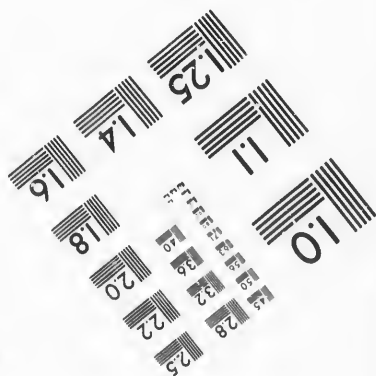
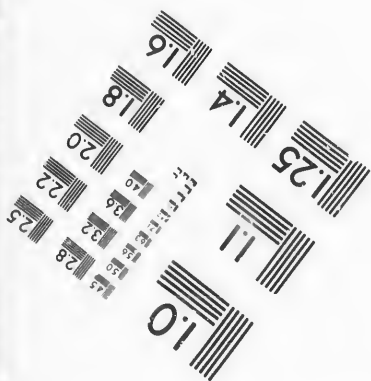
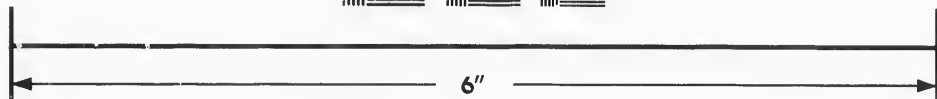
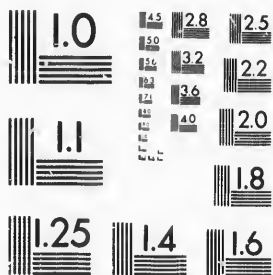


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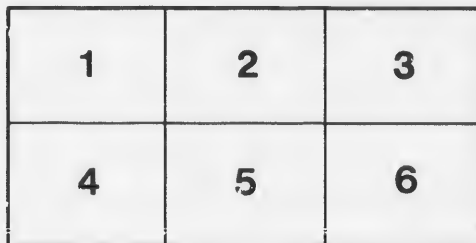
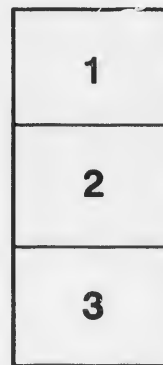
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Box 29

# INFORMATION FOR THE PEOPLE. THE DESPATCHES.

## Mr. G. R. Young's Speech.

[The following Speech was delivered by Mr. G. R. Young, in the House of Assembly, on the 15th February, 1845:]

Mr. G. R. Young rose, and said:—I have listened, Mr. Chairman, with the utmost patience, to the address of the Hon. Member for the County of Colchester; and am forced to confess, that his whole line of argument appears to me incomprehensible. First, argued the Hon. gentleman, Lord Sydenham did not grant to this Province the Responsible System, in its plenitude and vigour. Next, that the distinctions of Party were here unknown; and, of course, that Parties did not exist. And after maintaining these two strange and anomalous positions, he wound up by asserting that the present Administration were actually working out the Responsible System. We had, therefore, according to his argument, a system and no-system: we had the benefit of Responsibility, although the Responsible System had not been yielded to us; and again, in opposition to the Hon. gentleman, Lord Stanley had declared that Responsible Government was synonymous with Party Government—and, that without Party, Responsibility could not exist. I leave the Hon. gentleman to reconcile these strange and conflicting positions; and proceed to ask the attention of the Committee to the real points which have been submitted for consideration.

And first, let me here remark, that we come to the discussion of these Constitutional questions, in very different temper, and under a different aspect of things, than they were approached in last Session. When the House then met, whatever opinions were entertained by Members of the Opposition upon the Constitutional virtue of Party Govt., all were willing to yield what was then called an abstract opinion; and to give their support to a Coalition—provided it were constructed upon fair and equal terms. The Leaders, upon both sides, were disposed to extend to each other the language of courteous observance. As for the Lieutenant Governor, he was surrounded by every guard which the Constitution confers; and treated with the sacred respect due to the Representative of Her Gracious Majesty—so long as the Prerogative is exercised for its necessary and useful functions. How different, sir, the circumstances now! Party Government, then denounced and proscribed, is now openly advocated by the Opposition, and even the supporters of the Government admit, that it is not only indispensable, but beneficial. Fierce—aye, indecent language, is cast from one side of the House to the other; and as for the Lieutenant Governor—alas! how fallen! the sanctity of his position has been broken down; and, as I contend, entirely by the indiscretion of those whose duty it was to shield and defend it. Who, sir, is to blame for this singular and lamentable change? I admit that I approach this question under impressions of a grave and anxious responsibility—that the tone of thought is sober; and yet my feelings are indignant. Sir, opinions have been incautiously broached, and assertions made in this Debate—which, if true, renders all our past struggles a vain and shadowy dream. My Hon. Colleague from Pictou has

said, that all our past changes have produced no fruits comparable to those of the good old times—that the errors and foibles of the Liberal Party were written upon the mill tops, as clear as a sun beam. The Hon. and learned Member for Hants has tauntingly spoken of the different names, and, as he said, the different and irreconcilable constructions, given to what is called Responsible Government. In his criticism upon the Hon. Speaker's speech, at the Toronto Dinner, he would not venture to decide whether it could be compared to a virgin or a harlot, a blushing bride or an old worn out hag; and a new position had been taken—that we had not in this Province, and could not have, the Responsibility conferred on Canada, and reduced there to practical operation. I mean, Mr. Chairman, as a Member of the Opposition, to inquire to-day whether those assertions are true or false—to state the principles which we are ready to defend—to lay down our Constitutional positions—to ask the most scrupulous enquiry: for if the principles themselves will not bear the most rigorous and searching examination, the Country have a right to say that we are seeking their support for that which is not tangible—for that which is delusive.

Sir, there are here three questions before the Committee—first, were the ex-Councillors justified in refusing the offers made of returning to the Council in February and July? second, can the Government defend themselves upon sound principles of Constitutional law, for remaining, as they have done, in their incomplete and confessedly weak position? and third, has their policy during the past year, confirmed the pledges which they made, and followed out that attractive but delusive theory so peculiarly their own, of doing justice to all parties? I shall treat these three questions in order; and as to the first, let me say, that I am prepared to defend the conduct of the ex-Councillors in rejecting the offer in February, upon four grounds: The Government party proposed to receive the three ex-Councillors back, with the addition of a member from the Catholic body, giving four seats to our party, and retaining six to the Conservatives. They were justified in rejecting it, because Mr Almon was to remain; and if, after retiring on account of his being nominated, they had then gone back, their reputation would have been forever damned as public men. But it is apparent, from the note read by Mr Howe, and which he intended for the eye of His Excellency, that they could not have gone back with the cordial support of their party, because a portion of them had no confidence in the hon Mr Stewart as a public man, and refused to give their sanction to any Council of which he was to be a member. But considering the state of public feeling, and the balance of the two parties in the House, they did not consider that a Council so constructed, was a fair representation of their influence. One hon Member, in the course of this debate, has tauntingly said, that we are an ungracious party, because we do not



and policy would be in harmony with the opinions and policy of the Representatives of the People. This, as I said before, I look upon not only as an efficient remedy but as the only efficient one that can be applied to the evil under which the Province is at present suffering."

