upon the Elective Legislative Council question, and not one syllable has been uttered in debate, having the most remote connexion with it. Now, the honorable leader of Opposition tells us that all his eloquent strictures upon the practical conduct of this Government, meant nothing less than to involve a vote of want of confidence in the Administration. But, without ignoring our senses, we cannot acknowledge this. The smallest amount of discernment suffices to perceive that all this prelusive skirmishing is designed to precede an attack upon the Government, if, indeed, the forces of Opposition are not now actually advancing to the assault. Have we not just heard the sharp, pattering, well-sustained musketry fire, wherewith the honorable leader of Opposition opened the engagement? Have we not seen the young recruits thrown out to gall us with their Minie rifles?—and is not the heavy artillery of the learned member for Annapolis, that was designed to thin our files

with grape and cannister, still booming in our ears? With all these evidences of an onslaught appealing to our senses, it is rather too much to expect of us, to believe that we are not attacked. One honorable member, who seemed to assume that our offices were held without responsibility, and without even labor, drew an amusing picture of members of Government folding their arms, and reposing upon beds of down. Perhaps, if the honorable gentleman were favored with a peep behind the Executive curtain, he would see more care and less luxurious indolence, than he has imagined. Certain it is, that the tenure of our places depends upon the pleasure of this House, of which a majority can, at any moment, displace us, when they are convinced that we do not act up to our duties and our responsibilities.

The debate was here broken off to be continued, and the House adjourned. C.

SATURDAY, March 1.

C. B. ELECTIONS.

The Honorable the Speaker laid before the House the Poll Books used in the late Election for the County of Richmond, and Township of Arichat, transmitted to him by the Sheriff of the County of Richmond.

It was ordered that so much of the said Poll Books as referred to the Election for the County of Richmond, be referred to the Committee appointed to try the merits of that Election, upon the petition of Charles F. Harrington; and that so much of them as referred to the Election for the Township of Arichat, be referred to the Committee appointed to try the merits of that Election, on the petition of Hypolite Marraud.

NAVIGATION.

Mr. Bill was added to the Committee on Navigation Securities.

RAILWAY.

The Honorable the Provincial Secretary, by command of the Lieutenant-Governor, presented to the House a communication from the Chairman of the Board of Railway Commissioners, accompanied by a plan of a proposed extension of the Railway from the Depot at Richmond, to North Street, in the city, and an estimate of the expense of construction; referred to the Committee on Railway Affairs.

BILLS.

The following bills were severally read a second time, and referred to the Committee on Private Bills:—

A bill to legalize the Grand and Petit Juries for the Counties of Cape Breton and Richmond; a bill to incorporate the Trustees of the South Baptist Meeting House at Wilmot; a bill to provide for a Town Hall, at Onslow; a bill to incorporate New Caledonia Lodge, at Pictou; a bill to enable the inhabitants of the towns of Pictou and New Glasgow, to assess themselves for making and repairing streets and sewers; a bill to enable the Corporation of Halifax to procure a General Survey of the City; a bill to enable the Corporation of Halifax to make improved sidewalks in the City; and a bill to provide for the repair and maintenance of streets in the City of Halifax.

EDUCATION.

Hon. Attorney General introduced a bill entitled an act for the better encouragement of Education; read a first time.

DOCS.

A petition of certain inhabitants in the county of Richmond, was presented by Mr. Martell, praying for legislation to prevent the destruction of Sheep by Dogs, in the Island of Cape Breton; referred to Messrs. McKeagney, McKenzie, Morrison, Chambers and Martell, to examine and report by bill or otherwise, upon the general subject.

LIQUORS.

Mr. Morrison presented a bill for restricting the sale of Intoxicating Liquors; read a first time.

PETITIONS, ETC.

The following petitions were severally presented—

A petition from the inhabitants of Mabou and its vicinity, in the County of Lunenburg, by the hon. Attorney General.

A petition of certain inhabitants of Colchester, by Mr. Morrison.

Two petitions from the male inhabitants of the County of Shelburne, and three petitions from the female inhabitants of the same county, by Mr. White, praying the House to pass an act to restrict the sale and use of intoxicating liquors; laid on the table.

On motion of the honorable the Attorney General—

The bill for the management of the Provincial Customs, was read a second time and referred to a Select Committee, composed of the Honorable Attorney General, Messrs. Esson, McKenzie, Killam, Whitman, Martell and McClearn.

Mr. McDonald, from the Committee on Private Bills, reported that they had considered the bill to alter the time of holding the Sessions for the County of Lunenburg; the bill for further increasing the Capital Stock of the Halifax Water Company; the bill to set off an additional Electoral District within the County of Annapolis; and the bill to enable the inhabitants of Pugwash to procure a Fire Engine; and had directed him to report them without any amendment; and that they had also considered the bill to authorize the sale of the old Presbyterian Meeting House at Windsor, with an amendment.

The bills were read a second time and committed.

The Hon. Mr. Wier, from the Committee appointed to consider the petition of Simon Fraser, asking compensation for the loss of a horse killed by coming in contact with the telegraph wires, reported that the committee could not, under the circumstances of the case, recommend the House to grant the prayer of the Petitioner. The report was received and adopted.

Mr. McDonald reported from the Committee on the subject of the Deaf, Dumb, and Blind; the report was received and adopted.

CONSTITUTIONAL DEBATE.

Mr. Chambers—Mr. Speaker, before this discussion be resumed, I rise for the purpose of asking the hon. and learned member for Cumberland whether he means the question he has put and the debate he has raised to test the strength of parties in this House, or whether he really meant to draw out the opinion of members of this House as to construction of the Legislative Council and the adaptation to it of the Elective principle; because, sir, if the debate contemplates neither one result or the other, it is a mere waste of time.

Dr. Tupper—The motion I made, sir, speaks for itself. At the time I rose the House had no business before it, and after alluding to that circumstance I concluded by making a motion which was to open a particular channel for the transaction of business. I confined myself to the single point so often mentioned by the hon. and learned Attorney General himself that there was no business before us. If the discussion has assumed a wider and more general tone, it is solely the fault of the Government, whose members wandered off into various subjects of debate instead of giving a simple explanation on a single point, and allowing a question to be put which I had a right to suppose would have been assented to without division. The bill I moved to go into committee on, was one of the highest importance to the people of this country; but the Provincial Secretary announced such a most strange and extraordinary doctrine, that he has called up members on both sides of the House to repudiate and denounce it. I have listened to the debate, so far, with great attention; and as it appears to have assumed rather a formidable complexion I shall ask permission to say a few words at the close of it, as I believe that is a privilege I am entitled to. I am not particular as to the time, but will await the convenience of the House; but this I will say that if this debate is to test the principle of the Legislative Council Bill, it has not yet commenced. As regards a vote of want of confidence, I assure the Government if that were my intention, I should have had to frame a much longer bill of indictment against them than I have yet submitted.

Hon. Provincial Secretary—The hon. gentleman's whole argument was based on the idea of a Vote of Want of Confidence.

Hon. Attorney General—Sir, this debate has become, by whatever means, a constitutional debate; and it ought, and must have, a constitutional end. Have we not, Mr. Speaker, been taunted with incompetence, and challenged to come out and give our views on Responsible Government; and we are ready. It cannot be said that the Government have invited or courted party action; we have progressed steadily with the business of the session; and if the hon. member for Cumberland had been content to allow the session to flow on smoothly, as it was proceeding, he should have had no party action from us. But since he has chosen his ground and prompted us to meet him, let us now try the matter out; and I for one desire now to know who are ready to support us and who are not. Who, sir, would sit here and remain in doubt of that fact, after what has occurred here for the last two days? The subject of the Legislative Council Bill has engrossed no part of this discussion and probably will not. I therefore invite the hon. and learned member for Cumberland, either to withdraw his present motion, or to alter it to a Vote of Want of Confidence. If he will do neither, then it is quite competent for any member to dispose of his motion by an amendment. Most certainly I shall not permit the debate to close without a full explanation of the principles of Responsible Government which govern and guide the present Administration; and, under which they enjoy, and I hope are entitled to enjoy, the confidence of this House and of the country.

Dr. Tupper.—I have already stated that the range this discussion has assumed has arisen

solely in consequence of the conflicting remarks of members of the Government themselves. And, sir, looking at these speeches, I do not wonder that the honorable Attorney General feels the necessity of defining his position. After the extraordinary scene of the last two days, wherein one member of the Government rose to propound principles only to be denounced and repudiated by another, I do not wonder that the honorable and learned Attorney General should long for an opportunity to reconcile the contradictions of a large and prominent section of his cabinet. I do not wonder, sir, that feeling the ground crumbling beneath his feet, he should hastily seek a division of this House, in order, if possible, to secure a majority before honorable members here have had an opportunity of ascertaining how far the dissensions in the Council extend, or the character of the measures the Government is prepared to submit for the action of this Assembly. I wonder not, sir, that an early opportunity has been chosen by the learned crown officer to achieve, if possible, and loudly proclaim, a party victory; but I do trust, sir, that the conduct we have seen heretofore and now will be duly appreciated by honorable members; that they will view the motion I have made on its own merits, without reference to party organization, and that on this, as on every other question, they will demand from the members of Government an open and straightforward expression of their opinions, without holding up the phantom of party to alarm the timid or alarm the weak. I do not hesitate to say that the conduct of the Government does not astonish me—it remains for this House to say how far the policy they have commenced with shall be pursued. I shall await the explanations which the Hon. Attorney General has promised us; and I for one shall not shrink from the frank expression of my opinion on the doctrines he may announce, and on the anomalous position he and his colleagues occupy—rife with dissensions, and scarcely able to agree here on one single point.

Hon. Attorney General.—I am happy, Mr. Speaker, to inform the honorable member for Cumberland that there are no disagreements or dissensions among members of the Government, but that they are as cordially united in feeling, as they are harmonious in action and principle. There may be some misconceptions as to the meaning of a hastily uttered sentence—misconceptions raised and prolonged in a spirit of mischief—misconceptions, forsooth! regarding principles which were settled in this Legislature ten or fifteen years ago, and which, far from being susceptible of doubt, are as clear as noonday. While on my feet, sir, I will give, in a few brief words, my conception of what is Responsible Government. I do not intend to enter into an elaborate history of the conflicts which agitated this and the adjacent Provinces previous to the visit of that enlightened and far-seeing statesman, the late Earl of Durham, whose profound, liberal and sagacious views, enunciated in the report which proceeded from his pen while Governor General of British America, should embalm his memory in the hearts of British Colonists in all time to come. The principles he avowed and gave permanent existence to, are so simple that they would be difficult if not impossible to be misunderstood. Previous to that time, sir, the Colonies had re-

presentative bodies, but they were always in antagonism with the Executive Governments; which were generally powerful enough to coerce the Legislature and set the people at defiance; so that Canada, Nova Scotia and New Brunswick, were thrown back to the days of Charles the First in England—the rights of the people trampled on, the voice of their representatives set at naught, and revolutions almost threatened in every Colony. What said Earl Durham? He saw the fatal error at once, and said to England—cast off this antiquated system, and bring into play the principles which have prevailed in Great Britain since the revolution of 1688; place the reins of Government in the hands of men possessing the confidence of the people, and you restore peace and harmony where discontent and anarchy prevail. This, sir, is the body and essence of Responsible Government. How does it apply in the mother country? And, sir, I must express my surprise that I am here in 1856, speaking upon questions which were settled in this Legislature so many years ago. I feel almost ashamed at thus wasting the time of the House in discussing the A B C of Responsible Government; and the gentlemen who have imposed upon me this duty are paying a very poor compliment to the patience and sagacity of members of this House. From the time of the Earl of Durham our institutions have gradually been moulded in humble imitation of those of the mother country, some differences being of course inevitable. Our Executive Council stands in a different position from the analogous Body in England. There the Privy Council is not known or recognised by any law or authority whatever, except the will of the Crown; and this small body of men, whose changing existence may be traced so far back as the days of William the Third, forms the nucleus of administrative strength; and though not even mentioned by Blackstone, recognised by any act of Parliament, or patent or grant from the Crown, embodies in itself the supreme executive power of the state. Not so the Executive Council of this Province. It has a legal authority derived from the act of the Crown, which says that our Executive shall consist of nine members and not more than nine. Look at the system formed by Lord Sydenham and brought in by Mr. Harrison in 1844—to define the relative powers of the Executive and Legislative branches of the Government. What have we got now? Who compose the administration? A body of men resting their whole power on and deriving all their authority from the people; liable at any instant to be compelled to retire—should the public require that at their hands. What entitles them to public confidence? Their unyielding advocacy and support of those principles which have conferred that power on the people; their recognition on all occasions of the right of the people to exercise that power; and co-equal with these, the just, impartial and fair administration of public affairs—conjoined with an ever vigilant regard for the requirements of the country? To all these qualifications I maintain that the Government can lay claim; and in this consists that solid, substantial, practical, and every-day responsibility, which clothes every member of this House with real dignity and substantial power, and gives to the people that control over the Executive—through their Representatives—which our Gov-

stitution has designed them to exercise. Now, sir, into what does all this tempest that has been raised, respecting a remark of the honorable Provincial Secretary's, resolve itself? He said, if I apprehended him aright, that—"where no necessity for measures existed, the Government were not bound to introduce any;"—in fact, that the Government were not to be turned into mere bill hunters; but he did admit that the Administration were bound—where necessity existed—to bring down and carry such measures as the country required. Is not this sound doctrine? Sir, I scarcely think the most ultra of Liberals would quarrel with such a proposition. But, sir, I may be told that to profess is one thing, to practice another; that we may make declarations, while our actions do not accord with them. I need not advert to the facts referred to by the honorable the Solicitor General—but there are some three or four measures brought in and matured since April, 1854, to which I can turn with satisfaction and pleasure. I have been reproached, again and again, with having been the active advocate and champion of the Reciprocity Bill. I accept the responsibility, and am prepared to stand or fall by the success or failure of that measure. Perhaps, sir, there is no man in this country who did more to effect the introduction of that measure than myself—it was carried against the strenuous opposition of the honorable and learned members for Annapolis, Pictou and Guysborough, the tact and genius of my honorable friend Mr. Howe being enlisted in their aid—but it was carried, and I look to the pages of our Statute Book on which that Act is recorded, with feelings of pride and pleasure, because I know that nothing can so tend to develop, open up, and expand the best resources of our country, as reciprocal Free Trade with the great Empire of the West. Again, sir, last winter, by means of a Commission, of which the honorable the Solicitor General and myself were active members, we succeeded in sweeping away the abuses of the Chancery Court, and gave to this country a cheap, effective, and thorough administration of the Equity Jurisprudence, which, I do not hesitate to say, has effected a saving of thousands of pounds annually to the Province, independent, entirely, of the ulterior advantages; and, sir, if the present Administration were to vanish tomorrow, that single Act would entitle them to the respect of this people. Now, were the Executive idle during the recess? The principle of Assessment for Education, long considered as of dubious application and doubtful results, has been incorporated in a bill which now lies on your table, requiring the assent of this House. It touches a vast variety of interests, and has been the fruit of much care. Again, sir, there are the bills regulating our system of Railway Assessment and Railway Finance, the latter having for its object the borrowing of £200,000, for the completion of the great undertaking in which we are engaged; these, sir, are the grounds on which our professions are based; this our action, a thousand times better than any vain professions, or empty, unsubstantial, declarations. Sir, I feel that I owe an apology to this House for occupying your valuable time with explanations on a subject which must be perfectly familiar to every honorable member of this House—even the youngest; but there is one remark which fell last evening from my honorable and learned friend from Colchester—whose

opinions have, as they deserve, my highest esteem—requiring some explanation from me. Sir, he touched a delicate and difficult point when he referred to the authority which the Government should exercise in the dismissal of public officers—who have made themselves obnoxious to the Government. Sir, the constitutional history of England since 1688—a country which from that time down to the present has been the finest, most prosperous and happy on the face of the globe—gives direct contradiction to some of the doctrines laid down by honorable gentlemen in the course of this debate. Take up the voluminous records of the House of Commons—and I will venture to assert that all the abstract propositions announced in that House might be printed on a single page. Therefore, sir, I do not intend to lay down any general principle—it is un-British, it is unwise. Whenever the Government come down and assert the general doctrine that they intend removing subordinate officers solely on political grounds, the members of the opposition may charge it home on them; but surely they are not justified in assailing an evil which does not exist. It is quite enough for the Government that they have not yet acted on that principle. But, sir, there is a wide distinction between appointments to office and removals from office. Appointments must to a large extent necessarily partake of a party character. Earl Grey in his celebrated despatch enunciates the doctrine very clearly and succinctly as follows:

"With respect to the claims urged by the Executive Council, that the existing Administration has to encounter the active or concealed hostility of many persons holding official employments, and that one head of a department at least voted against the return of the Attorney General and Provincial Secretary to the Assembly, I have to observe that I have no remedy against what is termed 'the concealed hostility' of persons holding permanent offices to an Administration opposed to that to which they may have been indebted for their appointments. It is impossible that such persons should, like all others, have their personal political feelings, and it is not unnatural that they should desire the advancement of the party to power, to whom they are thus indebted, but these persons must be aware that the condition upon which they will be suffered to enjoy exemption from dismissal for any other cause but that of positive misconduct, will be that they should abstain from taking any active part in political contests. Such indeed is the well understood rule which prevails in this country, and I am of opinion that a similar rule should be enforced in Nova Scotia. In the smaller society of a Colony, it is not unreasonable to expect that party disputes should run higher than in the larger and more settled society of this Country; and it becomes the more necessary, therefore, that in the Colonies neutrality in party contests should be observed on the part of holders of office not regarded as political. I should think it by no means unreasonable to make it known to such persons, that they would be expected to abstain from the exercise of their right of voting at Elections against any Member of the existing Administration for the time being, inasmuch as they could not give such vote without forfeiting that neutral position in politics which is the condition of their permanent tenure of their respective

offices. Perhaps it might not be unattended with advantage to enforce this rule by legislation, and to impose upon the holders of subordinate situations in the public service in Nova Scotia, the same disqualification from taking any part in Elections to which all persons employed in the collection of the revenue are subjected by the law of this country. It must, of course, be also required from them, that they should honestly and faithfully discharge the duties of their offices, and afford all the assistance in their power to the actual existing Administration, and without reference to any possible difference from their political opinions."

Now, sir, in every case of dismissal by the Government I shall be prepared to defend the action of the Government on the sound constitutional doctrine here laid down. As I shall probably have an opportunity of addressing the House at greater length before the debate closes, I shall not trespass farther on its time at present, but content myself with having dissipated the mists and shadows that honorable gentlemen have sought to throw around it.

Mr. Marshal said—I had made up my mind, Mr. Speaker, not to interfere in this debate, nor shall I now address the House at any length; but when I find the hon. and learned Attorney General offering a statement here not in accordance with the facts, I feel bound to give it as unqualified a denial as the rules of Parliament will permit. It is unfortunate for that hon. and learned gentleman that when he feels inclined to exhibit his vast oratorical ability and treat the House to a detail of the many benefits he has done the country, he cannot refrain from mis-stating the views and conduct of others. He asserted that I opposed the Reciprocity Bill; that assertion is grossly incorrect, and is only equalled by another statement of his, previously given to the country, that I had asserted, in my place in Parliament, my intention of repudiating the Railway Loans. The published reports give the contradiction to the latter, and with respect to the former I feel obliged to say that his statement is grossly incorrect. I have made these remarks to prove that I will not allow myself to be misrepresented even by the hon. and learned Attorney General for Nova Scotia.

Mr. McFarlane said—I am a young member of this House, and therefore am not disposed to intrude myself on the notice of hon. members; the more especially that this discussion has arisen most unexpectedly. But, sir, where a grave constitutional question is in debate I cannot allow it to pass without expressing my opinions. I came to this House the representative of a large and intelligent county, disposed and desirous, so far as my humble abilities would permit, to aid the hon. and learned leader of the Government in carrying out any measures designed to promote the well being of the country. It was my desire to obtain as the public business went along information, instruction, and improvement. I came here, sir, under the full conviction that Responsible Government was established on a firm basis—that the public business could be conducted by no other system as efficacious and beneficial. It was matter then of much surprise to me to find hon. gentlemen, members of the Executive, enunciating views diametrically opposed to each other, and I heard with strange sensations the doctrine propounded by the Hon. Provincial

Secretary, almost at the opening of the debate, "That it was not the duty of the Government to bring down measures calculated to benefit the country, and to aid their passage through the House with all the vigour and authority that the Executive possess. But even this announcement was not as distasteful to me as the claim put forth by the government to the right to dismiss subordinate officers. Sir, no acts ever perpetrated by any Government in this country have caused the same excitement and engendered the same ill-feeling as the frequent dismissal of subordinate officers by the Government. Why, sir, you cannot go into the most distant settlement without finding it disturbed and distracted by the influence of these displacements; there is scarce a village in the country where some officer has not been discharged and another less qualified to perform the duties of his office appointed in his place. One would really suppose; in view of the intestine broils, heart burnings and discontents this system has introduced that the principle enunciated by the hon. member for Halifax "to the victors belong the spoils" was no new party principle. Sir, this debate has taken a wider range than the opening speech of my hon. colleague led me to suppose; the matters to which I alluded were introduced extraneously. He charged upon the Government that while they informed the House there was no business to engage its attention, they had brought down no measures—had not even submitted those which, from the Speech of His Excellency at the opening of the Session, we were led to expect. The Hon. Solicitor General, with great sauvoy of manner, rose in his place and produced a long catalogue—which had been passed in other sessions; it caused me some astonishment to hear him, in the recital, take credit for measures, the result of the deliberations of a commission appointed from all sides of the House. But the hon. and learned Solicitor General was guilty of an omission and a most important one; in enumerating the various measures introduced by the Executive he forgot one of the most striking and important, for in that long list we find no mention of the bill by which a pension for the Commissioner of Crown Lands was created; an act as deeply affecting the interests and feelings of this people as any that ever passed this Legislature. I should like the Hon. Solicitor General to introduce that act in his catalogue—and would desire, if it were possible to have a free expression of opinion from the fifty-three gentlemen who now occupy these benches on its merits. The honorable and learned Attorney General tells us that it never was the avowed principle of the Executive to dismiss subordinate officers merely on party grounds. I test the policy of an administration by their public conduct, and so far as I have had an opportunity of judging the acts of the honorable and learned Attorney General and his colleagues are in direct subversion of that principle. Let me instance the county I have the honor to represent; will it be believed that in a county returning myself and my hon. colleague there are on the magistrates bench but twelve of our supporters, while fifty-five are supporters of the Administration, and this discrepancy exists not only as regards magistrates, but in all other county officers. It is not my intention to advert to the wholesale dismissal of magistrates in 1849; but I cannot refrain from re-

marking upon the more recent ejection of Mr. Chandler from the office of sheriff,—an act in the highest degree arbitrary unconstitutional, unjust. Sir, the honorable and learned leader of the Government seems desirous of pressing this question to a division that he may ascertain who are and who are not his friends; he seems desirous of reintroducing the old system—of raising the party cry and dividing the House not as the opinions of honorable members would individually dictate but purely in the spirit of party. If this be his policy, if he will on all occasions, right or wrong, arouse party feeling to drown individual judgment, let the country understand it, and I think the people will be inclined to say, as was said of old, “a plague on both your Houses;” and the honest, intelligent, yeomanry of the country, suffering from the continued trammels imposed on them, will make an effort to place the governing power in the hands of men more competent—actuated by other and more constitutional principles—who will exert the power with which the people may invest them to extend their liberties and enlarge their practical freedom. Sir, I am free to admit that among the Liberal Party are men of talent, integrity, and public spirit, but I do not believe that in that party is comprised all the merit, all the virtue, all the intelligence,—and I think they have acted harshly, unwisely and unjustly, in endeavoring to prescribe and put down those who honestly differed with them in opinion. Sir, the honorable and learned member for Colchester is a firm supporter of the Government; to the views and opinions he expressed I heartily subscribe, and, if the Government acted on them, and on them alone, they should have my support. But, when I find that, though admitted in theory, they are repudiated in practice—that the fruit borne by this beautiful Constitutional Tree of Responsible Government, so admirably described by the honorable and learned Attorney General, is reserved entirely for one party—and that he and his friends only are to have the liberty of plucking it; when they grasp at all the offices, appointing none but their political adherents, and removing that they may appoint; when I find no subordinate officer safe, and that the honorable and learned Attorney General, while he is displacing them in numbers, refuses to announce the propriety of dismissing on party grounds—when I find all this, I feel disposed to think that the sentiments of the honorable and learned member for Colchester are confined to himself alone, and find no place in the Administration.

Hon. Attorney General—I would be glad, Mr. Speaker, if the honorable and learned member for Cumberland would favor us with the names of that long list of subordinate officers and magistrates who, he alleges, have been dismissed. Where are they? Can he point them out?

Mr. McFarlane—I introduced it as a general charge; when the opportunity arises I shall be prepared to show that what I have stated is correct.

Hon. Attorney General—That will not do. will not accept that. The honorable and learned member comes forward, and, in the face of the whole country, asserts that subordinate officers and magistrates have been dismissed in large numbers by the Administration. I ask—Where are they? They do not exist; the fact is

not so. Let him take what time he please, he cannot find them. If the honorable and learned member in the heat of debate has made an over colored statement, let him retract it—if not, let him give the names—which, having made the statement, he should be prepared to do.

Dr. Tupper—I ask the honorable and learned Leader of the Government if he was not a party to the dismissal of magistrates, not by tens, but by fifties?

Hon. Attorney General—I hope, for their own sakes, that honorable members opposite desire to discuss this matter fairly. We are dealing with a grave, public question, and it is of the utmost moment that the country should thoroughly understand its import. The dismissal of magistrates was made in 1848—at a time when I was not a member of the Executive—and six years before the foundation of the present Executive. But it was not with respect to magistrates that the honorable and learned member for Cumberland spoke. When he deals with that question, the Government will be prepared to meet him. He asserts that subordinate officers had been dismissed in numbers. I have given the assertion a complete contradiction, and, until the honorable and learned gentleman shows some grounds for it, he must be content to abide the consequence.

Dr. Tupper—I contend that Road Commissioners are subordinate officers, and they have been removed to a large extent.

Hon. Mr. Johnston—I would ask why magistrates are placed in a lower position than subordinate officers? I should think they are placed in a higher position.

Hon. Attorney General—Don't let the honorable member for Annapolis mistake me. I am not contrasting the relative position of magistrates and subordinate officers. I desire to prevent an impression from going abroad that subordinate officers—such as Post Officers, Registrars of Deeds, &c.,—have been dismissed on party grounds. I assert that this has not been done in a single instance.

Hon. Provincial Secretary—There is an old fable: “if you did not disturb the stream, your grandfather did.”

Dr. Tupper. The honorable and learned Attorney General has said that the Government has never, in a single instance, dismissed a subordinate officer on political grounds. I join issue with him on that point, and when I again have an opportunity of addressing the House, I shall show that they have done so.

Hon. J. W. Johnston. The Hon. Attorney General is as usual non-committal; he will neither avow or disavow the principle of removing incumbents from office on party grounds. To-morrow the Government may act on that principle without compromising themselves,—and when I find the leader of a Government refusing either to affirm or disaffirm a principle of policy, I take it to be affirmed.

Hon. Attorney General. The Attorney General has long ago made up his mind that it was impossible to do or say anything acceptable to the honorable and learned member for Annapolis. I again say that whenever he produces me an example of a British

minister—without necessity, asserting and laying down an abstract principle—I may feel myself compelled to follow the example. Until he does, I assert such a practice to be contrary to the genius and spirit of British legislation. The public judge of a government by its acts—by its principles—as developed in action.

Hon. Mr. Johnston. In the name of common sense, to what have we listened for an hour this morning. The honorable and learned Attorney General comes down to this House, and with a flourish of trumpets enunciates principles which we all admit; but when he comes to the main point—the real question at issue—he broadly asserts that what he has been doing all the morning is wrong, un-British, unparliamentary. Sir, wherever a member of a party asserts a principle as one of the political doctrines of his party—no manly statesman—no leader of a Government would for a moment shrink from affirming or disaffirming it, and defining the limits to which the Government were prepared to carry it. Who did not feel the manliness of the declaration made by the honorable member for Colchester? He announced broadly and defined clearly what his policy as a liberal was; is it less incumbent on the leader of the Government? Are we to remain in the dark as to the intentions and views of the Government? Why, sir, does not the honorable and learned Attorney General know that it is upon definitions of public policy that parties divide in England? The doctrine of political proscription and the doctrine that Government is not bound to initiate measures has been propounded here. It is for the honorable and learned leader to say whether he accepts or disavows those principles as maxims repudiated by or controlling the action of the Government.

