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INFORMATION FOR THE PEOPLE.

THE DESPATCHES.

Mr. Doyle's Speech.

[The following Speech was delivered by Mr. L. O'C. Doyle, in the House of Assembly, on the 14th Feb. 1845 :]

Mr. Doyle said, Mr. Chairman—As no “Arbiter Elegantium”—as one not fashioned to deliver *D’Orsay* dissertations upon drawing rooms—or adjust the standard by which manners are to be softened into ease, or polished into elegance—I, sir, like the learned gentleman from Hants, have not had the recent opportunity of glassing my form in the classic waters of the Avon—nor of wandering in *Æolus* Academi, thro’ the sequestered shades of Windsor to breathe in the inspiration of its scenery;—from one confined within the artificial and unanimating dullness of the city, this Committee must not expect any of those, ad nauseum, and elaborate displays of rhetoric which have for this last hour tingled in their ears; nor can I promise them the raciness or the richness of those tirades—those volantes of sounding invective from which the echoes of this chamber have scarcely yet recovered. No—the less ambitious task of dealing with this dull debate as its unimposing details offer themselves, will be my office—my disposition and my duty; and following in the footsteps of my hon. and learned friend (the late Solicitor General) I shall generally in their order address myself to the matters, pertinently, under discussion, as the exigencies of my argument, and my hopes of usefulness to the cause shall prompt and suggest—not omitting to bestow such transitory regards upon the learned gentleman who has preceded me as the nature of his comments—as the point and piquancy of their aim on this side of the House, may elicit and exalt.

My hon. and learned friend, Mr. Uniacke, has rested with great effect and eloquence, (in his rapid review of our transition from the torpor of the old regime, to the animation of our present state) on the value of those blessings which if unobstructed in their enjoyment, are yet in store for these Colonies; he has told us in periods impressive and emphatic, of the struggles that are past, when, not then as now he stood in the opposite ranks—a change of position which has attracted the factitious notice of the hon. member from Picton, who has been liberal in borrowing his comparisons from the quarrels of his own race, with whom, probably, he will yet find it were well if he *had left them*.

For me no mortuary pyre has been accumulated out of rotten old papers, as for my colleague—I, sir, have not been subjected to death by secret wounds, as has been the case with my hon. and learned friend from Cape Breton—no dire denunciations have been directed against me, as against the hon. and learned Speaker, and against the hon. member for the County of Halifax (Mr. Howe) The task, an easy one, of self defence, I leave to those hon. members, and in doing so, I can well apply the classic definition of the learned gentleman from Windsor who has preceded me—

“Non tibi aurelio, non defensoribus istis.”

To the unaided hands of those old friends and associates,

I commit the hon. and learned gentleman, and he, I shrewdly suspect, will have no reason to exult in the manner of the just retribution they may demand—that hon. and learned gentleman (Mr. Wilkins) has divided his address into two sections—passion and pathos; in the passages of his passion he selected my colleague as his object—in his peroration of pathos, he has delivered some sharp though gracefully aimed thrusts at the learned Speaker. I have already said I must leave him to their mercies—*tender tho’* they may not be—expressing my regret, sincere and unfeigned, at the personal complexion, imparted to this debate, and shall pass to the more grave subject of our notice, is offered to us, and disclosed in the papers on the Table. Those papers, extraordinary as they are in a few of their details—inaccurate, as I believe, in some, and at variance with the intentions of this House in many—we must meet them as we have them, and in so doing I shall have to apologise for the trespass it may be necessary to commit on your patience.

