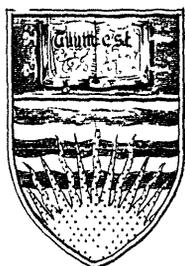


S D Scott

From J. H. Williams.



Library
of the University of
British Columbia

This book is the gift of
Estate of
S. D. Scott, LL.D.

Date November 1944

Accession No. 145350 Call No. 104. A12.1855-1859
1861

PARLIAMENTARY

DEBATES

DURING THE FOURTH SESSION OF THE

TWENTIETH PARLIAMENT OF THE

PROVINCE

OF

NOVA SCOTIA.

1855.

HALIFAX, N. S.

RICHARD NUGENT,

PRINTER TO THE HOUSE OF ASSEMBLY.

1855.

Parliamentary Debates

And General Proceedings of the **FOURTH SESSION of the TWENTIETH PARLIAMENT of the PROVINCE OF NOVA SCOTIA, commencing on Thursday, February 8th, 1855.**

HOUSE OF ASSEMBLY,

THURSDAY, Feb. 8, 1855.

Mr. Martin I. Wilkins presented a petition from the Master and Office Bearers of the Lodge of Freemasons at Pictou, praying an act of incorporation.

He also introduced a bill in accordance with the same.

Mr. Wade presented a petition from Benj. Chesley and Charles Hill, praying for the repeal of an act of last session relating to the Chesley Aboiteau.

Mr. Thorne desired postponement until opposite parties could be heard, which was assented to.

Mr. M. I. Wilkins introduced a bill to incorporate the Pictou Cemetery Company—read a first time.

Mr. Wier introduced a bill to amend the act passed last session to borrow £3,000 to erect a city prison; this act contemplated a further sum of £2,000. Read a first time.

Also, a bill to incorporate a Merchant's Exchange in Halifax.

Also, a petition of James Sinot, of Halifax, for compensation for claims on the Shubenacadie Canal. The hon. gentleman explained the nature of the claim, and advocated it at considerable length. The petition was referred to Messrs. Wier, Shaw and McQueen.

Mr. Hugh Munro presented a petition from inhabitants of Victoria, asking for a change of route, which would save 100 miles of travel. He stated that the members were prepared to place a large sum to aid in this service—and it was a very important one, for by the erection of a bridge over the Middle River, which would involve great expense, not only would the inhabitants of Cape Breton be greatly benefitted, but the whole intercourse of the inhabitants of Nova Scotia would be improved.

Mr. Fulton—The petition should be referred to the members for the county. I had

one of the same sort sent to me this morning.

Hon. Mr. Johnston advocated the claim of the petitioners, and moved that a committee be appointed to whom petitions for such special claims should be referred.

Messrs. Holmes, Dr. Brown, Howe, Martin I. Wilkins, McLellan, and others spoke, after which the petition was laid on the table.

Mr. Thorne presented a petition from inhabitants of Chute's Cove and others, for aid to a breakwater, and an act of incorporation. The bill was read a first time.

Also, a petition from the inhabitants of Bridgetown for aid to remove rocks from Annapolis River.

Mr. Esson presented a petition from Rev. Dr. Shreve, of Dartmouth, for some act to check the desecration of the Sabbath. He said it was a subject of great importance, and he moved for a select committee.

Hon. Jos. Howe suggested the incorporation of Dartmouth.

Hon. J. W. Johnston said that for some weeks past he had been inculcating this idea in Dartmouth, and thought he would be successful. A new spirit seemed to have arisen, and he had no doubt an act of incorporation would be hailed with welcome.

The petition was referred to Messrs. Johnston, Esson and Chipman.

Dr. Brown presented the petition of W. I. Fuller, for compensation for services to sick Indians.

Mr. Cowie presented the petition of magistrates of Queen's County for a half-way house.

Also, the petition of W. T. Waddell, courier, for increase of salary.

Also, from Dr. Forbes, for compensation for attending sick Indians.

Also, from inhabitants of Liverpool for the establishment of a light house.

Also, from overseers of the Poor for Liver-

Referred to the committee on the petition of R. McHefly and others.

Mr. Esson introduced a Bill to Incorporate the Committee of the Halifax Library.

He also presented the petition of Dr. Twinning, and others in favor of the relief of Francis Paul, an old and destitute Indian. He is the Chief of the remnant of the Tribe—is nearly 100 years old. The petition prayed for a small annual pension for the rest of his life.

Hon. Joseph Howe would give him £10 or £12 a year out of the Indian grant.

Also, the petition of John Martin and others of Ketch Harbour, praying the House not to alter the present mail route there.

Mr. Smith presented 24 petitions for aid to roads in Hants county.

Martin I. Wilkins presented the petition of Paul Murphy and others, for remuneration for services as Jurymen in the case of Mr. Martin, in Sydney, C.B. Referred to the Committee on the petition of Charles F. Harrington.

He also moved that so much of Mr. Martin's petition as referred to pecuniary matters be referred to the same Committee.

Mr. Holmes presented a petition from Catharine Gore, of Birch Cove, for compensation for damages done her land by the Railway. Laid on the table.

Mr. Wade presented the petition of inhabitants of Digby, for aid towards the public landing; also the petition of Susan Morrell, of Grand Passage, in the county of Digby, for aid to the ferry at that place.

Mr. B. Smith presented a petition from persons in the County of Hants, signed by 200 persons, against the Western Survey for a Railway. He said that it was but one of a large number of such petitions he was in daily expectation of receiving. He moved for a Committee on the subject.

After some conversation between Messrs. Holme, Wade, and B. Smith,

Mr. Dimmock spoke at length in favor of a line to run through the whole of the County of Hants, instead of one which would go through a wilderness, and would benefit only Windsor and Falmouth.

The petition was referred to a committee, composed of Messrs. Marshall, Chipman, Wade, Brown, and McLellan.

Mr. Annand presented a petition from the inhabitants of Dartmouth, setting forth that the Steam Boat Company had raised the annual fares and praying the passage of a Law to prevent the exaction. The Petition was read and Mr. Annand moved the appointment of a select committee.

Mr. Esson said—I am glad this Petition has been presented; an impression has got abroad and seems to prevail extensively that the steam Boat Company were endeavoring to impose on the public. I do not stand here, sir, to advocate the rights of any incorporated Company; and am therefore much pleased that a select Committee has been asked for by my hon. colleague to investigate the matter, for I feel assured that any committee this house may

appoint will bring in such a report as will be entirely satisfactory to all parties—the Petitioners, the public generally, and the Company.

The Petition was referred to a select Committee, composed of Messrs. Annand, Johnston, Wilkins, Howe and McQueen.

Hon. Provincial Secretary, by command, laid on the table copies of Correspondence from Clerks and others of various Public Departments asking increase of salaries.

Hon. Attorney General said that the government had felt the pressure from these quarters very much; those who could subsist on small salaries before the enormous advance in Provisions, now found that they could not do so and requested an increase. A committee should be appointed thoroughly to investigate the subject.

The committee was appointed, composed of Messrs. Wier, Locke, Fulton, Wilkins, and Chipman, to report thereon.

Hon. Provincial Secretary laid on the table of the House, by command, copies of correspondence relative to the dismissal of the Post Master at Windsor. Also papers relating to expenditures on Roads and Bridges in the county of Annapolis; also papers connected with the erection of a Bridge over Mill Brook; Also documents relating to the trial of N. H. Martin, including various claims for services rendered at his trial. The latter were referred to the Committee on Petition of Charles F. Harrington.

Hon. Provincial Secretary, by command, laid on the table a memorial from William Elliot praying remuneration for costs incurred in the Admiralty respecting the schooner Creole, which vessel had been seized by a British cruiser and discharged by the Admiralty Court.

Hon. Jos. Howe. It must be considered whether we have any right to pay this claim after a full investigation and a decision in the Admiralty.

Mr. Wier.—One benefit will arise from the Treaty; we shall no longer be required to pay for such expenditures as these. (Laughter.)

Mr. M. I. Wilkins.—Who ought to pay the amount?

Mr. Marshall.—Who ought to pay the damages? Her Majesty's government. They pretended to protect our Fisheries, then gave them away without our consent. We have nothing to do with such claims as this. These masters of men-of-war acted arbitrarily both to our own people and Americans; and now that our Fisheries are gone we have no right to pay such expenses.

Hon. Attorney General spoke on the subject, but being nearly under the gallery could not be understood.

Mr. Whitman said that Mr. Elliott had been suspended from his functions. That office received from Nova Scotia an enormous amount.

Hon. Mr. Fulton, by command, laid on the table of the House, a return of the causes in Court of Chancery from the 1st March, 1851, to 7th February, 1855.

Also, a Report of the Commissioners of St.

Peter's Canal, with account current and vouchers, and a Report of Captain Barry, Royal Engineer, touching St. Peter's Canal.

Hon. Mr. Fulton presented a petition from the Trustees of the Sackville Academy, setting forth, that within the last year between £500 and £600 had been expended. Considering this, the Trustees of that Seminary were justly entitled to a share of the public monies on the principle upon which the house now dispensed the Educational Grant. The scholars in that Seminary, male and female, numbered 250, of which 80 were from Nova Scotia. Scholars came from all the Provinces, but Nova Scotia contributed a much greater number than any other, with the exception of New Brunswick.

The petition was referred to a committee on Education.

Hon. J. Howe had passed through Sackville last summer, and must say that from the number of buildings erected—the number of scholars, and other incidents creditable to an educational establishment evinced the wisdom of uniting both Provinces in these institutions. He certainly thought the time had come when that institution should be placed on the same footing as other such institutions in this Province.

Mr. Fulton also presented, by command, the financial accounts of the Sackville Academy.

Mr. Wier presented a petition from James Sykes, John Brookfield, and John W. King, for compensation for sundry railway surveys. Referred to a Committee on that subject.

Also, the petition of Salter & Twining, setting forth, that they had shipped a number of puncheons of Halifax rum to the Mediterranean as a speculation; it suited the market, was sold, and now petitioners asked for the usual return of the duties on the molasses consumed in making the rum. Referred to Committee of Trade and Manufactures.

Mr. Wier presented a petition signed by a large number of respectable persons, Committee of the House of Refuge; praying aid to that establishment. The petition was referred to a Select Committee, composed of Messrs. Wier, Marshall and Brown. He also presented a petition from the medical men and others, of Halifax, praying aid to the Halifax Visiting Dispensary. The petition was referred to the same Committee.

Mr. Wier said—as this was the last day for presenting petitions, he would give notice that a claim would be made for reimbursement under the following circumstances: A body of emigrants came here in a wrecked vessel, the Arcadia, and I, in conjunction with another merchant, contracted with the Government to transport them to New York. This was done; but on their arrival there many of them threw themselves on the Municipal Authorities as paupers. The Civic Government applied to the Railway Companies for re-payment, and they, in turn, applied to the agents of the owners of the vessels in which they were sent away. These last sent on to New York an agent to make the best arrangement that could be effected, which is now nearly perfected, the expense, I think, will amount to \$600 or \$800.

Hon. J. Howe was very glad the American Government had determined to punish the Provincial Government, and mulct the hon. member for Halifax in this matter. Here we are, a young country, in want of emigration; a vessel comes in and lands among us one or two hundred hardy Germans; and although we are in want of labor all over the country, we cannot rest satisfied without spending about \$5,500

to send them from the Province. He, for one, raised his solemn protest against such a system; and would never vote for another farthing to be paid in such a service.

Hon. Provincial Sec. Wilkins explained that he had the assurance that the owners of the vessel in Belgium would pay the expenses.

Mr. Wier said that nothing could have kept these people here—they were bound for the interior of America—they would not work—and if they had remained here would have become paupers.

Mr. Howe—The only thing that would have made them work was the same thing that makes us work—the want of food, and houses, and raiment. Now, so far from none of them being inclined to remain here, if any hon. gentleman would go up to the Railway Station, he would see one of these very German emigrants, who could not speak a word of English, who had fallen into his place at once—rubbing down and oiling the engine, as happy as a King, singing all the day long.

Mr. Marshall believed that he voted to send these people away; but it was on the recommendation of their countryman, the member for Lunenburg.

Mr. Zwicker replied that he had consulted with all of them in their own language, and had found that they had great distaste to remain here. Many female servants were wanted in this country, but they would not stay. Four or five mechanics he had induced to remain—who were settled in Lunenburg county, and were doing well.

Mr. Holmes asked leave to introduce a bill to authorize the sale of the old Presbyterian Church at Salt Springs, County of Pictou. Leave was granted, and the bill read for the first time.

Mr. Martell presented the petition of Eliza Walker of Arichat, praying to be allowed £5, granted her last session.

Mr. A. G. Archibald presented a petition from James Campbell, of Londonderry, asking increase of salary: Also, a petition from Stewart Kisselpangh and others, of Tatamagouche, praying the abolition of the Way Office at that place: Also, a petition from the inhabitants of River John, praying continuance of Grammar School grant for that district. Referred to the Committee on Education. He also asked leave to amend certain documents and vouchers to the petition he had presented some days since, from Mr. Ross; leave was granted.

Mr. Marshall presented a petition from the Telegraph Operators of Halifax, asking to be relieved from the performance of certain public duties, and leave was granted to introduce a bill to carry out the prayer of the petition. He also presented 24 road petitions; put on the road file.

Hon. W. A. Henry presented a petition from the Post Master at Plaister Cove, praying increased allowance for his services: Also a petition signed by a large number of persons asking a special grant to lay out and make a road between Tracadie, in the county of Sydney, and Bear's Cove, in the county of Guysborough. He stated that the road interested the people of the Island of Cape Breton more than either Sydney or Guysborough, inasmuch as it opened up direct communication for the former, while it only passed through two corners of the latter.

Mr. Chipman—Petition for a Bridge over Canning River.

Hon. P. Secretary—A petition from Peter

Hall Clarke, of Sydney, for compensation for support of shipwrecked persons in the barque Tottenham; also petition from A. J. Ritchie for remission of duty on paper.

Mr. Zwicker—Petition of George Ward for an act of naturalization—with a Bill—read a first time.

Mr. Beckwith—Petition of Silas Bishop, for return of duties on two Flour Mills imported into Cornwallis.

Mr. Whitman presented 11 Road petitions from Clements and Annapolis.

Mr. McQueen introduced a Bill to provide for the construction of a Bridge over Little Bras d'Or—read a first time; also a petition from Messrs. Clement Harrington, Francis Oliver, and E. P. Archibald, praying to be reimbursed for supplies to settlers in Cape Breton for services on the roads in 1850 and 1851—referred to the Committee the Mnoeir petitions.

Mr. Jost—Petitions of Alpine Grant and Wm. Gossip for return of duties on printing paper.

Mr. Shaw—Petition of inhabitants of Gegoggin, praying to participate in part of the Road Grant for special services, to aid in putting a Bridge over Gegoggin River.

M. Holmes begged to call the attention of the members of Government to a subject. During the last year the government had sent visitors to inspect and report upon the state of the Pictou Academy, and he wished to know how soon it would be convenient for the Government to lay the Report on the table of the House.

Hon. Attorney General replied that the papers were not quite ready, but would shortly be laid on the table.

Mr. Smith had been requested by the Committee on the Militia Law to request a return of the number of Commissions granted during the last year and the fees paid in.

Hon. P. Secretary took charge of the request.

Hon. F. Secretary, by command, laid on the table certain agreements and appraisements for damages to land and fencing, caused by laying out new roads; also, the Report of Captain Chearnley, Commissioner on Indian affairs, with vouchers for expenditure of Indian Grant; also, accounts of moneys granted for relief of colored population.

Mr. Wier presented the petition of Richard Nugent, for drawback of duties of Printing Paper.

Mr. Esson presented the petition of William Annand, of the same nature as above.

Hon. Mr. Howe said that in connexion with this subject one point arose on his mind in furtherance of our industry—and that was, the making of our own paper. He wished all the intelligent Printers of Nova Scotia would combine and have their own paper manufactured in the country. We could import Cotton from the Southern States as cheaply as they could in Boston; we could import rags from the Mediterranean as well as they, and Heaven knows we have enough water power. Instead of that, we send our rags to the

States, and pay them for their labour to make paper for us.

Mr. McLellan was very glad honorable gentlemen were at last coming to their senses, and were getting inclined to protect the industry of the country.

After some conversation on the possibility of manufacturing paper in the country,

Mr. Annand remarked that there was one feature in this matter that he would press upon the attention of the Post Office Committee; and that was that while our coaches were loaded and our mails retarded by large quantities of American publications and newspapers, coming in duty free, and sent postage free, our newspapers when sent to the United States were met by a heavy tax.

Mr. Archibald presented a petition from the Synod of the Presbyterian Church of N. Scotia. Referred to the Committee on Education.

Mr. H. Munro complained that while various petitions had been presented and received to-day on the subject of claims in Cape Breton for supplies to persons in the public service, those which he had presented the other day from Messrs. Jost were on a division withdrawn. He moved that the question on them be re-considered, and that they be referred to the same committee. Agreed to.

Mr. Munro also gave notice that he had not heard from Victoria County since the 15th of February, and as there were probably a good many petitions on their way he would move when they came special leave to present them—that is, if ever they came at all, such was the irregularity of the mails.

Hon. J. Howe.—I suppose the hon. member thinks they may be Hyde-bound. (Laughter.)

The correspondence relating to the dismissal of Mr. Geldert from the office of Postmaster of Windsor, were read.

Hon. J. W. Johnston spoke at considerable length on the subject, and asked if Mr. Geldert had used any influence connected with his office in the Windsor election.

Hon. Attorney General replied—The fact that Mr. Geldert had conducted a most active canvass against the present Provincial Secretary, after repeated warnings, was too notorious to be denied. He was not prepared to enter on the subject at the present moment, but the Government had substantial grounds for displacing the officer.

Hon. J. W. Johnston—Then I am to understand that there is no other evidence of Mr. Geldert having conducted the active canvass spoken of, other than mere notoriety. Are we to understand that in a country like this, where offices are small, and men engage in other avocations to obtain a livelihood, they are to be debarred from the exercise of every right, privilege, and immunity that constitute a freeman? Surely such a doctrine as this is not to be propounded in this day.—Neither by coercion nor corruption should a Government seek to sustain itself. Its appeals to the suffrages of the people should be based on higher and nobler grounds, and surely the Government that is driven to such shifts to sustain itself is reduced to a mean

lamentable and pusillanimous a condition.

Hon. Attorney General said that the Government did not require either coercion nor corruption to sustain it—the Government despised both. But was a member of the Government to go into his County, and find a subordinate officer under his Government, carrying on an active canvass against him? He knew his conduct was distasteful to the Government whose officer he was—he had written an insulting letter to his superiors, who wrote him on the subject; and therefore he brought on his own dismissal. Nobody denied to him the right to vote; but that was a widely different thing from using his position and the influence the office gave him, against a member of the Government. The conduct of the Executive in this matter was strictly British—it affected the rights of no man—every officer received his place on the understanding that he should not actively oppose those who conducted the Government of the Country. Nobody asked Mr. Geldert's vote for Mr. Wilkins—nobody asked him to canvass for that gentleman; but it should be known that the Government were determined to resent so indecorous a proceeding as a subordinate officer actively canvassing against his responsible superior. Would the Hon. gentleman opposite when in power have tolerated the active opposition of any Postmaster in any part of his County?