Hon. Attorney General. I have only one word to say. The honorable and learned member for Annapolis cautiously abstained from dealing with the real question in issue. This debate arose upon a question put by the honorable member for Cumberland respecting the lack of business to occupy the House; certain expressions of an honorable member of the Government touching the duty of the Government to introduce measures were seized on with avidity and made the basis of a violent attack on the Government. It became necessary therefore to state to this House the amount of responsibility which in the opinion of the Executive devolved on them. This I did; but upon what principle am I called on to define the policy of the Government on a point incidentally raised during the discussion relative to the dismissal of officials?

Mr. Morrison said—I take it for granted, Mr. Speaker, that the object and intention of the honorable member for Cumberland, in putting the question he did—was to provoke a discussion in order that he and his friends might ascertain whether there were a sufficient number of persons within these walls

to support them in forming an administration; and, sir, they adopted a very wily course to obtain their ends. They were all lovers of Responsible Government—delighted with its workings; an admirable thing is it said they—but its principles are perverted and misapplied—its beneficial action crippled and destroyed, because the wrong men are permitted to pluck the fruit of that beautiful tree so graphically pictured in this debate. But what do we find since; these hon. gentlemen who made such vociferous protestations of affection for Liberal principles all at once becoming aware of the fact that they had entirely misconceived their nature and tendencies; asserting that their political education was imperfect and that they would be obliged to recommence its study. Sir, we need not wonder that they did not understand them; theirs were not the minds to receive the broad principles of Responsible Government and acknowledge its benefits unless they participated, each and all, in filling the offices and receiving the salaries. They forgot that, apart from these, it has conferred other and greater blessings on the country at large. Where are its fruits? they ask. Let me answer. By the branches of this noble tree the intelligent son of the humblest peasant may climb to the summit; its broad branches stretch over the hills and dales of our native province and beneath its shade the lowliest rests in peaceful security, while he exercises the privileges of a free man. When these hon. gentlemen first came to this House they announced their intention of supporting the Government whenever they thought them right. Have they done so? Not a bit of it. What gave rise to this debate? Any real difference of opinion on great constitutional questions? No, sir. They supposed the time had arrived when they might successfully aim a blow at the Government, and they allowed their personal feelings to overcome their assumed moderation. It is true, sir, that such effects will ensue in all Governments; in all popular assemblies—but these hon. gentlemen while they act as partizans must not affect to be willing to give the Government an impartial and fair support.—Sir, it may be painful for me to be compelled to speak out, but I feel bound to say, and I am justified in saying, that the action lately taken to defeat the Government was nothing more nor less than an attempt to form a Government by bribery and corruption; that these men, while they professed to give the Government a fair chance sent their emissaries around to hon. gentlemen in this House offering them the honors and emoluments of office if they would but oppose the Administration. Nay more, sir, that a certain gentleman professing to be armed with authority offered to me any office I might name if I would but join them in overturning the Government—(Hear, hear). Is an administration to be defeated by such means? Forbid it honor; forbid it justice; forbid it every principle which should actuate public men in

the discharge a sacred trust, a solemn duty; and, sir, while I have breath to speak I will not cease to condemn in the strongest terms conduct so reprehensible. Tell me of a third party in Nova Scotia; tell me that the gentleman named is the man either in ability or experience to wrest the reigns of Government from the hon. and learned Attorney General; there are too many great questions yet to be settled in Nova Scotia to permit our trying an experiment so doubtful. Who is this Mr. Somebody? Why, sir, it reminds me of a colloquy which took place at the entrance of New York harbour between two sea captains just after the Presidential election. The captain of the inward bound hailed the other and asked—"Who's President?" "James K. Polk," was the reply. "And who the devil is James K. Polk?"—responded the former.—(Great laughter.) The hon. and learned member for the township of Sydney made himself somewhat conspicuous during this debate; he too, attacked the Government, but from his speeches I tried in vain to discover any difference in political opinion to occasion opposition. It appeared to me, sir, that there was something at the bottom more than he choose to reveal, something not based in political principle, but in private and personal feeling. He spoke of the dispensation of patronage, of rewarding political adherents. Perhaps, sir, I might name the gentleman who would not have been so vehement if one professed liberal had received office. But the hon. and learned gentleman sought to excite a feeling here from which this Assembly should be kept entirely free,—and that too for a purpose not the most noble, high-minded, or self-sacrificing. He said, "let bye-gones be bye-gones,"—but scarcely had the sentiment passed his lips before he sought to stab the Government by charging them with ingratitude to one whose support to his party—whose impassioned eloquence, and strict regard for political principle, no man, who is a liberal in heart, will ever attempt to deny. Sir, the Hon. Lawrence O'Connor Doyle did battle nobly for the liberties of this people; and the strict rectitude and honest manliness of his political career might have taught the hon. and learned member for Sydney the lesson that a true hearted liberal must be prepared on all occasions to sacrifice private interest to the public good. He might have learned a lesson too, from the hon. member for Colchester (Mr. McLellan) he has sat in this House until the snows of seventy winters have whitened his locks—ever the unyielding champion of the liberties of the people. Who has ever heard him declaiming for office or seeking to disturb the Government because he did not obtain this or that appointment? No, sir, the man who is not prepared to do his duty—if necessity requires—without compensation and without reward, is no true liberal, and the sooner he takes his stand with the place hunters the better. We have heard a great many definitions of Respon-

ble Government; my opinion is that it means, as was described in Lord John Russell's despatch of 19th October, 1839,— "Governing according to the well understood wishes of the people, expressed through their Representatives." Now, in my view, if there is any great question requiring immediate and cautious attention, the Government of the day should be prepared to come down to this House with a measure—submit it, and stand or fall with it. But let us try the question in another point of view: a certain ministry are in existence, the House is dissolved, an election takes place over the length and breadth of the land, and a large majority returned sustaining the policy of the Government; by what right can any hon. gentleman assume that the country are dissatisfied with the Government? Sir, I hold that such an election is the best test of the hold which a Government has upon the people which could be had; and, therefore, I am not disposed to allow those who come here influenced by personal feeling to decry them unnecessarily. I shall not trouble the House longer; I feel that the question has been worn threadbare, and that anything further said upon it can only lead us further from the point and involve us in inextricable confusion; I have performed what I conceived my duty in saying this much,—my sentiments may have been roughly expressed, but I hope I shall always have manliness, when occasion requires, to express my honest convictions.

Mr. Hyde. I do not rise, Mr. Speaker, with the hope of making quite as much of a display—and I am confident I have not the power to create as much noise—as the honorable member who has just resumed his seat. I, perhaps, require education, beauty of diction, and purity of style, to enable me to compete, in these respects, with my honorable friend and colleague from the North Riding of Colchester. But, sir, it is quite evident that one fact has been developed during this debate, with which the country should be acquainted, namely, that there is a difference of principle and opinion between the members of the Administration—that there is a kind of political cannibalism going on—that they are living on each other. This being the case, it appears to me that it was quite time some movement should be made. What would be said in the mother country, or in any other country where the principles of legislative Government by popular assemblies is understood, if, among those charged with executive functions, division, distrust, and dissimilarity of opinion, existed. We've had a great many general definitions of Responsible Government; with many of which we all concur; but honorable gentleman on the other side refuse to give more than general definitions, and, when pinned down to a certain point, refuse either to affirm or deny. I ask, is this manly or statesmanlike? We are told that Responsible Government means Government by a Party. What is a party? In my opinion it is a combination of men

joined together, agreeing on some great question, and lending their united efforts to carry it out. What have we here? Where is the great question? What divides parties? We have nothing to divide us—there is no great question on which we differ. Why, then, I ask, should not the best men—men who really and truly admire the principles of Responsible Government, and are prepared to carry them out—men not divided among themselves—who will not get up in this House and express an opinion on a great constitutional point one moment, which they will be obliged to swallow the next; a body of men not disunited, discontented, and differing in opinion from each other; but united in opinion and unanimous in action; having the manliness to propound their measures to this House, and the strength and ability to carry them when brought down, be entrusted with the administration of public affairs. Why, I ask again, is it that the present Cabinet assume a prescriptive right to office, to the exclusion of such an Administration as I have described?

The House then adjourned.

W.

MONDAY, March 3.

LIQUOR LAW.—

Dr. Webster presented 8 petitions from King's County in favor of the Prohibitory Liquor Law—laid on the table.

Mr. Hyde—2 petitions from Colchester on the same subject.

Mr. Rynard—5 petitions to same effect from Lunenburg.

Mr. McDonald—Petitions from the County of Guysboro' and District of St. Mary's in favor of the same subject.

CORRECTION.

Mr. Ryder.—Mr. Speaker, I beg to call attention to an error which occurs in the *Sun* this morning, representing me as having presented a petition for aid to drain a peat bog. I never presented any petition of the kind. The honorable member for Liverpool (Mr. McLearn,) has introduced a bill to authorise the draining of a peat bog near Liverpool, but even that, I believe, does not ask aid from this House; at any rate, I had nothing to do with it. I make this explanation that my constituents may understand it.

BILLS.

The House went into Committee on Bills and passed the bills for draining a peat bog in Liverpool—for selling the old Presbyterian meeting-house at Windsor; an act to enable the Town of Pugwash to procure a fire engine; to increase the stock of the Halifax Water Company, to set out a new electoral district in the County of Annapolis, and to alter the time of holding the Sessions in Lunenburg.

MARY FLINN.

Mr. Marshall reported on petition of Mary Flinn, for reimbursement of money, \$260

paid to Mr. Wallace when Provincial Treasurer. The report was against the claim.

ST. MARY'S COLLEGE.

Hon. Solicitor General presented, by command, the returns of St. Mary's College during the last year.

RAILWAY ACCIDENT.

Hon. Provincial Secretary, by command of the Lieutenant Governor, laid on the table the following letter:

NOVA SCOTIA RAILWAY OFFICE,
Halifax, March 3, 1856.

SIR:—It becomes my painful duty to report, for the information of the Lieutenant Governor, that Mr. Elias Woodworth, the Engineer in charge of the Rolling Stock, was killed about 9 o'clock this morning, while breaking the track with the engine "Joseph Howe." The fireman, who was with him on the engine, has received some injuries, but, it is hoped, will recover. A laborer broke his leg in jumping from a platform car. No passenger car was in use, and no other persons have been injured.

The causes of these casualties will be investigated by a Coroner's Jury this afternoon. The track will be cleared in the course of the day, and the trains will be run tomorrow.

I have the honor to be,

Sir,

Your obedient servant.

JOSEPH HOWE,

Chairman.

The Hon. L. M. WILKINS.

CONSTITUTIONAL DEBATE.

Dr. Tupper having renewed his motion to go into Committee of the Whole to take up the Elective Council Bill,

Mr. Killam announced his intention of moving an amendment, as follows:

Whereas, On Saturday last, the leader of the Government in this House made a formal exposition of the principles on which the present Government was conducted, and therein expressly declared he would neither announce nor denounce the principles that "to the victors belong the spoils,"

Therefore Resolved, That this House recognises the prerogative and power of the crown administered by the Provincial Governments, yet feels bound to declare that Government is instituted for the general prosperity, and rejects the principle that in the administration of Government patronage, officers not parliamentary nor connected with the necessary conduct of Government should be removed from office on account of their political opinions, or for the purpose of rewarding party adherents.

Also Resolved, That we believe that the true interpretation of Responsible Government means to carry out the well understood wishes of the people, as expressed through their representatives.

[The Speaker wished to intimate to the House that he, so long as he occupied the

chair, should enforce the 11th rule of the House, limiting each member to speak twice.]

Mr Killam then addressed the House as follows:—Mr. Speaker, having listened several days to debate on the motion of the honorable member for Cumberland, to go into Committee of the Whole to take up the Elective Legislative Council Bill, and that debate having assumed a course different from what was expected, and it having been declared by the Government Leader to be really a vote of want of confidence, I wish to say that I regret the course that has been adopted by the Government, as the Elective Council Bill should stand on its own merits. That question has, as is well known, been before the House for many previous sessions; it was defeated by the Government on all occasions, and that may be its fate now; yet, we have a large number of new members, and their opinions on this important question may differ from those of the last House. Now, to prevent a direct question on the motion which may affect the Legislative Council Bill, and also to relieve members from giving a vote which may be implied to support the Government, I offer these resolutions, which I trust the majority will support; at any rate, they announce something all can understand. They are not resolutions to condemn, but to define, Responsible Government, so that it can be understood by all. I have made the resolutions to agree with the opinions expressed on a former day by the honorable and learned member for Colchester, (Mr. Archibald), also with those of the honorable member for the Northern District of Colchester, (Mr. Morrison), who gave the very same definition that the resolutions do: that Responsible Government is "to carry out the well understood wishes of the people, as expressed through their Representatives."—The honorable Attorney General told us that he would neither denounce nor affirm the opinion of the honorable member for Halifax, (Mr. Annand), that "to the victors belong the spoils;" nor would he avow or disavow the views of the Hon. Mr. Locke, who has several times stated that his principle was to govern by a party for a party. The other new honorable member of Council, (Mr. Wier), would also remove all subordinate officers of Government, differing from its members in politics. I cannot subscribe to such views, Mr. Speaker. If Responsible Government is to carry out the well-understood wishes of the people as expressed by a majority, through their Representatives, the members for each county should be the channel of communication between the people and the Executive, they being the only responsible parties. There is no responsibility resting on the people of Digby for appointments made in Yarmouth; why, then, should the Government, sustained by members of Digby, interfere in the legitimate privileges of the Yarmouth members? So, the people of Cape Breton have no direct interest in the

local affairs of the Western counties, and, therefore, should not govern them. We all have a great interest in the general government of the country; but I believe that every county is, or should be, a Responsible Government within itself, as to local matters. There, (as here, in Provincial matters), a majority should rule; and, if this principle were recognized by the Government, as it is declared in these resolutions, the Government would be relieved from much difficulty, and lose no support in consequence thereof. If the opinions of members of this House are not to be obtained, or acted upon if given, relative to appointments to situations of responsibility or trust within the respective counties, a member in opposition will have little to trouble himself about. Everything will be done here as the Government may dictate; and the counties or townships represented will be ruled by a minority, or by some local party politician, for his own self-interest. During former struggles for Responsible Government the great outcry and complaint was, that the same party men were always appointed to office; nominated here, and appointed from home; recommended because they were churchmen, or belonged to a family compact, or for some other exclusive reason. The people responded to those complaints, and returned majorities here to put down that state of things, and Liberalize the Government. I was returned, in 1847, to sustain the new system; but I find we are fast verging on the old, exclusive system. What need we fear a change of Government, provided we have the true principles carried out? What matter who is Leader or Councillor, so long as the people have their rights? What matter is it to all Nova Scotia, who is Registrar of Deeds in this county or that? Such officers should be chosen as the people, through their Representatives, approve.—These resolutions set forth no specific charges against the Government, and I shall speak to none. If I were to commence that, I would take up the whole afternoon. (Laughter.)

Hon. Mr. Locke. I rise, Mr. Speaker, for the purpose of stating to the House that I have been misunderstood all the session. I never said that I agreed in toto to the doctrine: "to the victors belong the spoils." I understood that expression to have been made use of by the honorable member for Halifax more figuratively than otherwise. I did not understand that we were to drive every man out of office, or to enter into the Treasury, and help ourselves to all the Province funds. No, sir; but I do maintain that wherever there is a vacancy to fill up, the Government should prefer its supporters, rather than its opponents; and, if the Government find an officer strenuously or actively opposing the Government whose servant he is, they should dismiss him. That is my doctrine, and it cannot be controverted. The honorable member for Yarmouth says that we advocate Government by a party, for a party. Of course! That is the true principle, under

the limitation, I have just mentioned. I never want to see anything else but a Party Government. I never want to see a Coalition Government again—it was tried before, and failed; and we all know there is nothing so bad as constant changes in the Government; it unsettles trade and power, and is pregnant with many evils. Then the honorable member tells us that appointments in counties should be made by a majority. That, sir, is not Responsible Government. The Administration is responsible for every appointment they make; and, if a whole county recommended a particular man for an office, that is no reason why the Government, to whom the power solely belongs, should acquiesce. The Government would be bound to appoint men in whom they have confidence. He says that it makes no odds what man is Leader of the Government; but it makes a very great difference to the people of Nova Scotia. The honorable gentleman from Cumberland has directly censured the Government; if his motion did not mean that, then we have been going over the old play of "Much Ado About Nothing;" and now the honorable member for Yarmouth follows with resolutions amounting to a vote of Want of Confidence. Why, sir, did not the honorable and learned member for Cumberland introduce a motion of Want of Confidence at once, so as to allow the vote to be taken on that, or an amendment in behalf of the Government? That, sir, would have been the manly course. The learned member for Sydney talked about a green tree; but well he knows that the system he proposes will eat up fruit, green leaves, and leave the trunk blighted. My principle, sir, is, that if any subordinate officer uses his pay and influence to supplant the Government, he should be dismissed; although I would not make sweeping changes without provocation; and if this House do not approve of that principle, let them turn us out.

Mr. Hyde. Mr. Speaker, I believe that the motion of the honorable and learned member for Cumberland was made, in order that we might have something before the House; and, as there was nothing, he asked the Government to state how they intended to illustrate and carry out the principles of Responsible Government. As to the applicability of those principles to the people of this country, I think there is no dispute. I do not dissent from the general idea of the Hon. the Attorney General, but I cannot agree to his details. Sir, let us not be fighting at shadows! The honorable gentleman who has just sat down, has assumed that there are gentlemen within these walls who repudiate Responsible Government. I have yet heard of none—at least, I am not one; but what we want to know is, how the present Administration purpose to carry those principles out; and I look upon these resolutions as going to test one part of that question. The gentleman who spoke last said that he never subscribed to the doctrine that "To the vic-

tors belong the spoils," in its fullest sense; but it is because I believe the present Government are acting on that principle, that I wish it defined how far they intend to go.—When the Hon. Attorney General declares that he neither announces or denounces the principle, it is time that this House should declare how far that doctrine should be carried by this or any other Government. It may be, as an hon. member said the other day, when eloquently defending the faithful dog, that we all have "a common nature;" and I, sir, as one, shall always be glad to lay at the people's door and watch against any invasion of their rights; and, sir, I should feel it to be a disgrace to that people if, on the advent of any one party to power, they should be justified in a course as inhuman and indiscriminate as an Indian massacre, or the unchristian butcheries of civil war. I shall therefore raise my voice against so unnatural a principle as that one part of the community are to be handed over to spoliation, because another part may happen to have a majority for the time. The other day the honorable Provincial Secretary gave his definition of Responsible Government; "That great principle," said he, "*which we all now recognize*, will rise and mould itself to human changes and human necessities." This is very true. All Governments mould themselves to suit human necessities; but the question is whether this Government is moulding itself to the necessities of the many, or the interests of the few? Let us take a single instance—in an Act of last session, that for pensioning the Commissioner of Crown Lands, and giving his office to another. Was that a human necessity in which all the people were benefitted, or was it merely subservient to the interests of a few? With reference to party, sir, I agree that it is right to rule by party; you can rule in no other way. I believe in ruling by a majority for the benefit of the whole people. I avowed that principle at the Hustings, and am prepared to stand by it here; and it is because I believe the Government is not acting on that principle, that I am prepared to vote for the amendment on your table. The Government will not define their principles, but are forcing a division. Let us have a division based upon facts and realities, not mere shadows and assertions. A few words, sir, as regards party obligations. A party is a body of men united together to effect some important end for the good of the people. The Liberal Party, in former times, were banded together to call Responsible Government into existence. That object is accomplished, and, therefore, the party is at an end. There can be no sense in keeping up a combination to obtain that which we have already got. That being the case, every man belonging to the party has a right to take his own course, and I shall take mine. I shall not recognise the old party cry as an excuse for keeping and perpetuating in pow-

er, an oligarchy of men to hold a life tenure of office, and divide the spoils for the benefit of a few, taking no further care or notice of the rights of the many. I must raise my voice against such a system as that. Then as if the division of the spoils, with the present offices, was not enough, the hon. member for Halifax has introduced a bill to bring the Postmaster General into this House—Sir, I think there is quite sufficient power in the hands of the Government without the Post Office patronage. Give them that, and you, indeed, make them supreme! Do hon. members know what power the Postmaster General possesses? Do they know that all his subordinates, throughout the country, can be dismissed by him when he pleases, and dismissed for ever? Every courier throughout the country would be liable to this punishment. Give this power to the Government, with the patronage they now have, also £200,000 a year for the Railroad, and you give them all despots need ask, only one thing then remains to be done to make the oligarchy complete—pass the bill introduced by the hon. member for Halifax rendering it unnecessary for them to vacate seats on accepting office; and if you do not most effectually sap and destroy the foundations of Responsible Government, then I am fool.

Dr. Tupper—I shall not detain the House long, Mr. Speaker, while I glance at the true position of this question. It will be in your recollection that when I asked the House to go into committee, I confined myself to one point, in my animadversion on the Government, and that had a direct bearing on the motion I was about to make. I felt that the Government had a right to the attention and consideration of members of the House with reference to the business before it; and it was in deference to their position that I enquired whether the bills introduced by Mr. Annand should be considered Government measures, in order that if they were, they should have priority of consideration over the bill I wished to move into committee—that for establishing an Elective Council.—To that simple question, answers have been given which have opened a wide range of constitutional debate, solely owing to the course pursued by the learned Leader of the Government and his followers, and rendering it necessary that the complexion of my motion should be somewhat changed. The questions I put were prompted by the recollection of the fact that, during the last and previous sessions, it had been said that measures of importance came with an ill grace from the Opposition, and, I suppose, were consequently defeated. I felt that Government might fairly claim the right and duty of initiating measures suitable to the necessities of the country, and had a right to the patient examination of the members of the Assembly, and their assistance in bringing such measures to perfection. What was our astonishment, sir, when the honorable

Provincial Secretary rose and openly avowed that the functions of the Government were not Legislative, but Executive. There can be no cavil or dispute as to the words used—we all heard them, and I do not wonder that they called men up from both sides of these benches to enquire if it was possible that a leading, influential, and prominent member of this Government, could in 1856, seriously stand here and make such a declaration. Explanations have been given by the hon. gentleman and his friends, and they are comprised under two heads.—I do not think the House will be inclined to give him the benefit of the first—that in an unguarded moment, he said that which he did not mean. Can it be said that a gentleman, who beyond any other member of this House has a classic flow of language, large legislative experience, and ought to know the principles of Government by which he is guided, ought to escape on so flimsy an excuse for a retrograde assertion of principles. The other explanation offered was, that in meeting a political opponent, arguments are sometimes used without reference to strict accuracy. If we give him the benefit of this plea he must not be surprised if in future his statement do not receive that consideration to which he may think them entitled. But the hon. and learned member scorns the excuses made for him, and leaves the charge against him almost as pertinent as it was at first. Before he sat down, sir, he touched another important subject; (for the gravamen of my charge was that the Government had held the House thirty days in session, and had produced no measures.) In the speech from the Vice Regal throne we were told that the Government would introduce a measure on Education. Is there a member of this House that was not anxious to have a copy of this, or at least to have the privilege of reading it at the Clerk's table? For my own part, I did think it but reasonable that it should have been submitted, that it might have been ably considered, and our constituents consulted before it came under consideration; instead of which it is an undeniable fact that, at the time this discussion arose, there was not a single bill from the Government on the table. True, a revenue bill was introduced on Friday, and we have the promise of that on education, at an early day; but it comes in questionable shape at last; for we are told it is to be thrown down on the table, for members of the House to deal with as they please—nay! the learned leader of the Government actually told us that on its main principle the members of Government themselves did not agree! This, forsooth, is a measure for which the Government is going to claim credit! Whether the revenue bill is to be treated in the same way they have not deigned to inform us. But if this is the manner in which Responsible Government is to be carried out—if this is the "harmonious" Administration we hear of—if one member of it is to get up here and propound

principles only to be denounced and repudiated the next moment by a colleague, the sooner the Hon. Attorney General opens school, and the Hon. Provincial Secretary takes his seat at the feet of Gamaliel, to receive his first lesson in the A B C of Responsible Government, the better will it be for themselves and the country. Reference has been made by a previous Speaker to the members of the Administration reposing on beds of down. To that I have no special objection. The only bed upon which I would not be willing to have them recline, would be one composed of hen feathers, as there is a popular opinion that it prolongs the agonies of dissolution, and opposed as I am to them I am still willing that they should die easily.— I must confess, sir, it did seem strange to me that the learned Leader of the Government, after he had replied *seriatim* to my questions as to Mr. Annand's bills—after he had admitted that there was not a single bill here with the sanction or concurrence of the Government—yet, before the debate closed, avowed that there were two of these same measures that the Government had made up their minds upon. With reference to the complaints of the honorable member for Halifax, I spoke of him as Queen's Printer and a subordinate officer of the Government; but I thought these no terms of derogation, for I believe there are plenty in this city who would be proud to hold that subordinate office; in fact, Mr. Speaker, I could have intended no disrespect; for I am a subordinate officer of Government myself, although fortunately my office is very insignificant. The hon. gentleman boasts that he acts here as an independent member for Halifax. I assert that his death warrant as Queen's Printer would be sealed if any independent action of his were adverse to the views of the Government.— That, sir, is plain. They have declared it. The principles laid down here to-day render his independence a mere idle dream. The Attorney General has put it out of his power to exercise what he professes; and, therefore, I felt from the first that the Government should take the responsibility of measures introduced through such a channel as that. When in every petty hamlet in the country, every poor man holding a petty office is to be coerced to support the Government, how shall we expect a different measure to be meted out to a Queen's Printer, whose emoluments are worth some hundreds a year? One of these bills, Mr. Speaker, is for the amendment of the law for appointing sheriffs, and which the honorable Attorney General says is essential to the progress of the Government. Now, sir, I will suggest a more simple remedy for the evils complained of, than this Bill; and that is, that where the Government cannot agree with the Judges, they should affect to do so, and, as in a former case, not take the name first on the list, but appoint one of the other two. Like all men who are at a loss for argument, the honorable Leader threw us off the track. He

pronounced a brilliant eulogium on Responsible Government, claimed to be one that had planted the tree and watered it; until its branches overshadowed the land. This was all very fine, sir; and, when the learned Leader waxed so eloquent as to bring down a terrific burst of cheers from the galleries; did any one reflect, for a moment, that it was all beside the question? Had he only pictured the golden fruit, and the Administration plucking it at their ease, he might have drawn down cheers from his colleagues as well. (Laughter.) Where the necessity for all this eloquence? None of us deny the advantages of Responsible Government; but the hackneyed cry is a very convenient thing to turn us off from the real course of argument. The railway is often made the stalking horse for the same purpose. Surely the duties of the Railway could not have been so great as to prevent the introduction of measures—although, by the way, I had forgotten that the Provincial Secretary requires none. But when these gentlemen put forward the Railroad as a perpetual title to office, let them not plume themselves too highly. As a great public experiment, sir, my sympathies are enlisted in favor of the prosperity and completion of that work, but let not these gentlemen yet talk of it as something beyond the contingency of disaster—nor let them presume to take shelter under it, whenever complaints are made of their deficiencies in duty or arbitrary conduct. We have been so often told by them that everything was going on honestly and fairly in the expenditure, that they have almost raised our suspicions and tempted us to enquire if there has not been a little speculation. For my part, however, I did suppose that business could safely be left in the hands of the Commissioners, where it properly belongs, and who are responsible for its management. Another rule of action propounded by some members of Government, (for they are uniform in contradictions) is that of government for a party by a party. This, sir, strikes at the root of all responsibility. I will mention a case in point of an extremely aggravated nature. My hon. colleague and myself were elected last Spring for Cumberland by unprecedentedly large majorities; and soon after, having an eye to the affairs of the county, and desirous of knowing upon what terms we were to stand with the Government, we wrote conjointly a most respectful letter stating that from one death vacancy, and the incapacity of another gentleman from mental disorder, it was desirable that two magistrates should be appointed in Amherst. Our letter stated that we had no personal or party views to subserve in naming the two gentlemen we did— one of whom had been a useful magistrate before, and the other was then President of the Agricultural Society for the district, having been elected by an influential body of men representing all classes of parties. We stated that we were influenced solely by the public exigen-