"To conclude, my Lord, I most earnestly recommend, not only as expedient, but necessary, for the preservation of the connexion between this country and Upper Canada—first, that His Majesty's Imperial Government should at once adopt the final determination, that, the Provincial Government, as far as respects the internal affairs of the Province, should be conducted by the Lieutenant Governor, with the advice and assistance of an Executive Council, acting as a Provincial Cabinet; and that the same principle on which His Majesty's Cabinet in this country is composed, should be applied and set on foot in the formation, continuance in office, and the removal of each local Provincial Cabinet."

The distinction between Imperial and Local Interests is clearly maintained in every page of Lord Durham's Report; and the purport of the new system, the spirit which pervades it—to adopt an argument used by the Attorney General on a former day, in reference to His Excellency's letters—and of the Despatches and language of the Colonial Secretary, in and out of Parliament, is, that we are to have the management of our own local affairs guarded and limited by the known British Constitutional checks. I admit, sir, the Governor is not, and cannot be held responsible to us—he is responsible to his Sovereign and to Parliament—by the one he can be removed, before the other impeached. But for the future, he is to superintend our local affairs, guided and controlled by a Council enjoying the confidence of Parliament, commanding a majority in Parliament—and bound to retire, if the Assembly or the country, on an appeal being made, ultimately decide against them. I have already read to the Committee the language of Lord Glenelg—I have illustrated the principle and life of the new system; and if there were any other proof of these rights being since acknowledged, wanted, Lord John Russell has said, in his celebrated Dispatch of the 14th Oct 1839, quoted and confirmed by my Lord Stanley, in the debate in the Commons in June last, that the Marital Government had no desire to maintain a policy here "which public opinion condemns," and his Excellency Lord Falkland in his answer to the Halifax address, in several of his speeches, and by his sanction of the Doddean Confession, has acknowledged that he is to administer the affairs of the Government "according to the well understood wishes of the people." What means this? Recollect it is constitutional language:—why, that in our local affairs, in all questions which are not Imperial, which do not affect the honor of the Crown, or the integrity of the Empire,—for to aspire to these, would be incipient rebellion—in short, that in our local legislation we are to have the principle established by the Resolution of 1688. There is no vagueness in this position,—to try a principle, we have to descend to details. Again, I ask the hon. and learned member for Hants, to state any particular question, and I will leave the 'cold abstract,' and tell him whether it is, or is not, in our charge. Not that I mean to deny the right of the Imperial State to interfere even in a local question, but it is to be an extreme case,—the Imperial Government can have no wish to thwart us in the management of our own affairs—the Minister has said so in express terms. If an Act of Parliament were passed—if the Governor had an express and positive command from his Sovereign, he would be bound to act on either, even on a local question; but rely upon it, the Imperial authorities will not violate, without good cause, a constitutional principle, nor break an express pledge, or seek to curb and fetter us, except on some very extreme and flagrant case; and knowing the cautious temper of this House, and of the people of Nova Scotia, I regard it next to impossible, that any such question can ever arise—with moderation there is

no danger either of misunderstanding or collision. These views are familiar to British Statesmen—but to whom distasteful? To the friends of the old system here, when, in place of meeting a grave constitutional argument by fair and open means, seek to maintain an unconstitutional and exclusive ascendancy, nay, to defraud the people of their just and acknowledged rights, frankly and generously conceded by our beloved Sovereign, by pretending that all is wrapped in mystery, and that the new system is either humbug or cold abstract. Sir, it is they who wish to make the system cold, abstract, and lifeless. But, Mr Chairman, let us see if these positions are practically known and recognized at home. I will read here a short extract from the life of the late Lord Sydenham, written by Mr Murdoch, his Secretary in Canada, and edited by his brother, Mr Scrope, a member of Parliament, and eminent for his literary talents:

"Every one must admit that the first principle to be maintained in any part of the British dominions, is the supremacy of the Imperial Parliament and Government; and that this supremacy ought not to be limited or bartered away for any consideration whatever. But it is equally undeniable that this authority cannot be used for the management of the daily routine of Colonial Government, both because of its distance from the scene of action, and because of its unavoidable ignorance of local details."

After referring to the public documents and dispatches where the distinctions between local and imperial questions are recognized, and the unlikelihood of any Colonial Legislature putting itself in collision with the Imperial Government on points like these, he proceeds:

"But in the daily routine of internal Government, on that which comes home to the feelings and interests of every individual, the metropolitan authorities can have no motive to interfere; nor can any imperial question be affected by it. Those duties which embrace among other things, the improvement of the municipal institutions and of the local judiciary, the establishment of schools, the assistance and direction of public works, the selection of the magistracy, the appointments to the militia, the nominations to office, and other matters of a like nature, are far beyond the cognizance of the home authorities, and must be left to the Governor and his advisers."

Mr. Chairman, they in fact always have been—it could not be otherwise—in old times, to the Governor and the Compact, who ever ruled his Excellency with a rod of iron—are they opposed to the New system because the principle of responsibility is unsound? No sir, but because they, the old party, are by it to be checked and controlled in the distribution of the loaves and fishes, by a majority of the Assembly,—that is to say, they like better to enjoy their own confidence, than to depend for place and power on the confidence and "well understood wishes of the people." That is the real question unbarred to the public eye. The cry about democracy, rebellion, tendency to republican principles—means rebellion against them, and the chance of their losing their places. If the country will be gulled by this humbug—be it so; but they shall be so with their eyes opened.

But, Mr. Chairman, it is said that the system would reduce the Governor to be a tool. Sir, the Sovereign at home, though she constitutionally exercises no political power, as stated by Lord Stanley in his Speech in the Commons in June last, exercises a vast influence over the policy of her Cabinet. So would a Governor here, by his position in society—his control over the distinctions of local rank—the deep inherent respect felt for the Representative of the Sovereign in Colonies, so thoroughly British and loyal as these—his influence in the disposal of patronage—the constitutional checks he has over his Council—the reluctance men in Office naturally feel to quarrel with the Head of the Government, and to relinquish their honors and emoluments—would all operate to preserve the Prerogative unimpaired; but as we live under a limited Monarchy,



and as the British rule has been introduced into our local affairs, it does seem strange and indefensible to assert, that it can be reducing a Governor, if we are willing to yield to him precisely the same rights and prerogatives with which the Queen herself is content at home.