Hon. J. W. Johnston would like to know to what petty officer the line of demarcation for the operation of this principle was to extend—what paltry price was to be paid for the sacrifice of the spirit and independence of Englishmen. Earl Grey's despatch on this subject referred to officers of a higher character—not to such petty places as were distributed over Nova Scotia. If it referred to these, he repudiated it, as unsound and degrading. But the hint just thrown out was quite significant. Every little petty officer in Nova Scotia must take notice—an election is at hand—take care how you vote against any friend of the Government! That was the secret of this movement against Mr. Geldert, a young gentleman of most estimable worth, who did not disguise that he considered the vengeance of the Government as a hard requital for his exercising the sacred rights of an Englishman. A Government must be poor off, indeed, if it have to resort to such expedients to keep itself in power.—The Hon. Attorney General has asked me if I would have suffered a Postmaster in Annapolis to oppose my election? Why, Sir, if I am correct, I believe that the only opponent I have had in running my elections actually held the office of Postmaster of Lawrence Town. Did I ever think of his removal? No—nor of any subordinate officer in the County. The Hon. gentleman concluded by denouncing a principle so revolting in its nature and so destructive in its consequences.

Hon. Attorney General.—It may appear, Sir, that I ought to say a few words in answer to the speech of the Hon. and learned member for Annapolis—and yet, Sir, there is nothing to answer. As to the charges of corruption, these might have been well spared;

the Hon. and learned member knows right well that both in the Mother Country and the growing Province of Canada the principle for which I contend is acted on and established. There a subordinate is not required to yield up his independence—to change his political principles and become a convert to the principles of the Government from whom he derives his situation; but merely to refrain from being a violent political partisan; to abstain from using the influence which his office confers to weaken or overthrow that Government. Is this corruption? I put it to Hon. gentlemen in this House whether there are any grounds for such a charge.—But we have almost become accustomed to the terms of approbrium which flow so freely from the Hon. and learned gentleman's lips, whenever he touches any portion of the responsible system. Who does not recollect the case of Mr. Burleigh, Clerk of the Peace in Canada; there the principles for which I contend was asserted; and Sir, this principle forms one of the elements of the constitution under the vivifying and animating effects of which that Province has progressed as though by magic—trebling and quadrupling its revenue within a very few years. These high sounding sentiments—and bitter aspersions, then, with which the Hon. and learned member delights the House often—are as baseless and meaningless in every case as in this, and leave but a very slight impression on the mind of any man who hears him.

Hon. Mr. Johnston.—There is one point, Sir, upon which the Hon. learned Attorney General and myself are entirely at issue. He seems to consider that the principle of self government, to be properly worked out, requires that the hands of the administration should be strengthened at the expense of the people. With such an idea I am sure no liberal mind can coincide for an instant. The people—we were wont to be told in former times—the people were the source of all power; anything that tended to restrain the exercise of the largest amount of Freedom by them—to diminish their influence or circumscribe their sphere of action was illiberal and unsound. How different the doctrine held to day. Now the Government is the source of power; and every engine that can be brought to bear by them is used to cripple the influence of the masses. The holder of a petty Government office must either vote for the Government or refrain from voting at all. This Sir, is surely a curious and interesting theme for the speculative; those who desire a solution of the cause of the change—may remember that a man seeking office and a man in office are two very different persons.

Mr. Wade.—I do not think, Mr. Speaker, that the question has been fairly represented to the House. Our object, I presume is—as it ought to be—to elicit from the Government the true state of the facts as laid down by the Government; and the impression left on my mind by the speech of the Hon. Attorney General is—"that subordinate officers might vote, but would not be permitted actively to canvass and oppose the Government which sustained them in office." This is a doctrine which I hold to be sound in principle; let the subordinate vote, but the Executive are culpable if they permit him to become a political partisan. But, Sir, I go further than most Hon. gentle-

men, and assert that—if an officer under the Government were, officiously to interfere with my election—and use the influence of his office to accomplish my defeat, I should demand of the Government his instant dismissal; and in so acting, I do not believe that wrong would be done him—more especially now that the ideas of the Government on this point have been fully developed.

Mr. Marshall—The announcement of the hon. and learned member for Digby is mere moonshine; when I desire to know his political principles I shall take him quietly aside and ask the information. With the Government we are now dealing—and I wish the country to understand the nature of this attempt to cheat them out of their dear bought liberty.

Mr. B. Wier—I am not about to expound my political principles—but I can announce the principles of a Government which I would or would not be inclined to support. I would not support a Government that employed public servants, and paid them with the public money to oppose them. The greatest difficulty the liberal party have had to contend with (and the conservatives know it well) was the sectional influence of these petty officers; and, Sir, I believe their conduct towards them has been marked by a great deal of forbearance and kindly consideration. I happen to know something of Mr. Geldert's case myself; he did make himself extremely active in opposing the hon. Provincial Secretary; and I told him myself what the consequences would be if he persisted in that course. He did persist, and was dismissed, as I contend—rightfully so; and a Government that failed to dismiss him would have done its duty neither to itself or its supporters. I dare say many hon. gentlemen recollect the expression of the late Duke of Wellington:—"Mr. — may act as he pleases, but the Master-General of the Ordnance shall not do so."

Hon. Mr. Johnston—The hon. member for Halifax mistakes the Government for the people; these officers are not the servants of the former, but the employees of the latter. I wish the inhabitants of this Province to understand that it is one thing to strengthen the hands of a Government, and another to strengthen the hands of the people. Now the hon. gentleman has let out the secret—he has let out the secret! He tells us that he advised Mr. Geldert not to vote. He did vote—and was dismissed. There is the whole case. Now, I would ask any man if he would have respected Mr. Geldert more if he had not voted after that intimation? If he had put off his rights as an Englishman, from fear of losing his office? I should think not; and I intend, Sir, to move for the names of all offices in this country that are to be subject to such surveillance.

Hon. Sol. General—The Master-General of Ordnance in England is as much the servant of the people as Mr. Geldert of Windsor; and I call the attention of the hon. member for Guysborough to the fact that he himself introduced a bill some time since to keep public officers out of politics—especially those in the Excise Department—by excluding them from this house. Many officers in England were expressly withdrawn from political strife, and it was a well understood English principle that no subordinate had the right to oppose the Government under which he served. The hon. member for Annapolis seems to think it was the intention of Government, by such means as these, to sustain itself in power. Why, sir, the Government is answerable to the people, and therefore it is ne-

cessary that harmony should exist, not only among its members, but that the officers it employs should aid and not oppose that Government in the different channels of the public service. What, Sir!—pay a man a salary and place confidence in him, who will use his pay and influence to oppose and thwart you? who will abuse the confidence you have reposed in him in good faith! Sir, no individual should hold office and receive the pay of the people, and yet be allowed to oppose the voice of the people, as expressed here through a majority of their representatives. If he were pressed by the Government to vote for any man against his conscience, or to canvas for a man obnoxious to him, he would have a right to refuse; and any Government who would displace an officer for passive inactivity under such a refusal, ought not to be sustained by any liberal and enlightened people. This officer, Mr. Geldert, was asked not to interfere in any way or shape—to remain quiet, and his own sense of delicacy should have taught him to acquiesce in that advice. If he was determined to oppose the Government, there was nothing to prevent him resigning his office; as he did not, but voluntarily entered into active opposition against the Government whose servant he was, that Government would have been grossly wanting in its duty to the people—utterly oblivious of its own dignity had it hesitated instantly to dismiss him.

Mr. Marshall—My Bill was introduced before responsible government, or rather ir-responsible government, was brought into Nova Scotia. It was intended to keep out of this house those who were entrusted with the public revenue, so that their influence here would not prevent a full and searching annual review of their dealings with the public money—in a word, it was to prevent Excise officers from auditing their own accounts—not like your present responsible government, bringing into the Legislature those who are interested in supporting a Government, whether it be honest or corrupt, and the more corrupt the more unscrupulous the support given to it. I am only amused at his great story of the Master-General of Ordnance, who is to be compared to every hog-reave in Nova Scotia. (Laughter.)

The discussion here dropped.

Mr. Wier asked leave to introduce a

authorize the sale of part of Halifax Common. Also, a Bill to enable the City Council to have control over the measuring of coal and cordwood sold in the city of Halifax.

Both Bills were read a first time, after which the house adjourned.

SATURDAY, 10th Feb., 1855.

Mr. Chipman asked leave to introduce a bill to incorporate the Hall's Harbor Breakwater Company. Leave was granted, and the Bill read a first time: Also, a bill to incorporate the Canada Creek Breakwater Company.

On motion of the hon. Attorney General, the time for the reception of petitions and bills was extended to Tuesday next.

Mr. Holmes presented a petition from a number of persons on McLellan's mountain, praying the establishment of a Way Office at that place: Also, a petition from the inhabitants of Pictou, praying that no alteration should be made in present Mail arrangements.

Mr. McQueen presented a petition from Mr. Brown and others, at Sydney Mines, complaining of irregularities in the mail communication: Also, a petition from the inhabitants of some-

ties of Cape Breton and Richmond, praying that no alteration be made in carrying passengers.

Mr. Munro presented a petition from Donald Ross, asking aid in educating two blind children. Received and referred to the Committee on the deaf dumb, and blind: Also, a petition from Philip McLean, of Baddeck, asking aid to open a road from Baddeck Bay to Baddeck River: Also, a petition from the inhabitants of Bouladrie, praying that Clergymen be exempt from the performance of statute labor: Also, a petition from the inhabitants of Baddeck, asking aid to build a bridge.

Hon. Solicitor General presented a petition from the Overseers of the poor for the township of Dorchester, asking reimbursement of monies expended in support of a transient pauper: Also, a petition from Alexander Chisholm, asking reimbursement of monies expended in supporting a transient pauper.

Mr. Bourneuf presented a petition from the inhabitants of Weymouth, praying aid to establish a Ferry between that place and Sandy Cove.

Mr. P. Smith presented a petition from Isaac McLeod, of Broad Cove, praying aid to build a lip at Margaree Island: Also, a petition from the inhabitants of Port Hood, praying aid to build a breakwater at that place: Also, a petition from the inhabitants of Margaree, asking aid to remove obstructions from Margaree harbor: He also presented a petition from Samuel Campbell, Way Office Keeper, asking remuneration for past services: Also, a petition asking aid to an Oat Kiin: Also, a petition from Jas. Coady, asking for aid to purchase a horse to assist him as mail courier. Ordered to be withdrawn.

Hon. Prov. Secretary, by command, laid on the table of the house a return of all the Commissions for Militia Officers issued, and the fees paid.

Hon. Prov. Sec., by command, laid on the table the Report of the Trustees of the Pictou Academy for 1854, with the visitors report— which documents were referred to the Committee on Education.

Mr. McQueen presented a petition from Neil McLellan, asking aid to a Ferry.

Mr. Fuller presented a petition from Ellen McDonald, Post-mistress at Arichat, asking an increase of salary.

Mr. Comeau presented a petition from Mr. Raymond and others, of Clare, praying aid to Pleasant Cove breakwater: Also, a petition from Anselm Frouton, setting forth, that in the performance of his duty as constable, he sold a cow belonging to a debtor; that the owner sued him before two Magistrates first, and after that brought an action against him in the Supreme Court, in which he (the owner) also failed; but that petitioner was obliged to pay a large sum for costs—which he now prayed might be reimbursed to him. Mr. Comeau said the man was extremely poor, and was not able to sustain so severe a loss. The petition was laid on the table.

Mr. McQueen presented a petition from the inhabitants of the township of Sydney, praying aid in the erection of a bridge.

Mr. Fuller presented a petition from Patrick Christopher, of Sydney, in the county of Cape Breton. I am acquainted (said the hon. gent.) with the circumstances of the petitioner's case, and think they are of such a character as to commend him to the generous consideration of the house: For many years the petitioner had been in the employ of the late Mr. Turnbull,

Excise Collector at Arichat; in the year 1846 that gentleman died, and at his decease left a balance of £46 due to Christopher; and also a very large sum due the Province, for excise duties collected by him—of the latter amount about £280 or £300 has been collected from his estate and paid, but Patrick Christopher's claim still remains unliquidated, and he now petitions the house to grant him the amount owing out of the monies derived by the Province from Mr. Turnbull's estate. I move, Sir, that the petition be referred to a Select Committee. The petition was received and referred to a Committee composed of Messrs. McLellan, Shaw, and Fuller.

Prothonotaries.

Hon. Sol. General—As there is nothing before the house, Mr. Speaker, I rise to ask leave to introduce an Act entitled an Act to amend the Act concerning Prothonotaries, and Clerks of the Crown. It will be remembered that previous to 1853, deputy Prothonotaries were appointed by the officer in Halifax for all the Counties in Nova Scotia proper. In that year, by an Act of the Legislature, all the Prothonotaries were created principals—paying into the Treasury one third of the sum received by them,—being the amount they were formerly bound to hand over to their principal. These persons are not now remunerated for services they perform as Clerks of the Crown; and the object of this bill is to permit each to retain £10, out of the third which he is now bound to pay into the Treasury—or so much as that third shall amount to when below £10, in payment of services so performed. Leave was granted, and the bill read a first time.

Mr. Marshall presented the petition of James Skinner, a Clerk of the Crown and Prothonotary.

Hon. Solicitor General said that there was no necessity for this petition, as the bill just read provided for it.

Mr. Marshall—If that be the case I will of course withdraw it.

Dr. Brown presented the petition of Daniel Moore, Esq., and others of Cornwallis, praying a grant to repair Cornwallis Bridge, and to make it free for passengers.

Petition was read and laid on the table.

Mr. Chipman presented a petition from inhabitants of Cornwallis in aid of Canada Creek Breakwater, with a subscription towards the same.

Also, a petition in aid of a Bridge over Canada Creek.

Vote by Ballot.

Mr. Moore presented a petition from inhabitants of Kings in favor of vote by ballot.

Mr. Marshall expressed his high satisfaction at the introduction of this petition.

Mr. Moore received leave to introduce a bill in accordance with it.

Mr. Annand said that if anything was to be done with the representation his old bill ought to be revived to have an equalization of the representation throughout the Province.

Mr. Marshall was very happy to hear the remark of the hon. member for Halifax, and would give his cordial support to any improvement in our representative system.

Education.

Mr. Marshall asked hon. members of go-

vernment whether they intended to introduce any measure on the general education of the country?

Hon. P. Secretary Wilkins replied that the government had as yet come to no conclusion to attempt a change in the present system.

Mr. McLellan said that as there was a very strong feeling of opposition in the Country against taxation, much could not be done by the House, except to debate the matter here and educate the minds of the people up to the principle of general assessment.

Hon. Joseph Howe was not surprised at the answer just given to the question of the Hon. member for Guysborough; for, from the experience of the past administration, the people of the country were not yet ripe for the introduction of general assessment for the education of our whole people. He had ceased to hope to carry that principle in his time. Mrs. Glass, in her famous receipt, said "first, catch your fish;" and so he believed on this question the Province had first to catch an Enthusiast, young enough to carry this question to its final consummation. One who, with the pleasing address and amiable manner of Mr. Dawson, the same enthusiasm—with a little more of the demagogue in his composition to agitate the masses, and go through the country beating the rough clods of the valley and getting something like vitality to spring up in the soil. The man might not be in this House now—but sure he was that such a man would be here before many years, and that he would, with a free and fearless heart, rouse up the spirit of the people, and sweep away the obstructions now remaining in the path of the general education of our people.

Mr. Marshall had asked his question for the purpose of ascertaining whether a decision on the question could be had without mixing up with it party feeling. As to the remarks of the hon. member for Cumberland on the amiability of Mr. Dawson, and the necessity of having a little more of the agitator and demagogue in his composition—how would it do to associate Mr. Dawson with the hon. member for Cumberland himself—(roars of laughter,)—for if the two would not accomplish the desired end, no other men in the world could do it.

Hon. Jos. Howe.—Then you will have to roll us into one. (Laughter.)

Hon. Provincial Secretary remarked that it was useless to impose assessment on the people until their minds were ripe to assent to it. The experience of the world showed that intellectual education without moral training was pernicious instead of beneficial. He did not consider it incumbent on the government, merely for the sake of courting popularity, or making a show of doing something, to introduce any Bill for which the country was not prepared.

Hon. Attorney General said that the House would have its hands quite full enough of business, without the introduction of a general measure for Education. There was the Chancery question—that of the mines and minerals, and others, which would occupy the whole time of the House; and in face of

these, the government did not intend to introduce and he hoped that no member of the opposition would introduce a general education Bill, in the last session of this House; still more deeply would he regret if a subject so sacred as that of Education should be mixed up with party politics.

Hon. Mr. Johnston expressed his high sense of the value of education; and of the necessity of the introduction of Municipal Incorporations, to bring the mind of the people up to a general system of Education. In the State of Maine not an uneducated man or woman was to be found; and if a gentleman travelled through that country, he would see at short intervals fine brick houses, and on enquiring what they were, received for answer—"that is the free school of our district." A little further was the free school of the next district; and so on all through the State. In these establishments all were educated, high and low, rich and poor, and the effect of such a system was visible among the great mass of the people; for every body could see the difference between an intelligent and high-minded people, and those who were ignorant and debased. In every avenue of business, this contrast was discernible; and he could not but reflect on the high character which the people of Lunenburg displayed in building vessels which could vie with those of any other country in the world. Education made every people strong, intelligent, self-relying, wealthy, and prosperous and instead of the close of a General Assembly being an unfit time for the improvement of our system, it was the very period when the minds of the people should be judiciously operated on.

Hon. Solicitor General.—I have listened very attentively to the opinions expressed upon this important topic and with the utmost interest. It has been stated that the subject should be agitated; in that opinion I concur, but I also think that the agitation should proceed from the Legislature. Sir, the best lesson we could teach would be to put our own shoulders to the wheel. It is well enough for hon. gentlemen to say that the country is not educated up to this point; but, I am of a different opinion,—and if we are to sit here and talk as we have done for years and not seek to impregnate the minds of our people with sentiments now received in every country, where the blessings of education are appreciated—the sooner we discard all hope of progress from our minds the better. Sir, a variety of subjects come before this Legislature where members are obliged to assume responsibility—and take independent action. In cases where a representative Assembly feels that the people of a country, though not pressing for the adoption of a Bill would be materially benefited by its passage. I have taken the responsibility on several occasions of voting against the opinions of my constituents well known to me; and may instance my action in voting to remove the duty from Pork; they believed that duty increased the price of their products; experience has taught them how erroneous their policy. I entirely coincide with the

hon. member for Cumberland that he who perfected a well regulated Educational system in this Province would be a benefactor to his country; but, sir, are we to wait until that man is born? to sleep inactively until he arrives upon the stage? I think not. I am prepared to meet the question boldly, to discuss and if possible decide it—(hear, hear,) by the passage of a Bill at this very session; and if taken on its merits, candidly explained, and its beneficial operation pointed out, I think the principle would commend itself to the intelligent yeomanry of the country. I do not think the postponement of this question is attributable to out-door opposition but to a want of moral courage in the house; with boldness and decision of action. I believe such a system of Education could be perfected as would elevate the moral tone of the people, while it improved and cultivated their faculties.