cies, and had not even mentioned our recommendations to the gentlemen named. What was our answer, sir? To this day we have received none, but have been treated with contemptuous silence. Let the blush of shame mantle on the cheeks of those who would sustain a Government in casting insults on the Representatives of the people—Representatives of one of the finest and most populous counties in the Province. Sir, it is high time this matter should be understood—whether the Representatives of the people should be the medium of communication with the Government, or whether we are to substitute for them the agency of an unseen irresponsible influence. Under such a system as that, liberty will become but a mockery and a name! For is it not a mockery if a minority of representatives here (who may represent a majority of the whole people, from the inequalities of our representative system,) cannot appoint a single Magistrate, while the small township of Cornwallis is called upon to decide who shall be Financial Secretary, one of the highest and most lucrative offices in the land? If the Government would give to each county the regulation of its own affairs, I cannot see what possible harm would arise, and we should have the principle of responsibility pervading the country, from one end to the other. I would by no means restrict the Government from taking notice of improper appointments. If such at any time appeared, let the party be at once displaced, after due investigation. The honorable and learned Attorney General talked to us about securing the liberties of the people; sir, the whole course of the present Government has tended to centralize the power of Government, and subvert the liberties of the people; their Legislative and Executive acts have exhibited the spectacle of steadily drawing the chain round the necks of the people, and consolidating themselves in power. Again, sir, it is of vital consequence to the country that these subordinate officers should be men of moral character, of British principles, and respectable standing. What man of these characteristics, sir, would accept of offices of trifling emolument on condition that he should be a *bond slave* to this or any other Government? Any honest and straightforward man would shrink from it with horror, and spurn with indignation any office, offered on such terms. I maintain that the pay of a subordinate officer is not the pay of the Government, but the pay of the people. The pay of the Government is the pay they get themselves; the pay of county officers comes from the people, for work performed, and should not be perverted to maintain any party in power. We were told by the honorable Attorney General that, in Lord Durham's Report, nothing was said about bringing down measures; but I will call his attention to one sentence, and it is this—"When a Ministry cease to command a majority in Parliament, on great questions of public policy, its doom is

sealed." Such is the practice of the British Cabinet, and the same should be the course here. That, sir, is a principle which I put forward as sound and unimpeachable. But the honorable Attorney General referred to the Imperial Parliament, and, indeed, I was astonished at what he said. What, sir! no measures in the House of Commons? Is there a man that hears me who does not know that if a Cabinet had acted as ours has for a month, and if one of its members had made the declaration the Provincial Secretary has made—if five of its members had exhibited the mass of conglomeration and contradiction we have seen here for the last three days, it would have been hurled from office. Yes, sir, and if even that ministry had a majority at its back, who does not know that the free press and the free people of England would have demolished its discordant and profligate materials in a single week! What was the case when the war policy was under discussion and Lord John Russell held back? The people came out in a voice of thunder, and in three days such a course was adopted as the people of a free country had a right to expect. There, sir, the rule is that ministers frame their measures, take their stand, and if not carried, make their bow and retire. I admit that men in this country are not so well able to take their stand, with reference to their own circumstances, but it is the more necessary we should hold fast to principle. The Att. General has already asked what private individual could have prepared his revenue or customs Bill; does this not confirm what we maintain as to the duties of Government? But yet the Hon. Attorney General was content to let the session slide along, day after day folding his arms, and adjourning the House "till 3 o'clock to-morrow." The honorable and learned Solicitor General has taken up the gauntlet, and displayed an array of 16 measures of last session; and proclaiming that more work has been done this session, than in any former one. How does this assertion stand with the catalogue of last year? What a contrast! Or how does it stand beside the declaration, in the Government Organ, that almost nothing has been done? I leave the Crown Officer and the Government Newspaper to reconcile their discrepancies. Strange it is, however, that we have nothing to compare with the 15 or 16 bills of last year, although the Attorney General doubts whether there is any opposition here at all, to say a word against Government measures. One reason, sir, I had for pressing on the business of the session was, that in a few weeks, gentlemen will be getting nervous and desirous to return home; then important bills may be hurried through without due consideration. Thus passed the pension resolution for Mr. Morris. Sir, I am not in the habit of making personal references, but I would be recreant to my duty if I did not express the mortification and indignation of the people of Nova Scotia that, when a gentle-

man of acknowledged ability was discharging his duties faithfully and satisfactorily in the Crown Land Office below, he was pensioned and superseded by another not so competent, while the people were saddled with a pension of £800 per annum. This is the more to be condemned, in view of the complaints made of the Crown Land Office; and I feel the time has come when the Attorney General can no longer hesitate to "announce" or "denounce" the principle of pensions, whatever he may do as regards the spoils. In the Imperial Parliament, the Ministry that would hesitate to announce its principles, would tumble to pieces in an hour. See what a heterogeneous mass our Ministers exhibit! The honorable member, (Mr. Locke), declares for Government by a party, for a party. I wish he could withdraw the sentiment, but it was expressed at a time when it could not be misunderstood. His honorable colleague, (Mr. Wier), confirmed the doctrine, by saying that Mr. Miller should have been dismissed long ago—not for any malversation of office, but simply for political opinions. He did this in a manly way, and I do him the honor to say that he has not attempted to withdraw the expression. He has gone further than his colleagues, and maintained that where officers do not agree in opinion with the Administration, they should be dismissed; and his only fault with the Government was that they would not do as he wished. Let me tell the honorable and learned Leader of the Government that, if he still hold his place among those who will not agree with him on so fundamental a principle of Government—if he and they can sit together in Council, so widely differing in almost every important point—they do that which no British Statesmen could do! (Applause in both galleries, which was suppressed by the Speaker and Officers of the House) I have a few words to add about another matter, before I conclude. It will be recollected that, on a former day, when the subject of Road Commissions was named, several members started to their feet, and had all sorts of grievances to complain of. Among other things, it was stated by an honorable member for Cape Breton, that a gentleman had come into his county with £700 worth of Road Commissions in his pocket, all in blank, to fill up at his pleasure. Now, when I find it stated here that the division of the general road grant must be made by the House and assented to by the Council, but the subdivision must be made out in a road scale and the names of Commissioners recommended opposite each amount, it appears to me a most dangerous and arbitrary innovation for the Administration to permit such an act as this, especially on the eve of a general election; and that some check ought to be placed to avert such an evil. I also, sir, made a charge, not in vague, but most explicit terms. I stated that not only had gentlemen been recommended by the late members at the solicitation of influential Liberals for the

expenditure of money, but that the commissions had actually been issued and forwarded to Amherst, when they were returned to the Provincial Secretary's Office; and because these gentlemen had not supported the Government candidates, they were deposed and others appointed. When I complained of this, here in my place, I was told by the Hon. Attorney General that he was unprepared for the charge, but that if I would call at the Hon. Provincial Secretary's Office, I would receive all the information that could be given. I then asked if this was an invitation to move for information in my place; to which the Attorney General replied, "Oh, no!—I meant for you to call at the Secretary's Office for an explanation." Sir, that is not the explanation I require. I want it here in the face of Parliament and the country, that we may know by what principles we are governed, and will know how to act in future. I have made a specific charge, and it yet remains unanswered. I have not said much with reference to the dismissal of the Sheriff of Cumberland, (Mr. Chandler), an officer of 30 years' standing, who had faithfully discharged the duties of his office: discharged without having been informed of the cause, or of any dereliction of duty of which he had been guilty. It may be there are charges to submit here—but, surely he was entitled to have heard them, so that his defence may have accompanied the accusation, and have been brought to this House for the information of its members. I have yet to learn that any conduct on the part of a public officer should subject him to dismissal without full and fair enquiry, and an opportunity to give his own explanation or answer to the charges preferred. I contend for this principle, sir, and I confidently believe that the people of Nova Scotia will cordially endorse it—no matter what may be his standing, or the emoluments of his office. They will feel as I feel, that when a man can be trampled upon, without charges and without a hearing on them, the power that exists is a tyranny, and not a Constitutional Government. The only charge against that officer was in the press, (ready, at all times, to put forth calumnious statements), that he had exercised an undue influence at the last election. I have, before, given that an explicit denial. We also scattered to the winds the charges against his deputy, and showed that not only did the Sheriff not vote himself, but that, out of 11 presiding officers under his control, I received but three, and my colleague but two, votes. I complain not because his dismissal has injured me, for I may say as the poet Rogers said of McCarthy's retribution—"they attempted murder, but committed suicide." Sir, I will not weary the House. The Government should define their policy; else, united on no public question—agreeing on no definite policy—they must take the verdict of the country on the anomalous position they occupy; which is that of a number of individuals combined for

their mutual benefit alone, and distributing the spoils of office in such a manner as to subserve, not the good of the country, but their own continuance in power.

Mr. Annand. If, Mr. Speaker, the accusations just put forth by the honorable and learned member for Cumberland were true, and his denunciations of the Government were just, then, indeed, the time has come when, as an Administration, it should exist no longer. But, I believe, sir, his sentiments are not responded to, but the contrary feeling prevails in the hearts of members of this House, and of the people of this country. Sir, I hold it to be the duty of a Government to exercise a strict supervision over the affairs of the country it governs; to collect information as to its prosperity, condition and necessities, during the recess; to take the initiative in all great public measures; and so to dispose of the patronage in their hands, as to secure the approbation of the people. In order to show what the principles of the present Government are on this point, I will read an extract from the address of the honorable Attorney General to his constituents: This you will perceive, sir, is precisely the doctrine communicated by Earl Grey in the passages read to you by the Hon. Provincial Secretary. I believe it to be sound British principle, and unless acted on, no government can be sustained; nay, I believe, should the Conservatives come into power they will be able to carry on the Government in no other way; that is, if a member of Government, or a supporter of Government, found a public officer riding over the face of the country to prejudice the election of the candidate from whom the Government would receive support, or the notice of the ministry being called to the fact, they would be bound to dismiss him. But the gravamen of the honorable and learned member's charge, he tells us, is that Government have not been sufficiently active during the recess, and have not been forward enough with their measures. While on this point I will refer to another connected with it, and I know the Hon. Attorney General will pardon me for the reference and accept my disclaimer of any personal allusion to him. I believe, sir, that the time will come, and is not very far distant, when it will be found wise and necessary to separate the Attorney Generalship from the position of leader of the Government. The latter place should be similar to that of First Lord of the Treasury; held by a gentleman fit for the position; devoting his whole attention to the business of the country; constantly read up in the Legislative reforms of other lands, and the progressive improvements of the age; not lagging behind in consequence of a pressure of other business; but ready to bring in during the first two or three days of the session every measure that should

have recommended itself to the approval of his colleagues. He should be able to answer every question; in short, be almost an impersonation of Parliament in himself. I believe the Hon. Attorney General would be glad to submit to this relief from some of his labors, because he could then devote more of his time to legal reforms. But honorable gentlemen ask for measures: may we not retort by asking for theirs? With the exception of one contemplating the extension of the railroad to Digby, I know of none. The Opposition have duties and obligations as well as the Administration. Why are *their* measures not here? If they were, and if being sound and wholesome, the Government opposed or refused to adopt them, they would have good ground of charge, and it will be time enough for the Opposition to complain of the paucity of Government measures when they here exhibited a little animation in pressing their own views upon the attention of the House and the country. The honorable and learned member for Cumberland does not yet appear to credit that I introduced three bills on my own responsibility; but I would like to know what reason I could have for that statement if it were not true? Suppose I were a member of the Government, would I not have the individual right to introduce bills, without committing the Government to their support? Of course I would. Every member here has the same right in that respect. But it does appear to me a little absurd to see the honorable and learned member for Cumberland come down here to lecture us on Responsible Government. Pray, where did he receive his education? At the feet of a political Gamaliel who was once in this House, and pronounced Responsible Government "Responsible nonsense," and of whom I will not say how he stands, on the Journals of the Legislature. His lectures may do very well in Cumberland, but they will not suit here; and I must say that, while I admire the modesty of this gentleman, I would remind him that it is not every stripling that, like the younger Pitt, can vault into the saddle at 21 years of age. The honorable member for Colchester, (Mr. Hyde), says that we have now no struggle for principles. If we have no longer a struggle to get principles, we have struggles to maintain them, and, as a matter of course, struggles for office. That is what the Opposition are seeking for; the intrigue has been going on; the old veteran has been cast off, and a new leader taken with the hope of overthrowing the present Government. The honorable member for Cumberland has lectured us upon principles, but let us see how he carries out his own. He is a great apostle of temperance, and it is said that the flags of the members opposed to Mr. Howe and Mr. Fulton,

waved over a part of a Temperance Hall, in a part of his county—

Dr. Tupper: I can assure the gentleman that is a falsehood.

Mr. Annand resumed: Then I have been misinformed. I pass it over, and withdraw the assertion. But how came he here to lecture us on free principles, after riding over a whole county to unseat the father of Responsible Government in this country, whose disciples we are, and whose example we follow? Sir, I tell him this, that if I wanted any improvement in my political composition; I would throw away the honorable and learned doctor's nostrums, and rather take a dose of Morrison's Pills. (Roars of laughter.) He referred to my bill for making the Post Master General eligible to take a seat here, and argued that our independence would be threatened. That bill does not provide that that officer shall be here, only that he may come; but, sir, when I have seen the Post Master General before a committee of this House, and that an individual from Colchester had more influence in the committee room and in this House than Post Master and Government put together, I have felt that a cogent reason why that officer should be here to vindicate himself, and carry out measures for the benefit of the country, in his own department.

Mr. Marshall. I do not rise, Mr. Speaker, for the purpose of inflicting on you a speech, but merely to ask the honorable member a question, and to give him an answer. I will not refer to all three bills that he has introduced, but ask him whether the bill to amend the law for vacating seats is not overturning and contravening Responsible Government, by allowing members of this House to be chosen to office, to take office and hold office without appealing to their constituents?

Mr. Annand. The bill speaks for itself; there is nothing of that sort in it.

Mr. Marshall. Oh! we understand it thoroughly. At all events, it is a very important bill, and if the honorable members of Government knew nothing of it before it came here, on its entrance into the House they should have watched the proceedings with sufficient attention to have taken up the bill, and either approved of or condemned it. Now, I will answer the honorable member on another point. He asks for the measures of the Opposition. I ask what is the use of introducing any, if we cannot get any passed. For three or four sessions, I endeavored to get some measure passed for the preservation of our lands, obtained a committee and brought in a report. There it lays on your Journals a dead letter, while your lands are passing into the hands of squatters, and will in a short time be valueless to the country.

Mr. McDonald, of Pictou, Mr. Speaker, since this debate has commenced, I have

listened with a great deal of attention, and, in view of my position as a new member and inexperienced man, with all proper respect to opinions advanced by gentlemen on both sides of the House, in the hope that, impartially scanning their opinions, I might form a right conclusion as to the course I ought to pursue. For I may say frankly, that I came not here to follow blindly any party, but to think and act for myself. During the debate, there have been a series of attacks upon the Government, and these have been continued so unceasingly that I can form no other conclusion than that both the motions before the House are intended as a vote of want of confidence. In view of all the circumstances, I have risen to propose an amendment, which I give notice of moving, in case that of the honorable member for Yarmouth should be lost, as I hope it will be. The resolution I would move is as follows:

"Whereas, the Debate on the resolution moved on the 29th of February last, has extended into a general enquiry into the principles and policy of the present Administration; and the question of an elective Council, though apparently raised, has not in fact come into discussion.

"And whereas, the question mainly raised by the discussion before the House, touches the policy of removing from office persons who have given political opposition to the Government, and whereas, the propriety of any such removal must depend chiefly upon the circumstances of each individual case, and this House has confidence that the present Government will exercise the power in accordance with the best interests of the country.

"Resolved, therefore, that this House do resolve itself into a Committee of Supply."

I shall not now, sir, address the House at length, as I may have an opportunity hereafter of doing so more fully. This resolution sets out by asserting that the Government have been assailed for displacing officers; but the principal excuse for opposition is, that the Government has been doing nothing. This the honorable Solicitor General has shown from the Journals to be an unfounded accusation, and I may say I have examined them for myself and find him to be correct. That complaint, therefore, and it is the main one, falls to the ground. But, sir, I do not look upon the Government as omniscient. I believe it ought to be an exponent of the feelings of the people, as expressed here through a majority of their representatives, rather than to go round the country hunting up information which can be better obtained from those whom the people send here; and I hold that where a Government fails in introducing and carrying out any new measure for which a clear necessity exists, the proper course for the Opposition

is to bring it in, and if carried contrary to the Government, they should at once abandon their places and their power. But the great bone of contention here is the question of patronage; and the charges have been rung on an expression of the honorable member for Halifax, "To the victors belong the spoils." I thought that was used rather figuratively than otherwise; for I never imagined that gentleman to mean that every officer was to be turned out who differed with the Government in opinion. I would not support that doctrine a single instant. I would not go so far as to say that a man's free judgment should be coerced, or that he should even be prevented from giving his own vote. But the moment he goes beyond that, and uses influence beyond his own person, or openly canvasses against the Government that gives him bread, that moment he should be removed. A Government would be committing suicide not to act on that principle. Now, what has been the conduct of the Government? In my own county, at least, they have not acted on the principle of which they are accused. The Registrar of Deeds, who, next to the Collector of Excise, is the most lucrative officer in the county, and the Prothonotary, are both Conservatives; the former a personal friend of my own, and an old and highly respectable man, and if the Government were to ask me if I wished him removed, I would say, no! he is as much entitled to his political opinions as I am. (Hear, hear.) I was a good deal surprised at the course of argument of the honorable member for Sydney, (Mr. McKeagney), who by his own words, stands himself a living contradiction of the aspersions cast upon the Government. He admits that he is a Judge of Probate, gaining part of his bread from the Government, yet he comes here almost courting the crown of martyrdom, openly defying the Government, and opposing them by every means in his power, still he has not been removed. I think his references very unfortunate, to say the least of them. A good deal has been said about the bills introduced by the honorable member for Halifax, (Mr. Anand), and I think the honorable member for Annapolis told us that he did not complain of the bills, but that the Government did not support or oppose them. This argument would imply that the Government should exercise a surveillance over members here who support them; that any such, desiring to introduce a bill, must first go and consult them. A Government that would announce a doctrine like that, should not have my support one single hour. But then it would be dangerous to bring the Post Master General into this House, as it would give too great an ascendancy to Heads of Departments. Upon that, sir, I will not give any opinion; but I believe it would be much

more advantageous to have the Post Master General here, than some other Heads of Departments. Sir, if that had been the case before now, we should not have had a coach and four driving over the liberties of the people, and one man would not have been able to exercise more influence over committees and this House than the Post Master and the Government put together. But what are we asked to change? We find here a Government meeting all the wants and wishes of the country. We are asked to take a nameless Government instead. I understand that the honorable and learned member for Annapolis, whom we all respect for his splendid talents and estimable private character, is to be shelved; the present Attorney General is not to be thought of, and the honorable member for Guysborough—whose honorable mind and fine, debating powers, win respect from even his opponents,—he is not fit for the new Government either. Who then are we to have to take their places? I do not wish to say anything disparaging of the learned member for Cumberland, who has taken the lead in this debate with some credit to himself; but I do not think that he or any men he can rally round him are fit to form a government for this country. He has referred to beds of down and hen feathers; but if he will take a hint from a man somewhat similar to himself as regards age and experience in this House, though certainly not so able as himself, I would advise him to wait till he is "full fledged;" or, if that does not suit him, let him

"Tarry at Jericho

Until his beard do grow!"

(Roars of laughter.)

Hon. Solicitor General. I do not rise to make a speech, sir, but one or two remarks I must answer. The honorable and learned member for Cumberland, (Mr. McFarlane), in referring to the list of bills I referred to as having passed last year, reminded me that I had omitted one. I dare say, on a strict examination, I could find two or three more omitted; for my glance at the Journals was very hasty; however, the number I mentioned cannot be disputed. But we are taunted with the passage of the bill giving a pension to Mr. Morris. Sir, that was shown, last year, to be an act of political necessity; it was passed on the eve of a general election, everything connected with it was brought out in strong relief before the people, and the people have passed upon it—the constitutional answer has been given; and let us hear no more about it. But we have heard a great deal about Responsible Government; and we have heard the most extraordinary doctrine that we are to establish a different Responsible Government in every County—one sort in one county, and another sort in the next—

eighteen different systems in Nova Scotia! Sir, we are advancing in political reforms with a vengeance! But what is the complaint? That subordinate officers shall be superseded for political offences. One member says that their emoluments come from the people, not from the Government. That is very true, sir, and they are deprived of those emoluments, great or small, if they conduct themselves in warm and energetic opposition to the majority of the people of the whole country; and this policy is pursued, not to gratify any unworthy feelings on the part of eight or nine gentlemen in the Government, or to please any of their adherents, but simply in obedience to the duty resting on them as the Government of the country, bound to rule according to the well understood wishes of the people, as expressed by their Representatives here; and, sir, the time has come when the Government ought to know who are its supporters, and who are not. With reference to the contrast between the business of last year and this, gentlemen will see by reference to the Journals, that most of the bills of last year were introduced four or five weeks after the session had commenced. Now, the first fourteen days of this session, as gentlemen well know, were occupied in receiving petitions, of which an unusually large number have been presented; the illness of the Speaker occurred immediately after; then the adjournment for three or four days, during which members became scattered, and immediately, on re-assembling, a cry of want of business was got up;—with how much reason, I leave the bills on the table, and the other business before the House, to prove. There was no ground of complaint when the charge was first made; and everything that could be alleged against the Government has been amply and fully met. If the time of the House has been wasted, it is solely the fault of those who have raised these questions, and cannot, in any way, be attributed to the Government.

After a few words from Mr. Moses, who delivered his sentiments at large on the following morning, the House adjourned till 3 o'clock to-morrow.

TUESDAY, March 4th.

Mr. Tobin, from the committee on the petition of Richard Logue, Nicholas Martin and Richard Gibbon, of Cape Breton, reported, recommending that £41 10s. be paid to Richard Logue, £32 10s. to N. H. Martin, and £6 to Mr. Gibbon. The report was received, adopted, and referred to the Committee of Supply.

Mr. Tobin presented two petitions, signed by a great number of persons, in favor of a prohibitory liquor law. Received, and laid on the table.

Mr. Tobin reported from the committee on the petition of Jno. MacQuire and others

recommending the payment of £200 to the petitioner, in partial payment of his heavy losses. The report, at the same time, repudiated the general principle that parties who lost upon contracts for the performance of public works should be reimbursed; but recommended the payment in this instance, because the contractor was an aged and infirm man, who had been reduced from comparative independence to absolute penury.

Mr. Esson approved the action of the committee. He thought the circumstances of the case were such as fully justified the committee in sanctioning his repayment.

Mr. M. I. Wilkins was averse to the general principle contained in the report—but the peculiar hardships in this case had induced him to support it.

Mr. Morrison did not object to the payment of the money, but was at a loss to know from what source it was to be derived. He thought the report should have gone further, and recommended that it be paid out of the road appropriation for the county of Halifax.

Mr. Tobin explained. The petitioner was an ignorant man, who had been deceived in the information upon which his tender was made, and the subject had no reference to the general road appropriation for the county.

The report was received, adopted, and referred to the Committee of Supply.

Mr. M. I. Wilkins asked special leave to present the petition of Mary Woods, of Grandique, Richmond County, a poor woman who kept a ferry at Grandique. In his opinion, the gallantry of the House would prevent honorable gentlemen from opposing its presentation.

Mr. Thorne would be happy if it were received, as he had a number of similar petitions to present.

Mr. Dimock moved that the honorable member have leave to withdraw the petition.

Hon. Sol. General. Leave to introduce must first be granted, before leave to withdraw can be given.

The motion was then put, and the numbers stood—17 to 17. The honorable the Speaker gave his casting vote against the petition.

Hon. Pro. Secretary, by command, laid on the table an account of J. H. Crosskill, for printing services. Also a report from C. E. Leonard, respecting the revenue boat at Sydney.

Mr. Esson, from the committee to whom were referred the petition of C. B. Bowman, respecting the fire engine at Pictou, reported the bill, with amendments. The report was received, and the bill, as amended, read a first time.

REPORTS TO GOVERNMENT HOUSE.

Hon. Sol. General said it would be in the recollection of honorable gentlemen, that

repairs to Government House became necessary, in consequence of the fire which took place. Repairs had been made; and it now became his duty to move for the appointment of a committee to take the subject into consideration, and report thereon. The motion was put and carried—whereupon Messrs. Archibald, Bailey, Marshall, M. J. Wilkins, Brown, Eason and McLellan, were appointed a committee for that purpose.

NEW ROAD.

Mr. Archibald asked leave to present the petition of John Munro, of New Annand, asking reimbursement for services performed in making a new road. After explanations made by the honorable introducer, special leave was granted. The honorable gentleman then explained that it would be fair that the petitioner should be reimbursed out of the road monies for the county.

The petition was referred to a select committee, composed of Messrs. Robertson, Chambers and Dincock.

Mr. Marshall reported, from the committee to whom were referred the petition of Donald Urquhart, asking remuneration for services performed in looking out a line of railway. The report recommended that the petitioner be paid a sum of money. The report was received, adopted, and referred to the Committee of Supply.

Mr. Archibald asked leave to present a petition from a number of the inhabitants of Onslow, complaining of the mode in which county rates were assessed. Leave was granted.

INLAND NAVIGATION COMPANY.

Mr. Wier, by command, laid on the table of the House a letter from the Inland Navigation Company. Also a memorial from the President and Directors of that Company. The memorial set forth that two-thirds of the work was completed, and, after enumerating the course adopted by them, asked the removal of a clause from the deed, prohibiting the Company from borrowing on the credit of the work. The papers were referred to a Select Committee, composed of Messrs. McDonald, Marshall, Locke, McLellan and Eason.

Mr. Marshall presented a petition from the inhabitants of Guysborough—numerously signed—in favor of the Maine Liquor Law. Leave was granted.

RULES—CLERKS.

Hon. Attorney General said a committee had been appointed, some time since, to examine, revise, and report upon the rules of the House. He now begged leave to report from that committee. The report recommended certain changes in the rules of the House. The committee, further, had under their consideration the expediency—looking to the increased business of the

House—of, appointing a third clerk; and, after due consideration, had agreed to report the following resolution:

“Resolved, That, in consequence of the increased business of the House, and for the purpose of expediting the business thereof, it is expedient that an additional clerk be appointed, whose duty it shall be to attend to the drafting of the bills, and assist in performing the general business of the House.”

The resolution was then put, and passed unanimously.

Hon. Attorney General. The resolution having passed unanimously, I now beg leave to move that Henry C. D. Twining, Esq., be Clerk of the Bills to this House.

Hon. J. W. Johnston. I have much pleasure in seconding the motion, which, I believe, will be gratifying to the feelings of honorable members on both sides of the House.

The resolution passed unanimously.

RAILWAY ACCIDENT.

Hon. Solicitor General said a letter had been laid on the table yesterday from the Hon. Commissioner of the Railway Board, conveying the melancholy intelligence that the Chief Engineer had come to his death. Since that time an inquest had been held, and some other facts came to light which, he thought, should be communicated to the House. It was the invariable practice of the Engineer, whenever snow or ice was apprehended on the line, that a diligent and perfect trial was made, to ascertain whether any danger might be anticipated; and it was in performing his duties in this respect, that the accident referred to had occurred. He might also state that the train was never permitted to leave the depot without a thorough examination of it being first had. This had been done on the occasion of the melancholy accident referred to; and, while he sympathized with the family of the unfortunate deceased, he could not forbear stating, in order that the public might thoroughly understand the causes of the occurrence, that the deceased came to his death because of an error of judgment. With these remarks he would lay on the table the following communication from the Chief of the Commissioners of Railways:

NOVA SCOTIA RAILWAY OFFICE,
Halifax, March 4, 1856.

SIR—

Having attended the Coroner's Inquest, and taken all the necessary pains to investigate the causes of the disaster reported in my letter of yesterday, I am instructed by the Board to acquaint you, for the information of the Lieutenant Governor, that the accident and loss of life are to be attributed to an error in judgment on the part of the Engineer, who, in the zealous discharge of his duty, did not sufficiently estimate the effects of the very severe frost

which succeeded the snow storm on Sunday.

The engine will be removed to the Station House as speedily as the tides and season will permit.

I have the honor to be, sir,

Your obedient servant,
JOSEPH HOWE,
 Chairman.