To talk about the third condition of any party in the Assembly, insisting that they had a right to be represented in Council, in any numerical proportion, is one difficult to treat with becoming gravity. I never even heard such a right asserted; but in the structure of a Coalition, surely any Party has a right to say, we will give our support to the Government if such and such Members of our Party are put in, to balance and control the influence of such and such names from the other; surely they have a right to say, we will repose our confidence in these men, and no others—admit them, and we will support your Government; but if not, form your Government as you please—and we will stand in Opposition. It was a bargain; and to have acceded to these conditions, would have been tantamount to admitting that in making that bargain, the Ex-Councillors and their friends were to exercise no judgment of their own—that the Governor was to dictate, and they were to yield. Where is the limit in this to absolute power?

But the last condition imposed a written stipulation, a token under hand and seal—that which had created such confusion in Canada, that, before admission, they were to subscribe to “a frank recognition of the right of the Lieutenant Governor to select from each of the various interests composing that body those who are to advise him, in the proportions which expediency, the efficient conduct of public officers, and the exigencies of the times seem to him to demand.” This is clearly a demand which no Colonial Assembly could sanction, and would be an open surrender of all the benefit which responsibility has conferred. If the Governor is to select when he pleases, who he pleases, and what number he pleases, and this right is not to be questioned—where is the limit given to His Excellency's power? were the Councillors not to judge of the act? were they to have no right of retiring? were the three Ex-Councillors to admit they had done wrong in retiring because Mr Almon had been appointed? It asks the Ex-Councillors, and through them the Opposition, to give a *carte blanche* to the Governor to act just as he wills—to concede unlimited and absolute power, because they are to recognize his right unconditionally; and if a right—if they entered in on these terms, it would be a violation of their pledges ever after to question it. This was a sort of responsibility, so undefined and cramped that it cannot be defended as either British or Constitutional. I can fancy, Sir, the astonishment with which a British Statesman of the high and distinguished ability—the searching and profound sagacity, which my Lord Stanley possesses, would read such an exposition of Constitutional doctrine as this—if put to a British Minister (but why fancy an impossibility) it would be treated with scorn, and even here cannot pass without ridicule.

These conditions were further objectionable, because they abandoned that cardinal principle, the right of the Executive Council being consulted by the Governor before he performed any act or adopted any policy which they, as his advisers, were required to defend. This has now been broadly admitted by Sir Charles Metcalfe, and is recognized as the rule in the Assembly of Canada. No one could trace the progress of that antagonism or collision which had unfortunately arisen between Sir Charles Metcalfe and his late Councillors, without being satisfied that His Excellency, in its latter stages, had modified the positions regarding the prerogative which he had at first assumed. In the celebrated memorandum published by Mr Lafontaine, and in which he detailed the conversation held between himself and Captain Higginson, the private Secretary of His Excellency, it was obvious that His Excellency had at first desired to manage the local affairs by a Council reflecting the different interests and opinions in

the Assembly, and bound together by no common faith in their public policy. The right of previous consultation was then denied. In the answer to the Gore Address, as public opinion pressed upon His Excellency, he admitted that in following out the resolutions of 1841, it was his duty to consult his Council on “adequate occasions.” We had incorporated that expression in our own Resolutions of last Session, although both the hon. Member for Yarmouth and I felt great doubts at the time on the propriety of adopting it. “Adequate occasions” leaves the right open, vague, and subject to inquiry, if not to disagreement, on each particular case. In a subsequent reply to the Address from the County of Russell, His Excellency the Governor General had admitted this right in distinct constitutional language; and had said that when surrounded by a friendly and united Council—for that is a Party Government, it was his duty to consult them “on all occasions.” I will not enter here into the disputed point of fact; but it is clear that Sir Charles Metcalfe aided, as he unquestionably has been, by the prestige and influence of his high personal character, is principally indebted, or his late majority and triumph, to his more open and unreserved declarations in favor of that very principle of constitutional responsibility for the preservation of which the Ex-Councillors retired. A Governor, however good or wise, can neither be omniscient nor omnipresent,—he must get advice from some quarter. Take it privately, say the old party—take it from us. No, say the friends of the new system, aw, with this secrecy—this dark and often malignant system of slander, for which the man who gives it will not hold himself accountable—we desire that the Governor should be guided, but not bound, by advice from his advisers, who are responsible for it to the Assembly and the people. The one is open and manly—the other is dastardly and unconstitutional. This, Sir, is one of the points of difference between the Government and the Opposition—and yet, they say they are Statesmen—we, demagogues!

This condition strikes also at the principle of Party Government, and would entail, for all times to come, the evils, I will almost say, the curse, of a Coalition. Under the new system, the Council were intended to represent “the well understood wishes of the people.” These can only be ascertained by a majority in Parliament; but if the Governor was surrounded by a Council, *monstrous*, as has been styled, reflecting all interests and shades of opinion on public questions, his Council would not reflect the “well understood wishes,” but the conflicting opinions of the Assembly. We consented last Session, Mr Chairman, to support a Coalition, because, from the state of public opinion, and the balance of parties in the House, neither party then appeared to be sufficiently strong of itself to conduct an efficient Government. We have since advanced a step further, and it is now admitted on both sides that a party Government has become inevitable; and, as predicted at the time, the error committed by the advisers of Lord Falkland, in advising him to denounce party Government, has only hastened its introduction, I pause for a moment to lay before the Committee, frankly and without reserve, the principles of a party Government, as I comprehend, and am prepared to defend them.

But, Sir, I cannot refrain from turning the attention of the House to the very extraordinary course pursued by one of the hon. and learned members of the Government in his speech made in the Legislative Council last year, relative to the Constitution of the Province. In the course of our discussion here, we carefully observing the established courtesy maintained by the Members of one branch of the Legislature to those of the other, preserved a delicate and gentlemanlike forbearance in touching the opinions of those Members of Govt. who were not here to defend themselves. Scarcely, however, had our discussion been closed, before

\* Mr. Y. referred to the Hon. Alexr. Stewart.—His speech, reported by himself, of course, appeared in the Morning Post of April 6th, last.—Ed.