Custom-house Officers.

Hon. Attorney General asked leave to introduce a bill to provide for the registry of ships. The necessity for Legislation on our part arose, he said, from certain provisions contained in the Imperial Act, and the withdrawal of the whole Customs department from this Province. There is a clause in the Imperial Act which authorises the Governor, with the assent of the Treasurer, to register vessels; this, of course, was never contemplated; and the first clause of this bill gives to the Governor in Council the power to appoint a Registrar for each port, with power to do everything contemplated by the Merchant Shipping Act, 1854. The second clause authorizes the appointment of an officer to superintend the survey and admeasurement of ships, in conformity with the act. The 3rd clause enacts that the Registrars and Surveyors should receive, in addition to the fees allowed, such sum as might be granted by the Legislature. The 5th clause provides that in the event of any certificate of registry of any ships being mislaid or lost, the Registrar may grant a new certificate. The hon. gentlemen also stated that the Colonial Secretary had intimated his desire that the officers thrown out of situation by the withdrawal of the Customs, should receive appointments as such Registrars and Admeasurers for the various ports.

Hon. Joseph Howe asked if it was true that these Custom-house officers had been struck adrift with very inadequate allowances; and that even these would be lost did they accept office under the Provincial Government? If so, he knew of nothing more contemptible, unless it was a rich man, who dying, left his property so that his wife should forfeit it if she married again. (Laughter.)

Mr. Wade—Yes! and they have done more; the whole of these officers have paid pro-rata from their salaries into a fund for their benefit; in consequence of this change they lose all benefit from this.

Hon. Attorney General explained—The blame for this did not rest on either the Imperial or Provincial Government; the whole was regulated by statute.

Hon. Mr. Johnston—Would it not be well for the Government of this Province to endeavor to have the matter arranged in favor of a relaxation of the Imperial rule, which retired all pensions of parties who accepted public office again. Such a rule might apply very well in England, but surely could not justly apply to the petty

officers whose remuneration amounted to only £20 or £30 per annum.

Mr. Annand differed with the hon. Attorney General. He considered that either the Home Government or the Board of Customs were fairly chargeable with great cruelty to their officers in this province. The Imperial act to which reference had been made, never contemplated the sweeping away of the Customs establishment in the colonies, and the superannuated fund was originated and founded for the retirement of aged and invalided officers, and not for such a state of things as had recently sprung up here where gentlemen in the prime of life were suddenly cast adrift. What were the facts? The Board of Customs approved of their officers becoming collectors of Provincial duties, but no sooner is the Customs abolished, than these officers are told that their holding office under the Provincial Government would bar them from participating in that very superannuation fund which they had helped to create. He thought great injustice had been done, and he would be glad if the government would back up any joint application for redress which the gentlemen aggrieved might prefer to the Imperial authorities.

Hon. Att. General after some general remarks in answer to the previous speaker, assured the House that the Government would do all in its power to induce the Imperial authorities to relax its rules as regards those officers; and alluded to the striking contrast which this House afforded in generosity to its public servants, with the conduct of the British Government in applying so strict a rule to its Custom House Officers.

Mr. Wade.—The hon. member for Cumberland may well designate the conduct of the British Government as mean, while a great proportion, perhaps all, of these officers have for a number of years past been paying eight or ten pounds a year into a superannuation fund. They are now quietly told if they accept a provincial appointment, they are not to receive money or pension. They are certainly entitled to the money they have paid. Again, the Government demand yearly returns from these officers free of expense; a modest request, indeed! This, sir, I will not consent to; if these returns are required, let the British Government pay for them, or allow the pension without the altry proviso added to the despatch—if they accept a provincial office, they are to be deprived of the same.

Hon. Joseph Howe.—Government having starved so many out in the Crimea, think it no harm to starve out a few of their servants in North America. I rose, Sir, to ask whether the new officers were to be appointed under imperial commission?

Hon. Attorney General.—No, it is left altogether with us.

Mr. Wier.—If we do not make the returns, we cannot get a Registry for our vessels in England.

Hon. Joseph Howe.—The Home Government collect those returns from every part of the Empire; we ought therefore not to

object to sending ours, for we get more than we give.

Hon. Attorney General.—All we mean to send are the copies of returns annually made to this House, which will cost but little trouble. My own opinion is, sir, that we ought not use these strong expressions of disapprobation towards the British Government, because there is no doubt in these days of economy in all branches of the public service, the Home Government has been pressed upon by popular sentiment, and forced into measures which perhaps their own judgment hardly approve.

Hon. J. Howe would have no objection to the reductions, and would not have used strong language, if the Home Government only begun at the right end. But when they kept a Bishop at £50,000 a year, and a Minister of State with £10,000, it was hardly right to starve a dozen poor Custom House officers. He was quite glad to see the popular principle advancing, and he hoped it would press more upon the Government than had yet.

Mr. Killam said that the Home Government knew best how to treat their own officers.—They employed them at certain salaries, and gave them certain retiring allowances; and if this Province wanted any of their services, the Province ought to pay them as much as they ought to have, and the Home Government be relieved of pensions; if we did not want them we had nothing to do with them, and they should not be discussed here.

Hon. Sol. General perfectly agreed with the honorable member who had just sat down as regards the ceasing of the pensions if we wanted the officers, and we ought to be very glad to send the required information to the Home Government, when we well knew that receiving as we did the whole statistics of the Empire, we were in the receipt of a boon in comparison with which our contribution was but a trifle.

M. Annand introduced a Bill to extend the Eastern Shore Road in the County of Halifax. It was the *fac simile* of a Bill introduced four years ago, which enabled the members to borrow £1000 to open this road, and this sum was required to extend it still further. The Bill was read a first time.

Hon. Sol. General introduced a Bill to amend chapter 113 of the Revised Statutes—of the Registry of Deeds. He explained that the Bill was in accordance with a Report of a Committee of last year; and its object was to have the Books in the Registry Office put in proper order and enable the Grand Jury to assess for the payment of the service.

House adjourned.

MONDAY, February 12, 1855.

Dr. Brown presented a petition from the Overseers of the Poor for the township of Horton, praying reimbursement of expenses incurred in support of a transient pauper.

Mr. Jost presented a petition from Joseph Bennett, of New Dublin, praying a further grant to La Hove ferry.

Mr. Holmes presented a petition from the inhabitants of Middle Settlement, Middle River, Pictou, praying the establishment of a way office there.

Mr. John Munro, pursuant to leave, introduced a bill relating to pilotage in the Bras d'Or Lake. Read a first time.

Mr. Marshall presented a petition from St. Mary's River, county of Guysborough, praying a grant to erect a light house on Wedge Island. Also, a petition from Mr. Hugh McDonald, Deputy Post Master at St. Mary's, praying increase of salary.

Mr. Comeau presented a petition from Augustine Comeau, Way Office Keeper at Clare, praying increase of salary.

Mr. Wade presented a petition from the Board of Commissioners for Annapolis, praying a change in the appropriation of certain undrawn school monies. Also, a petition from the same parties, praying that two Boards of Education might not be established in that county.

Mr. Doyle presented the petition of John Oal, distiller, praying for an alteration in the law of distilleries. Referred to the committee on James Wilson's petition.

Mr. Whitman—petition of Henry W. Johnston, praying to participate in certain undrawn school money.

Also, 2 road petitions.

Mr. Wade, from the committee on Private Bills, presented the bill for sale of meeting house at Five Islands; also for sale of old jail at Truro.

Mr. Archibald moved that the House do go into Committee on Bills.

The Bill for preventing the sale of intoxicating liquors was taken up. On one clause,

Mr. Marshall condemned the clause just read as unconstitutional and repugnant to a British people.

Mr. Archibald and Hon. J. W. Johnston replied—it was necessary to make the law stringent, in order to have its provisions faithfully carried out.

Mr. Marshall asked if there was not a bill before the House the effect of which would be to make a man's wife liable to fine or imprisonment for giving a man a glass of wine; for this bill and that was to be dovetailed together, and the *delivery* of the article was to be the proof of the *sale* of it. He would be delighted to see the sin of drunkenness uprooted from the land, but he could not assent to pass provisions which he knew no man could enforce, and thus the law would be brought into contempt.

Hon. Provincial Secretary said he thought the experiment should be tried to ascertain whether the existing licence law might not be so perfected as to put down the vice of drunkenness.

Mr. Marshall opposed the clause which permitted the prosecutor upon charge of selling to A. B. to prove sale, to C. D. In his opinion it was unconstitutional and unjust; opposed to the spirit of British legislation, and should not be sustained by the House.

Mr. Doyle—To the spirit of the law I have a decided objection—and the public

certainly a (seedy) C. D. one—(great laughter.)

Hon. Att. General supported the bill; he saw nothing illiberal or unjust in the cause complained of. A was prosecuted for selling liquor to B; on the trial it appears he sold it to C instead of B. Upon making affidavit that he was taken by surprise he could obtain a continuance that he might adduce testimony to disprove the charge of selling to the latter.

Mr. B. Smith thought the accused should not be saddled with double costs. If the prosecutor brought a suit and failed—he should become nonsuit and pay his own costs.

Mr. Archibald warmly advocated the passage of the bill; he would put it to the House whether a guilty party should be allowed to escape punishment merely because he was accused of selling to the wrong person. The tendency of English jurisprudence now was to sweep away the absurd technicalities which encumbered the administration of justice—and enact simple laws, comprehensive in themselves, which give to a Court the power of deciding on the mere right of the subject in issue. This law did nothing more, and he hoped the House would pass it without further debate.

Mr. Wade opposed the bill; he thought its advocates were taking an improper course. If they proposed a Law compulsory in its character providing that two or three licenses should be granted in each county, the duty to be raised in proportion to the diminution in the number, he would support it. The clause under discussion was in the highest degree impolitic and unsound; the principle it enunciated that a man should be prosecuted while the grounds of the prosecution were withheld from him was manifestly unjust,—for how could the accused be prepared to answer a charge if its nature and the attendant circumstances were not previously announced to him.

Hon. W. A. Henry was rather disposed to support the clause. He agreed with the hon. member for Hants—that the prosecutor should pay the costs if he failed to make out a case against the accused,—but the gist of the charge in this case was *the sale* not to whom sold; so that if a sale to any one person could be proved provided the accused had sufficient opportunity afforded him to rebut the charge—he should pay the costs. The adjournment for a week would place him in a better position—for after the first investigation, the case made out against him would be within his knowledge and he could bring his testimony to meet that case.

Hon. Mr. Johnston strongly urged the passage of the bill.

Mr. Marshall said that if these gentlemen were really sincere let them introduce the Maine Liquor Law at once, and no nibbling about it. This bill laid everybody at the mercy of the public informer; a person the most despicable in any community—who was a pump if he were not a drunkard; for no man would go into a drinking houses for the purpose of informing, who was not too contemptible for civilized society; and no respectable person ought to be subjected to the consequences of his oath.

Hon. Prov. Secretary did not see very mate-

rial objection to this clause, and expressed his views at large upon it.

Mr. Whitman said the great objection to this law was the expenses. Now, all criminal prosecutions were conducted by the crown officers, free of charge; he would therefore move that selling liquor be made a capital offence; then the expenses would be got rid of, and the culprits would be hanged. (Laughter.)

Mr. Archibald again defended the bill, and said it was necessary that we should have a bill that would not only meet the views of this house, but other branches of the Legislature. The bill was here, and its friends wished to know who would support it. [The hon. gent. made further remarks which we could not hear.]

Mr. Marshall, from what had been said, not convinced that this bill was introduced, not with any hope or expectation of carrying it, but merely for the purpose of courting popularity, and deceiving the people.

The clause, and some others, passed. (As a reason for one clause, Mr. Archibald mentioned the case of a man who had been fined £7 10s., and had been imprisoned. He however, had got on the limits, and continued to sell liquor as formerly.)

Mr. Wade moved in amendment to the bill that the sessions and the Grand Jury in each county should grant a certain number of licences.

Mr. Zwicker considered the amendment as perfectly preposterous.

Mr. Martin I. Wilkins was in favor of the Clerks of License being salaried officers, in charge of the whole subject in each county.

Mr. Wade explained the operation of the Law for restraining licenses in the county of Digby; instead of curtailing drunkenness, it was increased by obnoxious restrictions. Formerly when there were respectable licensed houses their proprietors refused liquor to Indians and boys, and kept their establishments in proper order. Now, so long as liquor could be had, it was sold without license—the license money was lost to the county, and the evils of imprudent restrictions were evident, because parties procured liquors in spite of law, and the traffic was no longer under wholesome regulations.

Hon. Joseph Howe was not quite sure that the morals of the counties would be improved by municipal incorporations; because in this city, which was the only incorporation in Nova Scotia, with its Mayor and Council, and its ten or a dozen constables, there was more immorality than ever there had been before. Liquors were sold in licensed houses side by side with human flesh; whole streets were devoted to this infamous business, where the soul and body were being bartered away. Under the old system the state of things was tolerable—now, the number of these dens of iniquity were perfectly intolerable; and the Mayor and Corporation who would permit the mingling together of liquor and women in any of these infamous dens, for another month, ought to be turned out in October. He was perfectly prepared, therefore, to go with the friends of this bill, and vote for the separation of the sale of liquors from other traffic, so that if a gentleman wanted to go into a respectable ale-house to get a glass of beer, he could do so, and the privilege would not be abused. There was another point to which he would call the attention of the Committee: As the railroad advanced, little shanties rose up, and he rather thought that liquor was sold in them, because every Monday morning the men

did not come to work, and it took them half the day to get sober. Some provision ought to be adopted to restrain this practice, and to exercise a rigid *servillance* over such places. Another subject for consideration was the keeping open of tap-rooms on Sunday in this city, around which a dozen or two of boys could be seen congregated, smoking cigars, and indulging in manners offensive to passers-by. Another point was the bad liquor that was sold. Formerly our fathers only drank old Jamaica or Demerara rum, good Scotch whiskey, or other pure spirits, which, if in immoderate quantities were pernicious, were at least pure spirit, and not absolute poison; but the liquor now sold was little better, if not worse, than burning fluid, and he seriously proposed that any officers to be appointed under this bill should be duly authorized to go round, examine and taste the liquor, (laughter) and tell every licensed seller that he was authorized to vend liquors, but not poison, which burnt a man's insides out, and brought many to an untimely grave by *delirium tremens*.

The bill passed, was reported, ordered to be engrossed, and the house adjourned.

TUESDAY, February 13, 1855.

Petitions, &c.

Mr. Eason presented a petition from certain Justices of the Peace for the county of Halifax asking more direct postal communication between Halifax and Guysborough; received and referred to the Post Office Committee. Also a petition from H. A. Gladwin relating to a road; put on the road file. Also a petition from James Bowes & Son asking return of duties on paper imported for printing purposes in 1854; referred to the committee on trade and manufactures.

Mr. Creighton presented a petition from the inhabitants of Chester praying an establishment of a way office at Chester Basin; referred to the Post office committee.

Mr. Zwicker presented a petition from Frederick Pubnico of New Dublin asking the establishment of a mail route; referred to the Post office committee.

Mr. McQueen asked leave to introduce a bill to incorporate St. Andrew's Lodge at Sydney, C. B.; leave was granted and the bill read a first time.

Hon. Mr. Fulton presented a petition from Joshua Heustus and others of Wallace asking the establishment of a way office; referred to the Post office committee.

Mr. Ryder presented a petition from Michl. Babine, praying redress as respects a certain grant of land. The petition was received and referred to a select committee composed of Messrs. Howe, Comeau and Shaw.

Mr. Fuller presented a petition from the inhabitants of Lochsmond—praying the establishment of a way office; referred to the Post office committee. Also a petition from Andrew Madden praying remuneration for medical services bestowed by him on a transient pauper; referred to the committee on that subject.

The bill for amending the license law, passed yesterday, was taken up, and after some opposition finally passed to be sent to the Legislative Council.

Mr. M. I. Wilkins presented a petition from inhabitants of West River, Pictou, for a way office.

Dr. Brown—Petition of an overseer of the poor for the Township of Horton, for reimbursement of expenses in the support of a sick Indian.

Mr. Holmes rose to ask for information as to the delay of the printing of the Journals. We have been in session for over a fortnight and have not a single sheet yet; while the Legislature of New Brunswick has been in Session since the 1st of February and its Journals are being printed.

His Honor the Speaker replied that the copy had been sent to the printer.

Dr. Brown asked leave to introduce a Bill to amend the Act relating to Common Appeals; leave was granted and the bill was read a first time.

Mr. M. I. Wilkins asked the government if any steps had been taken with reference to Mr. Martin; whether he was to be brought up to Halifax or not?

Hon. Att. General would answer that question in the course of the afternoon.

Mr. S. Chipman presented a petition from J. F. Hutcheson, Postmaster at Kentville, asking increased remuneration; the petitioner had been in the office for upwards of twenty years—diligently performed his duty and he did not see why he should not receive a salary equal to that given to the lowest clerk in the office at Halifax; referred to the Post office committee.

Hon. Joseph Howe presented a petition from a number of Indians in Queen's county, praying some aid. He suggested that as the county of Queen's received a large amount of road money this petition should be handed over to the members for the county to make provision for these Indians.

Mr. Wade reported a number of Bills from Committee without amendment.

Militia Law.

Mr. B. Smith reported by Bill from the Committee on the Militia Law.

It provided that no further fees should be demanded at the Provincial Secretary's office for officers' commissions. He understood when he went away last session that these fees were not to be exacted—but he had been mistaken.

Hon. Attorney General—There is no doubt as to the legality of the execution; and the Government thought it right that a very moderate fee should be charged—and this was done: but it is for this House, the guardians of the public purse, to decide whether these fees shall or shall not be hereafter paid. As regards the other section the observation thrown out by the Colonial Secretary is not entirely undeserved. The final clause carries an inconsistency on its very face; it will be in the recollection of the House that after the passage of the Bill a clause was added by way of Ryder which defeated the whole object of the Bill—and prevented the Government from taking any action on it unless in case of an invasion. The Government therefore could do nothing but put the Militia in readiness for war.

emergency arise—this they did. If the House are prepared to remunerate the Adjutants for services actually performed by them the Government will concur; and I am also of opinion that we should not remain a single hour without some organized force, and the Government should be invested with full power to act in case any necessity should arise. Therefore he should have liked the Committee to have gone a little further; they should have contemplated the emergency and provided for it.

Mr. Smith replied that the Act of 1852 gave the Government all necessary power and as regards the "emergency" arising, the Committee thought could be safely left with the Government.

Mr. Holmes thought that as the officers received no pay they ought not be obliged to pay for commissions. They had to spend considerable sums in fitting themselves out in uniform, and he perfectly agreed with that part of the Report which contemplated the abolition of fees on commissions.

Hon. Financial Secretary, by command, presented the accounts of the Queen's Printer for the past year.

Mr. Wier presented the petition of the inhabitants of St. Margaret's Bay praying a reduction in the charge for inspection of fish.