Hon. L. M. WILKINS, Provincial Secretary.

PRIVATE BILLS.

Mr. McDonald, from the Committee on Private Bills, reported that they had considered the bill to legalize the Grand and Petit Juries for the counties of Cape Breton and Richmond; the bill to enable the inhabitants of Windsor to procure a Fire Engine, with the amendments proposed by the select committee on the petition of C. B. Bowman; the bill to provide for a Town Hall at Onslow; the bill to incorporate New Caledonia Lodge, Pictou; the bill to enable the Corporation of Halifax to procure a general survey of the city; the bill to enable the Corporation of Halifax to make improved sidewalks in the city; the bill to provide for the repair and maintenance of streets in the city of Halifax; and the bill to enable the inhabitants of the towns of Pictou and New Glasgow to assess themselves for the making and repairing streets and sewers, without any amendment. He also reported the bill authorizing the drainage of the peat bog near Liverpool, with an amendment.

These several bills were read a second time, and committed.

Hon. Attorney General objected to the consideration of measures relating to the city of Halifax, unless they had been previously published for the information of the citizens.

Mr. Esson could not understand why the honorable Attorney General should always offer opposition to measures relating to the city of Halifax.

Hon. Attorney General. One of these bills permits two-thirds of any one block in the city to assess the whole for improvements in the streets. A measure of that kind should be made public before its passage.

Mr. Tobin had explained the matter on a previous day; he thought that if two-thirds of a block concurred in requiring new and improved side walks, the other third should acquiesce.

EXECUTIVE EXPLANATION.

Mr. McKeagney said: I rise, Mr. Speaker, at the request of my honorable friend, Mr. McLeod, who, on the 20th of the past month, put in his resignation, which he has this day been informed, has been accepted by the Lieutenant Governor. I hold in my hand a paper containing the reasons given by my honorable friend for the course he has thought proper to pursue,

which, with the permission of this House, I will read

Hon. Attorney General. I presume that, under the circumstances, no member of this House would object to the reading of such a document.

Mr. McKeagney then proceeded to read the communication, as follows:

MR. SPEAKER. Having this day received His Excellency's acceptance of my resignation, which I handed in on the 20th ult., of the seat which I had the honor to hold at his Council Board, I feel myself called upon to state the reasons which induced me to tender such resignation. In the month of June last, after the elections were over, and the Financial Secretary had lost his seat, I wrote to one of my colleagues in the Government, expressing my regret at his defeat, and stating that I thought I had claims upon the party which entitled me to the office. The reply to this communication was favorable. Shortly afterwards I had occasion to leave the Province for a brief period, and on my return was called upon by several of my constituents in the town of Sydney, who wished to know if I were a party to the removal of the offices of Controller of Customs and Registry of Shipping from Sydney to the North Bar, which had taken place in my absence. I felt astonished at the information I had received, and scarcely knew what answer to make, as I had received no information whatever from my colleagues, that such a change was in contemplation, or likely to be made. Indignation meetings against the Government were freely talked of by the inhabitants, for having been deprived of privileges which they had enjoyed almost from the first settlement of the town, and for denuding them of which there appeared to be no necessity, at least for the removal of the office of Registry of Shipping. Finding a strong sensation on this subject, I met the difficulty as I best could, and recommended the more pacific mode of obtaining redress, by way of petition, which being adopted and numerously signed, was forwarded to the Government, accompanied with a recommendation from my colleague and myself, that the prayer of the petition should be granted.

Some time elapsed, and no reply having been received, I wrote to the Attorney General, bringing the matter to his particular notice, and urged upon him the necessity of redressing the grievances complained of. I received his reply, stating that two gentlemen, members of the Government, and who had these matters more particularly in charge, had stated that the change complained of was right; and from this I was led to infer that the object of the petitioners could not be obtained, and the matter yet stands without redress.

The situation of the Controller of Customs at Lingao, having become vacant in

the course of last autumn, my colleague and myself recommended the appointment of a person to fill that office, but, up to this hour, he has not been officially named.

Some time last fall, I again wrote to the Attorney General explaining my views with reference to the office of Financial Secretary, to which I never received a reply. Shortly after my arrival here this winter, I was invited to meet my colleagues, and did so; at the meeting, the Attorney General hinted that he had been in communication with Mr. Chipman, who had not then arrived in town, and it was then agreed that the filling up of the two seats in the Council should be left to the party to decide upon, and that nothing would be done with reference to the Financial Secretaryship, until after the arrival of the Solicitor General. The House met at the appointed time, and I was in daily communication with my colleagues, who never mentioned the circumstance to me, although it was widely noised about that Mr. Chipman was to be Financial Secretary. This report I of course discredited, as I implicitly relied upon the arrangement at the first meeting with my colleagues.

The rumor, however, soon gained consistency, as I found that leave of absence had been obtained for Mr. Chipman to return to his constituency, and that before leaving the city he had freely stated in the House, that he had had the promise of the appointment.

A day or two after his departure, I was again invited to meet my colleagues, and did so. The Attorney General at the meeting, asked my opinion relative to filling up the office of Financial Secretary. I replied, if he wanted my opinion, it must be upon some open question, as I had understood that that matter had already been disposed of. He said that Mr. Chipman had no actual promise of the appointment; upon hearing which, I expressed my surprise at the position in which Mr. Chipman had been placed, still I was told that no actual promise had been made to him, and that his claims would be left with the party.

Subsequently the party were called together, but this matter was never submitted for their consideration, and shortly afterwards, and without my knowledge or assent, Mr. Chipman's appointment was officially announced. Another Provincial appointment, of greater importance, was in the course of last summer also made without my knowledge or assent.

These, Mr. Speaker, are the leading facts of which I complain, and upon which I may offer the following brief observations:

In the first place, in reference to the removal of the Controller of Customs and Registry of Shipping, already mentioned,

I complain, for not having been consulted in the matter, although I was a member of the Executive Government and a representative of the county in which the change was made. I complain, secondly, that my colleague and myself had not sufficient power to obtain the local appointment we had recommended at Langan, as before stated. I complain again, of the disingenuous conduct, and want of candor, in my colleagues, towards me, respecting the appointment of Mr. Chipman, more particularly that part of it which has reference to his claims not being left to the party, as I was thereby deprived of the opportunity of submitting to their consideration the claims of two other gentlemen, (not lawyers,) as I had been given to understand that one of that profession should not hold the office.

From these circumstances it will be perceived, sir, that it was impossible for me any longer to retain a position which was of no advantage to the public, or honor to myself.

JAMES MCLEOD.

Hon. Attorney General hoped honorable gentlemen, in justice to all parties concerned, would refrain from offering any opinion on the matters referred to in the letter which had just been read, until the Government should have time to consider it, and determine on the mode of action they intended to adopt respecting it.

Mr. McKeagney had read the communication as a part of the speech of his honorable and learned friend, just as though it was read by the clerk.

Dr. Tupper. This is not a matter of opinion; the question is now thoroughly before the country, and honorable gentlemen are in as good a position to form a judgment on the merits of the case as though the honorable gentleman had delivered his views extempore on the floors of this House. It is one of those matters peculiarly pertinent the present moment, and the Government should be prepared to meet the charges it contains here, and during the present discussion.

Hon. Attorney General. Who doubts that the Government are bound to meet those charges? But, does not delicacy, and a sense of propriety require that the reply should not be hastily or ill-advisedly given?

Dr. Tupper. I do not wish to urge an immediate reply, but I do oppose an indefinite postponement.

The discussion here dropped.

Mr. Bill presented two petitions from the males and females asking the passage of the prohibitory liquor law.

Mr. Archibald presented two petitions on the same subject from Colchester.

These four petitions were received and laid on the table.

Mr. Archibald also asked leave to introduce a bill entitled, an act further to amend

the law of evidence. Leave was granted, and the bill read a first time.

Mr. Wier presented a petition from the inhabitants of Truro, praying the passage of a law to prevent the traffic in intoxicating drinks. Received, and laid on the table.

After some further routine business, the House adjourned. W.

WEDNESDAY, March 5th.

CONSTITUTIONAL DEBATE.

The House met at 12 o'clock to-day, with the understanding that the debate was to close before adjournment this evening.

Mr. M. I. Wilkins. It appears to me, Mr. Speaker, that if a stranger had dropped into this House, knowing nothing of Responsible Government, and merely were to draw his knowledge of that great principle from what has passed during this debate, he would be sadly at a loss to understand what the term "Responsible Government" actually means. If he took the graphic and imaginative description of it so eloquently addressed to us by the honorable Attorney General, he would find it a tree covered with luxuriant foliage, and bending under a load of most delicious fruit—beautifying and overshadowing the land. If, on the other hand, he took the description of the honorable and learned member for Annapolis, he would find it to be one of those old hemlock trees which we call *rampikes*—shattered and withered in its limbs, bereft of its bark, and constituting a blemish on the otherwise agreeable landscape. I, sir, shall adopt neither of these descriptions, but express my own views as to the true nature of Responsible Government. We were told by the honorable member for Hants that he was astonished that any man should be ignorant of the principle of Responsible Government, when he had found it years ago discussed in his hayloft and barnyard. I have no doubt, sir, that many of the asses and other cattle in the honorable member's county know quite as much about Responsible Government as the bipeds who own them. (Laughter.) But, seriously speaking, sir, there is, in my opinion, no subject so much misunderstood as this same principle. In order to comprehend it, let us take the example of those great countries in which free governments have prevailed, and we can go to no better sources than two countries whose people speak our own language—England and the United States of America—we have wisely endeavored to imitate the institutions of the mother country; but there is a striking difference between our condition and theirs. Look at the House of Commons! There you will find about one Cabinet Minister to one hundred members—in this little House of ours there is one Executive Councillor to ten members! This, sir, is indeed a material difference between the Responsible

Government of England and that of Nova Scotia. There is also a still greater difference in the Constitution of the Upper Branch of the Legislature of the two countries. In England the House of Lords is an absolutely independent body, at all times able to curb and control the Executive Government; and, therefore, it will be easy to perceive that it would be much more difficult for Ministers to gain too much power there than in this Province, where the members of the Upper Branch hold their places at the will, and may be swept away by the breath of the Government themselves. Far be it from me, sir, to decry the form of Government introduced in Nova Scotia. I am in no manner hostile to it, and, if I do not approve of some of its features, I shall say nothing in its disparagement. Sir, it cannot be said that in the House of Commons, the members of the Cabinet ever vote on a question of want of confidence. There is a marked distinction, therefore, between England and Nova Scotia. When I say that Ministers in England do not vote for themselves, let me not be misunderstood; I mean that they are so small in number, comparatively, that their own votes are utterly insignificant, and if the majority were only obtained by the votes of Ministers, they would immediately resign. It is very different in this Province. Here, very often, the Government is sustained in power by a very unequal majority, made up by members of the Council, without whose votes they would have to resign, and could not hold place a single moment. I maintain that no Government has a right to hold office unless sustained by a majority above and beyond the votes of their own members. If they do not get that, they have not obtained the sanction of the people; voting for themselves cannot be considered a vote of confidence. Now, sir, the Constitution of the United States was fabricated by some of the wisest men that ever trod the soil of America. It is in one sense a much more Responsible Government than that of Great Britain. Such was the penetration of the Hamiltons, the Franklins, the Jeffersons, the Monroes, and other statesmen who framed the American Constitution, and such their abhorrence of the oligarchical tendencies of the English departmental system, in allowing Cabinet Ministers to sit in Parliament and strengthen their influence by means of the rotten boroughs now swept away—that they took care entirely to exclude Government officers from both branches of their Legislature. They concluded that it would most conduce to the freedom and security of the people of America that the members of both branches of Congress should represent the people, and the people only;—they therefore excluded from their Legislature all Executive Officers, all Government Contractors,

and all persons receiving emolument under the Administration—in order that the Legislature should at all times represent the people, and that the Government should be responsible to the Legislature. They were determined that the Government should be under the complete and absolute control of the Legislature; so that, in no contingency—under no circumstances whatever—should it possibly happen that the Government and its officers could become too strong for the people. That, sir, is an extreme Responsible Government, and not such as we should wish to introduce into this country, because it is a purely democratic and party tyranny of a factious majority over a helpless minority, and not a beneficial government of a constitutional majority for the benefit of the whole people. In manufacturing the Government we have here, it was intended that we should have one not like that of the United States, but like that of our mother country, and therefore it was that we introduced the departmental system. Here, sir, a brief sketch of our political history will do us no harm. Sir James Kempt, who governed this country with great ability, was examined a short time after he went to England by a committee of the House of Commons, as to the best manner of governing the Colonies. He there expressed his opinion that the Governors of Colonies should have no partizans in, nor exercise any influence over, either branch of the Legislature, and should not interfere with their functions in any way. The Editor of the *Novascotian* of that day quoted this opinion with great approbation, and regretted that it had not been acted upon in Nova Scotia. Subsequently it was thought better to introduce the departmental system, and we have Responsible Government, so called, in the nature of the Constitution which now exists. At the time when these changes were progressing, I was extremely doubtful as to the successful issue of the experiment, and I well recollect having prophetically declared that by the introduction of Government officers into this Assembly, with the patronage they would exercise and the influence they would naturally obtain, we should soon have, in place of a Responsible Government, an oligarchical tyranny—that is, government in the hands of a few, possessing despotic power—the worst kind of Government with which any country can be cursed. I was not afraid of Responsible Government; but saw that in imitating England—a country so widely different in circumstances from ours, we should fall into the error of an oligarchical despotism; and sir, I must declare my prophecy to be in no trifling degree fulfilled. I am afraid we have attained the undeniable position of having a set of men in power who are governing more for

themselves than the people; and when it is known how closely I am allied to one of the members of that Government as well by consanguinity, as the most devoted personal attachment, it cannot be suspected that I am factiously or unnecessarily assailing the body to which he belongs. But as a public man I am bound to say here what I believe; and if I cannot prove what I state by arguments that cannot be resisted or refuted, I shall be content to withdraw my charges, and would even go over and join the other side instead of sitting where I am. Now, sir, to prove that this Government have more power than they ought to possess, and that they are daily adding to that power, I ask them to show me one single act of legislation they have produced whose object was to enlarge and increase the freedom of the people. Let them show one solitary effort to augment the powers of the people. Sir, whenever a man obtains power he immediately conceives an affection for it, and seeks by every possible means to increase and perpetuate it. Hence arise the stately passions of avarice and ambition, which often become insatiable and insatiable. What is the history of England from the conquest up to 1688? Is it not one continued contest between the Government for power and the people for freedom? Yes, sir, one long conflict between the governors and the governed; and in consequence of a variety of accidents, and through much blood, many trials, and sore tribulation, England has at last arrived at, and has in reality obtained a Responsible Government, which is bound to wield the power of the state for the benefit of the people; and thus these unseemly contests are at an end. Now, sir, I charge it upon the Government of this country, that ever since the assumption of the leadership by the present honorable and learned Attorney General, at all events, there has been evinced a systematic design and deliberate determination to strengthen the hands of the Administration at the expense of the people. To make themselves strong and the people weak is the evident tendency of every measure they have introduced into the Legislature. This, sir, is a serious charge, but one which I make confidently, and one which I shall endeavor to prove. Is it not true that they have reached such a pitch of self-confidence—so free have they become of popular influence and control, that the Hon. Provincial Secretary comes here boldly and tells us that the Government are not bound to introduce measures for the benefit of the people; and, sir, if we look at the measures they did introduce last session, perhaps it were far better if the Provincial Secretary's doctrine had been acted on, for I believe that the fewer we have of such measures, the more it would redound to the advantage

and happiness of the country. Look at them! A list of fourteen or fifteen has been recited by the honorable and learned Solicitor General. Let him show me that any one of these measures is calculated to enlarge the powers of the people. It is true there are some amendments of practice in courts, founded on improvements in English jurisprudence, but these were as much and more for the benefit of the Hon. Attorney General and his friends in the Government than they were for the people. But their other measures were of a very different character,—not simply useless, but positively vicious and profligate. For instance they abolished one of the principal courts of justice in the country, and in consequence of that court being swept away, and its functions transferred to another—the labors of the remaining court have so vastly accumulated that the judges are overworked, and declare themselves unable to get through with the business heaped upon them, and both courts have been well nigh destroyed. The judges have declared themselves unequal to the duties required of them; and thus this celebrated Chancery Bill, instead of being a benefit to the people, has been the reverse. And let me ask how is it that Mr. Stewart, a man in the prime of life, and of great judicial abilities—how is it that he has received a pension of £400 a-year from the pockets of the people, for life, to do nothing, while his duties are transferred to other judges, some of whom have neither inclination nor ability to discharge them? Sir, it is quite possible that the Hon. Attorney General, naturally ambitious of advancement, should aspire to be at the head of his profession; Mr. Stewart might have stood in his way; I do not assert this to be the fact; it may nevertheless have been a reason for this most extraordinary innovation. But I have something more to say. The Hon. Mr. Uniacke did stand in his way, and the obstruction must be removed. He was taken from the office of Attorney General, for which he was fitted by education and talents, and placed in the office of Surveyor General for which he was not fitted; a pension was given to Mr. Morris to make room for him,—Mr. Morris being a competent officer, while Mr. Uniacke was incompetent. Will any man here look me in the face and say that if the people of Nova Scotia had been consulted, they would have preferred giving £900 a-year to have the duties of an office performed badly, when they were having those duties well discharged for £500? That is the case before the House, and what is the inference? That in order to gratify the ambition of one of the members of the Executive Council, they had power and strength enough to carry a measure diametrically opposed to the interests of the people of

Nova Scotia. Let them tell me after this that they are governing the country according to the well understood wishes of the people! Sir, the Government may have a majority, but in such acts as these I deny that they are sustained by the people. Take the five Councillors out of this House, and do you suppose such a measure could have been carried? No; and if not, then Responsible Government has been set at naught, and the people have been subdued by the oligarchy. Instead of the Government being responsible to the people, the people have been made subservient to the Government; and I should like to know how these men can dare to face a people into whose pockets they have dipped their hands unlawfully. They could not have done this if they had not possessed power enough to defy the people—they have conquered—they have become the masters—and Responsible Government is a mere dream. Now, sir, true to the policy which has always been pursued by the Attorney General, what next does he do? The moment the session is over, he enters upon his career of persecution and self-aggrandisement—he invades the counties, with which he should have nothing to do, and takes the road commissions out of the hands of those to whom they were entrusted by the people, and gives these commissions into the hands of parties whose only recommendation is that they belong to the Government party. This is done not only to annoy the Representatives of the people whose votes do not please them, but to make a trade of patronage, in the hope that its exercise in this way may tend to bring in to the House some pliant tool or favorite to join on to the tail of the Administration. (Laughter.) This is the object, and the Government, by acting in this manner, have shown their determination to hedge themselves in and increase their power at the expense of the people, as clearly and plainly as if the fact were published on the housetop. They have gone further, and where they have found an officer discharging his duty honestly and inflexibly, they have dismissed him,—witness the Sheriff of Cumberland? Sir, a dishonest and corrupt Sheriff is about as great a curse as could be inflicted on a people; his power is enormous, and subservient to the Government, eighteen Sheriffs can effectually destroy the liberties of the people. At an election, the power of a Sheriff is supreme—it is equal to one-third of the votes in a county; he can alter votes; he can collude with either one party or the other; he can break up the poll when he likes, and return whatever candidate he pleases. If there be an offender on whom the penalty of capital punishment ought to fall most ignominiously, it is a corrupt sheriff. Well, the Government have laid their hand upon the sh...

riffs,—with what intention I leave you to imagine. The judges of the Supreme Court are the men who ought to have the nomination of sheriffs, as heretofore. "No," say the Government, "that won't suit us; we want sheriffs that will do as we bid them, who will fortify us in our places, who will take care to fill these benches with our creatures, to perpetuate our power." This is the way in which this Government has conducted itself during the recess—how has this session opened? The speech of his Excellency promised us a measure affecting the people in a very vital point. Have not this Administration ability enough to prepare some general scheme for the education of the people? Or are the people to be left without education because the Government will not take the time or have not the ability to prepare a bill? But we are told we have one at last after a month of gestation, and after the poor thing has had scarcely vitality enough to struggle into existence, we are told by its parents that we can take it or not as we please—they abandon it to our nursing, and tell us we may kill it or bring it up just as we please! This is certainly quite natural in a Government who tell us they have no right to prepare measures. But let us see what caper they play next. The honorable member for Halifax comes out and tells us that he has prepared measures which the Government had not the ability to frame or introduce. He is the servant of the Administration, and any man would be blind not to see that these measures come direct from the Council Board. If the Attorney General was on trial for his life on that question as a capital offence, (and the bills are capital enough in one sense,) there is quite sufficient evidence to have brought him to the guillotine. (Laughter.) And what is that evidence? It is that every one of these three bills is intended to increase the power of the Government and weaken the control of the people. The first of them (and here we have very strong circumstantial evidence), alters the appointment of sheriffs. What were the Government about during the recess? Manufacturing sheriffs; but inasmuch as the process is rather too tedious with two judges being required to agree to the nominations, they must have more power. Are not the acts of last year strong presumptive evidence that the Administration are the authors of this bill? Pray, how does it tend to enlarge the liberties of the people of Nova Scotia to place the appointment of all the sheriffs in the hands of the Hon. Attorney General? But we are not quite strong enough yet. It is true we are pretty strong and pretty dashing; we have five Executive Councillors in the House, and we have a pretty long list with a good many jobs to do; but

we want to make this tail a little longer. Therefore we have cast a longing eye on the office of Mr. Woodgate, now faithfully and ably discharging his duties to the satisfaction of the country. If the Council had the slightest regard for the interests of our people or the public service; they would not contemplate disturbing that public officer. But then, the majority is larger this year than it was last; and there is a greater number of mouths to feed with loaves and fishes, and there is no miraculous power to increase them; and therefore we want to put a man in the office of Postmaster General, who will be as fit to discharge its duties as Mr. Uniacke is to perform those of Mr. Morris; and this is to be done for the purpose of strengthening the oligarchy, and enabling them more easily and effectually to trample on the rights of the people. And then, still further to screen themselves from the stern countenances of those whom they have deceived and insulted, they bring in a bill to prevent the necessity for members returning to their constituents after they have taken office among the enemies of the people in the Executive Council. They publicly declare that they will not allow anything to be done that will have a chance of ousting them of power, no matter how beneficial it might be to the people. They have done their best to corrupt this House; and not satisfied with what they have done, they are endeavoring to appoint party sheriffs who will become corrupt sheriffs, for the purpose of filling this House with their own creatures. They will confer office on members here, to buy them over from their constituents. They boldly avow the iniquity of dismissing magistrates. So strong and independent is this Executive Council that they won't condescend to excuse themselves for the commission of mere peccadilloes—they pride themselves on the right to perpetrate great atrocities. Now, who are magistrates? Men who are chosen by the Queen gratuitously, to perform certain public duties. They are placed in respectable positions for preserving the peace, and adjusting civil disputes between the people; and is it right that, after having been so chosen, and having accepted such trust—after having been a little elevated above their neighbors, they are to be pulled down without any cause assigned, and trampled—morally speaking—under the feet of the multitude? What man of spirit would accept of office, to be so treated? I know of no greater crime in a Government than to dismiss the Queen's magistrates without complaint; this same charge formed one of the articles of impeachment against Lord Somers. To dismiss these officers is a very high offence—and next to it is the crime of manufacturing magistrates for political purposes. If they have not also committed this latter of

ference, let some Executive Councillor step out here and deny it; and tell us how it happens that where, in some counties, the majority of the people are of one side of politics, the majority of magistrates is on the other. Magistrates, sir, are more than mere conservators of the peace. They have to sit as judges in small cases of debt between man and man—and is it right that two-thirds of a Bench of Justices should be persons politically opposed to the majority of the population? While the Government have introduced no measure to enlarge the liberties of the people, they have obstructed many good measures that have been brought in. Such was their conduct with reference to the Municipal Incorporation Bill, which was to take from the Government a certain portion of patronage, and to give to the people the power of self government and of self-taxation. At the present moment the people are taxed by a Grand Jury and Sessions, in whose appointment they have no choice, and over whom they have no control. By municipal incorporations the people would elect Councillors instead of these Grand Jurymen, and thus have a voice in their own Government and taxation. How did the Government treat that bill? If they did not destroy it here, they had so distorted it and mangled in the other end of the building, that it has not found its way to the people yet, and why so? Simply because it would take power from the Government, and give it to the people. The next measure is the Elective Council bill. Will any man tell me that the people, if they have to pay the Legislative Council, should be debarred the privilege of electing them? No man would say so, except the members of this Executive Council. The Legislative Council, aided by the people, but not elected by them, claims to exercise a voice in making the laws—and the Government, by its influence over them, prevents the passage of wholesome laws—and condemns changes for the benefit of the people. Thus with a majority in this House and a pliant majority in the other, we find the Government forcing upon us all the evils of a party tyranny; the Government are now too strong for the people, and the illusion of Responsible Government has vanished from this Province. If any other proof of this were necessary, I would instance the railroad. Do not let it be supposed that I am going to oppose that work. Ever since its construction was decided upon here, and its progress became a fixed fact, I resolved to obey the law, and endeavor to make it successful. But, ever since its inception, it was obvious that the Government were endeavoring to get the management of it, in order to augment their power and extend their influence; and it is well known that the "RAILROAD" is always the cry used now to stave off an adverse vote. But

it is only an experiment; its success lies in the womb of futurity—it may turn out a very disastrous speculation to the people of Nova Scotia. It will certainly entail upon them a very heavy public debt, equal—according to our circumstances—to the national debt of England. I sincerely hope the work may prove a blessing to the Province; but I want to show what strength the Executive Government derive from the Railway. It gives them increased patronage and power—it has given them the distribution of vast sums of money—so that the Government had a very decided, immediate, and direct interest in passing the measure. Now, it might have happened that the people of the Province were against that measure; indeed, when we come to look at the division on the passage of the Railway bills, we see that if the Executive Council had not voted on that great measure, the bills would not have passed; and, therefore, it is evident that the presence of those Councillors here gives the Government an improper and overweening influence over the people—much more power than they ought to have. It will not be forgotten that a most flagrant violation of Responsible Government was committed by this Executive Council, in elevating to the second branch a gentleman from Windsor, because he had been defeated in running an election. That I could not get the confidence of the people, straightway entitles him to the confidence of the Executive; that is, the Government rule the people—not the people the Government. The honorable and learned the Attorney General has given himself great credit for the treaty which has been entered into between Great Britain and the United States. I should like to know how much credit is due to him? I view that measure as more hostile to the people of this country than any measure ever passed here before, or that can be suggested hereafter. By that treaty and the act of this House, urged by the Government, we gave away our most valuable possession—our fisheries—which were of more intrinsic worth than anything the United States had to give us. I am told that I am an enemy of reciprocity. I deny the imputation—it is not true. I have always told the United States that we were ready to admit them into our markets on the same terms that they admitted us into theirs; but I was always opposed to giving them the most valuable possession we had, without any equivalent whatever; and the event shows that I was right. For, while we have sacrificed our fisheries, we have incurred a loss of revenue. They have taken off the duties from raw material which we have and they require, and which they will take up and manufacture into trash, to send back again, and to pick our pockets with! We have seen one Executive Councillor elevated to a Colonial

Government, as a reward for his industrious efforts to rob this country of its dearest possession. Now, sir, look at this amendment. (Mr. W. read it.) I ask members of this House whether this is not strictly true? And is it right that the Government, descending from its high estate, should attempt to strengthen its hands by going through the country and driving every man from petty office who does not conscientiously agree with them, or in their policy? It is for the good of the people that Government should have plenty of opposition throughout the country. Frequent changes operate on the body politic like the winds and tides on the ocean—they keep it from stagnation. Suppose, sir, I had received an office in the country, and was paid for my work by the people, not by the Executive Council. Suppose that I had even received my appointment from the honorable Attorney General, and was faithfully performing my duties; and suppose he chooses to put his hand in the public chest, and give £300 a year to a strong, healthy, hearty man, to the end of his life, for doing nothing! Am I to be gagged, and not allowed to express my opinion on such a case as that? The resolution does not countenance such an officer in mounting his horse and actually canvassing the county against such a corrupt Administration. But I would go further, and give him the liberty to do so. He receives his office from the Government, but his wages from the people, and when he sees the people robbed, he should be at full liberty to hunt down the robbers.