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the hon Member referred to, departing from Parliamentary usage, took occasion in his place in Council, to taunt and treat with disrespect, if not ridicule, the opinions which had been advanced here. I and others told the Government that in denouncing a party Government, they were assailing the very first principles—the primary elements of the constitution. We referred to the great events which had been achieved in British history by the action and struggle of party. That learned Councillor, in place of being taught by the instructive wisdom these conveyed, thus treated those constitutional references we were then compelled to make:

"Gentlemen in another place have referred to British principle and practice. Here they are, and they cannot be controverted; and really, Mr President, I could scarcely repress a smile / when I read the grave and elaborate reference to the first principles of our noble constitution—for are they not understood by every schoolboy? Are they not all to be found in Pincock's Catechism?"

Our little learning, of which we made no vain parade, could then be treated slightly by that most erudite Councillor, because the Advisers of the Crown had his Excellency and a majority to back them. How stands it now? Lord Stanley has told them since, in one withering sentence, "that Responsible Government was party Government, of course;" and the Governor's Advisers, of which that hon. gentleman is one, are now ready to fill up their own Council from their own party, to conduct the Government by a party, and to hold office, by repudiating in practice that which we were then compelled to tell them was unsound. The country will judge who now has a right to smile, and who to Lord Ennoek's Catechism in the other.

But in that curious harangue, "governing by a Party," said that Hon. Councillor, "gravely propounded as a judicious principle to be introduced now, or at a future date, into this Colony. And this is indeed an important question. The principle is certainly not English—it is American, and Democratic. In the United States, every officer, from the errand boy to the President, turns out with his Party." And what Member, sir, of the Opposition, pray, ever defended the introduction of such obnoxious Party principles as stated here. I go to the utmost limits in denouncing the rabid principles of Party which prevail in the United States—they are Anti-British, impolitic, and thoroughly vicious. But I must also deny that the combination of public men in the advocacy of sound public principles—a union of talent and character to accomplish great public ends—a Party bound together by such ties as these, is either dangerous in itself, or at variance with British usage and practice. Away with the libel. It is by Party that our Constitution has reached to such perfection and pre-eminence. All the great Constitutional writers, of the last and the present age, speak with one voice in favour of Party union and organization. Let me solicit the attention of the House to a few extracts from Burke and Lord J Russell, as illustrative of the benefits which Party union confers; and again I ask this House to decide whether the hon. Councillors or such inferior men as these are the better authorities upon a question such as this.

"Party is a body of men united, for promoting, by their joint endeavour, the national interest, upon some particular principle, in which they are all agreed. Men thinking freely, will, in particular instances, think differently. But still as the greater part of the measures which arise in the course of public business and in government, a man must be peculiarly unfortunate in the choice of his political company, if he does not agree with them at least nine times in ten."

"The good effects of Party in this country are numerous and weighty. One of the chief of them is, that it gives a substance to the shadowy opinions of politicians, and attaches them permanently to steady and lasting principles."

"The union of many in the same views, enables a Party to carry measures which would not otherwise gain attention."

"One of the great advantages of Party, is, that it arrays in strength against bad rulers, numberless individuals, who, if left alone, are too weak to produce any effect; and that it brings good out of evil, by turning the weaknesses, and even the vices of mankind, to the account of the country's cause."

Does the following apply here?

"In a word, as every Ministry is sure of all the benefits of Party union at all times, he who cries out against faction, only means that there shall be one faction unopposed."

"That connexion and faction are equivalent terms, is in opinion which has been carefully inculcated, at all times, by unconstitutional statesmen. The reason is evident—whilst men are linked together, they easily and speedily communicate the alarm of any evil design. They are able to fathom it with common counsel, and to oppose it with united strength. Whereas, when they lie dispersed, without concert, order, or discipline, communication is uncertain, counsel difficult, and resistance impracticable."

"Certain it is, the best patriots in the greatest Commonwealth, have always commended and promoted such connexions. *Idem sentire de republica* was with them a principle ground of friendship and attachment; nor do I know any other capable of forming a fitter, clearer, more pleasing, more honorable, and more virtuous habitudes."

The action and struggle of Party are essential to the pure working of a Representative system, because it is only in this way that the safe popular check of a Constitutional Opposition can be created. I can understand the tactics of a Governor who wishes to be supreme, to be surrounded by a Council divided upon every measure of policy. He balances the opinion of A against B—in cases of difficulty calls in a third, and thus decides the collision of opinions by his own arbitrary will. But when these Councillors come down to the Assembly to defend the act, the voice of Opposition is hushed, because no Party can attack the Government unless by assailing his own leaders and friends. Such a system destroys the very essence of Responsibility; and has been destructive of popular rights, by supporting a vicious and corrupt Administration, whenever attempted.

But it is said, on the opposite side of the House, the System of Parties is dangerous by creating agitation and enquiry. It was the cry of the good old times, that, whenever a new Member coming into the House began to be curious and inquisitive in public affairs, the compact assailed him as "a dangerous man." Why, Sir, this is the doctrine of Tyrants, and of the enemies of free institutional and constitutional rights in every age of the world. Men in power do not like those who promote investigation; but a vigilance of this kind, even if it lead occasionally to excitement, is as necessary to keep pure the action of a Government, as the play of the electric fluid is indispensable to cleanse and purify the atmosphere. Constitutional writers, so far from deprecating this spirit of enquiry, encourage and commend it; and I beg to read to the Committee a brief extract from Lord Brougham's late work on the British Constitution, in which the duty of a people who deserve to be free, is thus illustrated; for in this, as in everything else, vigilance and diligence reward and inspire the faithful and patriotic, and expose and limit the powers of the corrupt and the indolent:

"The whole history of the Constitution, which have been occupied in tracing from the earliest ages, abounds with proof show easily absolute power may be exercised, and the rights of the people best secured by law may be trampled upon, while the theory of a free Government remains unaltered, and all the institutions framed for the controul of the Executive Government, and all the laws designed for the protection of the subject, continue as entire as the moor

ment they were first founded by the struggles of the people, and cemented by their labour or their blood."

His Lordship after referring to the great events of English History, thus concludes—

"These are such passages in the history of our Government as may well teach us to distrust all mere statutory securities; to remember that Judges, Parliament and Ministers, as well as Kings, are frail men, the sport of sordid propensities, or vain fears, or factious passions; and that the people never can be safe without a constant determination to resist, unto the death, as often as their rights are invaded."