Now, Mr. Chairman to the matter of the Despatch in my hand, after a few words upon the manner in which the alleged confidence of this House has been treated by the advisers of His Excellency. That Resolution expresses a confidence in the present half of a Council—yet the Government, without a word to authorize the attempt, recommended a Council and a half—an extension of our Colonial Cabinet to 12. Why, sir, in the Metropolis of the mighty Empire, of which we are a mere dependency, no greater number than 15 were ever in the Cabinet of the Sovereign; and a high authority, the Marquis Wellesley, one in Britain the highest in such matters, when consulted in 1811 upon that head, has pronounced any greater number than 11 to be inconvenient. Now, sir, we have the old number of 6, (all but one resident in Halifax)—and tho’ I cannot object to the number itself any more than to that of 9, unless the latter being the number of the Muses, it is more likely to be productive of harmony; while 6 is not associated with any historic reminiscence, sacred or profane—it is neither the number of the Graces, nor of the Muses, and only half that of the Apostles. Why, Mr. Chairman, did they not take to their Body the Hon. Collector of Excise? And then should we not have in effect the Seven Sages of old? The number would find a support in our classic memories at least. But let us for an instant pass from this topic, and see what we have to meet in the diplomacy of last winter, touching the overtures to the Ex Councillors.

Really sir, it would seem as if the members of the present Ministry had sworn their *political lives* against their former *fellows in office*, and required that they should be bound over to keep the peace, before the coalition should recommence—what a presage of harmony is derived from this state of *bodily fear* in which these stipulations declare the members of the Colonial Cabinet to be, and what a laugh-

ing stock to our sister Colonies must we present. Further, the present, scarcely a day passes but manifestations of this spirit are beheld. Stir the Parish hull from its repose, the Scottish spirit of the Hon and learned gentleman from Wind-or at once takes alarm, and *claymore* against crazier is the cry of the Covenant; move in the Glebe and School Lands, and unite, if you can, the Members for Lancasterburg and Picton—I would as soon expect to meet Bal-four of Burleigh arm in arm with Dundee. Nay, Sir, even with the new and additional General of the law at your head (Mr Dodd); your learned supporter from Kings, on the subject of Education, taunted your tactics and your skill, and insinuated that you were afraid even to teach the young idea how to shoot.—Do we forget the Civil List Bill?—why, I tell the Government that their ranks were then as troublesome and mutinous as a corps of Sea-boys upon a reduction of battu. Aye, Sir, it is this disposition in their retainers not only suspected but known, that renders the Cabinet so cautious in their measures, or rather it is from an inability to command the entire confidence of their party, that they have given us *no measures*; and yet sir, they grow indignant when charged with non-productiveness. Why, Mr Chairman, I know not how I can better illustrate their condition, than by comparing them to the case of an invalid, who, tho' otherwise advised, would swallow *nothing*, and even that *nothing* would not stay on his stomach. And now, Mr Chairman, I feel myself approaching a more grave and serious portion of this important Debate. That stage of it in which I find the hon Member for the County of Halifax virtually proscribed by his Excellency—a proscription announced, loudly dwelt upon, and even made more severe by the remarks addressed to the Committee by the learned gentleman from Hants. He, Sir, with a gratuitous augmentation of the penalty, has told us that even his present Excellency will perseveringly transmit his dislike and hostility to future Lieutenant Governors—and that, thro' all time forth to come, the anathema is to endure. Sir, I tell the hon, and learned member for Hants, that his argument is sadly deficient in principle—is without precedent from Constitutional history—is repugnant to the whole body of authorities—and, stands repudiated by the evidences which almost every page of the British annals furnishes from the revolution to the present time.