In answer to Mr. McLellan—

Mr. M. I. Wilkins. After an election is over, any officer acting improperly can be impeached before the Senate—here this cannot be done, because there is no competent court to try an Executive Councillor. In the United States they have the reality of a Responsible Government—here we have a shadow and a mockery of it.

AFTERNOON.

The Honorable Provincial Secretary said: There is no form of ambition more commendable, or more useful to the state, than that, which in the language of the poet, aspires

“The applause of listening senates to command.”

But to the accomplishment of this, even in our own limited sphere, talents diversified, and of high order, are indispensable. It has often occurred to me, however, that, advertising to the various duties of a senator, none is more within the compass of moderate abilities than the denunciation of an administration by a member of opposition. A front of brass—an oily tongue—a thick skinned hide—a conscience whose delicate sensibilities have been blunted by the experience of a few years in such an assembly as this—are all that is required to do this to perfection. The

impugning orator has only to assume that he and his friends are the most pure and incorruptible, and his opponents the most corrupt and profligate, of public men, and he has laid the sole required foundation whereon to plant the batteries of his eloquent and indignant vituperation. This was never more strikingly illustrated to my mind than by the speech recently delivered by the honorable and learned member for Picton, bound to me by the nearest and most interesting ties, though separated from me in respect of political opinions. His wit and abilities all acknowledge, but his speech, from the necessities of his position, was made up of assumptions, distortions of facts, and clever, but unimportant theories. He spoke of the recent abolition of one of the courts of law, and of the pensioning of a certain public officer as corrupt acts of a corrupt administration. The learned member anticipating, however, the obvious answers that those were not the acts of the Government, but of the whole legislature, proceeded, without hesitation, and with a bound, to assume also that the whole legislature was corrupt, and that the men who supported the Government of that time, as well as of this, were the corrupted creatures of a corrupt administration.

Now, I will not stop to answer anything so visionary and preposterous as this, although brought forward as a serious charge. But this I will take the liberty of saying, that the learned gentleman's assumption that the honorable gentlemen who sit around me, and with whom I have the honor to be associated, are the creatures of the Government, meaning, I presume, their implicit and obsequious followers, is refuted by the characters and positions of those honorable gentlemen, who, in any light, or, under any circumstances, or, in any relations, will bear a contrast with their political opponents. The learned gentleman's remedy for the evils which he has thus denounced, though he has not indicated it in terms, is the removal of the present ministry from their places, and the assumption of the latter by the Opposition. In the realization of the possible contingency of their advent to power, doubtless, would be seen the most pure, virtuous and efficient conduct of public affairs that could be imagined, or even desired. Now, sir, let me turn to the closing speech of the honorable member for Cumberland, the leader of Opposition. He spoke of the necessity felt, as he intimated, by the Government to *define their own position*. We were not aware of that necessity, but the result of this prolonged, and seemingly interminable debate, will show how far we may be indebted to the honorable gentleman and his supporters for a benevolent endeavor to effect that object for us. The honorable gentleman has eloquently discoursed upon the weakness of the Administration, as evinced by the discordant sentiments of the party; but I venture to predict that these will not be found of so serious a

character as to present very suspicious prospects to the fond aspirations of the *third party of moderate and constitutional gentlemen* indicated, the other evening, by the honorable and learned member for the county of Cumberland—the learned gentleman's somewhat visionary substitute for the extreme "follow my leader" men, so eloquently denounced by his honorable colleague. The learned member for Cumberland is a promising young member and statesman, but I advise him not rashly and unnecessarily to place in jeopardy his reputation as a prophet, which he did lately, when he somewhat confidently predicted the disastrous effect upon the Government of the coming division. A great modern statesman, upon an eventful occasion, used the memorable expression—"after me the deluge." And certainly when I survey the benches upon the extreme right of the chair, I perceive 'the fountains of the great deep broken up,' and manifest symptoms of dislocation and disorganization in the old political world. I find the veteran chief, not deposed indeed, for I cannot imagine an act of his party so suicidal as his deposition, but I see him dethroned, possibly by his voluntary abdication. Henceforth he will probably enact the part of the black knight in Sir Walter Scott's novel of *Ivanhoe*. When the *laissez aller* is about to be proclaimed by the heralds, and the terrible shock of the combatants is about to ensue, mounted upon his charger in seeming listlessness, he will be seen pacing without the lists, but, should the honorable member for Cumberland unhappily be unhorsed, or lose a stirrup in the encounter, the black knight will cross the barriers, with the speed of lightning, and, brandishing his ponderous battle-axe, afford timely and effective rescue. In sober earnestness, sir, I venture to predict that the *third party of moderate and constitutional gentlemen* will rapidly assume all the well known characteristics of the good old opposition of the last Parliament. But, to return to the subject of the charges against the Government, let me enquire if the same diversities of opinion as to modes of administration really are an evil to be deprecated. Some may think, and not unreasonably, that a free interchange of diverse opinions on theoretical principles, and practical operations of Government, amongst the members of an executive body, is not unlikely to result in harmonious, just and salutary acts of administration, the extreme sentiments of one member being modified by the extreme but conflicting opinions of another. Be this as it may, I would ask if the Opposition—the *third party of moderate and constitutional gentlemen*—are in union on these same questions of administration? Contrast the views of the learned member for Annapolis with those expressed by his ally, the learned member for Sydney. The first admires the graceful luxuriance, the symmetrical proportions, the rich foliage, of the tree of Responsible Government, but scorns its

inviting but unwholesome fruits; whilst his supporter all but denounces the very germinating principle to which it owes its vitality, because his just share of the fruits has been withheld from him! The one would fain put forth his hand, and pluck and eat, though death were in the taste; the other, enamored of the mere political, picturesque beauty of the goodly plant, religiously abstains from its mature productions, regarding them as

'Dead Sea fruits that tempt the eye,
But turn to ashes on the lips.'

Observe, too, that the learned members for Annapolis and Picton combine in well-sustained and vigorous attacks upon the Government—but neither of them has said, or will say, that, on these motions and in this debate, he did not design to assail it. But what says the honorable leader of the *third party of moderate and constitutional gentlemen*? He has not scrupled to say that, in this debate, he did not contemplate a vote of want of confidence in the Government. His reiterated, eloquent and indignant onslaughts have been merely rhetorical flourishes, carte and tierce with bated weapons—bloodless practice for sanguinary encounters to come. He merely meant to convey a charge against the Government of *bringing down no measures, and of doing nothing*. Is there any discrepancy here? Truly, our accusers are the most unreasonable of men! Whilst they have been engaged in their political laboratory, seeking after the grand arcana of the *third party of moderate and constitutional gentlemen*, they should have gracefully accorded to us a moderate period to concoct, in this first session of a new Parliament, a *Ministerial party*. Even if measures so imperiously demanded had been postponed to the accomplishment of this preliminary arrangement, it would not have been very censurable. How could we, many of us sensitive men, command composure and nerve enough to prepare measures, whilst we were conscious that they were devising a *third party of moderate and constitutional gentlemen* to supplant us, and drive us from our seats? What could we, aware of these hostile machinations, do, the while, but guard the fortress, store the arsenal, provide munitions of war, organize the garrison, and throw up redoubts, while the *third party of moderate and constitutional gentlemen* were, in the darkness of night, tracing parallels, delving, like old and young moles, at the sap, charging the secret mine, and preparing for the future assault, in the "imminent, deadly breach." Calmly and steadily the beleaguered forces, within the walls, await this!—

"Firm paced, and slow, a horrid front they form—
Still as the breeze, but deadly as the storm."

Let, then, the *third party of moderate and constitutional gentlemen* come forth from the trenches, meet us in fair and open field, evincing

"The stern joy which warriors feel
In foemen worthy of their steel."

Let their honorable and gallant young leader

"Commanding, aiding, animating, all"

"Here, too, appears to press, certain to fall."

cheer on his followers to the assault, exclaiming.

"There the breach lies for passage—the ladder to scale—

Your hands on your sabres, and how should ye fail."

But I must descend from my war-horse, and say one word as to the assumed identity between the Government and the honorable member for Halifax, in relation to the three bills brought in by the latter. That word shall be a simple but sincere disclaimer of any connexion or understanding between the honorable gentleman and the Government in this relation. As far as my knowledge and belief extend, one and all of these measures were introduced by the honorable gentleman, without the consent or connivance of the Administration, and without any member of it having seen any of them, before it was submitted to this Assembly. Not one word will I utter on the subject of these bills, as this is not the time for doing so. And here I may observe that it will be time enough to rake up Lord Grey's despatch, already alluded to, and threatened to be inflicted on us, as supposed to be applicable to the bill referring to the Postmaster General, when that bill shall come under discussion. Now, sir, referring to the assumed heterodox principle of administration, enounced by me in the early part of this debate, and, disclaiming all aid of interpretation from the Government expounder and all other expounders, I ask to be permitted to expound myself. There is an acknowledged privilege incident to every member of this Assembly to arise, at any stage of debate, and explain any opinion previously expressed by him which he conceives to have been misapprehended; but I need scarcely avail myself of this, for, although I stated the position so much remarked upon in general, and unequalled terms, yet I feel that, if it be regarded in the connexion in which I used it, it could scarcely be misunderstood by any honest and ingenious mind not desiring to pervert it. It is quite true that friends, as well as foes, have all conceived my meaning, but the former never would have thought of disapproval if their minds had been applied to my language before it was presented to them with the coloring imparted to it by honorable gentlemen on the opposite side of the House, and before I had had an opportunity of explanation. The honorable member for Cumberland had complained of the paucity of measures submitted by the Government, and, adverting to that particular charge, I remarked that the duties of the Government were executive, and not legislative, and, in support of the position, I referred to a speech of Lord John Russell. I never did intend, and I could not be supposed to intend to convey the idea repugnant to our known principles as well as to our practice, that it was not a necessary function of the Government to take a comprehensive survey of the condition of the whole people, and, if they perceived that they could improve that condition, morally, socially, or

politically, to adopt, to mature, and to introduce into the halls of legislation, measures adapted to that end. I meant to intimate, and I now intend to intimate, a most decided opinion that by far the most important of the duties that attach to a Government, in this country, are those which the members of that Government, being Heads of Departments, are called upon daily to perform, by their own personal instrumentality, in their respective offices, and that the faithful and diligent performance of these far more deeply concerns the welfare of the people, than the inception of legislative measures. Far better for a Government to confine itself to purely Administrative operations, than to introduce measures crude and immature, either in relation to their subject matter, or the state of public opinion. I can conceive a Government vigorously and efficiently performing its duties without presenting in a session one single bill for legislation. Some honorable member in the course of this debate assumed that the voluminous body of imperial statutes had been, in the main, originated by the Governments of the day in which they were enacted; but he must permit me to inform him that if he will refer to the page of history from the commencement of Walpole's Administration down to the close of that of Mr. Pitt, he will find an extremely small number of statutes to have had their origin in measures introduced by the Ministry. If any gentleman doubt this, I will convince him of the correctness of my statement by referring him to an unquestionable authority on constitutional history. I allude to a speech made in 1848, by Lord J. Russell, when in power, in answer to an attack made upon him by Mr. D'Israeli, of a nature similar to that from which we are, at this moment, endeavoring to vindicate ourselves. To that speech, to which I referred from memory in my first address, I will now call the attention of the House, and it will be found to sustain the humble member who now addresses you, in the principle of Government laid down by him, with the necessary and obvious, though unexpressed qualification attached to it. (Here the honorable Provincial Secretary read a passage from the speech.) It must certainly have been very trying to the equanimity of the learned member for Annapolis that he could not prevail upon some of the old political flies of the Government to make sad and explicit confession of all the articles of their political faith. Having already discussed, at some length, Lord Grey's despatch relating to obligations of neutrality at elections, on the part of Government officers holding political opinions adverse to the ministry of the day, I shall content myself with a few further remarks on the subject. The terms of that despatch apply to officers non-political, as well as to those whose tenure is of a political character. The rule laid down by his Lordship is certainly in terms limited to precluding subordinate non-political officers from voting against a member of administration, but

the reason on which it is founded applies, in principle though not in degree, to the case of such officers voting against a candidate who on the hustings avows himself a supporter of that administration. The ground on which Lord Grey says they should be required to abstain from the exercise of their right of voting against a member of Government is, that they could not give such vote without forfeiting that neutral position in politics which is the condition of their permanent nature of their respective offices. Now that neutral position is, in my opinion, as completely forfeited by the exhibition of partizanship against an existing ministry, by voting against a candidate, who stands upon the support of it, as the ground of his appeal to the constituency, as by a vote recorded against an actual member of that Government. The present Executive Council have never practically expounded this despatch to a greater extent than that involved in the case of the Postmaster at Windsor, who voted against a member of the Government. The assumed tyranny and oppression that would result from carrying out Lord Grey's doctrine, have been, in my opinion, enormously exaggerated. Assume distinct notice given prospectively to the holders of minor offices not political, as for instance Postmasters and Registrars of Deeds, that they will be required to abstain from voting against the Government in power at the time of an election, will there be any monstrous violation of political or natural right involved in this coerced neutrality, as respects a Government at whose pleasure these men hold their offices? They are not required to do violence to their consciences by voting for the Government. If a constraining sense of public duty impel them thus to vote, let them first resign their offices. It appears to me the other part of the alternatives, viz.: withholding the suffrage, is not, after all, a very terrible invasion of liberty! It has been indignantly denounced as such, but it would be very hard to prove it to be so. Let it be understood that I am not now announcing an administrative principle recognized by the Government, but merely showing that our opponents have drawn a very highly colored picture of the oppression that would result from it, if it were adopted. With regard to the dispensation of patronage, in relation to offices vacant, but not vacated by acts of the Government, I may say that intense party feeling, confessedly existing in this Province, has induced a necessity for the Government of the day to regard preferentially the claims of political supporters. And what prejudice to the interests or rights of the community can possibly result from this, if the vacant office be filled by an incumbent thoroughly qualified for the discharge of its duties? That condition is, of course, indispensable, and admits of no compromise. It is absurd to contend that any right is trampled upon where an opponent of the Government is postponed, in his competition for a vacant

office, to a Government supporter, whose qualifications for the situation are even equal to his. Of what importance can it be to the public from what political party the office holder is selected?—If a member of Opposition mount the hustings, fiercely denounce, as some learned members lately have done, the members of the existing Administration, as morally and politically corrupt, declare that an outraged people await only the decision of the particular constituency, to hurl them from their seats, and thus excite a violent struggle, stimulating the acrimony of party spirit in the breasts of the friends of that Government—and these last, in spite of these denunciations and predictions obtain a triumph in the electoral contest—it is in accordance with human instincts that, in future competition for office in the gift of that Government, the qualifications of the candidate—a supporter of Government—being equal to those of a competitor of the opposite political party, the former should conceive himself entitled to a preference. Who will gainsay the reasonableness of this? Before I sit down, sir, permit me to present my humble offering at the shrine of that adored but inveterious goddess—Responsible Government—on the subject of whose charms and attributes such varied and conflicting sentiments have been expressed during this debate. It must be confessed that among her votaries are some who loved her not very fervently, calida juvena—in their warm youth!—but all—all—profess to be her devoted admirers and faithful worshippers now! It is quite certain, however, that while her avowed loyalty to this principle of Government be real or pretended, the roots of the tree, spoken of figuratively in this debate as representing it, have taken firm possession of our soil, and the bright foliage of its branches waves luxuriantly in our air. This tree will flourish like willows by the watercourses. Hitherto its fruits have been manifested in the growing prosperity and happiness of the people, whilst they have demonstrably proved that their minds appreciate, whilst their intelligences illustrate in practice the principle of self-government. Eschine and Curran—the respective impersonations of English and Irish, forensic eloquence—were once invited to the royal table of the Prince Regent, who, with the tact and delicacy for which he was celebrated, drew the conversation to the subject of the profession to which these distinguished guests belonged. Eschine remarked that, although he had started upon his professional career with many extrinsic advantages, it had added to his wealth and his fame. Curran observed that the adventitious circumstances of an aristocratic line, wealth and patronage, had presented to his learned friend advantages which he had not possessed, and that, as regarded himself, he thought he could not better illustrate the dignity of the profession of the law, than by saying that, in his person, it had raised the son of a peasant to the table of his prince. May I not, sir, apply

the anecdote, and say, in commendation of the British principle of Parliamentary or Representative Government which we now enjoy, that in this our country, the virtuous and intelligent son of a peasant, sustained and fostered by its fresh and invigorating influence, may aspire to and attain the very highest honors of his native land?

Mr. McKeagney said. Mr. Speaker,—Before I enter upon the main subject in debate, I must make a few observations in answer to references made to myself by honorable members who have preceded me in this discussion. The honorable member for Newport said that although I had assisted in planting the tree of Responsible Government, I was now ready to lay the axe at its root, because I could not obtain some of the fruit. I answer that he is under a gross misapprehension. I complained of no personal wrong to myself, however well founded such an accusation might have been; I took my stand upon higher ground, and arraigned the Government and the Liberal party of which it is the exponent, for having violated principles and failed to carry out Responsible Government in its purity, with reference to the whole population. I will explain myself further on this point before I sit down. The honorable member for Lunenburg said he came here to support the Government, and that he was therefore prepared to do so. Does he pretend to say he will support them at all hazards—no matter what case may be made out against them—and irrespective of right or wrong? If so, I for one will not imitate his example. But let me tell him and this House that the Government of to-day is not that which existed when we ascended the hustings. My valued friend and colleague the Hon. James McLeod, is no longer a member of the Administration; he has been forced from amongst them by a course of conduct which I consider quite unjustifiable. This alters the case materially—to my mind. The honorable member for the county of Halifax, and now a member of the Cabinet—has thought fit to favor me with a passing notice. He said I left my party because I could not get office; that I aspired to be Attorney General—but that the country would not *relish it*. Indeed! I wanted to be Attorney General, did I? I believe there is a rule in moral philosophy which says that he who asserts for a fact that which he has no means of knowing, is guilty of untruth. I refrain from making a more particular application of this rule, and am content to let it go side by side with his gratuitous assertion. But, sir, I will now say what I need not have said, so that the gentleman's apprehensions may be appeased, that for my opposition to the Government I expected no office, place or reward. There are honorable gentlemen on these benches who hear me and know full well that I speak the truth. They know that I entered into this cause for the sake of principle only, that I was willing to combat in the ranks as a private soldier, and sought no other reward than to free my country from the misrule of men

who are actuated by gross injustice and foul partiality. This is the result which I claimed from my labors, and which, whatever may be the division on this debate, I do not ultimately despair of seeing accomplished. But it seems the honorable gentleman's fears lest I should get promotion prompted him to hazard a statement that cannot be sustained.—Where these fears? Are they patriotic, or political or *pious*? As he has not informed us in which category to place them, I cannot pretend to say. Now, sir, as these honorable gentlemen have thought fit to question the sincerity of my motives in opposing the Government and separating myself from the Liberal party, I will state the reasons which induced me to do so. For years have I labored in establishing the principles of Responsible Government, which I believed would have been fairly carried out, and impartially administered to all classes in the Province, irrespective of country, creed, or color, but I have found from experience that the practice has been wholly at variance with my hopes. What do we find? Why, sir, that the Roman Catholics, numbering 70,000, or nearly a third of the entire population of the Province, have been shamefully insulted and deprived of their fair share of the honorable distinctions to which they had undoubtedly claims for their political services to the Liberal party. Is this fanciful or real? Let us try it by the test of truth and fair argument. I think it was in 1850 that the late incumbent, Mr. Creelman, was appointed Financial Secretary. At that time his political services to the party were only of three years' standing, as he came into the Assembly at the general election of 1847. At the time he got his office worth £700 a year, there were of the Liberal party, Doyle who had fought their battles for upwards of twenty years, Martell who had served them faithfully for twelve years, Comeau who had been with them for ten years, Bourneuf for eight years, and McLeod and Smyth, who had claims equal to Mr. Creelman's. I will not name myself in this enumeration. These six Catholic gentlemen, nearly all of them with claims far surpassing those of the individual chosen, were quietly passed over, and a junior in political life was put over their head. This was justice to Catholics with a vengeance! The same grasping and unscrupulous spirit—the same abnegation of the rights of our co-religionists—has characterized the acts of the present Liberal party, wherever any office was to be disposed of connected with pecuniary advantage. Need I mention their late ungenerous treatment of my friend and colleague Mr. McLeod? Why sir, I want words to express my indignation at such conduct. This is the treatment that they have awarded to their faithful Roman Catholic allies—men who stood by the party in all their difficulties, and without whose assistance these plunderers of other people's rights could not have sustained themselves in power for a single day. And behold their gratitude! Behold

the return they have made to us for favors freely bestowed, and services rendered. But, sir, if anything can be an aggravation of this scandalous proscription of our people, it is to be found in this—that time and again have Catholic constituencies freely and confidently returned to this Legislature several of these so-called Liberals, and this is the return they have received for so much generosity. Is there to be no limitation to human endurance—no end to degradation and insult? Yes, sir, I feel that the time has come when any longer to remain passive would be criminal, abject, and humiliating. Where is the obligation that binds us to men who call themselves Liberals, and who proclaim by their acts that we are only to be as their beasts of burthen and their willing slaves? This is but a cursory glance at the measure of injustice that surrounds us—but why should I say more? Why seek in the past for facts or illustrations to prove the political injustice under which we suffer? Has it not been proclaimed to us, a day or two since, in open day and on the floors of this Assembly, that we are still a degraded race? Have not our ears received the appalling enunciation from the lips of the honorable member for Londonderry, that the Liberal party would never consent to place a Roman Catholic at the head of this House! Yes, sir; to that honorable gentleman's candor rather than to his good taste do we owe such a startling declaration—one of intolerance proscription and bigotry indeed, but shadowing forth the true spirit of the Liberal party. Who ever doubted that this has been the dark and exclusive policy which has dictated the acts of these Liberals for years past? But I had hardly expected that his prudence would have become so entirely mastered by prejudice as to have betrayed the member for Londonderry into such an expression of hateful intolerance. Do we not all stand equally free before the constitution? Are not the Catholics in Newfoundland and Prince Edward Island allowed to fill the highest offices in the state? And is it alone reserved for the 70,000 Catholics in Nova Scotia to be proscribed—not by our constitution, but by the bigotted feelings and unjust assumptions of this pseudo Liberal party! And must we remain with a party who would thus fasten upon us the most hateful disabilities and religious proscription! During this debate, has the curtain been lifted up, the mask removed, and in this very room have the fetters been proclaimed, described and uplifted, that are to bind us to political thralldom. Bind us, did I say? No, not us alone, but the young and the tender limbs of our innocent children, whenever they grow large enough to receive them! Listen to this, ye "hereditary bondsmen!" And shall we not be free when we have it in our power to strike off the manacles of our degradation? Now, sir, let me not be mistaken by this House of the country; all I claim is impartial justice and equal rights to all, irrespective

of creed, color or country. I ask for no state preferences—no political rewards for my Co-religionists because of their denominational opinions—but I do ask and claim it as a right that when they stand first on the list, on account of political services, they shall not be kept back from offices to which they have just claims, merely because they are Catholics. This is all we ask, and for this principle of equal justice to the whole people, I will contend to the last. What could be thought of my feelings, my spirit, or my honor as a man, if I could look calmly on and see my own people slighted, insulted, and trodden down by the foul heel of religious despotism? Why, sir, I would deserve to be scourged and hissed from public life by all honest men. Let other honorable members of our body do as they please; I, for one, will never endorse this state of things; and no matter if I should sit alone on these benches, I will cheerfully do so rather than remain with a party whose career has been marked with so much injustice to my own people. I will remove myself from so fetid an atmosphere, and stand behind the rights of the whole people. And now, sir, it may be asked to what side I am going, and whether I am about to join Mr. Johnston's party. My answer is no! I am not going to join Mr. Johnston's party as a party. But I will thankfully accept the aid of any man or set of men who may be disposed to assist me fairly and honorably in removing the obstructions complained of; even the aid of Mr. Johnston himself would not be rejected for the purpose of removing this foul intolerance. I regard it of paramount importance that the barrier which has been placed in the road of our elevation should be beaten down, and a fair political platform opened to all the religious denominations of the Province. This, in my opinion, far transcends every other consideration of mere party politics. Of what avail is Responsible Government, if its rewards and its honors are to be narrowed down into particular channels? Why, sir, it only heightens the contrast between the spoiler and the despoiled—and sinks the arrow of discontent deeper into the soul. These, sir, are amongst the reasons which I have for separating myself from the Liberal party; and, whatever others may think of them, they are at least satisfactory to my own mind, as being based upon equal rights and universal justice.

Mr. Marshall delivered a speech in favor of Mr. Wilkins' amendment. [We were furnished the notes to the honorable member; and as they have not been returned, we are unable to insert them here.]

Hon. Mr. Johnston reviewed the speeches of honorable gentlemen on the Government side *in extenso*, in a speech of two and a half hours; but as the groundwork of the address was a recapitulation of the arguments on the opposition side throughout the debate, we lay aside our notes—to be written out, however, should any member of the House require it. The honorable gentleman made

a statement at the close of his speech which was listened to with marked attention—to the effect that he considered himself to a great extent absolved from the ties and duties of party—that it was impossible not to feel the infirmities of age creeping on, and the excitement of worldly affairs passing away—that even if the Conservatives, or the party with which he had acted had been returned to power, he should not have accepted a place in the Government of the country; but would hereafter leave the trials and responsibilities of statesmanship in the hands of more youthful and vigorous men.

It was intended to divide; but the Hon. Mr. Johnston's speech having lasted till half past 7 o'clock, the House adjourned.

C.

THURSDAY, March 6.

PICTOU HARBOR.

Mr. Marshall, from the Committee on the petition of James Carmichael and others, of New Glasgow, praying for aid to deepen the harbor of Pictou, reported, recommending a grant of £1,000 for that important object.

PRAISEWORTHY CONDUCT.

Mr. McLearn, from the Committee on the petition of Desire Purrier, master, and Charles McAlpin, passenger, in the schooner *Isabella*, wrecked at St. Mary's in December last, praying some reward to Andrew and John Flakes, for rescuing the crew of said wreck, reported, recommending a grant of £10, as a mark of appreciation of their heroic services.

PROBATE LAW.

Hon. Mr. Johnston introduced a bill to amend the Probate Law. Referred to Messrs. Johnston, Archibald, Wilkins, McLearn, and Ryder.

LIQUOR LAW.

Messrs. McLellan and Dr. Brown presented petitions in favor of a Prohibitory Liquor Law.

CONSTITUTIONAL DEBATE.

Mr. McKinnon opened the seventh day's debate. He was in favor of Government by a party for the whole people—not Government by a party for a party.

Mr. McLellan. The Government have never acted as a party for the benefit of a party.

Mr. M. I. Wilkins. Mr. Killam's amendment does not say that the Government have so acted.

Mr. Tobin. The Government could not remain a single hour at the head of affairs, if they were to act in the arbitrary manner alluded to.

Hon. Mr. Johnston. Why not? Have they not remained in power after numerous arbitrary acts? If it were not for the Attorney General's remark that he would neither announce nor denounce the principle that "to the victors belong the spoils," this resolution would be unnecessary.

Mr. Marshall. If the Government intend to act on Lord Grey's despatch, let them say so at once, and have an end of quibbling.

Mr. Annand maintained that the amendment was an implied vote of want of confidence.

Honorable the Attorney General followed to the same effect.

Honorable the Solicitor General maintained that all the charges against the Government were proved to have been false.

House adjourned for an hour.

On resuming—

Honorable the Attorney General addressed the House till 6 o'clock, at which hour the House had decided the division should take place—Dr. Tupper protesting that he should have had the right of reply.

A call of the House was moved, however, and the division being taken on Mr. Killam's amendment, it was lost—28 to 21—names as follows:

For the Amendment.—Hyde, Whitman, Ryder, Wilkins, McKeagney, Tupper, Johnston, Thorne, Brown, C. J. Campbell, McFarlane, Killam, Churchill, McKinnon, McLearn, White, Bill, J. Campbell, Bent, Moses and Marshall.—21.

Against.—Bailey, Goldard, Fuller, Matell, Robinson, McLellan, Provincial Secretary, Rynard, Wier, Solicitor General, Munroe, McKenzie, Parker, McDonald, J. Tobin, Esson, Bourneuf, Chambers, Archibald, Dimmock, Annand, Attorney General, Morrison, Smith, Davidson, Robisheau, Locke, Webster.—28.