"The history we have been reviewing," says Lord John Russell, "is pregnant with examples of the enervation of power and the decline of virtue in those who are appointed to govern; and that it is the great duty of a free people—the only safeguard of their liberties, to assume a jealous and active vigilance in guarding the wills of men in power." And as to political excitements he adds:

"In reckoning up the bad effects of party, I have not spoken of the animosities and violent contentions it produces. Mock Philosophers, sentimental women, and effeminate men, are always making lamentations over political divisions and contested elections; men of noble mind know that they are the workshop of national liberty and national prosperity. *It is from the heat and hammering of the stihly that freedom receives its form, its temper, and its strength.*"

In our own Assembly we have already seen the benefit of an active and organized Opposition; for, Sir, a large majority in the House are satisfied that if the Government had not been apprehensive of resistance, they would neither have acted as they have done in the question of the Coal Mines, or in the reform of the Treasury and Excise.

I come now to the proposals made in July, and think the Opposition would have been recreant to the interest they were bound to guard, had they acceded to them. First, Sir, the Councillors, before objected to, remained—had they gone back, while they continued in office, it would have been a virtual condemnation of the stand they before made. Second, we adhered to the opinion, that, in the coalition proposed, we had not an adequate representation. Third, the Council was to be enlarged to 12—a number dangerous in our limited representation, to the necessary powers which the Assembly should ever retain; and as to the Council of nine, I never heard of it till this Session; but these points have already been so ably illustrated, that I will pass to the last and leading objection—the exclusion of Mr Howe—and here, Sir, I most condemn, in language energetic and fearless, the conduct of the Administration in bringing down his Excellency into this conflict denuded of the sanctity of the Royal Rote, unprotected by the sceptre—by that brilliant and imposing halo, which should ever surround the Sovereign and Her Representatives.

If, in our local affairs, we are to have the British system, we must have British usage—that usage which debarred the Councillors, who surround the Executive, from sheltering themselves from responsibility, or covering the weakness of their own position, by thrusting His Excellency into the foreground. In Parliament, the name of Majesty is never heard; and the Crown is preserved in that lofty and secure position, that the personal feelings of the Sovereign never can be brought to proscribe public men, or to embarrass and clog the Constitutional management of public affairs. Many of the references which I had intended to adduce upon this point, have been urged already by my Hon and learned friend from Halifax, (Mr. Doyle) I am glad they occurred to him, because he was able to dress them with a classic point and elegance which I do not pretend to imitate. There were a few other examples, however, familiar to minds versed in Constitutional history. There is the celebrated example of the Earl of Halifax, who had rendered himself obnoxious in the reign of Charles, to

his successor, James, by voting for the act of exclusion; and though the personal hostility of the latter Sovereign was not concealed, the noble Earl still kept his place in the Cabinet. The prejudices and passions of Queen Anne were all in favor of the Tories; still, she was compelled to sacrifice those feelings—to receive the Whigs—and even to retire the petty tyranny and intillage of the Duchess of Marlborough—and to receive the Duke and Lord Cowper into her confidence because sustained by the majority of the Commons. The feeling of George 3d to Pitt, is a page in history instructive to us, and has been graphically delineated in the two reviews of Mr. Grey of the life of that great statesman. And in answer to that strange and ungenerous argument pressed by the learned Member for Hants—that the antipathy and proscription of Lord Falkland towards Mr. Howe, was to descend, as an executive inheritance, to his successor—indicative of a spirit of revenge, irreconcilable with that generosity which should ever mark the acts of the Crown, I turn the attention of the Committee to one late example in Colonial history.—The Hon. Mr. Baldwin retired from the office of Solicitor General during the Administration of Lord Sydney, at a crisis, in which His Excellency bitterly complained of the embarrassments in which it had involved him. Mr. B. was then accused, by his opponents, of a breach of faith, and attacked with that sort of slanders which a Compact ever deal out to the public man, who, though actuated by a sense of public duty, acts contrary to their interests. Mark the result! The Assembly continued their confidence in Mr Baldwin—and the first act of Sir Charles Bagot was to consign the Administration into his and Mr. Lefontaine's hands.

So much for Constitutional rule; but, Mr. Chairman, as to the reasons stated for that proscription you have heard the witty and eloquent defence of the Hon. Member himself—the people of Nova Scotia will now judge of its merits. The provocations which the Hon. gentleman has received were enough to excite a feeling of intense indignation. I will not defend here 'The Lord of the Bedehammer,' for, sir, I am not the advocate of newspaper squibs and anonymous attack. No one has been more often or causelessly accused than myself. I will not deny, that on rare occasions, I have wielded my pen in self defence; but I can assert, that I never in my past life, made a gratuitous and unprovoked attack. The causes stated, if they do not excuse altogether, largely palliate the conduct of my Hon. friend; and let it not be forgotten, that the Hon. gentleman defended His Excellency, and protected his feelings, and was ready to make every personal sacrifice to relieve him from embarrassment—until his feelings had been lacerated by a series of slanders, and the publication in the Government Press of the mutilated Despatch from Lord Stanley, accusing him, Mr. Uniacke, and Mr. McNab, of 'pretensions' I can imagine with what bitterness—nay, with what agony, as a public man, the Hon. and learned Member, the Leader of the Opposition, would read this charge, and feel the position in which it had placed him before the Queen,—he, sir, who has ably vindicated the change he made in public life; in giving his support to the New instead of the Old System, because the latter was the policy dictated by the Crown; he yielded, in short, to the mandate of his Sovereign.

I can sympathise, also, with my hon. friend from Halifax in his feelings when that despatch appeared, considering the sacrifices he has made for constitutional principles, the honorable position he occupies in this Province and in British America—his anxiety to introduce British institutions, and to preserve a "noble reputation" as a public man. The loss of a limb would have been nothing in comparison to the accusation it contained, of attempting to " wrest the prerogative," of flagrant ignorance of Constitutional principles—aye, of incipient treason. I make here a charge against the Atty. General, and ask if, when reference was made in this House to the publication of this despatch, in last Session, he did not convey the impression, that it had

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appeared without his sanction. If, therefore, the Governor has been brought down into a personal conflict—he must blame his advisers, for refusing to assume the responsibility of this act—to raise their shield for his Excellency's protection. But, sir, let it not be supposed that the exclusion of Mr. Howe is now a controversy between this Assembly and Lord Stanley—the last sentence of Lord Stanley's letter of the 24th July says to Lord Falkland—"I have every confidence in your Lordship's judgment. I leave entirely to your own discretion the selection of such individuals as you shall consider the most eligible to serve in your Government." It is reduced to a question between us and his Excellency's advisers; and here, sir, let me protest against this fresh example of a weak and inefficient administration, protecting their own infirmities, by putting the Governor in the front. It is an old game—it has been led to the sacrifice of many a Governor, and was the cause of driving the generous and good old soldier, Sir Colin Campbell, from Nova Scotia. What its effect on my Lord Falkland may be, is yet in the womb of time. I do not say or insinuate that the Hon. Attorney or Solicitor General will do so, but if it should blight and remove his Lordship, I trust when he has left, he will be spared the sorrow of those, who have created his present difficulties. Having no reliance on themselves, or on us, or the people of Nova Scotia, they seek the benefit of the Colonial Secretary's approval. Mark how Lord Durham, in his Report, denounces this system as utterly subversive of the peace of a Colonial Administration.

"Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the Colonial Governor to be instructed to secure the co-operation of the Assembly in his policy, by entrusting the administration to such men as could command a majority; and if he were given to understand that he need count on no aid from home in any difference with the Assembly, that should not directly involve the relations between the Mother Country and the Colonies."

And why, because the accused has no equal chance. The Governor and his advisers can get up their own case, and the debate in Parliament on Canadian affairs, as well as the despatch now before us, show, that in both questions, the decision of the Colonial Secretary has been founded on an entire misapprehension of the facts. The hon. Atty. General had said we complained of the publication of the despatch—that the people were entitled to the whole case, have they got it? Have all the documents been submitted? Where is the despatch which induced Lord Stanley to accuse the Ex-Councillors "of pretensions"—Where the letter relative to Mr. Howe, referred to by His Excellency in his letter of the 2d August? And, sir, can any doubt be entertained that the advisers of his Excellency conducted the whole negotiations to obtain from the Colonial Secretary, that for which his Lordship entreats in the following supplicatory language: "I venture to hope you will give me the advantage of an expression of that opinion," necessitating, in short, the aid of the Crown to interfere in his Lordship's personal quarrels—in what is represented in the despatch as a personal contest with a popular leader. The letter to Mr. Dodd of the 24th Feb'y setting out a string of theoretical and indefensible positions, repudiated and denounced by every member of the opposition, limits their reply to a simple acceptance or rejection—yes or no! Was this intended to exclude all explanations on their parts? But, sir, after the country has read the letter placed by the Ex-Councillors into the hands of Mr. Dodd on the 29th Feb. and since retained in his possession; after they have seen the note sent by Mr. Howe, and read on the following morning to the hon. Sol. Genera.—true he says that he did not communicate them to his Excellency, but the question is, was it not his duty

to submit them, and with his character for ingenuousness, the Country will yet enquire how he could reconcile it to his own sense of justice, in the face of fair dealing, to his friendship for the learned member for Cape Breton, to allow his Excellency a letter, and the accusation made against the Ex-Councillors, and Mr. Howe, of a selfish and dangerous ambition, and against us who sustain them, to go to the Throne to defend and injure their and our public reputation, when he had in his hands ample evidence of retaliation.

But, Sir, I come now to another branch of the argument, and will prove that the Government, by their acts—or they have now been on trial for a year—have violated every principle of responsibility, and have forfeited that oft repeated pledge of doing "equal justice to all parties." My first charge against them is, that they have failed in doing the business of the Country, and performing the very first functions of an efficient Administration. The Attorney General has complained of the frequent demands made by us for measures, and has represented it as a proof of a factious disposition, rather than of anxiety for the public good. I protest against this construction, for I have ever regarded that it was one of the best features of the new system, that, by it, we were to get rid of the evils of hasty, undigested, and therefore imperfect legislation, by having a body of men surrounding the Lieutenant Governor enjoying the confidence of the Legislature, and who, during the recess, would devote their time and talents to the preparation of a bill measure. I ask the attention of the House to the following extract from a letter written by Lord Sydenham to Lord John Russell, while in Halifax in July, 1840. "The defects in the present system seem to me to be, that the Executive Council is composed in a way, which, whilst it has created dissatisfaction, has afforded the Government no assistance or strength whatever; that we do not derive from our officers that aid in the management of our public affairs, in the Legislature which is absolutely indispensable for the conduct of them in the Colony;—that as a necessary result of this, the Government does not and cannot perform what is, in my opinion, one of its first duties viz:—Propose and submit to the Legislature with the full weight of its authority, whatever measures may appear to be called for, for the good of the Province, and the very consideration of which would divert men's minds from the agitation of abstract points of Government such as we have seen raised here." In the performance of this duty our Government have utterly failed. In the two last, and in this Session they have not brought down a single public measure to test the confidence they really enjoy. At the present moment the question of education, schools, colleges, academies—the Election Law—the state of our public offices, are all almost—no plan digested—no principle solved, and everything as before, consigned to the care of individual members, or of Committees often constructed by chance and without due consideration as to whom the public business is consigned. They are not a responsible Council. Sir, the present Council hold office to dispense office that is all; and as for their pretended regard for the independence of this House, to a shrewd mind it means nothing but a cautious regard for themselves. If short headed, they had and have this remedy—let them go on and fill up from their own side—it will only form a party Government of a larger number—for a Party Government they unquestionably are.

I must confess, however, that I did read with absolute astonishment, the authentic report of the learned Attorney General's speech at Bridgetown, where he vaunted that the opposition last Winter Session, "had been beaten on every occasion." I never did deny that the learned Atty. General had a majority to sustain him; that is to keep the disposal of public patronage in his hands; but on every leading question, for example, (for I cannot review them

all) upon the Civil List Bill, as well as the Cape Breton question in July, the Government were defeated, and the views of this side were triumphantly forced upon them. Can it be denied, that the Attorney General proposed salaries for His Excellency, the Chief Justice, Sir Rupert George, the Clerk of the Crown and others, which were rejected by the opposition? Can it be denied that in almost every division, upon the items of the Civil List, he and his friends sat in a minority? Can it be denied that then, and up to this hour, he has been afraid to try the question of arrears, and that the Government stands now indebted in large sums to their public officers which they have no means to liquidate, and which Lord Stanley has refused to pay? The Civil List Bill was passed indeed, but not by the Government, it was carried against their wishes; and had the Government pursued the policy of the Whig Administration of 1843, they would have been bound to resign; for it will be in the recollection of the House that Lord John Russell was defeated on the bill introduced for the settlement of the Civil List, and in consequence of it, that he and his friends tendered their resignation. Again, upon the Cape Breton question, the House will recollect the anomalous position the Government assumed when we met in July—no plan—no principle—no measure. In it the Government again sustained a mortifying defeat. The leader of the Government, it was well known, sanctioned, if he did not draft, the vague and do nothing resolution brought in by the hon and learned Member for Hants. I had then the honor of submitting, in behalf of the opposition, a series of resolutions on that question. I recollect I was taunted by the Attorney General in recommending a search into the archives of office here, for evidence of the complete incorporation of Cape Breton to Nova Scotia, from 1761 to 1784. He spoke, perhaps contemptuously, of what he was then pleased to call my taste to search into dusty records. Before the debate had ended, the Attorney General had extracted the essence of our resolutions, and incorporated them into that introduced by the learned member for Windsor—throw his own resolutions introduced by the member for Hants under the table, supported our resolutions in a new shape, agreed to the appointment of a Commission to make the searches before despised, in short was forced to adopt our policy, and to conduct the searches suggested, and which, as now known to the House, have produced a body of evidence, which will have an important bearing upon the question. And with these obvious facts the learned Attorney General, two months afterwards goes into the barn at Bridgetown, and beludges his constituency by talking of the Administrative strength of his Government, and of his having "beaten us upon every occasion."