But again, the hon. and learned Solicitor General, like a second Achanasis, has come down to propound his political creed, and what is it? That all numerical relations are to be discredited,—that four Liberals are not less than six Conservatives, nor six Conservatives more than four Liberals—that the *less* is equal to the *greater*, and the *greater* not more than the *less*—and he who believes not this must be politically damned. Away, sir, with the political Puseyism of the Government—it would place the *lamps* upon the *altar*, but is afraid to light them,—the practical Protestantism of the Conservative is more consistent. But I must pass from these stipulations, and seek another stage, by arriving at the matter disclosed in this Despatch. I find in the Declaration, that the party hitherto in Opposition, as Lord Stanley is informed, were willing to form a Council from which Mr Howe would have been excluded; and yet, with this explicit assertion before us, we are assured by the learned Attorney General, that no false impression was conveyed to the mind of the Colonial Secretary. We, Mr. Chairman, whether we interpret the isolated passage by its spirit or its letter, or whether we read it with the context as long as language is retained for its accepted uses—can find no other construction applicable than that which implies our readiness to abandon the hon. member for the County of Halifax. But sir, we have another aid to the solution of its sense, in the commentary of the Attorney General, as furnished by his address to this House. He has said emphatically that he saw signs at the time—he inferred from ‘the tone of things around’ that the omission was unpalatable. Now, sir, if such was his impression—if such was his belief—it is not probable he suppressed it from his Excellency,—and if he did not, then is our interpretation of the fallacy produced by the Despatch, not only justified by its terms, but also by the avowal of the Attorney General’s impressions. No, Sir, this body of the Opposition repudiate the imputation, and are ready, without shrinking, to be tried by their acts.

Again, Sir, it has been told Lord Stanley that we are without a Leader—that the Government have gained strength, while indications of weakness are visible in our ranks. Is such the case? Are these veritable facts? Do we exhibit at the present moment a diminished front? Are we less solid—less compact in our array than during the last Sessions? Show to me the symptoms of desertion. No, Mr Chairman, the mutterings of mutiny were loud in the camp of the Government during the last year, and

the present, scarcely a day passes but manifestations of this spirit are beheld. Stir the Parish hull from its repose, the Scottish spirit of the Hon and learned gentleman from Wind-or at once takes alarm, and *claymore* against crazier is the cry of the Covenant; move in the Glebe and School Lands, and unite, if you can, the Members for Lancasterburg and Picton—I would as soon expect to meet Bal-four of Burleigh arm in arm with Dundee. Nay, Sir, even with the new and additional General of the law at your head (Mr Dodd); your learned supporter from Kings, on the subject of Education, taunted your tactics and your skill, and insinuated that you were afraid even to teach the young idea how to shoot.—Do we forget the Civil List Bill?—why, I tell the Government that their ranks were then as troublesome and mutinous as a corps of Sea-boys upon a reduction of battu. Aye, Sir, it is this disposition in their retainers not only suspected but known, that renders the Cabinet so cautious in their measures, or rather it is from an inability to command the entire confidence of their party, that they have given us *no measures*; and yet sir, they grow indignant when charged with non-productiveness. Why, Mr Chairman, I know not how I can better illustrate their condition, than by comparing them to the case of an invalid, who, tho' otherwise advised, would swallow *nothing*, and even that *nothing* would not stay on his stomach. And now, Mr Chairman, I feel myself approaching a more grave and serious portion of this important Debate. That stage of it in which I find the hon Member for the County of Halifax virtually proscribed by his Excellency—a proscription announced, loudly dwelt upon, and even made more severe by the remarks addressed to the Committee by the learned gentleman from Hants. He, Sir, with a gratuitous augmentation of the penalty, has told us that even his present Excellency will perseveringly transmit his dislike and hostility to future Lieutenant Governors—and that, thro' all time forth to come, the anathema is to endure. Sir, I tell the hon, and learned member for Hants, that his argument is sadly deficient in principle—is without precedent from Constitutional history—is repugnant to the whole body of authorities—and, stands repudiated by the evidences which almost every page of the British annals furnishes from the revolution to the present time.

Sir, the personal prepossessions of the Monarch are not consulted by the principles of our Constitution. While the confidence of the people is the *cement* of the Cabinet, neither the affections nor the antipathies of the Prince can dissolve or disturb it. In the reign of the Tudors and the Stuarts, the personal attachment of the Sovereign presented the passports to power; and as this attachment was often seented by sycophancy and adulation, and other acts injurious to the interests of the people, the transition from power to a prison—from the support of the Sovereign to the suffering on the scaffold, was not a rare or improbable event in these by gone times. The revolution changed this insipid order of things, and we shall listen to the lessons imparted by its history.