After some further discussion on Mr. McDonald's amendment in favor of the Government, the House adjourned till 8 o'clock on Friday.

FRIDAY, March 7.

SHERIFFS.

Mr. M. I. Wilkins, from Committee on Sheriffs' Fees, reported by bill to amend the Law.

REGISTRARS OF SHIPPING.

Mr. M. I. Wilkins, from the Committee on the petition of Samuel Murphy, reported that the fees remain as they are at present.

LANDS IN LUNENBURG.

Mr. M. I. Wilkins moved for the appointment of a Committee on the bill for appointing trustees of certain public lands in Lunenburg.

Mr. Geldert presumed that the plan of the Township and the Grants were all the evidence that was necessary to settle the question. He did not altogether object to a committee.

Hon. Attorney General suggested that the matter should be referred to the Committee on Private Bills.

Mr. Wilkins. I have no objection, if you will add one or two gentlemen to it. Why should not a Churchman be on that committee? The interests of the Church are concerned; if the Attorney General's church

were concerned, he would like to be represented on it. I want one or two Churchmen on it, and a good Methodist.

Mr. Geldart. There was a very strange matter connected with these lands; a late bill having passed the Assembly for appointing trustees for two lots, and leaving two others out.

The subject was referred to the above committee, with the addition of two members—the committee standing as follows:

Mr. Wade,	Mr. Churchill,
" Fuller,	" McDonald.
" Kildam,	

PRIVATE BILLS.

Mr. McDonald reported several private bills.

MR. MCLEOD'S VOTE.

Mr. McKerny here rose and asked leave of the House to move, at the request of the Hon. Mr. McLeod, that that gentleman's name be added to the affirmative on the division on the amendment which was negatived last night.

Mr. M. I. Wilkins seconded the motion.

Hon. Attorney General. It would be very indelicate to oppose this motion; but it will be contrary to all precedent, and once granted, we shall not be able to stop. Suppose the Speaker, who is ill, were to ask that his name or that of Mr. Wade, now acting Speaker, should be placed on the majority. There is a rule of the House that this privilege cannot be granted, not only at the request of another member but at the member's own request.

Hon. Mr. Johnston had seen an instance in accordance with this motion in the debates of the Assembly of New Brunswick.

Mr. M. I. Wilkins would have no objection to add Mr. Campbell's name to the majority if this motion passed.

Mr. Parker thought the passage of this motion would be very inconsistent on the part of the Government. A gentleman might as well vote by telegraph as in this manner.

Mr. Annand. I was once denied the privilege of recording my vote on a railway measure.

Mr. M. I. Wilkins. You would have been on the majority. Mr. McLeod is on the minority, and has a particular interest in having his name added.

The Speaker. It can only be done by unanimous consent.

Several members objected, and the discussion dropped.

MINES AND MINERALS.

Hon. Provincial Secretary laid on the table reports of parties who had applied to open mines for the last eighteen months.

PROHIBITORY LIQUOR LAW.

Messrs. Eason, Annand, Hill, McLellan, and Morrison, presented petitions from Muscodoboit, Halifax, King's County, Digby, and Colchester, for the passage of a Prohibitory Liquor Bill.

BILLS.

The House went into Committee and passed the following bills:

- Fire Engine, Windsor.
- Town of Morristown, Sydney.
- Caledonia Lodge, Pictou.
- Barns' Free Church, Sydney.
- Legalizing Grand and Petit Juries, of Richmond, without amendment.

The bill for authorising the draining of a peat bog, near Liverpool, with an amendment.

CONSTITUTIONAL DEBATE.

Hon. Attorney General moved the renewal of the debate, and hoped that no gentleman on the Government side would occupy time in further discussion.

Hon. Mr. Johnston. Would it not be as well to withdraw from the division as well? (Laughter.)

Hon. Attorney General would like to see a precedent for so singular a proceeding.

Hon. Mr. Johnston. O! I thought we had come to days of progress; but I see that the corruptions of the past are to be adhered to.

Mr. McFarlane then addressed the House. [We give but an outline of the rest of this debate, as it has already exceeded all reasonable limits.] He complained that while the majority of the County of Cumberland were Conservatives, and, with the exception of the short period Mr. Howe represented it, had returned men of that stamp, the Government had openly insulted such majority and made appointments to office entirely from the party in the minority. The House would scarcely believe that of three dozen magistrates appointed in Cumberland during the period the Liberals have been in power, all but two have been selected from their own party and the Bench of Trustees now numbering seventy, is composed of upwards of five Liberals to one Conservative, a majority of whom are the most heated political partizans the county contains. So outrageous had been many of these appointments, that the Court of Sessions, now more resembled a bear garden than an assemblage of men desirous to advance the interests of the county. A similar tyrannical system had been pursued in the appointment of other officers. The minority now have the Sheriff, Crown Land Surveyor, Registrar of Deeds; five out of six Excise Officers; all Surveyors of Shipping; six out of eight School Commissioners, the Fishery Warden, in fact nearly every local office in the county is held by one party; while of one hundred and seventy-two Road Commissioners appointed during the past year, one hundred and sixty were selected from the ranks of his opponents. Had the best men been selected even from their own party, the injured majority might have suffered in silence; but it was notorious that a large number of the persons named were selected solely because they were political partizans, without regard to their fitness for the office. So flagrant an attempt upon the rights of a free people the constituency of Cumberland would

never submit to, and the overwhelming majorities by which his colleague and himself were sustained at the recent election, he believed were largely increased in consequence. The Hon. Attorney General yesterday challenged him to produce an instance of political persecution. He would do so, and give him the case of Mr. McNab of Pughwash. That gentleman had upwards of twenty years discharged faithfully the duties of Collector of Excise, was a moderate man, and had ever exercised his right of voting. During the winter election of 1852 he polled his vote against Mr. Howe, but entirely abstained from any other canvass or interference in the contest. Without any complaint, he was arbitrarily dismissed from office, and it is a strange fact shown by the Journals of this House, that while Mr. McNab in 1852, the last year he was in office, collected upwards of eleven hundred pounds of duties, in the first year after the appointment of his successor only £129 were collected and the next year but £92. He did not charge the new officer with embezzlement. Some part of the deficiency might have been caused by a decrease in the trade of the port, but it was well known that many of the Pughwash merchants so much distrusted him, and so unwilling were they to subject their invoices to his inspection that they went to the inconvenience of entering their goods and paying the duties in Pictou and other ports rather than countenance the tyrannical conduct of the Government. The dismissal of Sheriff Chandler was another act of gross wrong and injustice. If ever an officer deserved to lose his office it was after the election of 1852, when it was generally believed that he was guilty of political trickery, and gave important aid in retaining Hon. Mr. Howe. Then his services were of use to the Government, and his improper interference was overlooked. But at the last election, although it was believed that he still wished Mr. Howe to be retained, in conducting the contest he acted with the strictest impartiality, and was dismissed solely because he had done his duty. He regretted the absence from the House of Mr. Howe, whose talents and ability he highly esteemed, but the conduct of that gentleman in reference to Cumberland had done him little credit. He came to the county unsolicited, banded himself with a minority, and succeeded, by political intrigue, in carrying his election, but his second attempt was a signal failure. The people rose in their strength, proclaimed to the Province that they would not have a man sent from this city, no matter how great his talents or elevated his position; but rather select representatives from among themselves, identified with their interests, although less prominent in public life, and it was going rather far for that gentleman, after being defeated, to have openly insulted the people by stating, as he did in addressing the assembled constituency at the close of the contest, that the pair of boys they

had chosen to represent the county, in his and his colleagues' stead, should not have the power of appointing even a hog reeve. This open declaration of the honorable gentlemen the Government seemed resolved to carry out, as they not only refused to assent to the only application made to them by his colleagues and himself for the appointment of two magistrates; suitable and judicious men, whose services were required by the county, but did not even condescend to acknowledge the reception of their application, and the only reply they received was the notification soon after in the Gazette of the appointment of a young man from the opposite party named Cutten, thus adding another to the already improperly swollen Liberal ranks, and whose sole gratification consisted in the rancorous zeal with which he had aided Mr. Howe and his colleagues; but whose appointment was exceedingly distasteful to a great majority of even his own party; the conduct of the Government did not therefore merit his approval, and he should record his vote against them.

— Mr. Archibald vindicated his right of free expression which he had availed himself the other evening; but expressed himself satisfied with the subsequent explanations of members of the Government. He still held the same sentiments as regards the dismissal of subordinate officers; but the one referred to by the learned gentleman who had just set down was very unfortunate; for it was well known that Mr. McNab had acted as a hot partizan, not only in his own county, but in Colchester. He opposed Mr. Creelman when not a member of the Government; he opposed him when Mr. Creelman was a member of the Government, and he opposed the Hon. Mr. Howe at his first election for Cumberland, and when he was sent back by a committee of this House, there was Mr. McNab again, with half a dozen of his adherents to vote against him. A Government would be mad, would be sowing the seeds of its own destruction, to permit partizans against it to flourish in the offices which were at the disposal of that Government. The only other cases which had been brought before the notice of the House—those of Mr. Miller and Mr. Geldert, were too well understood to require comment, and did not afford ground for honorable gentlemen who supported the Government to desert it. For this reason, he had voted against the amendment last evening, but would with great pleasure support the resolution of the member for Sydney.

Mr. Morrison proposed that the various arguments used here every day should be made up into a song, and sung here every morning before going to work. Many very harsh expressions had been used here towards Government and Government supporters—wolves, dogs, hawks, &c., but he would hark back those expressions on the Opposition; he could see through the honorable member for Annapolis as well as Paddy did once, when he bought a jug, and, happening to drop it on

a stone, and perforated a hole in it, turns it up, and says he, "thank fortune, you're no longer a blind bargain, for I can see right through you." So, sir, we can see right through the Opposition at last—they are no longer a blind bargain. (Laughter.) They have discovered that the Government has a head—but we have found out that they have no head at all, but are all tail, with the exception of one old hawk—head, tail, and wings. (Laughter.) The honorable member for Annapolis alluded to a huxom lass who proclaimed her virtue; but he forgot that he has meditated being a seducer himself—yes, sir; and I was to be the victim! (Laughter.) Yes, sir;—and what was I to have? The very best office in the Province I chose to ask for! But before I could give a vote, sir, to dismiss the present Government from power and position, I thought it was well to cast my eyes around me, to see where the material was to come from to form a new one. When I looked at the heterogeneous mass who composed the ranks of the Opposition, and who seemed anxious to have an opportunity to form a Government afforded them, I could not help thinking of, and comparing them to, an anecdote which I heard in my youth, and which took place between two old gentlemen in the vicinity of my own neighborhood, in the days of yore. The neighbors were all met together on a winter evening, to have a little jollification. One man began to tell that he had found a bees' nest in his meadowland that summer, that had a quart of honey in it. Ah! what's that? said an old son of the land of the heather, "myself did find a wasp's nest in Scotland, that it have six barrels honey, six balls bees wax, and two great big balls shoemaker's wax in her." (Upraisious laughter.) So, sir, I think it is with the Opposition—they have the wasp, and the honey, and the bee's wax—and they have too, the two balls of shoemaker's wax. (Laughter.) But how they are going to form out of this material a substance sufficiently cohesive to form and keep together a new Government, is something that I for one, cannot comprehend. But they have talked of the dismissal of Sheriff Chandler, whom the complainant himself says was a political trickster! And, after all, sir, he was NOT dismissed. He was dead—as a sheriff—at the end of the year; he was dead by law. But what have this gentleman and his friends done? Have they not dismissed two most valuable men, to endeavor to overturn Responsible Government? Yes, sir, and one of these men able to stand up and teach Colonial assemblies and even the Imperial Parliament what they ought to know; man of mere value than all the Representatives of Cumberland that you could string on a line from this to Jupiter! (Laughter.) I conclude, sir, by casting back upon the Opposition the charge that the supporters of the Government caused or prolonged this debate. If they will come out and stigmatize us as wolves, hawks and dogs, they must be content to get something back in return; and,

if we do give a wicked thrust sometimes, they must not be amazed at it. They are like a boy I once knew that never knew his lesson—we have sent some small hullets at them (not now—by and by we shall give them the pounders) (Much laughter.)

Mr. John Tobin preferred his bill of indictment against the present Government—in the appointment of Mr. Philip Dodd as superintendent of Sable Island instead of Mr. Stephens, a good Liberal; and of Mr. Wallace to the Collector's office in Halifax, instead of some good Liberal. The latter ought to make Mr. Miller's dismissal square, &c. He would only support the Government while they elevated their own supporters to office.

Mr. Hyde spoke, and between him and Mr. Wier a controversy was got up which bid fair to disturb the harmony of debate; but the danger was averted by a few words from the Attorney General.

Mr. Killam followed against the Government and Mr. Annand on the other side. Among other things, he asked, if another Government were formed and Mr. Killam in it, whether it would support the Railway?

House adjourned till 3 on Saturday. C.

SATURDAY, March 8th.

HEALTH OF HALIFAX.

Mr. Esson introduced a bill to amend the Health Laws of Halifax. Read a first time.

PROHIBITORY LAW.

Petitions were presented on this subject by—

- Mr. Archibald, from Stewiacke.
- Mr. White, from Guysborough.
- Mr. McFarlane, four from Cumberland.
- Mr. Moses, 8300 names from Yarmouth.
- Mr. McKeagney, from Cape Breton.

ROAD WORK—CAPE BRETON.

Mr. C. J. Campbell, from the committee on the petition of Edward Archibald and C. H. Harrington, for reimbursement of advances to road laborers, reported against the application. Report adopted.

MR. MCLEOD'S VOTE.

Mr. McKeagney renewed his motion to get Mr. McLeod's vote on the Journals; but the honorable the Speaker decided against the regularity of the proceeding.

CONSTITUTIONAL DEBATE.

The ninth day was led off by Mr. Chambers, in favor of the Government.

Mr. C. J. Campbell on the other side.

Mr. Annand delivered an hour's speech, in which he argued all the points on which the Government was assailed.

Hon. J. W. Johnston replied until a quarter past seven.

Mr. Smyth followed, until the adjournment of the House, at a late hour.

MONDAY, March 10th.

SPEAKER RESUMES HIS SEAT.

His honor Stewart Campbell, Speaker of the House, resumed his seat, and in

so, said he took the earliest opportunity of expressing to the House and each individual member, his sincere thanks for the consideration extended to him in their ready acquiescence in his absence from the circumstances under which he was compelled to ask it. I regret that my absence somewhat interfered with the business of the House; but having now recovered my health I shall endeavor to make up for past deficiencies and lost time, by devoting myself to the remaining business of the session; and I trust I shall have your united co-operation in pressing it to a close with vigor, efficiency and success.

MESSAGE FROM COUNCIL.

The Council sent down a bill to amend the New Practice Act.

RULES OF HOUSE.

Honorable Attorney General reported from the committee on revising the rules of the House. The report was laid on the table for members to read, as it embraced several important alterations.

ROADS—BRIER ISLAND.

Mr. Wade introduced a bill respecting the width of roads in Brier Island, county of Digby.

SCHOOLS—ANNAPOLIS.

Mr. Wade also presented two petitions, praying that an act to make two Boards of School Commissioners in Annapolis, may not pass.

BEAR RIVER BRIDGE.

Mr. Wade also presented a petition from Hillsborough praying that a bridge be not erected across Bear River, and another in favor of said bridge.

ASSESSMENT OF GRANVILLE.

Mr. Wade—Petition of parties in Granville, praying that the township be assessed for a certain purpose.

AGAINST INCORPORATIONS.

Mr. Wade—Petition from Clements—against the incorporation of the county of Annapolis.

MR. SHIPLEY'S CASE—ANNAPOLIS.

Mr. Wade—Memorial of Board of School Commissioners, Annapolis, praying that the prayer of William Shipley be not granted.

ASSESSMENTS.

Mr. A. G. Archibald rose to move for a committee to amend the Law of Assessment. Such amendments were imperatively necessary; in consequence of the unfair modes of taxation, under which one man might be taxed 10s. and his next door neighbor 2s. 6d., while, in fact, the amounts ought to be reversed.

Messieurs Archibald, Killam, Whitman, McLellan, B. H. Esson and Dr. Tupper, were appointed.

DARTMOUTH AND SACKVILLE ROAD.

Honorable the Provincial Secretary presented a memorial from persons in Dartmouth and Halifax, praying for the improvement of the road along the eastern side of Bedford Basin, from Dartmouth to Sackville,

at the junction of the Great Eastern and Western roads, and near the Nine Mile Railway Station. The length of the road was only about seven miles. Petition laid on the table.

FISHERMENS' RELIEF.

Mr. Marshall introduced a bill for the relief of persons engaged in the fisheries of some of their taxes, in consideration of having their fishing grounds invaded.

CALL OF THE HOUSE.

Division on the Constitutional Debate.

A call of the House having been moved, with a view to a division on the debate of the last nine days.

The original resolution to go into committee on the Legislative Council bill was moved.

Mr. Killam's resolution, in amendment, was read.

Mr. McDonald's amendment was also read.

After a few words from the latter gentleman, explaining that as gentleman around seemed weary of debate, he would not take advantage of his right to address the House, the question on the amendment was taken, and decided in the affirmative as follows:

For the motion—Robisheau, McLellan, Robinson, Bourne, Davison, Attorney General, Martell, Chambers, Parker, Morrison, Fuller, Dimock, Bailey, Esson, Munro, Provincial Secretary, Wier, Wade, McKenzie, Solicitor General, Geldert, Archibald, Locke, Snyth, McDonald, Annand, Tobin.—27.

Against.—J. Campbell, McLearn, McKinnon, Wilkins, Hyde, McFarlane, Marshall, Brown, White, McKeagney, C. J. Campbell, Whitman, Bent, Thorne, Tupper, Moses, Churchill, Ryder, Bill, Killam, Johnston.—21.

The House being, therefore, in committee of supply, in point of form, merely adjourned without doing any business.

The House then resumed.

UNION BANK.

Honorable Mr. Wier introduced a bill for the incorporation of the Union Bank of Halifax.

BANKRUPTCY.

Honorable Mr. Johnston introduced a bill to amend the Law of Bankruptcy.

BILLS.

The House in committee on bills, passed a number of bills of a local character.

UNION BANK.

The bill for incorporating the Union Bank under the care of Messrs. Esson, Wier and Tobin, was taken up.

Mr. Wier explained the necessity for the bill. Business had not only much increased in the country, but so had prices of all articles of consumption. For instance—for a cargo of mackerel, for which he would have had to pass his note in 1849 for £750, he would now have to give a note for £2,350—the discount on the former would be £10 10s., on the latter £28. So with a cargo of oil—a cargo that would have cost £491 in 1849,

would now cost £965; and so on with other articles—so that it was obvious an increase of Banking accommodation was required. Mr. Wier described the favorable opinion in which this enterprise was viewed throughout the country.

The bill passed, and the House adjourned.

C.

TUESDAY, March 11.

MILITIA LAW.

Mr. Marshall reported by bill, containing the present militia law, with amendments securing the usual allowance to Adjutants, and providing for the return of all fees paid for Commissions since 1853.

PATENT LAWS.

Mr. Marshall reported favorably on the Bill for extending the privileges of our patent laws to all persons, whether foreigners or not. The Bill provided that the widows of Patentees should also inherit their rights for a certain period.

COLCHESTER ACADEMY.

Hon. Provincial Secretary, by command, laid on the table of the House, the returns of the Colchester Academy.

PROHIBITORY LAW PETITIONS.

- Mr. McLellan—From Canso.
- Mr. Bill—2 from Hants, male and female.
- Mr. Morrison—From Onslow.
- Mr. Hyde—From Turo.

ENCROACHMENTS OF FOREIGNERS.

Mr. Bill presented a Petition from Cornelius Randall, complaining of the encroachments of Foreigners, in obtaining unfair grants of Crown Lands.

MR DELAP'S CASE.

Mr. Wade brought up a bill, in accordance with a petition from Annapolis, in favor of the reimbursement of Mr. James Delap, for the maintenance of some paupers.

Hon. J. W. Johnston and Mr. Thorne opposed the Bill.

Mr. Wade energetically supported the claim in favor of Mr. Delap.

Hon. Mr. Johnston moved that counsel be heard at the bar of the House on the subject.

After a long discussion, this motion was negatived, 14 to 31.

Mr. Thorne then moved that the Bill be deferred for three months. Negatived, 17 to 27.

WESTERN RAILROAD.

Hon. J. W. Johnston gave notice that he should to-morrow move a resolution that the House would afford encouragement to Company to lay a Railway from Windsor to Digny, to the extent of guaranteeing per cent. on the expenditure of £10,000—the guarantee to commence when £20,000 had been expended, and the work to be under the inspection of the Government.

The resolution was ordered to be printed.

Hon. Mr. Johnston also introduced a bill

to incorporate the Western Railroad Company.

House adjourned till 3 o'clock on Wednesday.

C.

WEDNESDAY, March 12.

RICHARD JAMES.

Mr. M. I. Wilkins, from the Committee on the petition of Richard James, reported by Bill in favor thereof.

PROHIBITORY LIQUOR LAW PETITIONS.

- Dr. Webster, from Kings County.
- Mr. Esson, from Dartmouth.
- Mr. Parker, from Hants and Chester.

COMMITTEE ON BILLS.

The House went into Committee, and passed 17 local Bills.

MONEY VOTES.

The Legislative Council informed the House that they had agreed to 64 resolutions of this House for granting sums of money.

MARINE RAILWAY.

Mr. John Campbell introduced a Bill to incorporate the Liverpool Railway Company.

ROAD ADVANCES FOR CUMBERLAND.

Hon. Pro. Secretary, by command, laid on the table of the House an account of advances made for Roads in the South of Cumberland for the year 1855, with the names of parties on whose application such advances had been made.

PUBLIC ACCOUNTS.

Mr. Esson, from the Committee of Public Accounts, brought in the Report of the joint Committee of the Legislative Council and House of Assembly on the Public Accounts of the Province, which had been found correct. The Report placed the accounts in such a position that £35,000 or £40,000 could be safely granted for Roads and Bridges—and particularly adverted to the deficiencies in the returns of the Collectors at the Gut of Canso, and in Cornwallis.

Mr. McLellan enquired whether any part of the interest on the Railway had been paid by the City of Halifax?

Hon. J. W. Johnston.—When did the honorable gentleman ever suppose that Halifax was going to pay anything?

Hon. Attorney General.—Halifax has given her pledge to pay one-tenth of the interest, whenever necessary. There has been no interest paid yet, and therefore there was no necessity to call for anything. When that proper time comes, it will be our duty to make that pledge obligatory. Great credit was due to the Committee for the manner in which they had investigated these accounts and placed them before the House. He went over the balance sheet to show the favorable state of the Provincial funds and expenditure. The deficiencies at the Gut of Canso and elsewhere had not

escaped the Government, who were now conducting a vigorous correspondence on the subject, and would take measures to have these accounts brought to a close.

Mr. Marshall was very glad to hear the last declaration. These accounts were getting in the same state of arrears they were in 1848, and the Province had to pay interest for money, which was in fact only paying interest for money kept back by collectors. Here was the middle of March, and if a Collector could not have his accounts for the last year in before this time, when would he send them in? He was very glad to see the new system of keeping accounts introduced by the present Committee; for last year when he asked whether the Provincial debt was not more than £55,000, he was answered in the negative, while he knew that the debt was a great deal more; he had been in hopes that this report would have extinguished the debt altogether, instead of placing it at the right figure, which was a great deal larger than the amount insisted on last year. He was very sorry to hear it, but still he was glad to have a correct account.

The Report was laid on the table.

SAVINGS' BANK.

Hon. Attorney General asked leave to introduce a bill to enlarge the deposits in the Savings' Bank to £125,000. Read a first time.

PROVINCE NOTES.

Hon. Attorney General introduced a bill to enlarge the issue of Province Notes. The amount issued last year was £22,500, making 105,000 out in all. The additional issue now contemplated was £50,000, making a total of £155,000.

RULES OF THE HOUSE.

Hon. Attorney General moved the taking up of the amended Rules of the House.

Hon. J. W. Johns wished that his Resolution in favor of a Western Railroad should be taken up.

Hon. Attorney General would rather not to-day.

The Rules were taken up and passed, after which the House adjourned. C.

THURSDAY, March 13.

PROHIBITORY LIQUOR LAW PETITIONS.

Mr. Thorne, from ladies and gentlemen of Bridgetown, Granville.

Mr. Bill, from ladies and gentlemen of King's County.

Mr. McKeagney, from 788 males and 464 females of Cape Breton.

LAW OF EVIDENCE.

Mr. Archibald, from the Committee on the Bill for amending the Law of Evidence, reported the Bill.

THE DELAP ASSESSMENT.

Mr. Thorne—Petitioners from Rate-payers of Granville, against the Bill for assessing the County.

RETURN OF DUTIES.

Mr. Thorne—Petition from certain parties in Granville, for return of duties, under peculiar circumstances. The time for such petitions having expired, leave was refused.

"ERASMUS HALL."

Mr. Bill asked special leave to introduce a petition from parties in King's County, for an act of incorporation for a Company to erect a Public Hall at Waterville, near Sheffield's Mills, to be called the "Erasmus Hall."

The Speaker.—The rule excludes it.

SHERIFFS' FEES.

A debate occurred on a Bill to increase the travelling fees of Sheriffs from 3d. to 6d. per mile.

Messrs M. I. Wilkins, Gelderd, Dimock, Marshall, Archibald, Chambers, Webster, Locke and McDonald, spoke on the subject. The Bill passed, 28 to 7.

STATUTE LABOR.

Mr. Chambers reported a resolution in favor of basing the road labor of the county on property assessments.

"Resolved, That in the opinion of this House, a Bill on the subject of highway labor based partly on a poll tax, partly on an assessment of property, such tax to be payable either in labor or money, will commend itself to the favorable consideration of this House;"

Which, after considerable debate, passed 33 to 8, and the House adjourned.

C.

FRIDAY, March 14, 1856.

EDUCATION.

Hon. Attorney General, by command, laid on the table of the House the report of the Superintendent of Education for 1856.

RAILWAY.

Hon. Attorney General introduced a bill to amend the act relating to the railway.

MINES AND MINERALS.

Hon. Provincial Secretary laid on the table documents relating to the Mines and Minerals including a despatch from the Colonial Secretary to the Governor, dated 22d of February last.

TRUST FUNDS.

The bill sent down from the Council to authorise executors and administrators to invest funds in railway stock, was taken up in committee, and underwent a long discussion.

On the opposition it was contended that such trustees ought not be allowed to entrust the moneys of infants where they would not invest their own, and in funds which might possibly very much depreciate in value.

On the other side it was contended that there was no reason to suppose that Trustees would invest the funds of minors in Railway Stock, when they would not invest their own—that such stock was the best security in the

Province—was now at a premium—and, if it continued so, would be advantageous to minors instead of the contrary; that even Bond and Mortgage security is liable to vicissitudes, and was no better than this, if so good. The national debt of England was of the same nature; and, although the price of Consols fluctuated, the security of the three per cents was never doubted.

The discussion continued down to seven o'clock, the bill passing 20 to 16.

The House adjourned till three o'clock on Saturday.

SATURDAY, March 15.

FISHERIES IN LIVERPOOL.

Mr. McCleary introduced a bill for regulating the setting of nets in the harbor of Liverpool.

PROHIBITORY LAW PETITIONS.

Mr. Whitman, from males and females of Clements.

Hon. J. W. Johnston—Petition from the Grand Division of Sons of Temperance of the Province of Nova Scotia, on the same subject.

Also four petitions from Wilmot and Nicotau, containing 640 names—from Mary H. Smith and Adelaide Wheelock, on the same subject.

Also, six petitions of the same sort, from Digby.

The honorable gentleman moved that a committee be appointed to classify the petitioners and ascertain the numbers, with a view to the discovery of what weight the petitions were entitled to, to influence the legislation of this House.

Mr. Robisheau—Petition from Weymouth, on the same subject.

The committee was agreed to—Messrs. Morrison, McLellan and John Campbell.

Hon. Solicitor General—If this committee is to do anything, I hope they will report how many hundreds are signed in one hand-writing, and ascertain whether the parties really signed their names.

Hon. J. W. Johnston. I approve of the suggestion, sir, and move that the honorable Solicitor General be added to the committee by way of watcher (Laughter.)

Hon. Sol. General. I am pretty sure I shall be in a minority, and will not be able to sign the report.