Mr. Chipman—Petition from Black Rock Mountain—a Road petition—another from Canada Creek, and another with subscription for a Breakwater.

Mr. Whitman—Petition from Overseers of the Poor for Annapolis, for reimbursement of expenses in support of a transient pauper.

Mr. Doyle introduced a Bill to change a Polling Place in the County of Halifax, from Ferguson's Cove to Peggy's Cove. Read a first time.

Mr. B. Smith introduced a Bill to amend chapter 48 of the Revised Statutes. The subject of it was to enable the Justices in session to exercise a discretion in imposing fines on Road Overseers for neglect of duty. At present the law made it imperative to impose a fine of forty shillings, and in case of neglect, the Justices were often reluctant to impose so heavy a fine.

Hon. Provincial Secretary asked leave to introduce a Bill to amend chapter 130 of the Revised Statutes—giving the same power to Judges of Probates to act in the same way with regard to estates descending to collateral heirs as they now have the power of doing when they go to the lineal heirs of the deceased. The Bill was received and read a first time.

Mr. Killam presented a Bill to change a Polling Place in Yarmouth County.

Mr. P. Smith presented a Bill to add a Polling Place in the County of Inverness.

Mr. W. Annand reported from the Committee on Reporting. He stated that the Committee had after several meetings with the Reporters and Publishers, struck out a new plan by which the expense would be increased by £67 17 6. The report was signed by all the Committee, and he had no doubt would give satisfaction. The report was received and adopted.

Hon. Financial Secretary.—If there are no

more Petitions to present I shall move that the House go into Committee of Supply for the purpose of passing the road vote.

Mr. Whitman had been utterly astonished at hearing the other day, of the state of barbarity which prevailed in the Island of Cape Breton—(Roars of Laughter.) He was told that the axles of their vehicles were made of a rough log, the shafts of withrods; the hames of crooked sticks, and the collars of a bundle of straw. He did not, therefore, understand the pretensions of the hon members for that Island—(Much laughter.)

Mr. Hugh Munro—If the hon. member for Annapolis mean his description to apply to the horses in the mail service, I admit it. I repudiate it as applying to other parts of the Island.

Mr. Hugh Munro. There has been no mail from the Eastern portion of the Country since Monday week and therefore, sir, many of the Petitions which the Constituents of Hon Gentlemen from the Eastern Counties desire to have presented will be shut out. This I am sure the good sense and proper feeling of the House will not consent to, when from a mail arrangement settled to accommodate the other portions of the Country Cape Breton is thus excluded from Communication with the Capital. I hope, therefore that the House will not prevent us from presenting any petitions that may have been detained on the read.

Mr. Fuller—If the Western Members were aware, Sir, of the difficulties which surround the transmission of the mails from Cape Breton to the Capital, they would gladly assent to any postponement of the final day for receiving petitions, in favor of the Island of Cape Breton. But when the members of that Island get up and ask for the fair privileges, the western membered oppose them, and say—"Oh! you have had time enough." Now, Sir, this House is the place where the people have a right to come and when detention of the mails is the cause of letters not arriving from that remote part of the Province, it is a fair cause for your consideration. If the picture of barbarity which the hon. member for Annapolis has drawn be true, then there is so much the more reason for the House dealing tenderly and generously with our people.

Mr. Doyle—repudiated the charge of barbarity as applied to Cape Breton, and expressed the warmth of his feelings towards the people of that Island. Aspersions came with an ill-grace from the members for Annapolis—a county that had more money expended on it than any other in the Province—in fact it had been made a garden at the expense of the treasury.

Hon. Attorney Gen.—I did not consider the hon. member for Annapolis serious, but that he was indulging in a fancy sketch; for everybody knows that Cape Breton is far superior to Annapolis. (Laughter.)

Hon. Atty. General presented the petition of Laughlan McDougal, praying for aid to a Way Office.

Mr. Whitman presented a petition from Annapolis, in favor of the Municipal Incorporation Bill.

Mr. Wade presented 4 petitions against Municipal Corporations Bill, which was to have passed last session. The house had, at the last session, ordered that the printed bill should be circulated through the country, but the petitioner

complained that they had no notice whatever of it until very recently, and then only a few copies were circulated. The petitions were from Bridgetown, 2 from Annapolis and Clements, 2 from Wilmot, and one from Annapolis.

Supply—Road Vote.

Hon. Financial Sec. moved that the house go into Committee of Supply, which being agreed to he moved that there be granted for the roads and bridges:—

Cross roads	£32,000
Great roads	10,000
Special grants	3,000

In all £45,000

Mr. Killam, before assenting to this vote, would like to have some explanations as to the revenues of the country &c.

Hon. Fin. Sec.—We do not expect so great a revenue this year as last, because there must be a falling off from the reduction of duties under our Reciprocity Act. Then again, as regards ship-building, it appears there were more built in 1854 than in 1853; but not more sold. But with all probable reductions in our revenue, we can safely afford £45,000 for the roads, even if the revenue do not come up to the mark of last year.

Mr. Marshall approved of the manner in which the vote was brought down. The hon. Fin. Secretary, like the Chancellor of the Exchequer, brought in his road vote, and if he feels safe in proposing so large an appropriation—and he should be acquainted with what he is doing, for the responsibility will rest on him—I shall not complain.

Hon. Attorney General—At the opening session of the present parliament the house granted £32,500 for the road and bridge service; since that period the revenue has been steadily increasing—increasing to a large, and to an extraordinary extent; but we have thought it neither wise nor prudent to calculate on an equal or greater amount of revenue than was collected last year. The Government, looking to the action of New Brunswick in withdrawing the duty from molasses, consider that a fair question on that point may arise in the committee on Ways and Means; as also the reduction of the 2½ per cent. now levied on ship-building materials. Looking, then, to these circumstances, and the expenses of keeping the machinery of Government in working order—together with the calls we may expect on our Treasury for Railway construction, the Government believe that they have moved a most liberal grant, beyond which they are not disposed to go, even to the extent of £1.

Mr. Whitman thought if the Government had good reason to believe that the revenue would equal that of last year, that the road grant might be increased. He thought, however, that some diminution might be expected in the sale of Crown Lands; and if the Maine Liquor Law passed £20,000 would be at once taken away from the revenue of last year.

Hon. Mr. Fulton—The hon. gentleman will perceive that the grant has been increased by £2000.

Mr. Wade—I expect, Mr. Chairman, as a supporter of the Government, that the hon. Fin. Secretary, who is a supporter of the Maine Liquor Law, will come down here, and show to the house how this £20,000 is to be made up.

Hon. Fin. Sec.—For my part, sir, I believe that the people of this Province are so desirous for the passage of that law, that they would be content to have the diminution fall entirely on the Road and Bridge grant; and that it would even then be a great gain to the Province at large.

Mr. Wade—That is a very unsatisfactory answer; the country will require its roads and bridges.

Mr. T. Coffin thought the answer very satisfactory; he was of opinion that if the Maine Liquor Law did pass, the money applied to its importation would be employed in importing something more serviceable that pays a duty.

Hon. W. A. Henry—If you take away the stimulus the importation of necessaries will very likely decrease with it.

Mr. Esson—What is the hon. gentleman going to import; every necessary article required for the support of our people is now imported in abundance; and I think the hon. Financial Secretary is bound to exhibit, by a practical calculation, the elements from which he expects to supply the deficiency which the introduction of that law will create.

Mr. Wier—Their is no need of extra importation of necessaries; every body gets as much as they require. But pass the Maine Liquor Law and will you prevent drinking? I do not believe it. The only difference is, that while the people of the Province now obtain their Liquor by paying for it, then they will get it without pay. This law, sir, is on its last legs; supported only by a section—who think by combining their forces, to turn the scale at elections.

Hon. Mr. Howe—This is the road vote; settle it first.

Hon. Mr. Fulton—I disagree with hon. gentlemen that every person is supplied with the necessaries they require; and I need not go further than Halifax to prove the fact.

Hon. Mr. Doyle believed that the enthusiasts for this law were doing more to injure it than its most bitter opponent; it had no bearing on the present debate, and should not have been introduced here.

Mr. Archibald—The real enthusiasts are those who have brought on the discussion; we did not court it; the advocates of the Maine Law did not refer to it until hon. gentlemen who oppose it attempted to show that the law would operate to decrease the revenue.

Hon. Mr. Doyle—He who first came forward the advocate of temperance, and led millions to the altar, asked for no law, required no statute to enforce its adoption.

Mr. Killam—If the house is disposed to take such an explanation as that furnished by the hon. Fin. Sec., it must be that the friends of the Government are in possession of information with which those not in their confidence are unacquainted. I wish to prove to the house that we should be perfectly safe in granting £60,000, without endangering any branch of the public service. The revenue derived from the Excise department last year amounted to £130,000; supposing a decrease this year of £10,000 there will be left £120,000, which, in addition to the £11,000 in the Treasury at the end of the year, makes £131,000. The ordinary Legislative appropriation amounts to £71,000; leaving about £60,000, which I think should be appropriated to the road and bridge service. This sum I think, can easily be spared; more especially when we reflect that extensive preparations are being made to raise a larger amount of coal, and that we have still the £30,000 surplus revenue of last year to fall back upon—together with the issue of Provincial paper, which I suppose is intended to furnish a little spare change for the government. I do not believe the railway was ever to be constructed at government expense; all required of the house last session was, that the Legislature should provide the interest on the sum expended.

Mr. McLellan.—I always considered the hon. gentleman from Yarmouth to be a regular Yarmouth man; his speech of to-day has somewhat undeceived me. The Yarmouth sailor always looks out for a storm; the hon. gentleman does not seem willing to pursue that course. He well knows that there is a storm gathering on our commercial horizon; no merchant buys this year to the same extent as he did last, or engages in speculations as large. Therefore, Sir, the Government with wise caution have moved a large, but not an exorbitant road grant—such a grant I believe will meet the requirements of this Country.

Hon. Attorney General.—There was one idea thrown out by the hon. and learned member for Yarmouth deserving reply. He says the money required for the Road and Bridge Service must not be taken for the Railway; that, Sir, is a delusion—there is not a syllable in the Acts of last Session separating the Railway Funds from the general Revenue of this Province. This Legislature undertook to construct the Railway as a public work—with the public funds as they should be granted and when required. Sir, I feel that in moving £45,000 for the Road and Bridge service the Government have acted with liberality and with discretion; with the Lunatic Asylum, St. Peter's Canal, and the Railway; with a revenue which must be reduced in consequence of the duties which have been struck off many articles of import to obtain the blessings of reciprocity for our Country—under all these circumstances the government have thought themselves justified in increasing the grant for the Road and Bridge service by £2,000. Sir, while they have done this, their energies have been directed to sustaining the public credit of the Province; and I hope the day may never come when the Debentures of this Province will not find a market at Par, or an order on the Treasury of Nova Scotia, be not equal to cash. Sir, I have been in this Legislature when the road grant only amounted to £8000. Shall we then be told when the munificent sum of £45,000 is granted—that it is not sufficient; the hon. and learned member for Yarmouth has suddenly acquired an affection for the Road service most unaccountable,—what has imbued him with this ardent attachment I leave to the House to determine. The Government have decided on their course—and they are not at all prepared to extend the grant.

Mr. Marshall.—I hope I don't rightly understand the hon. and learned Attorney General—that the Government have the power to appropriate the whole Revenue of this Province to Railway expenditures. Who announces that doctrine?

Hon. Attorney General.—Not I.

Mr. Marshall.—That would certainly be rather fast; the hon. member for Yarmouth is right, and I am glad he has made the motion for such an insidious doctrine should not be introduced without its being carefully scanned. Let that once go abroad as the doctrine of the Government—and you will point in vain to your Liberal

majority at the next election. No Sir, no government dare announce and support such a principle openly; they may entertain the sentiment in secret, but it would be political suicide in them to avow it.

Mr. Wade recollected very well that at the extra Session of the Assembly the hon. member for Guysborough promised to withdraw all opposition from the Railroad—his present observations did not afford any good proof that he was adhering to his promise. As to the motion now made by the hon. member for Yarmouth, he looked upon it as carrying out the views of the organ which expressed the opinions of Yarmouth, in which he has seen a decision lately that the Railroad ought to be made by direct taxation. The resolution introduced by the hon. member for Yarmouth was like that of last year, nothing more than a kite, and the people could easily detect the cheat, if any member desired to asperse another on the ground of voting against the larger sum for Roads. The truth is that £45,000 is a larger sum than ever was voted before for Roads and Bridges—it was as much as the Province could afford, and he could go among the people, of Clare and Yarmouth, and explain this matter perfectly to their satisfaction.

Mr. Zwicker would be glad to take all we could get, £60,000 or £65,000 if we could get it; but he was glad to have the 45,000; if we could get no more.

Mr. Whitman spoke in favor of the larger grant, if it could be had without running the Province in debt.

Mr. Wier would give the Roads as much money as they wanted; and when that service was provided for, why should not the rest go on the Railway instead of our borrowing money at interest. He heard gentlemen in the United States express their perfect astonishment at the sums expended in this country on roads and bridges. There are some members I know that would take all they could get and want more—if they got £100,000 this year, they would want £200,000 next.

Mr. Smith said it was very well for gentlemen in the city to talk—they would be very glad to spend all the money in and around Halifax. The people of the country were already afraid that their road and school money would be withdrawn from them by the Railroad, and if these apprehensions could be relieved by a larger vote than £45,000, he would be glad of it. If not, he would be happy to support it, and trusted the amount would continue as large if not larger in subsequent years.

Mr. Wier replied, and after some conversation rather beside the matter at issue,

Mr. Esson considered that the Government had brought down a fair sum, and he would give it his cordial support.

Hon. Joseph Howe said that the only question that seemed to him to arise on this matter was that raised by the Hon. Member for Guysborough, as to the Government expending Public Money's on the Railway. Now, the House would understand that every farthing voted by law would be paid first out of

why should not the Government make use of it on the Railway instead of borrowing money.

Hon. Sol. General.—I put it to honorable members all round—suppose every sum voted last session had been paid off in August last, and £30,000 remained, and some of that was required for the Railway; ought the Province to pay interest on Debentures and leave this money dead in the Treasury, or use the money and save the interest? It was a very simple question, and easily answered.

Mr. Killam.—If the Government had the power to go into the Treasury and take a small sum of money, they had a right to take it all. The Railway Bills were of a totally different character—they provided that money should be borrowed in certain ways for the Railway, and it was no argument to say there was money in the Treasury as an excuse for their use of it. This Legislature ought to have the exclusive appropriation of this Revenue. £60,000 was a small sum for the road money for the Counties—£3,000 would be no great sum to provide for Bridges carried away by the late freshets; and he took the explanation of the Hon. member for Cumberland and the Hon. Solicitor General to be correct that the money taken from the Treasury for the Railroad was merely borrowed, and was to be paid back. Let it then be paid back, and then we shall have plenty of money in the Treasury to vote the £60,000. He contended that the accounts for the Railway and of the Province should be kept entirely separate. He wished the members of Government to take the night to consider whether they had not made a mistake in a figure. As for the St. Peter's Canal he was told it was a *humbug*, and as for the Lunatic Asylum, if it made no more progress than it had last year, there was not much danger of that going on. If the Government would not reconsider the matter, he would be compelled to divide the House.

Hon. J. W. Johnston was not in when the debate opened, but he certainly thought that with an increase in the revenue of £30,000, a considerable addition ought to be given to the Road vote. He deprecated the placing of the Railway in opposition to the General Road service of the Country. Every man in the Country felt the benefit of the general Road money—opening communications, stimulating industry, and carrying out great improvements which the people had in hand to bring together settlements which heretofore were unknown to each other. The hon member for Cape Breton had the other day mentioned one of these; where by a single Bridge, 100 miles of travel could be saved.

Mr. Annand said that the hon. member for Annapolis seemed to be under a misapprehension; but he was not to blame for it, as he was not in at the opening of the debate. It was no member on this side of the House that raised an invidious antagonism between the Railway and other roads, but the hon. member for Yarmouth, who, without proof of our ability to afford it, asked us to grant £60,000. Now it was the duty of the House, while granting all that was prudent, to restrain their vote within reasonable bounds,

so that something might be left for the new House which was to follow this.

Mr. Fulton.—The hon. member's arguments are strangely inconsistent with his arguments last year. He then argued, and induced many people to believe, that if the Railway Bills were passed, our Road and School money would be annihilated. In moving £60,000 therefore he was either under a strange mistake, or must have been under a great delusion last Session. The Railway had now gone on for a year and now the Government moved an increased sum for Roads and Bridges, while the School money of the Country was as safe as ever. It would be as well for the Country to understand this, and he believed that year by year as the Railway went on, the Road and School money would increase.

Mr. Killam explained that he should no longer oppose the Railway, but wished it to be carried on under the Bills that were passed for that purpose.

Hon. Joseph Howe explained that when the Railway Board wanted money, they drew on the Receiver General, and did not enquire where he got it from; the money was deposited in the Bank and drawn as required. Now, the main difficulty seemed to be that we were in the position of the man who had so much money, he did not know what to do with it.—(Laughter). He certainly thought the Government were sufficiently bold in coming down to ask for so large a sum; and while there was a surplus in the Treasury, he doubted whether it would be the part of a prudent Government to borrow at interest.

Mr. Marshall replied generally to arguments used. He maintained that all that should be taken from the Treasury was the interest deficient for the Railway. He was quite surprised to hear that £30,000 had been taken out of the Treasury; contrary to the assurance given last year when the Railroad Bills were on the table. If one sum was so taken, so could successive sums, until we at last should have what we so much deprecated last Session—the invasion of our Road and School money—the spending of funds which were intended for the improvement of the whole Country, on a Railroad running through only one section. He thought it would be better if the subject lay over till the morning. He deprecated the mixing up of the Railroad question with the Road vote.

Mr. Annand.—The hon. member seems to be under a misapprehension. It was not any member of Government that mixed up the Railway with this question, but the hon. member for Yarmouth.

Hon. Attorney Gen.—It is the fixed constitutional principle of this house that no money shall be drawn from the Treasury except by the vote of this house, except in case of great emergency, for which the Government must be responsible to and must be borne out by, this house. If the Railroad had never been undertaken, the amount now moved for Roads and Bridges would have come here precisely as it is—the amount is he extreme the Government feel justified in voting, independent of the Railroad altogether. As regards the St. Peter's Canal, it is the intention

of the Government to prosecute that work vigorously; and as to the Lunatic Asylum, if any man is doubtful of its imperative necessity, let him pay a visit to the poor house in this city, where he will find the rather discreditable spectacle of 60 of these poor creatures, bereft of reason, without a suitable place to dwell in, or proper persons to take care of them. That work, therefore, sir, must be prosecuted at once; and the Government are prepared to go on with it this present year. As regards the money drawn from the Treasury it has only been by way of loan, to be repaid whenever the vote of this house shall demand it, and if it be necessary to pay any part of this £45,000, it shall be done. That sum, however, is the largest that can be given, having in view the necessity of keeping the credit of the Province at the highest point. In proposing this sum, the Government is neither falling short of its duty, nor indulging in extravagance. It is a simple question, sir, and there is no reason, if we are to have a division, that it should not be decided on to-night.