But as to the proscription of Mr. Howe, and that pronounced by the Queen’s Representative, his self vindication of yesterday is yet exultantly vibrating in my ears. To pursue the same is neither my disposition nor my duty—he will not permit any one to assume a task which personally imports himself; it is with British precedent, British principles, and British practice, my argument and my evidence have to deal—and I shall briefly do so—first proposing that without the commentaries of the learned Attorney General, the applicability of some of the passages would have been to me unintelligible—matters of taste and speculation, which this Assembly have no time to discuss; and whether the Muse of the Hon. Member has been delicate in all its actions, or is amenable to other and more fastidious tribunals, it is not our office to determine. We have announced to us, as a purpose of the Government, that my friend and colleague, a Novascotian and a British sub-

ject, shall be proscribed from the country, because he has Queen’s Representative grounds of this sort with the calmness and of the subject.

Let me ask, Mr history—since the first do we find it ever re-tenet, that personal divisions of the Sovereign offices of the State.

I do not, as I have Tudors, or the Stuart Restoration, during Monarch as our thro- the epoch of the Rev- those meliorating evo- this very topic)—aging, yet it has eu- principle—of the lig- vestiges through eac- sent. Even, sir, at t- Sir William Temp- somewhat appropri- and the object of s- Government of Ch- were not develop- form to the Constitu-

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Fox, it is kno- and in the reign- their interposed- very steps of the- in one of his cle- “stand forth the- nobled Mr Brou- ellor of the Sta- nounced. Whi- license of a B- Fourth, was cre- in our own tim- had indulgence- not been the en- gratitude to th- him to the mo- result.

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ject, shall be proscribed from all hopes of service to his country, because he has become personally offensive to the Queen's Representative. I shall examine the constitutional grounds of this sentence or exclusion—and I shall do so with the calmness and the candor which suits the gravity of the subject.

Let me ask, Mr. Chairman, in our survey of British history—since the first dawn of Constitutional principle—we find it ever recognized as opinion, or tolerated as a tenet, that personal dissatisfaction to the prejudices or passions of the Sovereign, should constitute an obstacle to the offices of the State.

offices of the State. I do not, as I have already said, refer to the times of the Tudors, or the Stuarts—though even a few years after the Restoration, during the reign of as wayward and wilful a Monarch as our throne has ever held, and ten years before the epoch of the Revolution, I can detect the first dawn of those meliorating changes of our Constitution (in reference to this very topic)—a dawn, tho' dim and not very encouraging, yet it has enabled me to catch a glimpse of the principle—of the light which has descended with vivifying vestiges through each successive track of time to the present. Even, sir, at the period I've spoken of, we are told by Sir William Temple, that Lord Halifax, (the name is somewhat appropriate), though vehemently objected to and the object of strong dislike, was imposed upon the Government of Charles, and this at an era when principles were not developed—ere the Revolution had given the form to the Constitution which we claim as our inheritance

After the Revolution, the Earl of Oxford continued as the Minister of Queen Anne—though personally odious, as Swift writes, and 'receiving daily fresh instances of neglect and displeasure'—and yet she dared not refuse his services because they were required by the Public. After the accession of the dynasty of Hanover, Pulteney, though offensive to the Sovereign, was borne by the tide of popular confidence into the Councils of the Monarch. In the reign of second George, the senior Pitt, odious to the King, against the violent prejudices of that Prince ministered the Sovereign policy of the realm. Louisburg, (for which London was illuminated), fell, Quebec capitulated, and the mighty possessions of India were won for a Monarch who would scarcely admit to an audience the Minister who achieved the triumphs. Of Lord Temple, the colleague of this same Mr. Pitt, and who was First Lord of the Admiralty, we learn that while the King disliked Pitt, he absolutely hated Temple; and Temple, (as unfortunately is sometimes the consequence) was at times grossly impertinent to the Sovereign. On appearing at the palace, in his office of the Admiralty, to report the sentence of Admiral Byng, he is said to have intimated that Byng's conduct at Minorca was fully as defensible as His Majesty's had been at Oudenarde—implying, as MacAuley writes, 'if the one deserved to be shot, the other ought to have been hanged'—yet Temple withstood the hostility of high place.