Hon. J. W. Johnston. As the honorable gentleman will be in very good company, I hope he will come out a thorough temperance reformer. (Laughter.)

Hon. Solicitor General and Mr. Moses were added to the committee.

ASSESSMENTS.

Mr. Archibald, from committee on Assessments, introduced a bill to carry out the resolution of the House—read a first time.

THE COURTS.

Hon. J. W. Johnston enquired whether there was any intention of postponing the sitting of the Supreme Court in Halifax; and if

so he should like to have a permanent arrangement made; as the circuits were thrown into confusion, especially in Annapolis, by the postponements of the court in Halifax.

Hon. Attorney General. The Supreme Court is to meet next Tuesday week; and if postponed for a fortnight, will undoubtedly interfere with the Shore Circuits. We should consult the members of the counties as to what time would be convenient to them.

Hon. Solicitor General suggested a committee; and Messrs. the Honorable J. W. Johnston, Attorney General, McFarlane, Solicitor General, Bailey, Robinson and Bill, were appointed.

ROAD VOTE.

Hon. Solicitor General moved the House into Committee of Supply for the consideration of the Road Vote; and then he moved £30,000 for the general road service, and £12,000 for the great roads—abandoning the £8,000 voted last year for peculiar services.

Hon. Mr. Johnston. I take it for granted that £3,000 will be given at last.

Mr. Whi man thought the division disproportionate—a larger sum ought to be on the cross roads.

Hon. Mr. Wier contended that more money ought to be laid out on the roads near Halifax, which were travelled more than any other in the Province.

Mr. Whitman, Mr. Webster, Attorney General, Mr. Killam and Mr. Morrison, joined in a conversation, after which the cross road grant was changed to £32,000, and the great road to £10,000.

MR. MARTIN'S CASE.

The report of the committee in favor of granting £32 10s to N. H. Martin, to pay the expense of his maintenance in prison in 1854, was taken up and passed.

STEALING TREES, ETC.

Mr. Archibald, from the committee on the petition of Andrew LeCain, praying that the taking of trees, &c, from landed property, be constituted larceny, reported adversely to that request.

WESTERN RAILROAD.

Hon. J. W. Johnston moved his resolutions on the Western Railroad. The object was to ascertain how far the House was disposed to assist private parties or a company in constructing a railroad from Windsor to Digby. The main question of the policy of constructing railroads by Government or Companies had gone past; and these resolutions were not intended to be hostile to the present railroad works, but to work in harmony with them; and when the Government line reached Windsor, the traffic brought by the additional line would be a great advantage. If private individuals would undertake to make this road, the Province would profit largely, but they desired the Province to divide the risk with them. The population of the western counties—their valuable productions—the level nature of the country—all conspired to render this railroad of the most

promising character. He had every reason to believe that the population of the country through which the railroad was to pass would take an active interest in it; and he had no doubt it would prove a powerful auxiliary to advance the prosperity of the country.

Mr. Morrison was not disposed to give a silent vote on this question. From the first inception of railroads he was in favor of the Government construction. The Government had commenced, and ought to go on. It was understood that as soon as they got to Windsor, they would go on further—to Digby and Pictou, or to the Borders when New Brunswick were ready to meet us. Now, what we were asked to do? Pledge £20,000 a year to a monopoly—give that sum for 20 years—in all the whole capital stock—half a million of money to one of these monopolies which were the curse of any country. The proposal was monstrous! Again, Baring & Brothers had engaged to take our debentures, and the revenues of the Province were to be pledged for their redemption. In the face of these arrangements, he could not vote for these resolutions. The Government could make railroads as fast as it was safe to do so.

Mr. M. I. Wilkins. The honorable gentleman argued against private enterprise. He had better introduce a bill to make industry high treason, so that every man that worked for a living should be beheaded. (Laughter.)

Hon. Mr. Wier considered the House would stultify itself by passing these resolutions. He would be sorry to see any such company come into this country; he had seen in the *Boston Post*, (a very ably conducted paper,) a statement that it would "puzzle the devil himself to equal railroad companies in rationality." We were going on very well with our railroads now, and ought to be satisfied with the progress we were making.

Mr. Marshall was very sorry that the honorable gentleman was against the principle of companies, because he had a small railroad bill himself—that was to tap any main line for a branch to Whitehaven. He supported the resolutions.

Mr. M. I. Wilkins would like to know which was the wisest Government—that of Great Britain, the United States, or Nova Scotia? Nova Scotia, of course, because there were no government railroads in either of the other countries.

Mr. McLellan showed that the passage of these resolutions was equivalent to giving £770,000 to a company, in addition to a railroad; for at the end of 20 years more, guarantees of five per cent. would amount to that sum with interest and compound interest. He would never consent to bring a monopoly into this country at such an enormous price as that. We were getting on very well, and ought to let well enough alone.

Mr. Charohill said that the only objection he had to passing these resolutions was that the route was one of the easiest in the world;

and he did not wish a company to have the advantage of that. There would be no benefit from railways until they reached the agricultural part of the province where timber was in abundance. He did not consider it right to go to Pictou first; but to follow the Western route until the road became remunerative.

Hon. Attorney General. There was a difficulty about this which had no doubt suggested itself to the mind of the honorable and learned member for Annapolis. When the Government sent its agent to England to raise money for the railway, he was authorized to make the amount a first charge on our revenue, if necessary; the first £150,000 was obtained without that, but Baring & Brothers were under no obligation to advance another pound. It was the intention of the Government to take the railroad to Windsor, in 1857, and then to Victoria. This would involve the expenditure of a million of money. £80,000 for interest would be a heavy liability for this Province. If our railways were to pay 8 per cent. it would be a great relief; for £30,000 we could bear easily; but if these resolutions passed—it was useless in disguising the fact—the present Government railways would have to come to a stand; for if this £20,000 annually were guaranteed, what capital in London would loan us money for the Government works now progressing? It could not be expected; and before the House rose they would have to give the Government authority, express or implied, to make the interest of the debentures a first charge on the revenues. Would it, then, be prudent to increase the liability of the Province for a distant branch, before they had finished the work in hand? Our revenue could not be increased very largely, and rash additions to our present enterprises ought not be entertained.

Hon. Mr. Johnston was very glad that honorable gentlemen on the other side were beginning to feel that prudence he had endeavored to impress upon them in past years, when they painted this railroad as a work that would pay interest and principal, and be left to the people a free road. They now began to feel the predicted burden. He did not wish to discourage the Government railroad, but asked gentlemen to give him credit for sincerity in believing that the Western Railroad would pay also—and, if it did not, the Province was only liable for a certain amount. If the road paid three per cent, the Province would only be liable for two per cent, &c.

Mr. Wade did not approve of the denunciation of companies, but thought these resolutions should lay over for a year.

Mr. Archibald was willing to guarantee two thirds; to go to the full length of these resolutions would impair our credit abroad.

Mr. Wier. Joint Stock Companies are formed without state support. The Mining Associations of this Province do not ask aid

from us, and if they did, would we give it to them?

Mr. Wade. A Mining Company or any company has not the claims of one which will open the country by a railroad. Mr. Wade warmly advocated the principle of the resolutions, and declared that, when the railroad reached Windsor, he would press for the western line.

Hon. Mr. Johnston. The moment a railway is made, every man saves time in travelling, and the aggregate saving is immense. Such work, then, has far superior claims to any other company. Then, the work is too large for ordinary companies. Delay would be illusory. "A bird in the hand," &c.

Mr. Annap. The counties ought to be incorporated—raise half the guarantee in Municipal debentures, and he would give the other half on the liability of the Province.

Mr. Tobin spoke next, and the House adjourned with the debate. C.

MONDAY, March 17.

DEEDS, ETC.

Mr. Wade introduced bills to be entitled, An act to amend chapter 118 of the Revised Statutes "of the Registry of Deeds and Incumbrances affecting Lands;" and an act to amend chapter 111 of the Revised Statutes "of deeds by married women."

SHERIFF'S EMOLUMENTS.

Dr. Webster moved a resolution to request his Excellency to order each sheriff to make a return of all emoluments of their said office, under oath, at the close of the present year.

Captain McLearn. It would not be a bad idea to include all officers, as well as sheriffs. The resolution passed.

S. CHIPMAN, ESQ.

Honorable members were required to be uncovered while Samuel Chipman, Esq., member elect for Cornwallis, and Hon. Financial Secretary, was being sworn in, which ceremony took place in presence of Hon. Hugh Bell, Mr. Chipman and the Hon. Commissioner signed the roll, and the Hon. Financial Secretary took his seat.

ASSESSMENT.

Mr. Archibald reported by bill on the subject of assessment—in favor of an equitable tax on real and personal property.

WEIGHT INSTEAD OF MEASURE.

Dr. Brown—Bill for establishing the sale by weight of vegetables, grain and coals.

PROHIBITORY LIQUOR PETITIONS.

Mr. Marshall—From St. Mary's, county of Guysborough.

Hon. Financial Secretary—From David Chipman and others, of King's county.

ASSESSMENT.

The bill reported by Mr. Archibald, from committee, was taken up; and, after considerable debate on its details, the committee rose and the House adjourned, without completing its passage.

TUESDAY, March 18th.

INCORPORATIONS—ARGYLE.

Mr. Wade presented a petition from Argyle, praying the repeal of the Municipal Incorporation act as far as regards that township.

He introduced a bill in accordance thereto.

LIQUOR LAW PETITIONS.

Mr. McLellan, from Colchester.

Dr. Tupper, from Cumberland.

Mr. Morrison, from the committee appointed to enumerate and classify the petitioners in favor of a prohibitory liquor law, reported—giving the number of males and females in each county—in the aggregate over 16,000 males and 17,000 females—making a total of 33,628, all praying for a prohibitory liquor law.

NAVIGATION SECURITIES.

Mr. Whitman reported from the committee on Navigation Securities. They set forth their opinion that no sum should hereafter be granted unless it be shown to the satisfaction of the Governor in Council that twice the amount granted by the House should have been subscribed and paid by the people interested in these works. On this principle, the following sums were recommended:

Canada Creek Pier,	£100
Hall's Harbor Pier,	100
Wharf Bellevieu Cove, Digby,	165
Cape Cove Breakwater, Digby,	100
Church Point Breakwater, Digby,	180
Gros Coque Breakwater, Digby,	150
Fort Lawrence, Cumberland,	25
Little River, Pier, Sydney,	100
Oglevie Breakwater, King's,	100
Montagon, Digby,	150
Chiverie, Hants County,	50
Margaretville Pier, Annapolis,	200
Minudie Breakwater,	200
Port Hood,	75
Bird Island, Victoria,	100
Arisaig Pier,	200
Chute's Cove,	75
Steamer to P. E. Island,	200
Tracadie Harbor,	125
Bear River and Buoy,	50
Bear River above Morgan's Mills,	10
Allan's River, Annapolis,	20
Weymouth River, Digby,	200
Roseway River, Shelburne,	17 10
do. do. upper part,	18
Jordan River to Lake John,	20
Margaree Island,	50
Gabarus Bay,	40
Slip at Digby,	25
E. Leonard, Signals, Digby,	25
Buoys, Pubnico,	10
Ferryman at St. Ann's,	2 10
Ferryman Big Bras D'Or, each,	5
Arnold's Cove to McMillin's,	4
Ferryman at LaHave, each,	2
Molasses Harbor Ferry,	5
Marine Railway, Queen's,	200
Ferry, Fisher's Grant, Pictou,	25
Woodworth's Bay, Breakwater,	100
Oak Point, King's county,	25

St. Peter's, Richmond,	£20
Givan Wharf, King's county,	200
Light Houses,	1,500
Margaretville Pier,	
Great Bras D'Or,	
Barrington Harbor,	
Coast of Cape Breton,	

The following petitions were not recommended:—

Thomas Robson,—Fog Bells.
Ferry at Hantsport.
Ferry at Low Point, Canzo.
Ferry at Ship Harbor and McNair's Cove.
Ferry at Little Bras D'Or.
Ferry at Great Bras D'Or.
Ferry at McKay's Point, Victoria.
Ferry at Cole Harbor.
Packet to Magdalen Islands.
Packet from Port Hood to Halifax.
Embankment at Cornwallis.
Bridge at Boot Island.

PROHIBITORY LIQUOR LAW.

Mr. Morrison rose to move the second reading of the bill prohibiting the use and sale of intoxicating liquors; and, in doing so, depicted the evils of intemperance in very eloquent and forcible terms.

Mr. Churchill followed on the same side.

Mr. Tobin would like to know how the bill could be carried out.

The debate seemed to take a languid appearance, and members were called in to divide, when

The honorable the Attorney General rose, and expressed his opinion on the subject. The use of wine was not prohibited by the law of God. The passage of this law would arise feelings of contempt of, and resistance to, the law, and deprive us of £20,000 a year of revenue, which no gentleman had yet shown how to replace. He merely delivered his own opinions. Government would be neutral on this subject.

Mr. Mars' all followed. He considered the Government ought to take hold of this question—yea or nay. As to revenue, if the importations on which £21,000 a year were paid, and which were useless to the country, were saved, surely the people would be better able to pay the deficiency if they saved £100,000 of expenditure for a useless article. The throwing open of our ports to the Americans, however, had rendered the passage of this bill illusory. Every creek was open to the worst of all liquors, and to legislate against its introduction would be futile; but, if the bill passed, in deference to those of his constituents who had petitioned for it, he would do his best to carry out the law.

Mr. McLellan thought it was now high time to give the bill a trial.

Hon. J. W. Johnston spoke at considerable length in favor of the bill, maintaining that, if it was practicable, it ought to be passed, no matter what might be the consequences. The loss of £20,000 a year revenue would be as nothing compared with the benefits arising from the total abolition of the use of ardent spirits.

Mr. M. I. Wilkins replied. The Scripture authorized the use of liquors; there was nothing in the Scriptures to justify this legislation. Temperance was a good thing. He would have signed the petitions before the House to do away with the evil, but was it possible? With 2,000 miles of sea coast, the thirst of our people would rather be increased. There was something in our very nature that resisted compulsion. Importation could not be stopped, and, if it could, any man with a little molasses, water and yeast, with the assistance of a tea kettle, can make enough liquor in a few hours to keep him and his family drunk for two years. (Laughter.) A clergyman the other evening said that I nearly lost my election because I did not pledge myself to support this bill. He was mistaken. There is plenty of liquor sold in Colchester, and the voters I lost were some 16 or 17, who were taken off to vote in Colchester, where they were so jovially treated that they could not get back again. (Laughter.)

After some further conversation, the House adjourned without division. C.

WEDNESDAY, March 19.

PHASANTS.

Hon. Provincial Secretary introduced a bill to prevent the destruction of Phasants.

CRIMEAN HEROES.

Hon. J. W. Johnston suggested the propriety of giving Legislative countenance to the efforts now making to erect a monument to the memory of Wallsford and Parker, who had fallen in the assault on Sebastopol. Subscriptions were being made in the city and throughout Nova Scotia; and there was no reason why the Legislature should not countenance so praiseworthy a movement.

REPORTING THE DEBATES.

A long discussion then took place on the subject of Reporting, in which it appeared that the delay in that service arose from an unlooked for want of types on the part of the publisher.

Mr. Whitman moved that the contract be at an end—negated.

The committee were then ordered to meet, 18 to 11.

House adjourned. C.

THURSDAY, March 20.

FRIDAY, March 21.

SATURDAY, March 22.

DEATH OF HON. MR. NORFOLK.

The Hon. James McLeod, having expired after a long illness, early this morning, the doors of the gallery were not opened, but the House in closed doors resolved to attend the funeral of the late hon. member in a body, on Saturday next, from St. Mary's Cathedral; and, as a mark of respect to his memory, adjourned until Monday next.

The Hon. the Legislative Council also resolved unanimously to attend the funeral, which took place on Saturday at two o'clock from St. Mary's Cathedral, after the usual

solemn services had been performed over the mortal remains of the late lamented member. They were deposited in the cemetery of the Holy Cross.

MONDAY, March 24th.

PENITENTIARY.

Mr. Robertson, from Committee on this subject, brought in his report.

TATAMAGONCHE ROAD.

Mr. Robinson also reported from the Committee on the petition of John Munro, for making a road in Tatamagonche—recommending that the same be paid from the funds of the county.

REPORTING.

On motion of Hon. J. W. Johnston, a resolution passed to the effect that each member should be supplied with a copy of the Regular Reports.

Messrs. Tupper, Munro, McDonald, Killam and Anand were appointed a Committee to arrange for reporting the debates for next session.

POOR ASYLUM.

Mr. Hugh Munro reported on the Poor Asylum; and Mr. Morrison, a member of the Committee, spoke very highly of the manner in which that institution was conducted.

TRADE.

Hon. Mr. Wier reported from Committee on Trade.

RAILWAY DAMAGES.

Hon. Provincial Secretary introduced a bill to compel the attendance of Jurors on railway damages.

BILLS AND PETITIONS.

Mr. McDonald reported a number of private bills; in favor of repaying £7, to Edward Kent, of Colchester; and to remit \$2,000 to the Inland Navigation Company.

The latter was referred to Committee of Supply—28 to 17.

INDIAN AFFAIRS.

Mr. Whitman reported from the Committee on Indian Affairs.

PILOTAGE.

Mr. Killam reported in favor of a reduction of Pilotage Fees, from one-half to a third, where the master of a vessel did not wish a Pilot.

ELECTIVE COUNCIL.

Hon. J. W. Johnston gave notice of a resolution in favor of an Elective Legislative Council.

MR. TREMAIN'S CASE.

Mr. P. Smyth denied the truth of certain imputations on his veracity, concerning the dismissal of Mr. Tremain from the office of Prothonotary, Post Hood.

MEDICAL PRACTICE.

Dr. Webster introduced a bill to confine medical practice to those who had properly studied.

ROADS.

Mr. Eason introduced a bill to make the payment of laborers on roads four and six pence a day.

EDUCATION.

Hon. Attorney General moved a resolution in favor of Assessment for Education. Passed after long discussion, 37 to 9. C.

TUESDAY, March 25.

JUDGE HALIBURTON.

Mr. Marshall asked leave to introduce a bill making provision for the retirement of Judge T. C. Haliburton. Leave given, and bill read a first time.

WAYS AND MEANS.

The House went into Committee of Ways and Means, and passed resolutions to continue the same duties as formerly, with some trifling exceptions.

WESTERN RAILROAD.

Hon. J. W. Johnston moved his resolutions in favor of a railroad from Windsor to Digby, which were negatived 34 to 10.

The discussion on these resolutions lasted until 7 o'clock, when the House adjourned.

WEDNESDAY, March 26.

FISHERIES.

Mr. Marshall reported in part from the Committee on the Fisheries—a Bill to regulate the inspection of Pickled Fish.

SUPREME COURT.

Hon. Mr. Johnston reported from the Committee on the sitting of the Courts.

Mr. Geldert opposed the Bill, as inconvenient to his constituents.

Mr. Robinson made some explanations. The Bill was read a first time.

LIQUOR LAW.

Mr. Marshall asked whether the Prohibitory Liquor Law was to be brought on again?

Some conversation occurred, throughout which it was rather impossible to tell whether the bill was to be moved in again or not.

The House went into Committee on Bills. The Bill to restrain the selling of intoxicating liquors was taken up.

On motion made by Mr. Tobin, that the Bill be postponed until next session of the Assembly, Committee divided—For, 29; against, 20.

MR. DELAP'S CASE.

The Bill for compensating Mr. Delap for support of Paupers, was taken up and passed, under protest of Hon. Mr. Johnston and others. C.

THURSDAY, March 27.

PILOTAGE.

The House went into Committee on Bills and took up that for striking off Pilotage fees from vessels going from one port to another.

After considerable discussion, joined in by Messrs. Young, Morrison, Wier, Wilkin, Martell, Churchill, Charles Campbell, McKeagney, Fuller, and others.

Mr. John Tobin moved that the Bill be deferred to this day three months.

Negatived 19 to 15.

Mr. M. I. Wilkins moved that the Pilotage Law be left as it is.

This motion was negatived and the Bill passed, reducing the fees payable to pilots, whom the master of vessels did not want, to one third instead of a half—for the Port of Pictou only—all other ports subject to the present Law.

COLP'S CLAIM.

Hon. Solicitor General reported in favor of Colp's claim, Queen's County, for £10, under proper certificates, to be paid out of the Road Money for Queen's County.

LUNENBURG LANDS.

Mr. Wade reported the Lunenburg Public Lands Bill, with amendments.

CLEMENTS LINE.

Mr. Morrison, from committee on Petitions for and against an alteration in the Clements township line, reported that as it was probable Annapolis would avail itself of the Municipal Incorporation Act, the Committee did not feel satisfied in recommending said alteration.

LAND GRANTS.

Mr. Marshall, from committee on Petitions of Campbell & Co., Young, and Conner, of Cape Breton, with reference to grants of Land, reported that Messrs. Campbell & Co., and Young, had received no injury;—that Alexander Conner had received a grant of 66 acres in mistake, and that his deposit of £7 10s 9d. be returned to him.

LOAN.

Hon. Financial Secretary introduced a Bill to authorize a Provincial Loan.

BILLS.

Mr. McDonald reported Bills to divide Annapolis into two School districts, and to increase the Stock of the Nova Scotia Horticultural Society.

FRIDAY, March 28.

EDUCATIONAL BILL.

The House spent four hours in consideration of the new Educational Bill, without concluding its details.

SUPREME COURT.

The sittings of the Supreme Court were postponed for a fortnight, by Bill.

CUMBERLAND ROADS.

Mr. McFarlane moved that various undrawn sums, voted in 1852, '53, '54 and '55, be added to this year's road money for Cumberland. Agreed to.

STATE OF PROVINCE BUILDING.

The Council, by Conference, sent down a recommendation to have the Province Building thoroughly cleaned—more water pipes introduced—effective drainage—repairs for heating and ventilating—the removal of the Court House, and formation of a Legislative Library.

SATURDAY, March 29.

ROADS.

Mr. McFarlane introduced a bill to improve the great road from River John to Amherst.

Mr. John Campbell obtained the transfer of £29, undrawn money, to the present road grant for Queen's county.

ELECTIONS.

Hon. Solicitor General reported in favor of the return of Henry Martell, Esq., as member for Arichat; and Mr. Webster in favor of the return of Thomas H. Fuller, Esq., for Richmond.

MILITIA LAW.

Among a number of bills read as engrossed, was one to continue and amend the Militia Law, which provided for the payments of Adjutants for making up returns, and the refunding of fees paid for Commissions the last two years.

MUNICIPAL CORPORATIONS.

Hon. J. W. Johnston moved to make the Municipal Incorporation bill obligatory on all the counties, which, after a variety of amendments that were lost, was also negatived—27 to 24.

VARIOUS BILLS

Hon. Mr. Locke introduced a bill to improve the road between Sable River and Ragged Islands.

Mr. Annand—a bill to prevent the destruction of useful birds and animals.

Mr. Whitman—to improve the road from Annapolis to Liverpool.

Mr. McDonald—the bill to alter the representation of Queen's county.

CHANGE OF APPROPRIATION.

Mr. Whitman obtained the transfer of £3 4s. 11d., undrawn road moneys for Annapolis, to be expended in the repair of the road at the point in Annapolis town.

The House then adjourned.

MONDAY, March 31.

VARIOUS MATTERS.

The House assembled at 3 o'clock, after several committees had met and prepared their reports.

At ten minutes past four, the Governor sent a message to the House of Assembly, commanding their attendance in the Council Chamber in order to assent to the bills of the session.

MONUMENTS TO NOVA SCOTIAN HEROES.

On the return of the House—

Hon. J. W. Johnston asked if any sum was to be granted for this purpose.

Hon. Attorney General believed that private means were sufficient.

AGRICULTURE.

Hon. Attorney General reported from the committee on Agriculture.

The usual grant to be continued. The province had lost in money on

the importation of Stallions, but had gained in the breed. More sheep to be imported. Bone manure to be encouraged.—5,000 copies of Dawson's Agriculture to be circulated.

ABSCONDING DEBTORS.

The Council sent down a bill the better regulating collecting the assets of Absconding Debtors, for the benefit of their creditors.

It was referred to Messrs. Wilkins, McFarlane, Archibald, McDonald and McLellan.

CROWN LANDS.

Mr. Archibald from the committee on Crown Lands, reported against the petition of Mr. Campbell of Annapolis. To John Murphy of Inverness £10. To Mr. Carman in the Crown Land Office £80, per annum, and Mr. Doyle £70. Against Jonathan Elliott's application. Against the application of Messrs. McHesly and Northup for 7500 acres of land, but in favor of their repayment of the moneys advanced with interest and expenses. The raising of the Salary of the Hon. Surveyor of Crown Lands from £500 to 700, its original amount, was left to the House. The committee recommend a grant of £300 this year for running Meridian Lines at the extreme east and west of the province.

Mr. Marshall and Mr. Whitman protested against the refusal of Mr. Northup's grant.

Mr. Smyth thought that county Surveyors ought to get small salaries.

SHUBENACADIE CANAL.

Mr. McLellan offered a resolution against the report of the committee on the Inland Navigation Company, for remitting £2,000 to the company and giving them the fee simple of the land.

It was negatived by an amendment of the Hon. Attorney General, 20 to 16.

PICTOU ROADS.

Mr. McDonald obtained the transfer of sums amounting to £13, undrawn moneys for Pictou, to the road service of that county for the present year, also the payment of £100, now due, for building Barney's River Bridge.

House adjourned.

TUESDAY, April 1.

CHANGES OF APPROPRIATION.

Mr. Ryder moved a change of appropriation in his county, of £41 13s. Agreed to.

Mr. Moses moved a change of appropriation of £43 11s. 6d., in favor of an Academy in the county to which he belonged.

Mr. Locke moved a change of appropriation of £24 19s. 1d., undrawn road monies in the county of Shelburne, which was agreed to.

Mr. Wade moved a resolution to the effect that £35 11s., undrawn of road and

bridge monies for the county of Digby, be applied for that service this year.

DISPENSARIES.

Dr. Brown reported in favor of the same grant to Dispensaries of Medicine and Surgical aid in Halifax. Received and laid on the table.

SHUBENACADIE CANAL.

Mr. McLellan renewed his motion against the report of the committee on the Shubenacadie Canal Company's bill, which was negatived 26 to 17. The report was affirmed—26 to 22.

The effect of which is that the Company have the £2,000 remitted, and the fee simple of the lands secured to them.

EMIGRATION.

The honorable the Provincial Secretary gave notice of moving a resolution to authorize the Government to appoint a commission to enquire as to the importation of able bodied laborers. Laid on the table.

SUPPLY.

House in Committee of Supply.

Mr. Wilkins moved a vote to a Folling Mill in Pictou, which was negatived.

Hon. Provincial Secretary moved £60 for the importation of pheasants.

Mr. Wilkins thought they ought to be acclimated by the importation of eggs, to be hatched in crow's nests. (Laughter)

£1 a day to members of the House and Council, passed by acclamation.

A sum of £500 was moved for the improvement of a road from Bridgewater to LaHave.

Government members opposed it as contrary to principle, and calculated to cause demands on the treasury which could not be met.

Other members supported it. The vote passed by a sweeping majority, with several other votes.

MICHAEL CADY.

Mr. Fuller, from the petition of Michael Cady, of Walton, Hants county, for compensation for injuries and expenses as Mail Courier, recommended a grant of £50.

Adjourned.

WEDNESDAY, April 2.

NAVIGATION COMPANY.

Hon. Attorney General moved, in reference to the resolution for remitting £2,000 to the Inland Navigation Company, and giving them a fee simple of the land, that no part of the property should be converted to private purposes until the canal was completed.

Passed—31 to 17.

MELFORD BRIDGE.

Mr. Wilkins introduced a bill to rebuild Melford Bridge, West River, Pictou.

SHERIFF'S BILL.

The Speaker said, that as some gentlemen complained that they were taken by

surprise by the passage of this Bill, they wished to divide on it.

The bill was read.

Mr. M. I. Wilkins said, that if gentlemen here had heard the same evidence as had been adduced before the committee, every one, he was sure, would vote for the bill. The increase in fees was absolutely necessary in order to get the work done.

Mr. Geldert: We never hear of a Sheriff wishing to resign office.

Mr. Dimock said that actions spoke louder than words—when we find so great complaint made here on the removal of a Sheriff, it convinces me that the office is one of emolument, and the holders are sufficiently paid.