Mr. S. Chipman—It would be ridiculous to waste another day on it. Let us divide.

Mr. Marshall—I am happy that this is not a lost debate for the country, and therefore let not the hon. Attorney General attempt to stifle the opinions of so humble an individual as myself. We have now the important announcement by the first Crown Officer that the Constitution of this country is based on the principle that not a pound should be drawn from the Treasury without the vote of this house; and sir, if that be the Constitution of the country, how comes it that the Government dared to withdraw £30,000 from the Treasury in defiance of the principle just declared? Notwithstanding the difference between the professions and the practice of the Government, I am glad to hear that the St. Peter's Canal is going on, and that no reduction will be made in the grants for the road service and the education of our people.

Hon. Mr. Johnston agreed that the point just raised was very important. He had been perfectly astonished at the remarks of the hon. member for Cumberland, [Mr. Fulton]—which were as applicable to himself as to the hon. member for Yarmouth. He has spoken as if we predicated the failure of the Railway, and the absorption of our road and school monies during the past year. Nothing could have been farther from our thoughts. No one could have predicated disasters from the first year's expenditure, nor perhaps the second. But after two or three year's progress, and the expenditure of some hundreds of thousands of pounds of borrowed money, we may then look for a crisis. I trust the work may go on, and that our fears may not be realised; but cannot pass without correcting the misrepresentations of the hon. member for Cumberland.

Mr. McLellan—The reason why we hear these complaints about the Railway is because both sides of the house do not work in the same breach. The people understand this—they are up to snuff. (Laughter.)

Hon. Atty.-General—The hon. member for Guysborough will find, on looking at the Railway laws, that there is no clause restraining the Government from employing monies on the Railroad, except borrowed monies. The conduct of the Government has been strictly within the law.

After some further conversation, the question was put and decided against Mr. Killams' amendment, 32 to 14.

Petitions.

Mr. McQueen presented two petitions—one from Antigonish and from the Township of Tracadie, praying that no alteration should take place in the conveyance of mails and passengers.

Mr. Shaw presented a petition on behalf of the inhabitants of "Hebron" in the county of Yarmouth, praying for an increase of salary as Way officer.

The hon. J. Howe asked leave to present a petition, signed by the Rev. Mr. Hannan, Administrator of the diocese of Halifax, the Rev. James Kennedy, Parish Priest of Herring Cove, and six other Clergymen of the Catholic Church, setting forth that all the Indians in this Province are members of that Church; that the Indians of Shubenacadie own a tract of 2000 acres of land, on which a Church and several other substantial buildings have been erected—that the Indian Chief and a number of families reside on this land, and that, both from the advantages of the situation, and the natural connection of this Church with the Indians, it was desirable to establish there a school for the benefit of the aborigines. I have much pleasure in presenting this petition. There is another upon the table signed by some Protestant Clergymen, who are at last beginning to bestir themselves to improve the Micmacs. I wish them every success, but I cannot forget that for more than two centuries the Indians of this country have had no religious teachers but the Catholic Clergy. All that the Micmac knows of Revelation these gentlemen have taught—all the sacraments by which he has been strengthened they have administered. A Protestant Missionary has recently studied the Micmac language, but there never has been a period when some Catholic Clergyman could not convey instruction to these poor people in their native tongue. The prayer of this petition appears then to me to be very reasonable, and I have great pleasure in presenting it, and moving that it be referred to the Committee on Education.

Mr. Doyle said, if any member of the county of Digby, or the township of Clare are present, they will remember the late Abbe Segoyne. He himself prepared an Indian grammar, possessing a perfect knowledge of the language, and had long been in the habit of administering spiritual consolation to the people in their own tongue. I remember some years ago hearing a glowing eulogy pronounced upon him by the present Mr. Justice Haliburton. I feel much gratification, sir, in supporting the prayer of this petition.

The motion passed to refer the petition to Committee on Education.

The house adjourned.

REPORTERS' NOTE.—On the presentation of a petition by the Hon. Joseph Howe, from Mire, Cape Breton, praying some consideration for about on Roads, the Reports omitted to state that Messrs. Hugh Munro and D. McQueen advocated the prayer of the Petition stated the nature of the claims, and how they had been satisfactorily ascertained to be due.

WEDNESDAY, Feb. 14, 1855.

Annapolis Road Commissioners.

Hon. J. W. Johnston said—I am desirous of bringing to the notice of the House a subject of some importance and more particularly to the members for Annapolis. It will be in the recollection of hon. members, in the early part of the session, that I asked the members of the Government to lay on the table certain papers, with a view to shew to the House the persons who had been recommended by the members for road commissioners, but had been superseded; and I find on reference to the return that the members for Annapolis are the only parties whose recommendations have been passed over. It is rather singular that the lists which have been laid on the table are incomplete, as I find that the names of four persons nominated for the county, and passed over, have been omitted. Now, sir, I take it that the system of road appropriation is completely established by the practice of Parliament. After the grant for the general road service by the House, and its apportionment among the various counties, it becomes the duty of members to distribute it according to the necessities of the various localities. In conjunction with these duties, the members are also required to recommend commissioners. This practice, initiated, wisely, I presume, in the necessities of the country, has grown into a usage; a Parliamentary usage equally binding as though a law had been specifically passed ordaining the custom. It often happens that a service is anticipated or made necessary by some contingency; a bridge is to be erected, a road to be repaired—this is done by the member, but only on his authority to make these appropriations.

(The hon. gentleman here, in illustration, referred to two requisitions received from some of his constituents, setting forth that immediate provision was necessary to build bridges.)

Under these circumstances, sir, I shall ask the House to consider the position of a member, who, after he has made his road appropriations, and handed them in, with a recommendation for the appointment of commissioners, finds those recommendations disregarded, and other persons appointed in the stead of those nominated by him. He does not volunteer these recommendations; his duty, as the representative of a constituency, demands that he should nominate them.—Now, sir, I put it to the feelings and the judgment of the Legislature whether any man would trouble himself to seek out the best men, and make these nominations, if the Government, his political opponents, treated them as nullities, and superseded those whom he had proposed? But this power has been vested in the hands of the people's representatives wisely; coming from the spot—acquainted with almost every man in their respective counties—aware of their capabilities and characters—they are the best judges as to whom are or are not fitted to be entrusted with the expenditure of the public funds.—These principles I hold to be undeniably true. In violation of them, however, it ap-

pears, from the return furnished by the Hon. Provincial Secretary, that fifteen persons were recommended by the members for Annapolis and superseded. In addition to these, as I have before stated, there are four others who were similarly treated, and whose names have been omitted from this list.

(The hon. gentleman read the list, as follows:)

LIST RETURNED BY THE GOVERNMENT.

County of Annapolis.		Appointment by the Government, viz :
Recommended by the members and superseded.		
Wm. Webber, £20 0		Dennis Cronan,
Jacob Bogart, 20 0		Michael Anthony,
John McColl, 10 0		John Woodworth,
John Mills, 15 0		Robert Mills, Senr.
George Wade, 15 0		Job Wade,
James Miller, 20 0		Ezra Foster,
Stephen Foster, 10 0		James Mitchell,
Benj. Rumsey, 7 10		Benjamin Miller,
Jas. H. Thorne, 30 9		Abner Saunders,
James Langley, 15 0		Wm. Carnton,
Jacob Kempton, 75 0		John Munro,
John Hannan, 15 0		John Murray,
James Todd, 15 0		William T. Benson,
Fredk. Langley, 15 0		William V. Morse,
Samuel Swift, 20 0		Chas. Restene.

NOT RETURNED BY THE GOVERNMENT.

Thomas Chute, £12 10	Nathan Randall,
Theodore Hill, 25 0	Elliott Sprout,
Green Munro, 10 0	Isaac Marshall,
Thomas Brown, 10 0	Charles Cleveland.
£360 0	

The hon. gentleman then analysed the list comparing the persons nominated by the members and those appointed by the Government; shewing that in some instances persons had been substituted for the former, who resided twelve miles from the locality in which the money was to be expended; and that the nominees of the Government were in no case more competent to perform the duty.

In Maitland, Alfred Munro was recommended by the members to expend £100, and Jacob Kempton £75. The Government superseded Mr. Kempton, and gave John Munro the £75 to lay out, being the brother of Alfred.

Mr. James Thorne was recommended to lay out £80 on a new road, in which he is interested as owning a mill on it. The previous year he was Commissioner, and employed two of the Settlers to lay out the money, allowing them the commissions, and under his superintendence, the money was laid out to great advantage. The Government, in 1854, superseded Mr. Thorne, and appointed Abner Saunders, living on the main road to Nictau, twelve miles from the place, and having no interest in the Settlement.

John Hannan, an active and intelligent young man, was recommended to expend £15 on the Dalhousie road, west of the Liverpool Cross. He is a son of one of the old settlers resident in Dalhousie, and the Government superseded him by John Merry, who is supposed to be the person of that name who lives in Albany. A settlement having no

connexion with west Dalhousie, and many miles distant.

James Todd, one of those who first settled in Dalhousie, and bore many a hard burden in its early days, was recommended to expend £15 in his own district. He was superseded by William T. Benson comparatively new comer.

Fredk. Langley was recommended to expend £15 on the Morse road, where he resides, and was superseded by William V. Morse, who lives on the post road to Nictau.

Saml. Swift was recommended to expend £20 on the Morse road, where he lives, and was superseded by Charles Restene, who had sold out at Annapolis, and was residing in a temporary residence until he could get possession in Cornwallis, where he had purchased.

James Langley had £15 to expend near where he lives, and was superseded by Wm. Carlton, who was brought from the post road beyond him.

Wm. Webber was superseded by Dennis Cronean. Webber lives on the road; while Cronean lives at least one mile to the eastward.

Jacob Bogart was superseded by Michael Anthony. Mr. Bogart, an old Commissioner who lives in the neighborhood of the road, and therefore feels interested in it, and knew where best to expend it. Mr. Anthony lives two miles below.

John McCall was superseded by John Woodworth. Mr. McCall lives next the bridge. Mr. Woodworth's exact place of residence not known.

John Mills was superseded by Robert Mills Senr. Mr. John Mills lives next below the road; while Mr. Robert Mills lives half a mile below.

George Wade was superseded by John Wade. Mr. George Wade lives on the road. Mr. Job Wade lives a mile off, on the post road.

James Miller was superseded by Ezra Foster. Mr. Miller lives on the road. Mr. Foster lives one mile off, on the post road.

Steven Foster was superseded by James Mitchell. Both live on the road.

Benjamin Rumsey was superseded by Benjamin Miller. Mr. Rumsey lives on the road. Mr. Miller lives over a mile off.

Thomas Chute was superseded by Nathan Randall. Mr. Chute lives on the road. Mr. Randall lives in Bridgewater.

Theodore Hill was superseded by Elliott Sprout. Mr. Hill lives next the Bridge. Mr. Sprout one mile off.

Green Munro was superseded by Isaac Marshall. Mr. Munro lives next the road. Mr. Marshall half a mile off.

Thomas Brown was superseded by Charles Cleveland. Mr. Brown is next the road. Mr. Cleveland his next neighbor.

It will appear, sir, from this statement—that my hon. friend from the township Granville seems to have been more particularly aimed at; and I am fully justified saying that from the rancorous feeling which dictated some of these changes the source from whence the government derived their

information is apparent. The government has played but a very subordinate part, they have been but the panders to the low and base feelings of those in the county of Annapolis—whose personal prejudices and enmities have been gratified by the indignities heaped on these superseded Commissioners. If I chose, sir, I could draw up the veil which hides these mysterious proceedings. I now ask were these selections made with the approval of the Governor and the consent of all his Councillors? Has this been the subject of grave deliberation? No, sir, it is the work of a small nest of unclean birds. We, who are responsible for this duty have been passed over—we have been placed in a false position—our recommendations, which should have been equivalent to appointments, have not been respected; and we have been deprived of power while the responsibility still rests upon us. This is a point, sir, which not only touches us but every member of this house. It is mortifying for us at this moment to be under doubt as to what we shall do as regards this year's Road money. We know not whether to assume recommendations as our duty, and subject ourselves to insult as members of this House—have our feelings outraged as gentlemen, and our friends in the Country treated with contumely and contempt. This change of policy never took place before the year 1849, after the Liberal Government came into power. The act at that time was not justified, and the principle having been abandoned, should not have been revised again on the eve of a General Election. Cases may occur where the members of a County cannot agree; the interference of the government in such cases may be all right; I should not complain of it. But I recollect how indignant the late Mr. Huntington was on an interference of this sort. He and the hon. member for Argyle had made certain recommendations for the expenditure of road money in that township, which was in his County, and when Mr. Ryder went home, he sent a counter recommendation to the government, which was approved of. That hon. gentleman held this as an offence on my part as long as he lived—and in spite of my expostulations; showing how distasteful this interference on the part of the government is viewed by members of the House, who have been in the habit of making these appointments. I beg, sir, to move the following resolutions:—

Whereas,—Nineteen persons, resident in the County of Annapolis, whom at the last Session the three members from that County united in recommending as road Commissioners, were superseded and others substituted, by the Provincial Government, without any communication with the members from the County. And whereas the recommendation of no other members of this House were subjected to similar indignity;

Resolved,—That the duty thus interfered with, is one which is imposed on the members of his House by long established usage, and for the exercise of which the members from the County of Annapolis are constitutionally responsible to the constituency of that County, and it is one which the executive Government are incapable of performing, except through the ad-

vice and agency of persons in the County, probably, secret and unknown, and certainly unauthorised by, and irresponsible to the people.

And Resolved,—That by the course pursued in this instance, the Provincial Government have taken occasion from the possession of the executive power, with which they happen to be clothed, to offer an invidious insult to the members for the County of Annapolis, and thro' them to the County they represented; and have treated with unmerited disrespect, the individuals who after having received the accustomed recommendation were displaced.

That if this precedent shall be adopted, the members for other Counties, besides those now selected, may in their turn suffer under like affronts and be placed in a situation requiring them to choose between the alternatives of declining to perform necessary duty of their office, or of incurring in its performance, the risk of treatment as inconsistent with the independence of their official position, as revolting to their standing as gentlemen.

And lastly resolved,—That the system of road appropriations by members in this House, is so connected with their recommendation of the Commissioners, that the policy adopted by the Government, cannot be long acted upon without impairing the efficiency of the system, under which the road service is conducted, and endangering the improvement of the Country, in an essential element of its prosperity and progress.

After some explanations between the hon. Provincial Secretary and hon. Mr. Johnston,

Hon. Attorney General said—It is right to call the attention of the House, first to the circumstances under which this matter is submitted to the House, and secondly to the manner in which it is brought here. It was only a few days ago that the hon. and learned member for Annapolis asked for a list of parties superseded and those who were put in their places. We have had no notice whatever of his intention to raise this debate.—Then I asked him to lay his resolution on the table for a day or two. I considered that I made a request to which he should have at once consented. With characteristic temper nowever, the hon. and learned gentleman has availed himself of his extreme privilege, and thrust the matter on our immediate consideration. I did not desire this, because I am waiting for returns from the County of Annapolis which may place the matter in a different light from that which may now beam upon it. The hon. gentleman has brought forward charges and insinuations against men of whom I know nothing, and of course I cannot reply to him. The alterations he speaks of were the act of the Executive Government; and when they were made, the Government were prepared for this discussion—not in the sudden way in which it has been introduced, but we were ready to undertake a substantial defence. The aspersions on gentlemen appointed by the Government, I shall not attempt to answer. I consider the language employed grossly indecent—vulgar—low. I could use such expressions towards the hon and learned gentleman for Annapolis; but I consider it beneath me to do so. Now, Sir, let me ask if Annapolis is the only County represented by Conservative members? No—Lunenburg, Queen's, and Pictou

are in the same position. But what did we find as regards Annapolis? I will tell you presently; but let me first discuss the principle here contended for. Is this House going to pass a resolution which aims at the very foundation of Responsible Government? The recommendation by members is a mere matter of convenience. Does any man say that the appointment of these Commissioners, as of all other Government officers, does not of right belong to the Government? That cannot be disputed. We have, therefore, not touched the principle. We have not touched Queen's, Lunenburg or Pictou; but I, of one, will never surrender the right of the Government to make these appointments. The road money for the County of Annapolis amounted to £2036. For the expenditure of this there were 148 Road Commissioners. We have taken the liberty of appointing 15 out of the 148—that is, we have, in accordance with our own right appointed about one-tenth of the Commissioners, and given them the expenditure of £302, which is about one-seventh of the whole expenditure for the County. So that the House will perceive, we have not pressed the matter to any excessive extent. In 1850, the Government of the day found it necessary to protect its friends in different Counties who had been trampled on; and whom the Government of that day as well as of this day were determined should be trampled on no longer. In King's the removals amounted to 30; Cumberland and Windsor has since been happily redeemed; and if Annapolis has been dealt with differently, it is because the hon. member for that County has not improved in temper as the snows of age fall upon his brow. The language he has used, I have no words to answer. They are unworthy of notice from me either as a member of this House or a man—or as the associate in the Government of gentlemen who are inferior to none in Nova Scotia. Sir, I do not see what the hon. and learned gentleman has so bitterly to complain of. My late brother George represented the county of Pictou for 4 years. Unhappily he was associated with two Conservatives—Messrs. Holmes and Blackador. He told us on the floor of this House, that, representing as he did the intelligent, cultivated, and independent Liberals of that county, he had not influence enough to appoint any officer—and was not consulted in the nomination of Road Commissioners. We, Sir, have not attempted to continue that practice—we have never exercised it, except in most extreme cases, such as this. How stands the matter as regards the county of Annapolis? There is a large minority attached to the Liberal cause in the township of Granville; the last election was contested by Liberal and Conservative, so that we may fairly presume the people were nearly divided, and yet we find the Liberals in that township almost entirely proscribed. Why, Sir, two years ago, out of 210 Road Commissioners for Annapolis, but 4 were liberals. Was this to be tolerated? Were our friends to be proscribed and insulted?—for “insulted” is the word used by the opposite side; and can the hon. and

learned member from Annapolis hope to carry a resolution, committing a majority of this Legislature to an act of gross injustice? The hon. member for Granville (Mr. Thorne,) well knows that though politically opposed to him, I would no more wound his feelings, than I would those of my warmest friend in this House. But the Government ascertained that these 15 or 19 Commissioners who were substituted for as many others, were men of business habits, and unassailable in character; and it is no sound argument to say that we had not a right to restore, to this moderate extent, the balance of equality in favor of the Liberals of Annapolis. It is enough that after careful enquiry, we found that the men selected were capable of performing the duty assigned to them; and these gentlemen were not selected with the party motives which have been imputed to us. Sir, the Government must occasionally vindicate its own authority; and if the measure meted out to Annapolis has not been applied to Queen's, Lunenburg or Pictou, it has been because the members of these counties have not shown the same disposition to proscribe those who differ from them in political opinion; otherwise we should not hesitate to apply the same remedy. For, Sir, I would be ashamed to belong to a Government that would fail to vindicate its own honour, by shielding a minority in any county from being insulted and trampled on by its members.