But now for the second charge.—The violation of this principle so loudly trumpeted, so seemingly fair, so beautiful in theory—but so hollow in practice—of doing "justice to all parties;" it resulted in what was predicted, an exclusive dispensation of patronage, during the last year, to gratify their own friends, and to promote their own Party ends. I do not deny that the Opposition feel a little sensitive on this point, for, with the exception of the Speakership, there is not a single public Office of value in this Province held by a Liberal; and as for the Speakership, the Office has dignity of itself, but it is well known that it maintains it now in spite of the Government—for every effort has been made by the Administration to degrade it, although in vain. I do not mean to rest my case upon assertions—I shall go to details, and first to the Office of Solicitor General. The Hon. and learned Member for Sydney will not misunderstand me; I neither deny his talents, nor his claims—but I do say, that that office ought not to have been conferred upon him—that his residence renders it impossible that he can perform its duties; and therefore that his appointment was an exhibition, to use the language of the Governor General in the Gore Ad-

dress, of "the patronage of the Crown being surrendered to the Council for Government purposes, instead of being distributed to promote the efficiency of the public service." I recollect we put this language last Session on our Journals. What are the duties of that Office, and for the performance of which he is paid a salary. It is to give advice in case of emergency; to aid the Attorney General in questions and trials of importance; to be, if not at the right hand, at least within reachable distance of the Attorney General, in case he is overclouded with public business, sick, or was obliged to leave the Province. What would he do in Parliament, if the Ministry had advised Her Majesty, in the exercise of her prerogative, to appoint a Solicitor General living at the Land's End, or Johnny Groat's house. (Laughter.) Admitting fitness capacity, and every other requisite—the distance of Sydney, 300 miles from the capital—rendered the appointment of Mr. Dodd wholly indefensible; and reduced the Governor to 'be a mere tool in the hands of his Council.' I confess, sir, that I admire the magnanimity of my Hon. and learned friends from Lunenburg, Queen's, Hants, and King's County, who support the Government with such steady devotion, after their respective and superior claims to this office have been treated with such open disregard. Next comes the appointment of Marshal in the Court of Vice Admiralty—on Office of trust and emolument, and which in the case of war will yield to the luculent of a fortune. A good Conservative, Mr. Hays-horne, is of course nominated to fill it. Again, Mr. Chairman, I beg it to be understood I make no reflections upon the holder, and say nothing against his claims. We are trying a principle. To balance this appointment, a most ingenious scheme was devised by the Government, to give a shining fairness to their acts; they appoint a Law Reporter—an Office before unknown—The Constitutional right, to say nothing of the propriety of this appointment, has been openly assailed upon the floors of this Assembly. Mr. James, a Liberal, was nominated to it; it entailed labour and responsibility—gracious hoon!—but where was the pay? A majority of this House, and some of the supporters of the Government, have refused to aid the Reporter even in the expense of printing his reports; and the Government have been defeated by their own friends—because, as they said, the Advisers of His Excellency had not respected the independence of the Assembly, by reeking its sanction before this novel appointment was made. The Conservative gets substance—the Liberal a shadow; but that is equal justice. My hon. and learned friend from Halifax has described the patronage dispensed in this County last year—four Magistrates, all from the Conservative side. As regards the County of Pictou, which I have the honour to represent, there have been two Magistrates, one Coroner, and one Commissioner of Schools, all belonging to the Party who opposed me at the last Election; against the others I say nothing, but the Chroner was known to be obnoxious to my friends—because, sir, he gave evidence before the Committee which they believed to be untrue. But I have yet to disclose a more extraordinary sample of this pledge, of doing justice to all Parties.' Under the Old System, the Government never attempted to interfere with the nomination of Road Commissioners—they were entrusted to the Members of the County, or a majority of them. Mr. Smith, and I, together with my Hon. Colleague, sat down last year and prepared a list—and so far as I was concerned, I assert that I acted from an honest and conscientious desire to give my opponents, as well as my friends, a fair share of local patronage. Pictou never will have peace till this policy is adopted. We did recommend several men from the Kirk Party; and upon one or two appointments only, my Hon. Colleague, and I, had a difference. Mr. Smith, and I, sent in our list, never suspecting that our decision would be touched by a Government acting upon such generous principles. Mark the result:—our list was

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being surrendered, instead of being the pul' services' on our Jour- for the per- to give advice Attorney General lu be, if not at the of the Attor- h public business, What would be to appoint a Solla- or Johnny Broat's capacity, and Sydney, 300 miles Governor to 'be a confes, alr, that learned friends King's County, steady devotion, to this office have Next comes the the Admiralty-- ch in the case of A good Com- mitted to fill it. I make no thing against his balance this ap- devised by his to their acts: fore unknown-- upon the floors was nominated bility--gracious majority of this government, have sense of printing been defeated said, the Ad- the independ- before this vative gets sub- equal justice. is described the r--four Magis- As regards the or to represent, roner, and one the Party who the others I be obnoxious ence before the e. But I have of this pledge, e Old System, were entrusted of them. Mr. gue, sat down was concerned, conscientious de- ds, a fair share and peace till and several men appointments ference. Mr. ting that our acting upon --our list was

set aside; they knew the County better, of course, than his own Members, several of our recommendations were dis- regarded, and our imperfect notions of 'doing justice to both sides' controlled by the action of the Government, who disturbed our balance, and put about three-quarters of the list into the hands of our opponents. Sir, I would not feel so indignant if it were not for the specious pre- tences with which this Party policy is attempted to be covered. In my opinion, there never existed a Party Government in the Province more closely bound, more selfishly worked, or more offensive; and yet recollect the speech of last Session, and the monster debate, 'poor Nova Scotia was not fit for a Party Government.'--the Governor would be advised, if surrounded by a Party, to do injustice.' Which have we now? and what has Lord Falkland been advised to do? The country will yet re- spond to those questions in a voice not to be disregarded.