place. Fox, it is known, was very unacceptable to George 3d, and in the reign of the 4th of that name—while no lineal heir interposed—while his Successor, William, stood on the very steps of the Throne, he was addressed by Mr Brougham in one of his electric appeals, with the awful apostrophe of "*stand forth thou slayer.*" Yet the same William ennobled Mr Brougham, and gave to him in charge, as Chancellor of the State, the very conscience which he had *denounced*. While Lord Denman, who often exceeded the license of a Barrister by recriminations upon George the Fourth, was created Lord Chief Justice of England. Nay, in our own times, when personal dislikes should, if ever, find indulgence—the Reign of a Lady Sovereign—such has not been the case; Her Majesty's youthful sensitivities of gratitude to the courtly Melbourne, would probably prefer him to the more solemn Peel; yet experience testifies the result.

But, sir, are we without examples in these Colonies which may illustrate the order of argument I have chosen?

Sir James Stewart, if I remember aright, in his irritation against Lord Aylmer, then Governor General of British America, so far forgot the dignity of the Queen's Representative, as very significantly to communicate the intendment of a hostile message—yet, sir, do we find any sentence of proscription transmitted to Downing street? No, sir, this damn it is reserved for Nova-Scotians. Sir James Stewart has since received the honor of knighthood from his Sovereign, and been elevated to the Chief Justiceship of the Canadas. Nay, even the imputation of treason—even close custody upon the charge—have not prevented Sir Charles Metcalfe from seeking Viger as his Prime Minister; and parading the once proscribed name of Papineau as under the patronage of the Crown—nets on the part of the Governor General so appreciated by the Sovereign that the dignity of the Peerage has been conferred for the success of his services. Is then alleged disaffection to the Sovereignty of the Realm, and gravely imputed charges of sedition, thus in Canada to be forgiven and forgotten, while in Nova Scotia pasquinades are to be proscribed, and personal criticisms (even though censurable) are to result in the sacrifice of the subject?

to result in the sacrifice of the subject?
 Are the rights and hopes of the people held by so frail a
 tenure, that indiscretion in our words, the levities of a
 lampoon, are at once to draw down the dark seal upon our
 destinies? No, sir, ribaldry and ridicule are not the tests
 of truth, nor are caricatures exact conformities to the
 canons of fastidious criticism, but they are productions of a
 birth peculiarly English: who was ever more plentifully
 assailed by these missiles of the muse than the 4th George?
 and yet he looked with indifference upon the scratches they
 inflicted, and ere his death the author of the Twopenny
 Post Boy was a proscriber of the Prince.

Post Boy was a co-seller of the Prince.

And, Sir, one of Her Majesty's Ministers, the first Captain of the age, never knew the messengers of death to fly more thickly about his head in the last of his victories than the shafts of ludicrous mischief now burble about his ears, even at his homestead of Apsley. Yet it is said old friends seldom recognise more of his good humour—his former animation of countenance, than when seated in the hereditary chamber of the Realm, and amused by these satires. I might further state the manner in which a Colonial dignitary—one, then on the Bench representing his Sovereign—a Judge, now deceased, of a character spotless as the ermine of his office, and endowed with abilities of an order eminent and distinguished, treated satirical reflections. Some young Barristers were executing ludicrous caricatures in Court. The foreman of the Jury detected the act, and conceiving the sharp ridicule as reflecting upon himself—complained—the insulting sketch was handed up to the Bench. The grave administrator of the law, after viewing it, saw that the mischief was aimed at himself; when, with his indescribable and peculiar humour, he replied, 'You're mistaken, Mr Foreman—It is not you, —It is myself—and really it is very well done, too—very well'—Proceed with the trial." Such was the dignified indifference to these assaults of an unrestrained wit, which on the departed sages of our own Province displayed. Let us not be misapprehended—I am not here to act as an apologist or an advocate of every indiscretion that may find access to the miscellaneous columns of the Press; but to see that penalties, when invoked, shall not be extended beyond the legitimate claims of justice, and that the service of the country shall not suffer by privations and proscriptions repugnant to principle and to precedent. If I remember aright the learned Attorney General during the last Session, favoured us with a passage from the writings of Dean Swift. I have one from the same celebrated author under my hand, not inappropiate: upon the character of a distinguished Statesman; an Earl of the Realm, and a Prime Minister of England (Lord Oxford) "He was a great favourer of men of wit and learning, particularly of the former, whom he carressed without distinction of party, and regarded the libels published against him, which he frequently read by way of amusement, with a