Mr. Thorne replied as regards the township of Granville that out of 31 Commissioners recommended, of whom 4 were Liberals, the Government had superseded 12, which gave the liberals 16 out of the 31—withstanding the fact that three-fourths of the township had voted for him at the last election.

Hon. J. W. Johnston would offer a few explanations: for he always felt it a duty to unkennel the Attorney General, whenever he sought to burrow under ground. Now the hon. gentleman had spoken of his brother George. But his brother George was not the only member for Pictou; nor could the Attorney General state that any recommendation he ever had a right to make was ever passed over. It was not a parallel case. He was not the recommending power for the county of Pictou; but the members for the county of Annapolis were, and they were responsible for the exercise of it to their constituents. He maintained, therefore, that no government had the power to supersede a commissioner recommended by the members, who were held to be responsible by the people. The learned member shielded himself under false grounds, and with ribald language, from the consequences of this act, and referred to the acts of the previous Government as a justification. Did the Attorney General ever find that Government making such a change as he did in the Prothonotariaship of Inverness, where the Attorney General had himself been condemned by the sessions of the county? Hon. Mr. Johnston continued to denounce the act of superseding

Road Commissioners in Annapolis. Let the hon. gentleman be content with the legitimate exercise of his functions. He had now the privilege every day of appointing new officers in every county. I will be content that he shall have larger means. He has said that Cumberland has redeemed herself. I suppose that Windsor has redeemed itself; and I am content that he shall buy all men in the same manner who are willing to sell themselves; but I am not content that he shall overturn Parliamentary usages, which are equivalent to law, such as the recommendation of road commissioners by the members for the county, which has ever been deemed, under our present system, equivalent to an appointment.

Mr. Annand.—I know not whether to express more surprise at the principles enunciated, or the language used by the hon. and learned member for Annapolis. Sir, if the principle he has enunciated here be true, then the power of the prerogative is a nullity. Suppose this state of affairs were to occur in any county—suppose it were proved to the Government that the commissioners had squandered the public money, would it not be an act of gross injustice and incompetency for a government to allow such men to be continued in commission? The hon. and learned gentleman prefers no complaint against the character of the parties appointed. I presume, therefore, their character and abilities are unimpeachable. The burthen of his complaint is, that out of 148 commissioners recommended by him and his colleagues, of whom only 10 were Liberals, the Government have committed the unpardonable sin of adding 15 more. The hon. member was very eloquent on former occasions as to the rights of minorities; and I maintain that the Government has the right, and that it is the duty of every government to protect such minorities as that in the county of Annapolis against injustice, whether perpetrated by their members or by anybody else. He says that the cases quoted were not parallel with the one now alluded to. Sir, it is notorious that at the time Mr. Andrew Uniacke represented the township of Halifax, the names of commissioners were changed at the instance of that gentleman, contrary to the wishes of his colleague for the town and the two county members, and that the hon. member for Annapolis himself superseded road commissioners at the instance of one gentleman in opposition to the recommendations of three members, who equally with himself were all responsible for the appointments.

Mr. McLellan.—It used to be an old saying at school, that the boy that was whipped with a rod of his own cutting felt it the worst.—(Laughter.) Now, this business commenced about 12 years ago, when the hon. and learned member for Annapolis, then in the Government, changed some of my recommendations for those of a late member. The members for the county are certainly the most competent, but are they infallible? Look at the case of the former

member for Cape Breton alluded to the other day, and for which the Government almost got blame for allowing a member of the House to do as that member had done. Mr. McLellan told a humorous story about the leaving on the commission of the peace a Conservative, who settled cases instead of trying them, but who failed once in settling a case where a man sold six bushels of potatoes for nine shillings, and they were frozen. As regards the present case, he thought the House would sufficiently stultify itself by passing these resolutions.

Mr. Martin I. Wilkins.—The public money must be expended by the authority of the Government; that, I presume, cannot be questioned, and equally true is it that those monies ought to be, as they have been, laid out under the supervision of Commissioners appointed by the Government, but nominated by members of the House. I take it for granted that the practice originated in utility, and the principle on which it is based is quite clear to me. The members of this House, although elected by majorities when they come here, are the representatives of a minority; and actuated by a sense of duty, as well as their own interest they will take care to nominate such persons as will best perform the public service. No individual or party can for any length of time successfully appeal to the public while persecuting a class of that public; for it is an undeniable axiom that persecution strengthens the persecuted. If I am correct in this view, the government, in interfering with the nominations of any gentlemen, unless for very special reasons, offer to him a personal insult, and through him, to the constituency he represents. What right had the hon. and learned Attorney General to assume that the members for Annapolis, in these nominations, were actuated by personal or malicious motives? From whom did he derive his information? The House should be made acquainted with these particulars. But, sir, would it not have been the more delicate and proper course to have submitted the information on which the Government acted to the members in the first instance—asked of them an explanation, and acted only after full investigation? This course was the more incumbent on them, considering the relationship of the Hon. Attorney General and the hon. and learned member for Annapolis in the political world. I shall vote for the resolution which he has moved.

Mr. B. Smith argued in favor of the views expressed by the hon. and learned gentleman from Annapolis. He had always felt the division of the road money, and the recommendation of commissioners to expend it, as the most onerous and difficult duties he was called upon to perform, but had found the system in operation when he came into the House. His constituents expected him to perform those duties, and held him responsible for the manner in which those duties were performed. He was of opinion that while the Government sought such information from members, their recommendations

should be at least attended to; at least they should not be cancelled without good reasons; and he thought members should be informed of the reasons for rejecting their recommendations. The hon. gentleman from Colchester had said that a Government would be but a mockery that did not, when it saw fit, make those changes in the road commissioners; but he (Mr. S.) thought it was rather a mockery for the Government to ask members to make those recommendations, and to disregard them in making the appointments; and while members were held responsible for the appointment of road commissioners, their recommendations should be respected. He could point to some instances where counties were represented by what were called Liberal members, or supporters of the Government, and the Conservatives complained to the Government that injudicious appointments had been made in the counties, and what has been the reply? Oh! your representatives have recommended, and the Government cannot pass over the recommendations made by your representatives. That rule had not in all cases been applied to himself and his hon. colleague, and in some instances their recommendations had not been sanctioned, and others substituted.

Hon. Attorney General—Have any changes been made in road commissioners in the hon. gentleman's county last year?

Mr. Smith—No, not last year. He was speaking of years prior to last year, and we do not complain of any changes having been made last year, but could easily understand the feelings of those where changes had been made, and thought the same rule should be applied to all the members, and then those discussions would be avoided, and the hard feelings they engendered would not be called forth.

Mr. Dimock enquired whether on the remarks of the hon. gentleman for the County of Hants, that hon. gentleman had alluded to him.

Mr. Smith replied—No.

Mr. Dimock—Then I have nothing to say I understood the hon. gentleman's remarks to apply to me.

Mr. Smith.—I did not refer to cases where there might have been a difference in opinion between Members of the County, but I referred to instances where changes had been made in districts beyond the limits of the Townships where my hon. Colleague and myself alone were responsible to the people.

The Hon. Provincial Secretary deprecated some expressions that had been used in the debate as not quite consistent with parliamentary usage, or gentlemanly courtesy. He continued to observe that the learned member for Annapolis has talked of the necessity of *unkennelling* the learned Attorney General, intimating by that delicate phrase that the latter gentleman's unexpressed opinions were not in accordance with those that he uttered. I know not if the Attorney General has kept any

of his thoughts in reserve; but I am quite certain it would have been prudent in the learned leader of the opposition to have followed his example, if he aspired to the reputation of a sound reasoner, which, in my apprehension, he has not established by those he has expressed. Certainly he is no dialectician, unless indeed nomination of road Commissioners is identical with the appointment of them.

The real question involved in the debate may be shortly disposed of. The Government admit that as the general rule they will conform to established usage, and not interfere with the suggestions of members but that, in exceptional cases, they will interpose, as they have done in this instance, to protect the minority. The Provincial Secretary added that before he sat down he desired to make a passing remark upon a sarcastic observation made by the learned member for Annapolis, to the effect that Windsor, too, had redeemed itself from the former political character of its representation, in connexion with a taunt that the present Government was sustained by men who had made traffic of their public principles.

"Of course," the hon. Provincial Secretary said, "in this remark no allusion was made to me, and of course in that which I am about to make no allusion is designed to any body else. Distrustful of myself, I regard with doubt and uncertainty, the dark future of my own public career, but I venture to indulge a hope that, if any political friend who sits besides me, shall, hereafter, in obedience to the dictates of an honest judgment, separate from me in public life, and thereby, perhaps, mar my own aspirations, I shall not, if tempted to denounce his conduct, deceive myself with the vain imagining that disappointed ambition is identical with virtuous indignation at assumed political turpitude—that, if I live to become old and grey-headed, the snows on the head will have quenched the malignant passions of the heart,—and that if I shall become a professor of religion I shall be enabled to exhibit in my life and conduct its mild, and gentle, and charity breathing principles.

Hon. J. W. Johnston replied by reference to £700 a year, after which his resolutions were put and lost by the following division. In favor of the Resolu-

tion:—
 Mr. Jno. Campbell,
 "Jno. Munro,
 "Murray,
 "Young,
 "Whitman,
 "Moshier,
 "Beckwith,
 "Wilkins,
 "Josiah Coffin.

Against the Resolu-
 tion:—
 "Mr. Wade,
 "Comeau,
 "Locke,
 "Esson,
 "McKinnon,
 "Chipman,
 "Martell,
 "Wier,
 "Bourneuf,

"Fresman,
 Mr. Jost,
 Hon. Mr. Johnston,
 "Creighton,
 "Marshall,
 "Zwicker,
 "Bent,
 "Thorne,
 "Cowie,
 "Holmes,
 "B. Smith,
 "Killam,
 "More,
 "Ryder,—23.

"Fuller,
 "Hon. Mr. Fulton,
 "Sol. General,
 "Prov. Sec.
 "Archibald,
 "McLeod,
 "James Campbell,
 "McQueen,
 "H. Munro,
 "Thos. Coffin,
 "Dimock,
 "McLellan,
 "Shaw,
 "Annand,
 "P. Smyth,
 "Doyle,
 "Hon. Mr. Howe,
 "Att. General,
 "Fin. Secretary,—
 28.

Mr. Martin I. Wilkins asked leave to present a petition from the Court of Sessions for the County of Pictou.

Hon. Attorney General opposed the reception of the Petition.

Mr. Wilkins and Mr. Holmes contended that it was a public petition and ought to be received.

After discussion leave to present the Petition was refused.

The House adjourned.

THURSDAY, February 15, 1855.

Municipal Incorporations.

Hon. Mr. Johnston rose to present the Petition of a large and influential number of the Inhabitants of Clements, against the Municipal Incorporation Bill.

He stated that the petition was numerously signed, and the signers were many of them most respectable; but he believed they were laboring under a misapprehension as to the real nature of the Bill; which was represented by many persons as liable to entail more expense than it really would. He would express his opinions more at large on the subject at a future opportunity; and meantime he moved that the petition be read, which was done.

Hon. Mr. Johnston also presented 19 or 20 petitions in favor of the act for Municipal Corporations.

Hon. J. W. Johnston asked for the second reading of the Municipal Incorporation Bill; and proceeded to explain the difference between this Bill and that of last year. The Bill introduced last year made it obligatory on the Counties to become incorporated; but was amended so as to apply to Annapolis, and any other County which might chose to adopt it. The Bill would therefore have been obligatory on the County of Annapolis. The members for that County having come to the conclusion that the Bill would be beneficial to the County, considered that it was unnecessary to put the County to the expense and delay entailed by the alternative clause, especially as the adoption of that clause would lead to misrepresentation. As that Bill had been thrown out in another Branch, there

misrepresentations had taken place in the County of Annapolis, and to pass the Bill in its former shape now would be against the wishes of a large and respectable body of petitioners. The Bill introduced now, therefore, did not make it obligatory on the County of Annapolis, but left it as a matter of choice; and he believed that even the gentlemen who had signed the petitions against the Bill would be among the first, when they came to understand the Bill, to ask for its adoption. He did not see why the people should hesitate to manage their own affairs. As regards expense, if all that were said on that point were true he would still uphold the Bill, but the story of expense was an exaggeration, because the whole thing would be in the hands of the people, who themselves could make the expense either small or large; and there was no better argument in favor of this Bill than the debate which took place last evening; for the Road expenditure then, instead of being in the hands of the Members of Counties or in the government, would be regulated by the officers, elected by the people themselves, and acting in the Counties.

The Bill was read a second time.

Hon. Attorney General introduced a Bill to provide for Railway damages.

Mr. Wade introduced a Bill to amend Chapter 121 of the Revised Statutes, of the Jurisdiction of Magistrates in civil cases.

He also reported several Bills from the Committee on private Bills without amendment.

Hon. Mr. Johnston presented several petitions in favor of the Prohibitory Liquor Law, and moved the second reading of the Bill on that subject.

Mr. Marshall.—Have we not just passed a Bill to amend the License Law. That Bill is now before the Council; and are we now going to pass a Maine Liquor Law? This is curious Legislation.

Mr. Beckwith.—Not curious Legislation at all; for if the Prohibitory Liquor Law should pass, it will be some time before it comes into operation.

The Militia

The House went into Committee on Bills. The Militia Law was taken up.

Hon. Joseph Howe advocated the importation of a quantity of Minie Rifles; we might suppose that our situation so far from the seat of war would shield us from attack; it was however, by no means improbable that we might be attacked,—money was all powerful and the Emperor of Russia could purchase a fleet in the United States—bombard our seaport towns and perhaps overrun the Country. In view of such an emergency he hoped the House would take precautionary measures to secure our people and property from outrage and injury.

Mr. McLellan. Such a contingency is very unlikely to occur; he did not think the House would be justified, in the present state of affairs, in burdening the country with the unnecessary expense incident to calling out the Militia; there was no necessity for it and he

should give any such proposition his opposition.

Mr. B. Smith. The Committee by the bill have given the Government power to act—he hoped, however, they would not move unless grave necessity compelled.

Mr. Annand could not conceive any foundation for the fears expressed by the hon. and learned member for Cumberland. With regard to the importation of Minie Rifles, members would recollect that the British Government had found great difficulty in supplying their own troops—and it was hardly to be expected that we could obtain them. The speech of the hon. member for Cumberland reminded him of a good lady who while standing before the fire on one occasion suddenly commenced crying—and when questioned as to the cause said she thought the bricks might fall down and kill the baby; the apprehensions of the Hon. Member for Cumberland were about as well founded.

Mr. Killam—Russia has not yet put forth her strength; what part we may be compelled to play before the struggle which has just commenced, is concluded, none can foresee.—In my opinion it is high time that we made preparations to resist an inroad into our territory; I believe that without being extravagant or incurring unnecessary expense the militia should be organized and drilled.

Mr. Holmes agreed with the views expressed by the hon. member for Yarmouth; he did not think it right to await the arrival of the crisis before commencing to prepare for it.

Hon. Jos. Howe—The hon. member for Halifax mistakes the position of the case.—Suppose the baby was fat and healthy but the mother neglected to keep beside her a stock of “Dalby’s Carminative”—in the night the child is taken ill and in point of fact it dies before morning; surely the mother would have reproached herself with negligence in not providing a remedy in view of the sickness to which children are liable. We may be attacked by the Czar and should be prepared to repel invasion before too late; for when hostile insurgents had penetrated to the heart of our country—the time for organization would have gone by and we would entirely be at the mercy of the invader.

Mr. Marshall concurred in the sentiments expressed by the hon. member for Cumberland. There is no idea more destructive to a healthy self dependance than a belief that a country cannot defend its own soil from foreign aggression. That our people are brave, hardy, and self-reliant, I believe;—and were anything wanting to convince me of this, the conduct of Halifax firemen, who, without fear, penetrate into the heart of the flames—scale the roofs of burning houses—endure the rigors of a severe winter’s night drenched with water, their uniforms stiff with ice, would dispel every doubt and afford convincing proof that such men would not shrink from danger and death in the defence of their household-gods and their Country’s honor. I believe, sir, that there is wisdom in having the munitions of war at

hand, and a trained body of men, inured to hardship and careless of danger, armed with the improved weapons of modern warfare to secure our protection if the hour of attack should unhappily come upon us.

Hon. Att. General said—This Bill has been reported by a committee appointed at the instance of the hon. member for Hants—and I presume the House are prepared to deal with it in a practical way. The General Militia Law—previously passed—though pretending to the full vigor of a law, has remained, and must remain, on our Statute Book, a dead letter. For my own part, sir, I am in favor of the establishment of Volunteer Corps, with the power to appoint their own officers. I believe that there is a sufficiency of that free spirit of patriotism among our people rapidly to effect an organization ample for all purposes; but if the House require the importation of the Minie Rifle and desire the expenditure of any large sum in calling out the militia—they must assume the responsibility and not throw it upon the Government to decide, when the emergency has arisen, requiring these steps to be taken. I would suggest that the Bill be referred back to committee for the purpose of having it perfected and made, in all respects, efficient.

Hon. Provincial Secretary.—It is a known axiom among Statesmen that “in times of peace they should prepare for War”—and all good soldiers agree that undisciplined-troops are a mere rabble which may be scattered by a handful of organized and veteran soldiers. If the axiom quoted were true in times of peace, how much more should it be regarded and acted on when the alarm notes of deadly war daily met the ear. In his opinion it would be useless and pernicious to organise a regular army—but steps should be taken to prepare the people for that, of the happening of which there was at least, a possibility; the invasion of their country.

Mr. B. Smith,—In my opinion, Sir, the House should place the necessary means at the disposal of the government and they should assume the responsibility of judging as to the period when it became necessary to use them. The government should not attempt to avoid that responsibility—as the guardians of the public weal it rested on them.

The Bill was referred back to the Committee.

The Committee adjourned.

Mr. McLellan—said from the repeated ungentlemanly attack made upon me by the hon and learned member for Annapolis—I feel that it is my duty to make some reply, and I shall take the earliest opportunity of doing so.

Hon. Provincial Secretary laid on the table of the House, by command, the Accounts of the Commissioners appointed by the Government, for the purchase of Provincial Stud Horses.

Mr. B. Smith asked leave to introduce a Bill to amend Chapter 78 of the Revised Statutes. Leave was granted, and the Bill read a first time.

The House adjourned.

FRIDAY, February 16, 1855.

Statute Labor.

Mr. T. Coffin reported from the Committee on the Statute Labor Law—a resolution to test the sense of the House on applying the principle of assessment for statute labor. The resolution read as follows:—

“Resolved—That in the opinion of this House, a bill on the subject of Highway Labor, based partly on a poll tax, partly on an assessment of property, such tax to be payable either in labor or money, will commend itself to the favorable consideration of this House.

Hon. Attorney General. That is a notice I presume.

Mr. M. I. Wilkins. Yes, this is a partial report from the Committee, who desired to test the opinions of the House before reporting by bill.

The Resolution was laid on the table.

River Fisheries.

Hon Provincial Secretary, by command, laid on the table of the House the Report of the Warden of the River Fisheries for county of Halifax.