But, Mr Chairman, I come now to that set which, to use a vigorous, if not choice expression, caps the climax,-- the action of the local Government relative to the Regis- trars' Bill. Again, I beg it to be under- stood, I make no charge against Sir Rupert D'George as a gentleman. I have admitted before, and I again repeat, he is fully competent for, and is courteous and obliging, in the per- formance of the duties of his office. But, by the new Con- stitution, we are to have a Council reflecting the opinions of the Assembly, acting of course in accordance with the views of the majority, and by the fourth article of the Ca- nada resolutions of Sept. 1841, adopted by us last Session, it is declared, "That the people of this Province have moreover a right to expect from such [our] Provincial Administration, the exertion of their best endeavours, that the Imperial authority shall be exercised in the manner most consistent with their well understood wishes and interests."

The Registrar's Bill, after long controversy, was passed last session by large majorities, in both branches of the Legislature, and subsequently received his Excellency's assent. So far, the harmony is perfect.--at this stage the antagonism begins. His Excellency's advisers were clearly bound to have transmitted this Bill with an earnest recom- mendation in its favour, because the Imperial authority was to be applied to in all cases by his Excellency, to aid the local policy as declared by the Legislature. If Sir Rupert disapproved of the passage of the bill, he had his remedy; he could have relinquished his office, and resign- ed his seat in Council; while he remained, if indeed we have a responsible Council, he was pledged by every con- stitutional obligation, to assist in having the bill approved of. How does he act? He writes a letter to his Excellen- cy against the bill, which his Excellency receives and trans- mits to the Colonial Secretary, speaking at the same time favourably of Sir Rupert's claims; but this being a local question, the advisers are responsible to us for the act. Now, if they advised his Excellency to transmit this letter, they clearly violated their duty to the country--if they did not, then, on its coming to their knowledge, if attached to the new system, they would have tendered their resigna- tions in an hour. The letter goes to Lord Stanley. His Lordship's despatch lying now on our table, says that the bill has been disallowed by reason of Sir Rupert's objec- tions,--we ask for a copy of the letter, it is refused by the hon. Attorney General; and the Assembly are gravely told that a single officer of the Government can controul the action of the Legislature, and that his influence in the Colonial office is more powerful than that of the Council and Assembly together, and further, that his appeal to Lord Stanley--the judge and arbiter between the two parties, the Registrar and the Province, cannot be submitted to us because it is private--a private letter to Lord Stanley is to control our public rights! If this, Sir, is not a renewal of the old system, and of the appeals to the Colonial Min- ister--the back-stair Lord Bote system of George III.--then I confess myself ignorant of every constitutional doc- trine, and of all the purifying influences the new system

was intended to confer. If it can be defended I will be glad to hear the grounds.

But, Mr. Chairman, it may be asked why I have en- deavoured to engage the attention of the Committee, by such an earnest, if not vehement appeal. Sir, I have en- tered public life to pursue no course of shifting expediency. I have adopted, after patient enquiry and reflection, the principles which I have now illustrated--I press them now because I believe them to be British, because they have been confirmed to us by the gracious recognition of our Sovereign, and because I regard them as essential to the preservation of the Imperial authority in this hemis- phere. They are the birthright and inheritance of every British subject within the wide limits of this noble con- tinent. Although not a native, I came here in infancy--my affections, fortune, and fate are here. It is my father and conscientious belief that until these rights are respected in practice, the two millions who now inhabit these noble de- pendencies, the brightest disem in the British Crown, will never rest contented, or pursue with confidence and spirit the high career to which we are destined. We would be unworthy our ancestors, and degrade the blood which flowed in our veins, if we felt otherwise. For these reasons, I he- ther depressed or triumphant, I am determined to exert my humble talents, and every energy God and nature have be- stowed, to implant them here, and to give them full, free and practical operation. Torn to the page of history, and survey the broad field of Europe--look at Italy, Rus- sia, Austria, Spain, and France--where the genius of their people has exhibited the most grand and exquisite devel- opments in the pursuit of science and the fine arts; and yet they want the general impress, the civilization, the virtues, the order incident to free institutions. The few are elevated, while the many remain ignorant and debased. How comes it that England, occupying as she does, a small island, a mere speck on the shores of the old world, enjoys such unquestionable superiority; and rules, almost supreme, in the congress of modern nations. Go where you will, the genius, the character, the moral power of her people are known and respected. In her, the sciences, the arts, literature and liberty, have a sanctuary and a home, where they are improving and expanding--ever secure and ever progressive. What creates and enervates this elevation of character--that gives this bold and active enter- prise, whose limits are bounded only by the circle of the world? Sir, it is the mould--the inspiration of her institutions--the security they confer--the road they open to honor and office to be won by the rivalry of mind. There is in them no cold and chilling exclusion; there the son of the peas- ant, in the glorious race may outrun the son of the proud- est noble, and if he have the talent, gild his brow with a coronet. I may be told, indeed, that British institutions will not produce the same benign effects here, and that we possess a less educated and less enlightened constituency. I deny it. It is a libel on the people of Nova Scotia--in their behalf I here repel it. I have heard, indeed, our audiences often taunted with the offensive appellation of "a mob." Sir, the people of this City and Province, are sagacious and enquiring--not ready to yield to impracti- cable theories, however showy and captivating, nor to be misled by sophistry, however refined or ingenious.

There are thousands here who fully understand the issues now put to them; and who, though loyal to the heart's core, will make every effort, however bold, to assert and establish their rights. I declare, that I never felt so tri- umphant, so buoyant, as a public man, as I do at this very hour. These I attempt to crush and fetter the system are only hastening its establishment. The principles are spreading among our opponents; they are becoming con- verters. I entreat my Hon. and learned friend from Windsor, with his candid and vigorous mind--and my Hon. and learned friend from King's, who has come into this House with so many talents to fit him to be a useful public man--to give their real opinions their just sway, to

cast off the old associations which fetter and bind them, to us the inestimable rights of the Constitution—they leave the unstable structure their associates are endeavor to sustain ere it falls with one fell crash—and to join that band whose names will yet be handed down to future generations, and whose memories will live to be blessed, because they have struggled at every sacrifice for the principles which are strong with the strength, and immortal with the immortality of truth.' These principles secure

to us the inestimable rights of the Constitution—they make public honors prizes open to all—they excite genius and industry to their highest effort—they put an end to the trade of the slanderer—they confer on the people the blessing of a just and good Government; and, I believe, will secure to us, for ages to come, the ennobling inheritance of a British name.

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