most unaffected indifference; neither do I remember ever to have endangered his good opinion so much as by appearing uneasy when the dealers in that kind of writing first began to pour out their *scurrilities* against him, which he thought was a weakness altogether inexcusable in a man of virtue and liberal education."

There is a model for high-souled British Statesmen to form upon, and well worthy of our perusal. I may have dwelt too long; but it is the idea of proscription which alarms me, and I care not who the victim may be, Liberal or Conservative, I shall struggle against and repudiate the principle. That her Majesty's Government regard with no favourable spirit the exercise of harsh and unduly severities, the Crown Officers opposite may learn from the removal of the Attorney and Solicitor General of Upper Canada in the case of the notorious McKenzie, one certainly deserving of little consideration by the Minister. Yet, because they gave their suffrages for his expulsion from the Legislature, the Secretary immediately displaced them, least their concurrence in that measure of excessive severity should bring suspicion upon the mild and merciful spirit of Majesty. Thus, even some years before the dawn of these changes, the Despatch of Lord Goderich evinced his distaste for proscription. But, Sir, the Attorney General, Mr Boulton, though he then suffered, seemed to have been revived into a nobler being by the very incense which ascended from the scene of the sacrifice, and now stands as a tutelary spirit around a more sacred altar than the one designed for his immolation.

The Hon and learned Member for Hants, in his discursive range, adverted to a case of personal indignity to Her Majesty, which was promptly followed by its meet retribution. Yes, sir, the spirit of England I feel would kindle at anything even savouring of an affront to the youthful and endeared Queen of the Realm. The figurative language of the eloquent Burke toward Marie Antoinette, is too feeble with all its richness, to depict emotions which would bear

within the bosom of the Nation in revenge of 'even a look that would threaten her with insult.' But, sir, we must examine the authority of my learned friend, as presented by the facts. It is the case of one not unknown to, and well remembered in this community—the gallant Dundas—who, having in the excess of festive forgetfulness, uttered expressions grossly reflective upon Her Majesty, (which transpired through some not very creditable agency), was removed from the command of his corps. So far, the precedent is in favor of Mr. Wilkins's cry for proscription;—but what has followed? Her Majesty, in whose bosom no resentment is permitted to rest—who breathes and has her being in an atmosphere untainted by the less noble passions of our nature—has not only recalled the author of the indignity to his duty, but has selected a distinguished corps of the elite of the army, for his command; and thus while replacing in the service a name memorable in military annals for conspicuous usefulness to its order and discipline, she has re-opened a career of probable glory to an indiscreet but gallant officer. I thank my honorable and learned friend for the reminiscence. And now, Mr. Chairman, in conclusion, the learned Member for Hants has compared the Queen's Representative to the noble denizen of the English grove, clothed in all the amplitude of its foliage, solid with the attributes of its strength, and wide spread in all the furniture of its beauty—the ornament and admiration of the green world around. I, sir, must be less ambitious in the similitude I select: but the forests of my own country yields a solid stem—which, like my Hon. Colleague, though struggling against the inclemency of climate, dilates in its growth, and ascends in its height, assuming fresh vigor as it vegetates; some hours of ungenial temperature may expel the sour saps as a blemish upon the bark—yet the tree, unbent and uninjured, will endure to supply the stately spar which is to bear aloft our standard amidst the battle and the breeze.