Mr. Esson said there were certainly some statements in the Report entirely incorrect, as regards Mr. Francis Webber—there is not a more steady honest, industrious man in the county of Halifax; he is a person who would, not on any account, violate the law.

Mr. McLellan's Explanation.

Mr. McLellan thought that when a member believed himself ill-treated, it was his duty to call the member to order, or to lay the matter before the house, and in case the latter course was taken, he believed it was the duty of the House to hear both parties to a reasonable length. He should therefore crave the attention of the House for a short time, as he wished to say a few words for the special benefit of the honorable and learned member for Annapolis.

Ever since the special session on the Cape Breton Annexation, a steady harping has been kept on one string, of Ignorance, by that gentlemen. If one meet a man having a spot on his face it is long remembered, so it was with him. If a man uses him unfairly, he fancies he sees a black spot on the offender's heart. It can be forgiven but not forgot. I could name many cases but a few need be mentioned as they were in the remembrance of most gentlemen. The year before last the honorable member was telling the House that the New Brunswick Rail Road Company was bound to pay this and that for a Mr. Ritchie who was one of them had told him so.

To best expose such deception, I asked him if Mr. Ritchie's private property could be taken for Rail Road debts when the hon. gentleman cries out—"Oh! oh! oh!" what Ignorance, how proud the people of Colchester ought to be who have such a well informed member as not to know that only the joint stock of a corporated company was liable."

Mr. Killam and Mr. Murray believed there was no question before the House.

Hon. Mr. Johnston hoped the gentleman would be allowed to proceed.

Mr. McLellan. I am surprised to see an attempt made to stop me, but, if this mode of settling these affairs be persisted in, members will be forced to take it into their own hands, which all must regret to see. Sir, I will make a motion, if that be any satisfaction; but to resume:—Does any man believe the hon. member for Annapolis could think I did not understand what a corporation was, after the numerous debates that have taken place in this assembly and after hearing me so often denounce the system attempted, as a fraud the security to the public being insufficient and after hearing me remark that such companies should be compelled to paste up in their establishment a notice that nothing but the joint stock was liable for the debts; because then the most simple would know what to depend upon. Why, the thing would almost have been beaten into a block of lead, if hung to one of these posts, as long as I have been in this Assembly. What a pious witness the hon. and learned gentleman is to what he believes untrue. The question I asked was in no way an offensive one; after that, the hon. gentleman took an active part in Temperance which is to do good to foes as well as friends; and as no man's heart can be altogether black, that wishes to do good to his enemies, I fancied I for the first time saw one little green spot in the hon. gentleman's heart, and as Sodom and Gomorrah would not have been condemned, if a little good had been found in them; neither ought the honorable gentleman while this little green spot remained. I had therefore determined last year to let bye-gones be bye-gones, to give the least possible offence in the debate on Municipal Corporations. But what strange things sometimes happen! The Conservatives were going to leave Halifax when a Corporation was talked of, as soon as such a curse was brought on the place, and now see their leader wanting to bring the same ruin on all our country. No sooner was opposition raised than the honorable gentleman jumped to his feet dancing round and singing "If ignorance was bliss it was folly to be wise." Can any one think the gentleman conceived that it could have

been forgot that he was not in the House when the Halifax Corporation Bill passed! Even our earliest school mates who have been noted for being foremost in mischief and evil doing, are not easy forgotten; but suppose it had been forgot, it was only a mistake requiring neither singing nor dancing. (Laughter.) Another pious witness. The honorable gentleman had just been beaten on the Railroad; all the Golden visions of Agencies had been torn from his eyes, he was then as it were a fallen man at one's feet; and who could find it in their heart to say an unkind word to him?

This year the hon. gentleman has introduced an Elective Council Bill, the Union of the Colonies, and the Municipal Corporations Bill. On the introduction of the latter, I said, that as so much time with these measures had been wasted, frittered away, causing some important business to be passed over, and other business to be hastily done, I had hoped the hon. member would have been content and allow this, the last session of this House, to pass without bringing them forward; but, even now, I hoped he would allow them to lay on the table until all business of more importance and of a less objectional character was got through with. There was nothing in this to rouse the hon. gentleman's ire. But the hon. and learned gentleman went on to say that if the hon. and learned Attorney General, a man who had some information and intelligence had asked the question, he would have deemed it worthy of reply: This is the first acknowledgment ever I have known to have been made that the Attorney General had any intelligence or information whatever; but, as for me, he considered that I have no intelligence at all.

Yesterday the hon. gentleman squared himself off, apparently for a long speech on the second reading of the Corporation Bill, when I suggested that as there was no probability of any opposition to the principle of his Bill, the House should go at once into a committee upon it, so as to save time and have but one debate.—The reply was that my *impertinence* was almost *intolerable*. Was the suggestion an uncommon one? Was it annoying to be told there was no opposition to the principle of his bill? Did he want opposition or to spend time? In either case gentlemen will see that I have borne long with the hon. gentleman's improper conduct. I can understand the hon. gentleman complaining of the ignorance and inefficiency of his own supporters, but after all, I fancy the real trouble is that I happen to have a little too much sense to be a follower of the hon. gentleman in his serpentine courses.

A snake has great ability to get away

When caught it will squirm round, and slip into its hole without one being able to see hardly how—(Laughter.) The hon. gentleman has shown a good deal of this kind of ability. The late G. R. Young brought a charge against him when leader of the government of advising the civil list to be asked for in a lump, contrary to the expressed opinion of the House. Although he was fairly caught, but he commenced with whereas and whereas, round and round, in a serpentine course, until he got clear as he said, but one could hardly see how. The snake is not considered of much value. Nor was that ability good in man; or else the possession could show up the ignorance of an opponent cheaper than at the expense of truth and good manners. A man's work is valued according to its intrinsic worth, not the ability of the workman. The giver of the best advice has the best information for the people. The hon. gentleman has written resolutions and advises that we should continue to be taxed double for recording our deeds; that was required for the service as long as Sir R. De George remained; that the permanent grant to King's College should have been kept up, to be an eyegore to dissenters, and a bone of contention, and drain upon the treasury; that the salaries in the Civil List should not be reduced as they were; that we should not have responsible government, so that if an officer at Windsor or elsewhere was thought to be improperly dismissed, we should not have the power to call the government to account but must send our complaints to England; that we should introduce into this country the system of simultaneous polling—and in this, I believe, the only beneficial measures he ever supported—I concurred with the hon. gentleman and aided him to the best of my abilities in carrying it out; that we should travel in the same road as the people of New Brunswick did with our Railroad and be now in the same slough of despair that they were. My advice was the reverse. The country will judge whose work has been the most valuable? The hon. gentleman may brag a good deal about his wisdom, but his work wont sustain his pretensions. If a man acts one way to-day and another to-morrow; it is either from want of information or want of principle—innocently ignorant, or wickedly wise.

The hon. gentleman reminds one of a boy who had to be whipt before he would feed the working horse with oats; but when forced into it, feeds the whole stock out of spite; the year's crop disappeared in no time, the farmer nearly ruined, as oats were by far too expensive to feed young stock on—(Laughter.)

The gentleman spent more than 10 years of his life in opposing a Municipal Corporation for the Province, *alias* responsible government, the principle of the two being just the same. Under the latter we elect directly or indirectly every office holder in the Province, except the Governor: But when whipt and beaten into it, turns round, like a weather cock, to spend the next ten years to force Corporations on all the counties without any proper regard that they may not be like feeding a young stock on oats too expensive for young Counties. Surely the honorable gentleman won't pretend he was so innocently ignorant as not to know the principle of Municipal Corporations; nothing but wickedly wise can be laid at his door.

If a man was employed as agent to work and improve a new farm, but while he lived on the cream of the farm, he made no improvements, although he had an excellent team; it is true he cleared some land by the firewood he used, but he was entitled to no credit for that, as it was forced upon him for his own comfort.

The owner saw he was doing no good on the place—that he was unfit for a foreman and discharged him. But the man was no sooner discharged, than he became a great man for improvements—the people in the neighbourhood could not attend to their ordinary business for his talking about improvements that ought to be made on farms. Would any man believe, there was any sincerity in it but that it was only a plan to dupe some other party so as to get another situation; but everybody that had an ounce of sense would see he was a humbug.

Now, let us see how much the Hon. member for Annapolis has acted like that agent. He was agent or Foreman for the management of Nova Scotia for four years, while he lived on the fat of the Country, pocketing in all about twelve dollars a day. He made no improvements whatever. I may be told that he passed the simultaneous polling Bill, it is true that a weak constitution forced it upon him as it was killing to a tender man to stand two or three weeks on the hustings, so that he is no more entitled to credit for that measure than the agent was for the land he cleared, where he got his firewood. I may also be told that the Hon. gentleman called an unnecessary extra session at the cost of some three or four thousand pounds; that he fed the mice and rats in Halifax gloriously one winter, out of the public money, but those are improvements that the people, I fancy, will think the less they have of such improvements the better. He only needed to have hitched his team to his Corporation Bill, Council Bill, or the Union of the Colonies, and they would have walked off with them like nothing. But it appears when the Hon. ble. gentleman was

pocketing twelve dollars a day all was right; now, when he is working for nothing, and finding himself, all is wrong. (Laughter.) He reminds me of a boy in the Country that his father and mother used to take with them in the sleigh when they went to spend an evening at a friend's house, but the boy was found to misbehave, and therefore told he should sleighride no more. What does the young scamp do but go to the barn, and lets all the cattle loose. Ever since the Hon. Gentleman's conduct was condemned by the people and told he should no longer sit at the Council Board, then he wants to let the council, the Governor, and the Province loose; in fact, upset and destroy everything valuable in the constitution. Why this sudden change? The Council was all that could be wished, the province was too prosperous to think of being united to other Colonies. Idle people that would talk of such things as Municipal Corporations were only disturbers of the peace. Was he really ignorant of the state of the Country or wickedly wise?

In conclusion, I advise the hon. gentleman to wait until those whom he wishes to shew up commit some act of gross ignorance in a matter they ought to be better informed of, and then to remember the old saying that when a man calls his opponent a fool, it is a pretty good proof that he is not very wise, is little of the gentleman, and has the worst of the argument. The greater the abilities of a Legislator, the worse for the people, if the natural bent of his mind, runs counter to their interest. Of this the honorable gentleman is a living proof. If he had been born with less abilities than any man in this assembly, and the natural bent of his mind had run with the interests of the people he would have done some good; but having ever run in the opposite direction, causing him to uphold every abuse, the country has ever had to complain of every extravagance that could be thought of, delaying and retarding useful improvements; but for him we would have now our Railroad in good operation, as we would have begun it when our country was in a stagnant depressed state, when many of our young men had to leave to look for employment, and when the work could have been done for two-thirds of what it costs now. People complain of the loss by the potatoes, the wevill, the blight, and the mildew, but the loss they have sustained by the honorable and learned gentleman from Annapolis is greater than them all.

Hon. J. W. Johnston congratulated the Speaker in having had the honor of presiding over so dignified a scene as had had

been enacted on the floors of the House for the last half hour.

Public Buildings.

Hon. Provincial Secretary laid upon the table of the House the report of Commissioners of Public Buildings, for the last year.

Telegraph Company.

Hon. Attorney general asked leave to introduce a bill to encourage the operations of a Telegraph communication between Newfoundland and the Continent of North America. He explained that the Company had been treated with the greatest consideration by the Legislature of Newfoundland, who had given a grant of 50 square miles of land to encourage the enterprise, and the object was to pass a Telegraph wire from the South-western extremity of Newfoundland to the North-eastern point of Cape Breton—thence to skirt the Island along its Northern Shore, and to continue all over this continent. If the measure was not conceded, the line might pass by Nova Scotia and Cape Breton, and go through Prince Edward's Island

Mr. Martin I. Wilkins.—This is a private Bill, affecting the rights of the people of this country. The Bill I asked to introduce the other day was strictly of a public nature, to prevent the introduction of diseases into Pictou, and of course was interesting to the whole Province of Nova Scotia. Yet, leave was refused.

Hon. Joseph Howe.—If this Telegraph were to come through Nova Scotia, would we have priority in the use of the intelligence?

Hon. Attorney General,—Certainly. I move for a Committee to enquire into the subject of Telegraph communication, with power to report by Bill.

Messrs. Wilkins and Holmes objected—on the ground that the Bill was of a private nature.

The Speaker considered the Bill a private one, in the strict application of the rule of the House.

Mr. Esson.—If this bill be received, others must be treated in the same manner.

Mr. M. I. Wilkins was understood to say that the rule of the House was imperative,—and if departed from, the company could not complain if those, whose petitions were rejected, cut down their Posts.

Mr. Annand protested against the support of a Telegraph monopoly in this country; and disapproved of sectional jealousy. He supported the motion for a Committee, as this was a broad public question.

Mr. Marshall.—Suppose our objections to this Bill are of a local nature, is not that the very best reason why it should not

be here in opposition to a rule of the House strictly applied to all of us !

Hon. Mr. Johnston.—If this motion be assented to, it will be a very bad precedent.

Hon. Attorney General.—The question is purely one of Provincial policy and enquiry. I am at a loss to know why the motion should be so strenuously resisted.

Messrs. B. Wier and Archibald were in favor of a Committee.

Mr. B. Smith.—Where a special case is made out, we ought to relax the rule.

Hon. Joseph Howe.—What I would do, if in the Attorney General's place, would be to move at some early day to go into committee on the general State of the Province, and take up the whole question of Telegraph Communication.

Mr. Esson.—I have no objection to this Committee; but what I feel is this—that if this had been a Nova Scotian, his petition would be turned out without a hearing. If a foreigner comes into our country, we should, of course, treat him with all courtesy; but not more than we extend to our own people. If this motion be agreed to, therefore, I will insist that any petition hereafter coming from any Nova-Scotian shall be equally respected.

Mr. Martin I. Wilkins.—I shall certainly renew my application for a law to enable the authorities of Pictou to preserve the health of the people.

Mr. Wier.—That is a local matter affecting the county only—this is a great public work.

Mr. Wilkins.—It is as important to prevent the spread of contagious diseases, as to extend Telegraph wires.

Mr. Marshall.—I object to this Committee, because the Hon. Attorney General, whose abilities are unquestioned, has not propounded in his speech what he wants the committee to do. As to the Telegraph being taken by any other route than Nova Scotia, I believe it cannot be done, owing to the small depth of water round the shores of Prince Edwards' Island.

Hon. Mr. Howe.—And if laid there, the oysters would eat it up.—(Laughter.)

Mr. Marshall.—Feeling the difficulties which surround this question, Sir, I do not know how to vote; but as the rule of the House has been imperatively applied in other cases, I must vote against this committee.

Mr. Killam opposed the motion for a Committee, after which the question was put and a Committee refused 22 to 21.

Hon. Attorney General gave notice of a motion to rescind.

House adjourned.

SATURDAY, Feb. 17.

Telegraph Bill.

The House met at three, but some time was occupied in rescinding the vote of the House of yesterday by which the resolution moved by the hon. Attorney General for the appointment of a Committee to consider the subject of Intercolonial Electric Telegraph Communication, was negatived 21 to 22.

Incorporating Bills.

When the galleries were opened the house was engaged in considering various Bills of incorporation, among which the Bill to incorporate the Committee of the Halifax Library, and that incorporating the Centreville Hall Company, passed a second reading and were sent to Committee.

Mr. Wade from the Committee on Private Bills reported an Act to naturalize George Ward—a bill to incorporate the new Caledonia Lodge of Pictou, and a bill to amend the Act for the incorporation of the Inland navigation Company.

Halifax Common.

Mr. Esson presented a Petition from three or four hundred citizens of Halifax against the Bill which had been introduced to provide for the sale of a portion of the Halifax Common. The petition, he said, was well worthy the attention of the House and he moved that it be read. The petition was received and read.

Hon. Attorney General suggested for the better protection of the rights of citizens, that every Bill presented from the City Council should be published a reasonable time.

Hon. Mr. Doyle said the bill had been introduced without the knowledge of the City or County members.

Mr. Wier—The bill is of much importance. I do not agree with the Petition; I have no objection to the publication of the Bill—although one would think that the City Fathers having passed a Bill unanimously—being the representatives of the Citizens—it would be for the benefit of the community at large. He thought the Bill should lie over that the people at the next annual election should have the power of deciding on it.

Mr. Armand thought the provisions of the Bill good, though some misapprehension existed out of doors connected with it. He, however, entirely coincided with the suggestion thrown out by the Hon. Attorney General that all measures affecting civic interests requiring Legislation on the part of the House—should be published for some time that the citizens might acquaint themselves with their nature and effect. This rule should be stringently enforced.

Hon. Mr. Howe.—said that the difference between the interests of those who wanted to improve the Common, and those who did not want to be deprived of their rights in the Common, ought to be looked after. In Lunenburg so large a place was reserved for a Common that it was a perfect nuisance; and if one half of it were sold to beautify the other half, it would be an advantage to the present and future generations. He was not

aware what ought to be done on the Common of Halifax—he did not paid attention enough to it; but he was glad that the City fathers were moving in the matter if they were only moving in the right way. Our city had an example before them as to what ought to be done in this matter, by referring to the town of Birkenhead, opposite Liverpool, England. That town was disfigured by an unsightly morass, and whatever he might say of Mr. Jackson's Railway speculations, he gave him credit for having projected a very wise plan for improving this piece of Common. When part of it was sold, Mr. Jackson bought it, and after having procured a plan from Mr. Paxton, now Sir Joseph Paxton, the designer of the Crystal Palace, he offered the ground back again to the citizens of Liverpool; the authorities of that city purchased it, and the improvements cost £100,000. But the corners of the Common sold off, for building purposes, in accordance with the plan of improvement, realized £120,000; so that the people of Liverpool had their lands improved—an unsightly swamp turned into a beautiful garden, at a very trifling sacrifice of the Common, and still had all the rest for their own use.

Mr. Wier explained that it was only intended to give the City Fathers power to sell certain portions. If the 54 acres south of Spring Garden Road were sold and expended in City Improvements, there would be still over 200 acres left; and Halifax would always have open spaces enough left.

Mr. Esson.—said that the passing of this Bill by the City Council 17 to 1 was a pretty good index of the voice of the citizens.

Mr. McLellan asked leave to present some Petitions in opposition to one presented some time since praying the Construction of a Light House in Colchester. Spencer's Point was the only place at all approaching to a low Water Harbor; and the persons who signed the Petition he asked leave to present, considered that to be the most eligible place for its erection. After some discussion it was held that the Petitions came within the rule excluding their presentation after a certain day and were therefore inadmissible.

Mr. Marshall asked leave to present a petition from Doctor Carritt, asking a grant of £1 2s 6d, for attending sick Indians. The petition was on the same subject as one formerly presented. The Petition coming within the rule, leave was not given to present it.

Financial Returns.