Mr. Marshall—Your Sheriffs should be men of standing, respectability, and character. It is a very erroneous notion that any man can be a Sheriff. That may do very well in Halifax, where there are other officers to keep the peace and do legal business; but not in the country where the Sheriff ought to be a man looked up to as the Conservator of the public peace. He is very often called upon to discharge onerous duties,—is the worst paid officer in the country, and I am convinced, reluctantly indeed, that this small addition to his mileage ought to be paid.

Mr. A. G. Archibald supported the bill. The whole amount of fees taken last year by the Sheriff of Colchester was £26—not enough to pay for horse-hire. The increase did not come out of the pockets of the people, but of the litigant who did not pay his just debts. Formerly a Sheriff would retain a number of writs until enough accumulated to pay his expenses—now the law compelled the Sheriff to serve every writ immediately on receiving it, which made a vast difference; and it was in proof that a Sheriff often actually lost 10s. or 15s. in serving a writ.

Mr. Chambers, having been on the committee had received evidence there which compelled him to vote for this bill, although warmly opposed to increasing fees or salaries in any shape.

Dr. Webster was opposed to the increase because there was often much competition to get the Sheriff's office, and it was one that did not cost £500 or £600 to obtain it, as did the offices which could only be obtained by having a seat in this House.

Hon. Mr. Lockwood reasoned in favor of the increase of salary.

Mr. Geldert: A Sheriff has many other sources of emolument besides travelling fees. Very often he will take £10 for selling a house near his own. I could not face my constituent after voting for this bill.

Mr. Marshall denied the assertion as to exorbitant fees, it was all very well for the hon. member for Kings (Dr. Webster), who could afford to go off electioneering to talk of expending £500 or £600; but

that was no answer to the Sheriff who could not travel for 3d. a mile whenever called upon to do so. How much did the learned doctor charge when he travelled to visit a patient? Did he only charge 3d. a mile? Not he!

Mr. M. I. Wilkins—If you reduce the fees so low that you cannot get a respectable man to serve, you reduce the office to insignificance, and destroy its character. The hon. and learned doctor should have a little sympathy and commiseration for these public officers, recollecting that they cannot travel to bleed a man half to death first, and then bleed his pocket most bountifully afterwards—(Laughter.)

Mr. Dimock spoke against the bill.

Mr. McDonald—Some change is absolutely necessary in these fees. I hold in my hand a statement made under oath showing the average amount of salary received in the county of Picton by the Sheriff for a certain number of years; and I presume that from the population and business resources of that county, this statement may be taken as a fair average of the salaries throughout the Province. In 1851 the amount received from every source of income was

	£62	11	4
In 1852	41	2	3
1853	51	10	2
1854	56	6	6
1855	34	4	6

Making an average of £49 3s. per annum for the last few years—so that the argument of exorbitant emoluments is wholly unsound.

On the division to defer the bill for three months the motion was lost.

For the motion—Messrs. Thorne, Tupper, Dimock, Webster, Geldert, Bill, and Brown.

Against it—The rest of the House.

So the bill passed.

STATUTE LABOR.

Mr. Chambers from committee on this subject reported a resolution in amendment of the present law.

Mr. Archibald spoke of the contrariety of opinions on the subject.

Mr. Marshall considered some improvement absolutely necessary. Relief was extended in sheaves by the present system to persons well able to perform the labor. The condition that a man could not work six days "without injury to his family" would apply to every man. His wife might want a new bonnet, and would be less liable to get it if her husband worked six days on the roads, instead of six days somewhere else.

Mr. Archibald knew a respectable man in Colchester, owning a vessel worth £1,500, who had got his statute labor assessment reduced to two days. (Laughter.)

Mr. McLellan raised some objections.

Mr. Marshall: This was all very well

for the honorable member, who was reported to be a wealthy man, and had property let out, to tenants, all of whom, poor men; had to turn out and work six days each, while he had to pay only six days, when they owned no property, and were improving his property by their work. Was that fair? Opposition to this improvement, always came from the wealthy men in this House. Six dollars was a very heavy tax on a poor man whose whole income was \$1 a day for his labor—owning no property. The proper way was to tax property specifically—a property worth £10, one day's work, a property worth £1,000, twenty days.

Mr. McLelan. But how would the work be properly distributed? A great deal of money would be expended where it was not wanted, while districts where it was required, would suffer.

Mr. McDonald always considered this one of the worst managed branches of the public service, and, looking to our pledges in favor of public works, it was absolutely indispensable that a reform should take place, and the House should look at the question in earnest. From the natural accumulation of wealth, the landed property of the country was generally in the hands of those who were too aged to perform statute labor. The amount of property within the limits of the Commissioners of Streets for the town of Picton, has been roughly appraised, for the purpose of taxation, at £212,850; and the number of days work actually performed or liable to be performed under the present system, is 1,257. But it will scarcely be credited, though it is a fact, that the owners of the largest portion of this property, namely, the sum of £127,710, do not contribute one farthing to the repair of the streets and roads. The whole of the labor is performed by persons owning property to the amount of £28,140, and persons owning no property of any kind. A short analysis will show the unfairness of the present tax still more glaringly: 299 days labor, or nearly one-fourth of the whole amount, are performed by persons who own no property except their wearing apparel, and depend solely on their daily labor for subsistence. 173 days are performed by persons owning no real estate, but personal property to the value of £1,490. 306 days are performed by persons owning real and personal property to the value of £9,900; and the balance of 479 days is performed by persons possessing property to the amount of £73,750. Of the last two classes it will be seen that those in the first perform within a fraction of twenty-seven days for every thousand pounds worth of property, while those in the second perform a fraction less than six and a half, and it is a fact that many of them perform but one day's labor.

Mr. Morrison thought it would be well to affirm the principle, and leave the matter open for a year, in order that members might consult their constituents. He admitted the necessity for a change, but the subject was beset with difficulties, and should be well considered before a change were made.

Several other members spoke.
The resolution passed—33 to 8.

THE DEBATES.

Dr. Tupper called the attention of the chairman of the committee on Reporting to the backward state of the publishing of the debates, which gave rise to a conversation in which it appeared that the publisher was delayed in the first place for want of type—but had now a sufficient supply.

Members complained very bitterly that the reports were a month in arrear, and the committee on reporting received instructions to meet and make enquiries on the subject immediately.

The House adjourned.

THURSDAY, April 3.

RAILWAYS.

Hon. Attorney General introduced a Bill for the extension and regulation of Railways in Nova Scotia.

MINES.

Hon. Attorney General introduced a Bill to give effect to an arrangement between the Queen, the Representatives of the late Duke of York, and the General Mining Association, concerning the Mines in Nova Scotia. Read a first time.

INCORPORATION.

Hon. J. W. Johnston's Municipal Corporation Bill, as applied to townships, was read a second time and committed.

WEIGHT INSTEAD OF MEASURE.

Dr. Brown's Bill in favor of Weight instead of Measure for Vegetables, Potatoes and Turnips, at 60 pounds—all other Vegetables at 40 pounds—was taken up and passed.

BILLS FROM COUNCIL.

After the House resumed.

The Council sent down the Bills for regulating Harbor Dues at Sydney, amending the Militia Law; and for establishing Marriestown, in the county of Sydney.

PILOTAGE.

The new Pilotage Law (as explained a few days ago,) passed 22 to 16.

SUPPLY.

House went into Committee.

£25 passed for improving the Harbor of Port Hood.

£50 to the Commissioners on the Bankruptcy Bill.

Mr. Locke moved £1000 for the road from Shelburne to Annapolis—50 miles long—it would cost £2,000 or £3,000.

Hon. Mr. Johnston supported the motion.
Passed.

Mr. Annand moved for £1000 to open a road eastward in Halifax County. Mr. Annand made an eloquent speech in favor of the grant. Passed.

CHANCE OF APPROPRIATION.

Hon. Financial Secretary moved that £102 19s. 6d., undrawn monies for Cornwallis and Aylesford, be appropriated to the road and bridge service of King's County, this year. Agreed to.

EDUCATION.

Hon. Attorney General reported from the committee on Education. The Report was very long, and embraced Tables of the number of children educated in each county, and other particulars respecting the educational state of the Province.

[The Reporters would at all times be glad to give an abstract of these important Reports of Standing Committees, which command a wide-spread interest throughout the country, if there were facilities to enable them to do so. At present, it is impossible.]

After the reading of this Report, the House adjourned.

C.

FRIDAY, April 4.

SCHOOLS, ANNAPOLIS.

After a large number of bills were forwarded,

Mr. Thorne moved the recomittal of the bill for dividing Annapolis into two school districts, for the purpose of fixing the localities of the grammar schools, instead of leaving them at the discretion of the commissioners.

Agreed—19 to 11.

NEW GLASGOW, ST. MARY'S.

Mr. McDonald introduced a bill to improve the road from New Glasgow to St. Mary's.

CHANGE OF ROAD MONIES.

Mr. Esson moved that £72 10s. 2d., undrawn for roads in Halifax county, be applied to improve the Guysborough road from Musquodoboit to St. Mary's River.

Passed.

RICHMOND ROADS.

Mr. Fuller moved that £81 undrawn for Richmond last year be expended this season. Agreed to.

CONTINGENCIES.

Messrs. Archibald, McDonald and Marshall were appointed a committee to examine and report on the contingent expenses of this House.

Adjourned.

C.

SATURDAY, April 5.

BILLS.

The bills for enforcing the marking of logs in rivers in Queen's county; to incorporate the Liverpool Marine Railway Company; and for the regulation of railways; were read a third time.

Several bills passed a second reading.

ROADS, GUYSBOROUGH.

Mr. Marshall moved that £87 undrawn monies for Guysborough be applied to the road service for that county this year. Agreed to.

REPORTS.

Hon. Solicitor General reported on the petition of Ambrose Bourneuf and George Bingay; and Mr. Fuller on the petition of Patrick Christopher; both of which were referred to Committee of Supply.

SUPPLY.

The House went into Committee of Supply, and passed the following votes in addition to several ordinary sums:

- £67 Overseers of the Poor, Clare.
- 8 6s. 7d. do. Shelburne.
- 10 Wallace Ferry.
- 75 for Survey from Dalhousie to Port Medway.
- 75 for improving Port Hood Harbor.
- 50 Bankruptcy Commission.
- 25 each to Chancery Commissioners.
- 500 Board Landing Bridge, Truro.
- 100 Traveling Fees of Councillors.
- 200 Clerk of Bills.
- 50 School of Colonial Society.
- 100 Barnaby's Cove Pier.
- 50 Temporary Speaker.
- 500 stg. to Hon. Joseph Howe—Railways.
- 50 Amherst Female Seminary.
- 9 4s. 6d. Survey Barney's River.
- 60 Importation of Pheasants.
- 100 each Clerks, for extra services.
- 50 Halifax Dispensary.
- 900 Controllers of Outposts.
- 100 Visiting Dispensary.
- 50 House of Refuge.
- 100 Decisions Supreme Court.
- 10 stg. Crier Vice Admiralty Court.
- 19 Seal Island Light, Yarmouth.
- 20 Mud Island, Yarmouth.

On the bringing up of the report, the House divided on the vote of £500 sterling to the Hon. Joseph Howe, "as a public acknowledgment of the high estimation in which the services of that gentleman, in the conduct and completion of the arrangements lately made by him in London, in respect of the sale of Provincial debentures, are held by the Legislature of his native country."

Resolution passed 84 to 13.

On the grant to the Amherst Female Seminary, the House divided equally, 24 to 24, when the Speaker gave his casting vote against the grant.

Dr. Tupper gave notice of motion to rescind.

The resolution for importing pheasants was contested by Mr. Ryder, but passed 28 to 15.

The resolution for reporting decisions of Supreme Court passed, 20 to 19.

Vote for Crier of Court of Vice Admiralty passed 22 to 17.

CORNWALLIS BRIDGE.

Dr. Brown moved that if the people of Cornwallis raised £400, and the members for King's appropriated another £400 out of their road monies next session, then the

House would grant £400 to enable the Sessions of that county to purchase the Cornwallis bridge, repair it, and open it to the public free of toll.

Agreed to.

LUNenburg ROADS.

Mr. Rinhard moved that £80 6s. undrawn moneys for Lunenburg, be appropriated to the road and bridge service this year.

Agreed to.

House adjourned.

C.

MONDAY, April 7.

AMHERST SEMINARY.

Dr. Tupper moved to rescind the vote adverse to the vote of £50 to the Amherst Female Seminary.

Motion passed, 24 to 18, and the resolution in favor of the grant was agreed to.

ELECTIONS, QUEEN'S COUNTY.

The bill for altering the representation of Queen's County being read a third time,

Mr. McClearn moved that it be deferred to next session, until the electors had an opportunity of expressing their opinions on it.

Negated—for 15, against 31.

So the bill passed.

TOWNSHIP CORPORATIONS.

This bill passed a third reading, without division, and was sent to the Council.

KING'S COUNTY ROADS.

Dr. Brown moved that £5 undrawn for the Bluff Shore Road in 1858, be applied to the road from Long Island to James N. Crane's.

After a large quantity of routine business was put through, the House adjourned.

C.

TUESDAY, April 8.

VICTORIA ROAD.

On motion of Mr. Munro, £42 undrawn moneys for Victoria in 1854 and 1855, were added to the road appropriations for that county this year.

FISHERIES.

Mr. Ryder reported from the committee on the fisheries.

EDUCATION.

On motion of Hon. Attorney General the Education was postponed till next Session, and a thousand copies ordered to be printed for general distribution.

The present law relating to education was continued till next session.

MUNICIPALITIES.

On the third reading of the bill for incorporating counties,

Dr. Tupper moved to make the bill obligatory on all counties after the 3rd Tuesday in November next.

Negated—for 19, against 24.

Mr. Chambers moved that 300 freeholders should sign a requisition before the bill should be introduced into a county, instead of 100.

Negated—for 18, against 31.

Mr. Hamilton moved to strike out the last

sections of the original act. Negated 25 to 11.

MINES AND MINERALS.

Mr. Archibald moved an address to Her Majesty on the subject of Mines and Minerals of Nova Scotia. [See Journals of Assembly, page 144, April 8, 1856.]

This was made the order of the day for to-morrow.

A large number of bills were advanced through their proper stages, after which the House adjourned.

C.

WEDNESDAY, April 9.

TAX ON DOGS.

Mr. McKeagney, from the Committee on the petition of inhabitants of Isle Madame, for a tax on Dogs, reported that chapter 107 of the Revised Statutes sufficiently provided for the evil complained of.

SUPREME COURT DECISIONS.

Mr. McLellan moved for the insertion of Supreme Court decisions in one of the principal newspapers in Halifax.

Agreed to, and the resolution sent to the Council for concurrence.

CROWN LANDS.

Mr. Archibald moved that the Report of the Committee on Crown Lands be adopted.

Mr. Wade moved in amendment that so much of the Report as referred to the claim of Messrs. McHefly and Northup, to a grant of Lands, be not received, as those gentlemen were entitled to their grant.

Negated, 11 to 37.

The Report was then adopted in full.

RAILWAY DAMAGES.

The Bill for assessing Railway damages was put through committee, with amendments.

ASSESSMENT.

The Bill to establish a more just and equal system of assessment, was read a third time.

Adjourned.

C.

THURSDAY, April 10.

BILLS.

Several Bills passed a 3rd reading.

MAITLAND ROAD.

Mr. McDonald, chairman of the Committee on Private Bills, reported the Bill for making a road from Maitland to the Great Eastern Road, without amendment.

MINES AND MINERALS.

Mr. Archibald moved his address to the Queen.

Mr. M. I. Wilkins moved an amendment. [See Journals, page 160.]

The subject was debated till dark, when the House adjourned without division.

C.

FRIDAY, April 11.

DISMEMBERED BILLS.

The Provincial Legislature, by a vote of 18 to 12, rejected a petition from the Council

nial Office, recommending the House to make provision for wrecked seamen of this Province, arriving at ports of the United Kingdom.

DISTILLERIES.

Mr. Killam, from the committee on the petition of James Wilson, praying to be released from judgment held against him by the Provincial Government, reported.

Mr. Wilkins moved that the Government have power to cancel the judgment, if it should appear that there was no available security for the debt.

Agreed to.

RESOLUTIONS FROM COUNCIL.

The Council sent down the resolution for publication in a newspaper of the decisions of the Supreme Court, agreed to; as also 14 resolutions for change of appropriation.

MINES.

The House resumed the debate on Mines and Minerals, at the close of which Mr. Wilkins' amendment was negatived 35 to 12.

Hon. Mr. Johnston then moved an amendment; [see page 165 to 168 of Journals;] which was negatived 25 to 12; after which Mr. Archibald's Address passed, 34 to 13.

A resolution passed to respectfully request His Excellency the Lieut. Governor to transmit the address, to be laid at the foot of the Throne.

PUBLIC BUILDINGS.

Mr. Archibald, from committee, reported a recommendation to remove the Supreme Court, in order to obtain the rooms occupied thereby for the use of the Legislature; to which end, he reported a Bill to amend the act for erecting a Court House in Halifax.

The report was received, and the Bill forwarded.

ROAD DAMAGES.

Mr. Annand reported on road damages, and an engrossed Bill to authorize assessment for railway damages, was read a third time, and sent to the Council.

After going through the details of a number of Bills, the House adjourned.

C.

SATURDAY, April 12.

BILLS.

A large number of bills were pressed through their final stages and sent to the Council.

SURGERY AND MEDICINE.

Hon. Solicitor General, from the committee on the petition of Oliver Brennan, for many years a practical bone setter in Halifax, asking the consideration of the House for his services to numerous persons whose limbs he had saved, recommended a grant of £20.

Mr. McLellan moved that the report be not received—which was negatived—4 to 14.

The report was referred to Committee of Supply.

The report of committee on the petition of E. K. Dodge, of Bridgetown, (who, it would appear, is a self taught man in the use of herbs for medicine, as Mr. Brennan is in skillful setting of bones and dislocated joints;) which report recommended a grant of £10, was also referred to Committee of Supply.

TRADE RETURNS.

Hon. Financial Secretary, by command, laid on the table of the House returns of trade and shipping of this Province for 1854 and 1855.

CROWN LANDS.

Mr. Chambers moved to empower the Government to sell the Crown Lands within seven miles of the railway track, at auction, in lots at discretion, but not more than 500 acres; due notice to be given thirty days before sale, by advertisement and handbills; an upset price to be fixed, if desirable, by the Government. Agreed to, and sent to Council.

BOOKS.

Hon. Mr. Johnston reported in favor of paying Mr. E. G. Fuller the balance of his account, £156 11s. 2d., for importing books for the House. Received and adopted.

Hon. Mr. Johnston reported on the petitions of the Court of Sessions of Guysborough, and of James B. Hadley, for compensation for expenses and exertions in arresting William Snow and Lewis Snow, convicts for murder. The report recommended petitioners to be fairly paid by the Government.

Referred to Committee of Supply.

After the passage of a large number of bills through committee, the House adjourned.

C.

MONDAY, April 14.

LIVERPOOL FISHERIES.

An engrossed bill, for regulating the setting of nets in the harbor of Liverpool, was finally passed and sent to the Council.

Several other bills passed.

PROTHONATORIES.

On the bill for amending the law relating to Prothonotaries.

Mr. McLellan protested against increasing Mr. Nutting's salary £100 a year; and moved an amendment to the bill.

Negatived 15 to 27, and the bill passed—25 to 17.

HALIFAX COURT HOUSE.

Mr. McLellan moved that the bill for erecting a Court House in Halifax, be deferred for three months. He protested against the Province contributing to largely to a Court House in Halifax, while all the other counties provided suitable buildings at their own cost. The only plea for this was the use of the Court

House for causes coming to Halifax from the country, on appeal; but this business would not cost a shilling difference in the building; while the bringing such causes to Halifax was a positive benefit to the city.

The motion to defer was negatived—27 to 19.

SHERIFFS' FEES.

The Sheriffs' Fees bill passed on division—26 to 13.

DISTRESSED SEAMEN.

Hon. Provincial Secretary moved, with reference to a despatch from Colonial Office, (presented April 11th), with reference to distressed seamen of Nova Scotia—a resolution to the effect that this House will be prepared to co-operate with her Majesty's Government for their relief. Agreed to.

RENOVATION OF ASSEMBLY HALL.

Hon. Attorney General, Hon. Mr. Johnston and Mr. Esson, were appointed a committee to superintend the refitting, painting, &c., of the Assembly and adjoining rooms during the recess.

SUPPLY.

The House went into Committee of Supply and passed 76 resolutions for grants of money—most of them founded on reports of Standing and Special Committees.

On bringing up the report,

Mr. Archibald moved against the grant of £25 to John Nelson, to enable him to build a house of entertainment on a desolate road, between Musquodoboit and St. Mary's; but the vote passed.

Mr. McKeagney moved against the votes to model and normal schools at Truro, amounting to £900; the motion was lost, 5 to 31—so the votes were severally agreed to.

COUNCIL CONTINGENCIES.

Mr. Chambers moved for a committee to search the Journals of the Legislative Council, to ascertain the particulars of the account for contingent expenses of that body.

Messrs. Chambers, Moses, and McLellan were appointed.

POST OFFICE.

The usual sum passed for support of the Post Office.

MUNICIPALITIES.

On motion of Hon. Mr. Johnston, 1,000 copies of the Counties and Townships Incorporation Bills were ordered to be printed for general circulation.

Adjourned.

Tuesday, April 15.

RAILWAY AFFAIRS.

Hon. Mr. Wier reported from committee on Railway affairs.

[The same remark applies to this Report as to that on Education, brought in on April 9d.]

Resolutions passed directing the Railway Commissioners to instruct their Shipping Agents to insure Railway property for this Province, when advisable to do so.

MESSRS. PIERS' DAMAGES.

Mr. Ryder moved, a further sum (in addition to £500) of £250 to compensate the Messrs. Piers for the ruin of their property on Bedford Basin, by the Railway. Agreed to, 20 to 5.

POST OFFICE.

Hon. Solicitor General, from the committee on Post Office affairs, reported.

[The same remark applies to this as to previous reports.]

RAILWAY AND STEAM.

Dr. Tupper, (in consequence of an oversight on the part of the Railway Committee,) would move that the Executive Government have power to direct the construction of a Steamer Wharf at Parrsborough, by the Railway Commissioners, at their discretion, to facilitate travel and traffic to and from Westmoreland and Cumberland, over the Windsor line of Railway.

Mr. Parker said that if this resolution passed, he should move that a steamer wharf be built at the head of tide water, on the Shubenacadie, to connect the settlements along the banks of that river with Parrsborough, and the Bay of Fundy generally.

After some conversation, Dr. Tupper's motion carried—17 to 12.

ONSLOW GLEBE LANDS.

Mr. Aunand reported on the petition of persons in Onslow on the subject of church and glebe lands—to the effect that as the subject was rather a Provincial than a local one, and as the committee had not the information to deal with the question in its larger aspects, they declined interfering at this late period of the session.

MESSAGE FROM COUNCIL.

The Council sent down a number of bills, and the resolution respecting the judgment against James Wilson, agreed to.

PINE WOOD SCHOOL.

Hon. Financial Secretary moved that the £5 undrawn as seed money for the colored population of King's County, be applied in aid of Freedom School at Pine Wood Cornwallis.

Agreed to.

DEFERRED.

Several bills were deferred for 3 months, the period of the session being too far advanced to allow of their completion.

Adjourned.

Wednesday, April 16.

COLCHESTER ROAD VOTE.

Mr. Archibald obtained the transfer of £5 4s. 9d. undrawn moneys for Colchester, to be applied for the repair of the road leading from Salmon river to the Penton settlement.

FISHERIES.—ASSESSMENT.

One thousand copies each were ordered to be printed of the new Assessment act, and of the act relating to the Inspection of Pickled Fish.

EMIGRATION.

On motion of the honorable Provincial Secretary, the Lieutenant Governor was authorized to appoint a commission to correspond with Emigration Commissioners in London, for the introduction of emigrants into this Province.

MESSAGE.

The Legislative Council sent down 22 money resolutions, agreed to, and informed the House that they had NOT AGREED to the resolution granting various sums of money to breakwaters, ferries, &c.

Thereupon, on motion of the Hon. Attorney General, the various sums were passed in separate resolutions and sent to the Council for concurrence.

CORNWALLIS BRIDGE.

On the bill relating to Cornwallis bridge, Hon. Provincial Secretary moved that the bridge should, after being purchased for the public, be ever after free of toll.

Hon. Financial Secretary added—So soon as a sufficient sum shall be raised by tolls to put the bridge in an efficient state of repair. Agreed to.

ROADS AND BRIDGES.

Mr. McDonald moved that each county shall furnish, next session, a map of its roads, rivers and bridges, with a view to the more equal distribution of road money—the cost of said maps to be paid out of the road money for each county.

Mr. Wade moved *may* instead of “*shall*.” Agreed to, and the resolution passed.

PRINTING.

A vote of credit of £500 passed, towards public printing, for the present year.

REPORTING.

Honorable the Attorney General, Mr. Tupper, Honorable the Provincial Secretary, Mr. Wade and Mr. Eason, were appointed a committee to make arrangements for reporting the debates of this House.

Adjourned.

THURSDAY, April 17.

BREAKWATERS, &c.

The Council sent down the Resolutions passed yesterday for sums in aid of Wharves, Breakwaters and Ferries, agreed to.

ROAD SCALES.

Hon. Financial Secretary reported the various Road Scales, agreed to by committee; as also a sub-division of road money for Victoria, which, having been assented to by the House, were sent to the Council and returned the same afternoon, agreed to.

FRIDAY, April 18.

ADMIRALTY FEES.

The House agreed to the Council's resolution for reducing the Fees in the Court of Vice Admiralty.

APPROPRIATION BILL.

The Appropriation Bill passed, was sent to the Legislative Council, and returned, agreed to.

COLLEGES.

Mr. Chambers moved, that the House do come to the following resolution.

Resolved, That the policy adopted by this House in supporting from the public funds, institutions devoted to instruction of pupils in the higher branches of learning, is unsound in principle, and unsuited to the circumstances of a poor country; and as the education of the mass of the people requires all that can be spared from the public funds, and the money that is withdrawn from that service, and dispersed over five or six inefficient colleges, is so much taken from the poor to educate the sons of the rich.

Resolved therefore, That this House will, at its next session, withdraw all grants for the support of denominational institutions.

Which being seconded,

Ordered, That such resolution do lie on the table.

COUNCIL'S CONTINGENCIES.

Mr. Chambers, from the Committee appointed to ascertain the particulars of the Council's Contingencies, reported the following sums:

Salary of Clerk,	£200	0	0
Law Clerk, and Clerk of Parliament,	150	0	0
Gentleman Usher of the Black Rod, and Sergeant-at-Arms,	75	0	0
Chaplain,	25	0	0
Messengers, { 1st, £45 } { 2nd, 20 }	65	0	0
Fuel, to be accounted for by the Clerk,	20	0	0
This sum for Contingencies, to be expended under direction of a Committee of this House,	60	0	0
To pay the Reporter,	100	0	0
B. Nugent, publishing Debates,	25	0	0
English and Blackaday, do,	25	0	0
A. Grant, do,	25	0	0
To James Venables, for services during the year in Council Chamber, and as Assistant Librarian,	25	0	0
To pay Accounts, viz: J. & W. Compton, binding Laws and Journals,	28	12	6
A. & W. McKinlay's account for Books,			
Do. do. for			

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Stationery,	16	0	0
Graham & Son's account for Books, &c.,	38	11	10
Do. do. for Stationery,	36	0	0
E. G. Fuller's account for Books,	8	16	11½
Morton & Cogswell's account,	7	8	4½
G. E. Morton & Co's account,	2	0	0
J. W. Johnston, jr., do.,	3	0	0
James Williamson's do.,	8	12	0
Murray & Co's do.,	2	10	0
Black, Brothers & Co's do.,	0	7	0
J. R. Smither's do.,	0	7	8
J. J. Sawyer's do.,	4	17	6
Gazette Office, do.,	26	9	1½
Dechesean & Crow,	0	14	9

G. E. Morton & Co., for Council Chamber,	9	18	7½
Hon. J. E. Fairbanks' account for Stationery,	3	0	9
J. B. Bennet & Co's do.,	2	5	0
Morton & Cogswell's do.,	8	0	0
			2019 0 6

PROROGATION.

At three of the clock His Excellency commanded the attendance of the House in the Council Chamber, where His Excellency gave his assent to the bills of the session, and the Legislature was prorogued in the usual form.

C.