Hon. Financial Secretary by command laid on the table of the House a general statement of the amounts certified as having been paid out during the year 1854, under their respective heads, with the amounts for each service and the persons to whom paid. These payments amount to £194,200 12s 6d being similar to the sum exhibited by the Receiver General's accounts presented a few days since. Also, a general abstract of the returns of Import and excise duties collected at the different ports of the Province for the year 1854, shewing the whole amount of excise duties

collected to amount with the Distillery Licenses Fund to £104,142 15s 1d stg. Likewise an abstract of the articles imported on which duties were collected shewing the same amount as that just stated. By this account it will be perceived that there was collected—in 1854 from the 6½ per cent £39,965 8s 11.

From Molasses	13,291 0 0.
“ Sugar	12,000 0 0.
“ Brandy, Geneva, Rum, Wine and Distillery Licenses	} 15,000 0 0.
“ Pork	

The amount derived from the duty on the last article has increased, although it was reduced last year from 13s to 5s per cwt.

The next paper is a comparative statement of the increase and decrease on imported articles in the years 1853-4. The whole increase is £20,172 18 10.

That collected in 1853 was £83,000; in 1854 £104,142—which gives an increase of 15 per cent. I may mention that the increase is not confined to any one article but is equalised and distributed over almost all our importations. The greatest decrease is on flour of which 15,370 barrels were imported and £960 collected; the duty on this article has been decreasing ever since the duty was taken off Canada Flour. The increase on the 6½ per cents was £11,000; on Molasses £2,565. On all the articles imported the duty collected exceeds that of 1853, except on Flour, Brandy, and Refined Sugar—but the loss on the latter is made up by increase in the Crushed which pays 10s, while the former yields 14s.

He also laid on the table a comparative statement showing the increase and decrease of excise duty in the outports of the Province during the past year as compared with the year previous. The whole increase in revenue from excise duty was £20,170 of which £14,987 was collected in Halifax, and £5,185 from the outports, over and above the collections of 1853. The increase in Pictou was £694, in Yarmouth £495, in Windsor £486, and Liverpool £496.

He also laid on the table a comparative statement of Light Duties paid in 1853 and 1854, showing an increase of £604 in that service.

The whole amount of duties paid in the year 1854, was £158,000,—against £125,000 in the year 1853; leaving a clear increase of £33,000.

Mr. Marshall asked how much duty was collected on Tea. A vessel sailing for P. E. Island was allowed to take tea out of bond; but there was no security that it was not landed anywhere on our coasts; and from the quantities of this article sold cheaply round our coasts, he should suppose that some of it found its way into our own sea-ports free of duty.

Hon. F. Secretary said that the duty on tea during the last year amounted to £7,800 and the population of Nova Scotia, only 300,000, paid duty on more tea than the 34 millions in France.

Hon. Jos. Howe—Yes, and it is becoming

the curse of the country. Why is it our women loose the ruddy hue of the English women? Because they have the eternal tea-pot down on the coals, and are forever guzzling this foreign beverage, which rots their teeth, and destroys their beauty. Any person who would invent some cheap beverage to supply the place of the tea used to such an extent all over the country, would be a benefactor of it.

In answer to Mr. Marshall, Hon. F. Sec'y said that the duty on Spirituous Liquors during the past year amounted to £15,000.

Mr. Wade gave notice that when the Maine Liquor Law came up, he would expect the Fin. Secretary, as a member and an officer of the government, to show how he intended to supply the deficiency thus made in our revenue.

After some further conversation the papers were referred to committee on Public Accounts.

The House resolved itself into committee on Bills. The Act concerning the Registry of Ships was taken up.

Mr. Wier opposed the payment of fees; in his opinion the government ought to pay their own officers, as the system sought to pay introduced was exploded long since.

The Bill was referred to a select committee composed of Messrs. Wade, McLellan, Fulton, Wier and Chipman to decide as to the scale of fees to be paid the Registrars and Admeasurers.

The House adjourned.

MONDAY, February 19, 1855.

Rail Road Surveys.

Mr. Marshall, from the Committee on claims for surveying, &c., under order of James B. Uniacke, as Chairman of the Provincial Committee of European and North American Railway brought in his report, which recommended the payment of £40 to Mr. Logan, £9 to Mr. Ross, and about £19 to another claimant.

Mr. Jost, from the committee on the petition of William A. Mack, for an act to dam the Annapolis River, above tide water, reported against the petition.

Mr. Wade asked special leave to present a petition from the inhabitants of Westport, for participation in the representation of an adjoining township.

Mr. Hugh Munro objected to the reception of the Petition. He had made out a good case on previous occasions and his petitions were refused.

Mr. Wade and Mr. Comeau maintained that the petition was of a public nature and ought to be received.

Mr. Zwicker and Mr. McLellan opposed receiving the petition, as some of theirs had been rejected.

Mr. Killam—This was a case where the rule ought to be relaxed, and he advised a call of the House to decide upon it.

Mr. Wade said that if such a rule were to be enforced in cases like this, the people

would soon be deprived of their right of petition. He moved a call of the House.

Mr. Fulton did not see clearly how the representation of Digby was to be changed, unless there was to be a general reform in our Representative system.

After a call of the House, and some further conversation, Mr. Wade read the petition, and advocated its reception; he concluded by moving for a committee to consider the Representation.

Mr. Wier said it was absurd. The constituency had ten months to draw out their petitions, and now to alter the day for reception of petitions was ridiculous.

Mr. Wade—It is all very well for the hon. member for Halifax to talk, when he can at any moment produce a petition from the small circumference of the county he represents (laughter); but it is different with gentlemen who live in the country.

Mr. Wier still opposed the motion.

Mr. Hugh Munro opposed it, because several petitions of his had been refused.

The subject was passed over.

Hon. Mr. Johnston presented sundry petitions from Digby and Hillsborough in favor of the Maine Law; also in favor of a Lighthouse at the entrance of Margarettville Pier; also for renewal of the charter of the Margarettville Wharf Company; also a petition from the Southern part of Annapolis county for a special road grant.

Mr. Archibald asked leave to present a petition from Folly River.

Mr. Wier—These people have committed an act of folly by coming here too late with their petition; and they want us to commit another by receiving it.

Leave was refused.

Messrs. Zwicker and McQueen presented several Temperance petitions.

Bank of Nova Scotia, &c.

The Legislative Council sent down the Bill to amend the act incorporating the Bank of Nova Scotia, without amendment, and the resolution granting £45,000 for Road and Bridges.

Indians Relieved.

Mr. Whitman reported specially with reference to the relief of Indians in New Glasgow—recommending £50 to be granted forthwith for the relief of 180 persons in a state of utter destitution—part of it to be applied in bringing the able bodied men to Halifax to work on the Railway.

Chesley Abiteau.

Mr. Thorne presented a petition praying that the law relating to the Chesley Abiteau should not be repealed.

This and the previous petition in favor of a repeal of the law, were referred to Messrs. Holmes, Hugh Munro, and Ryder, to report thereon.

Municipal Incorporations.

The House went into Committee on Bills, and took up the Municipal Corporations Bill, which was partially passed through, with some trifling amendments; after which the House adjourned.

TUESDAY, February 20, 1855.

Various Business.

Hon. Provincial Secretary presented various papers relating to the Fisheries.

Hon. P. Secretary also laid on the table certain papers from Messrs. Wier & Co. with reference to the transfer of Emigrants, per Arcadia, wrecked on Sable Island, to the United States; also accounts for Printing.

Mr. Annand introduced a bill to amend Chapter 87 of the Revised Statutes respecting incorporations.

Mr. Benjamin Wier introduced a petition from 4,400 persons in favor of the Prohibitory Liquor Law.

Mr. Beckwith presented petitions on the same subject.

Mr. Josiah Coffin presented petitions from 2,200 people asking the House to pass "the bill, the whole bill, and nothing but the bill."

Hon. F. Secretary presented the following Road scale:

Resolved, That the sum of £32,000 granted for the ordinary Road and Bridge service and the sum of £10,000 for the great Road service for the present year be applied as follows:—

	Ordinary Service.	Great Roads.
For the co. of Hlfx.	£2,365	£1,213
" " Pictou	2,304	640
" " Inverness	2,112	560
" " Hants	1,920	933
" " Lunenburg	1,920	530
" " Colchester	1,869	773
" " Cumberland	1,869	640
" " Cape Breton	1,820	626
" " Kings	1,728	476
" " Annapolis	1,664	476
" " Yarmouth	1,561	400
" " Shelburne	1,561	400
" " Digby	1,561	476
" " Sydney	1,561	400
" " Richmond	1,561	360
" " Victoria	1,561	380
" " Guysboro'	1,561	400
" " Queens	1,512	317
	<u>32,000</u>	<u>10,000</u>

This raised the usual discussion on Road votes, in which almost every member of the House annually protests that his own County don't get half enough.

Hon. Financial Secretary also moved that the subdivision of the extra £3,000 be referred to a special Committee for division.

Hon. Joseph Howe and other members protested that the Committee of last year had not done justice to their respective counties.

Hon. Sol. General.—Because we intend to do you justice this year.

The resolution passed by a large majori-

ty, and the same Committee was appointed as served last year.

House adjourned.

WEDNESDAY, February 21, 1855.

Bills and Petitions.

Mr. Martin I. Wilkins, pursuant to leave given, introduced a Bill to authorise the erection of a Court House in Pictou.

Mr. B. Smith presented a petition against a change of Way Office in Kempt.

Mr. Mosher presented petitions in favor of the Maine Liquor Law.

Mr. Fulton presented several similar petitions.

Mr. Shaw—petitions of same nature.

Mr. Holmes presented petitions from Pictou in favor of the Prohibitory Liquor Law, signed by 2911 persons, and also a petition from the Clergymen of the Free Church, in the same place, and others—whose aggregate signatures would amount to nearly 3,000 more.

Hon. Solicitor General, by command, laid on the table of the House, a despatch from the Post Master General in London to the Post Master in this Province, setting forth sundry alterations in the Post Office regulations regarding the transmission of books.

Hon. Solicitor General presented 4 petitions for special grants to Roads.

Halifax City Prison.

The Bill for borrowing £5,000 for a City Prison was read a second time.

Hon. Attorney General suggested that such Bills as these should be published.

Mr. Doyle concurred.

Hon. Joseph Howe was also in favor of publication.

Mr. Wier.—This Bill passed last year; but it was found that £4,000 was not sufficient for the erection of a prison;—this Bill merely raises the amount to £5,000.

Mr. Smith considered that if the City of Halifax were incorporated, and the members of the Council were responsible to the citizens, they were the best judges of what was needful. If the rule of publishing Bills be made stringent, we shall not be able to introduce a bill without publishing it first.

Hon. Attorney General—It will be published at the expense of the City Council.

Hon. Mr. Johnston, Hon. Provincial Secretary, and Mr. Annand, were in favor of publication.

Mr Doyle would like to enquire what site was intended for this prison. He had heard that it was intended to build it on the south side of the Common, opposite the Cemetery, which the Catholics of this city had expended so much money to improve.

Mr. Wier.—It is to be erected at Rock-head.

Mr. McLellan was opposed to borrowing money in this manner. It was the fault of all corporations to run in debt; and the House should restrain such disposition.

Mr. Wier considered the apprehensions of the hon. gentleman to be without foundation, for the City Council had erected a Market House, which, besides paying the interest put about £200 a year into the City Funds. He presumed this City Prison would be regulated as they were in other countries. The prisoners would be made to work, and probably the whole interest of the money saved.

The bill was laid aside in order to be published.

Prohibitory Liquor Law.

Hon. Provincial Secretary.—I rise, sir, to lay on the table of the House a petition from sundry inhabitants of Walton, in the county of Hants, against the Prohibitory Liquor Law. I do not hold myself responsible for all that is stated in this petition; but beg it may be read.

The petition set forth that endeavors to restrain the traffic in Liquor had only resulted in failure and more baneful consequences than the vending of it by license.

Hon. J. W. Johnston presented several petitions from Bridgetown—from the Bay Shore, from Granville, from the south side of the Annapolis River, and from various other parts of the county of Annapolis, in favor of the adoption of the Prohibitory Liquor Law. Also a petition of the same character from the Ladies of Bridgetown.

Hon. J. W. Johnston rose to move the second reading of the Prohibitory Liquor Bill—that being the order of the day. He would not occupy the time of the House in any lengthy speech on the subject; as it was well understood in the House and throughout the country. The Hon. gentleman traced the progress of Public opinion on the subject—the gradual advancement of public opinion in favor of this Law—the success which attended its adoption in the United States—the progress of public opinion in England in its favor—the recommendation of the king of Sweden to his parliament to introduce such a law, pointing out its stern necessity; the advocacy of some such law by the London Times. He contended that the measure was a legal one; it trampled not on the rights of Freemen; and as to its practicability, he only asked for a trial. He doubted what was said about it having failed in other places. The reason why the power of the sessions in different Counties was partially a failure, was because the house did not go to the root of the evil, and shut out intoxicating drinks al-

together. It could not be said that the Law would not be violated in some few instances; but that was no reason why the experiment should not be made, and made to the fullest extent. The amendment to allow the importation of liquors, would in reality render its provisions abortive. The only remedy was to prohibit the importation as well as the manufacture and sale of liquors altogether. Much to the credit of Nova Scotia, her people had come forward with great unanimity on this subject. It was not in the country parts of Nova Scotia that this evil so much prevailed, but in the towns and cities. The hon. member for Cumberland, (Mr. Howe,) had well said the other day that the state of Halifax was disgraceful; and this law would but give to the people the power to banish this appalling curse from their midst. Scarcely a day, certainly not a week passes, that we do not hear an astounding fact from some part of the country—that some friend, some man marked out for distinction, known for his industry—his talent—his ability to perform what he has undertaken, and fill an estimable place in society, no longer boasts of these estimable qualities. Suddenly the whisper and the shrug of the shoulders comes, in reference to his name—he is given to drink—he loses confidence—he falls away and fills a drunkard's grave. When our soldiers fall in battle, or are cut off by pestilence, we mourn over them as men who have fallen in the defence of their country, or by the hand of Providence; but when estimable men whom we have seen every day in healthful and vigorous manhood, are cut off by that insidious destroyer, intoxicating drink, it makes one's blood run cold, sir, to contemplate the continuance of such a traffic. Let us attempt, sir, to bless our country by the abolition of so insidious and baneful a business. If those efforts fail we cannot help it; but my belief is that the law will be carried out, for it will give the people the means of enforcing it. I move, sir, the second reading of the Bill.

Mr. Marshall said that before voting on this important subject, he should like to ask what course the Government intended to pursue on it—as it would deprive the Treasury of one fifth of the Revenue.

Hon. Attorney General replied that this was not a Government measure, and he had no further explanation to make about it.

Mr. Archibald spoke, in a low tone, in favor of the Law.

Mr. Wier against it. He believed that it would throw the whole country into confusion, and deprive the country of over £20,000 of Revenue without any cor-

responding benefit. No man here, who was going to vote for this law, supposed that it was going to deprive any one of his glass of Champagne or his glass of brandy and water. They would still drink as formerly, and the poor man only would be deprived of his glass of grog. The very passage of such a law would be a premium on smuggling, and the man who never drank before, would be induced to drink liquor after this passed, from sheer opposition. Our shores would be flooded by the vilest trash; and our trade with the West Indies would be materially interfered with. The bill appeared to be introduced merely for electioneering purposes; but the parties who signed these petitions and who, after all were a minority, ought not to suppose they were entitled to ride roughshod over the rest of the people.

Mr. M. I. Wilkins did not rise to express his views at large, as they were already fully before the country; but on picking up a petition from Pictou he found that several respectable constituents of his had petitioned for a modification of the present law, but the bill before the house was nothing like what they had petitioned for.

Hon. Mr. Johnston explained—the Bill before the House was the only measure that would be practically efficient. In answer to the remarks of the hon. member for Halifax, (Mr. Wier) he replied that the House should look at the petitions presented in favor of this law, and not at the solitary one against it; for if all the rest of the Province did not petition, it should be taken for granted they were satisfied, as silence gave consent. It could not be said that the Bill was brought here on the eve of an election, as it had been here for several years.

Mr. Marshall considered it the duty of the government, and the Financial Secretary, as its proper officer, to explain how the deficiency in the revenue was to be made up.

Mr. Archibald replied to Mr. Wier, that while £20,000 was raised in revenue for spirits, it should not be forgotten that three times that sum was spent in liquor; the whole or nearly all of which would be saved to the country by the passage of this Bill.

Hon. Financial Secretary explained as to the Financial features of the matter. It was true that there would be a loss of £20,000 to the revenue; but the whole sum spent for liquor would be saved to the country, and he had no doubt the people would be satisfied either to yield part of their road money, or to pay a higher rate than 6½ per cent on other goods to make up the deficiency, if any deficiency would be caused by this law. There would not be any evils arriving from it this year at all events, for it was not contemplated to bring it into operation this year.

Mr. Marshall.—You not only want to stop our grog, but to rob us of our Road Money.—(Laughter.)

Mr. Beckwith said that as to the loss of revenue, it was a question whether the House had a right to raise a revenue from what was destructive and poisonous to our whole people.

Mr. Marshall.—Would you not be glad to sell a cargo of potatoes touched with the rot? (Roars of Laughter.)

Mr. Holmes did not think the explanations of the Hon. Financial Secretary satisfactory—he proposed that in order to make up the deficiency (which all admit) must necessarily follow in the revenue on the passage of the Maine Liquor Law the ad valorem duty of 6½ be raised to 9 or 10, in order to make up the loss. But strange to say, the honorable gentleman after looking round all the points of the compass for the best manner in which to do it, never thought of following in the wake of the great statesman, Sir Robert Peel, and laying an income tax whereby the office holders of £600 and £700 a year should come in for a fair share.—(Burst of laughter.)

The Hon. Joseph Howe, after much reflection upon the subject, had not been able to bring his mind up to assume the responsibility of voting for this Bill. He would gladly have done so, because a very large and highly respectable body of his constituents were in favor of it. He had not expressed his sentiments last winter, because, during that session, he had occupied much time with other topics, and because this had been debated at great length and with marked ability by gentlemen on both sides. He would gladly now refrain, but during the eighteen years he had sat in this Assembly he had never shrank from an expression of his opinions upon any public question. It was due to the country at large—to his constituents—to the men who sat around him, that he should, even at the risk of offending those whom he most respected, give his reasons with his vote. He fully admitted the truthfulness of the harrowing pictures of physical suffering, and moral degradation, drawn by the hon. and learned member for Annapolis. He admitted in all their extent, the evils of intemperance. He admired the self-devotion and earnestness with which large bodies of men had endeavored to eradicate those evils. He approved of the efforts made by the Temperance Societies, and wished them success, so long as they sought to reform by persuasion, by argument, and by example. When they attempted impossibilities—when they sought to coerce the people into Temperance, he conscientiously believed that they would fail—he believed that all the good they had done would be perilled by a resort to harshness and coercion.

The Deity had not prohibited the use of wine. On the contrary he had given the grape to man with immeasurable other bounties. Our Saviour had not prohibited the use of wine. He had sat with those who had drunk it, and had, by a miracle, replenished their cups at the Marriage Feast. The apostles had not forbidden the use of wine. Its use was denounced in the Koran by the Pagan Mahomet, but was not, so far as he could perceive, in the Bible. What, then, the Almighty had not done or attempted—what He could

have done with so much ease, yet had refrained from doing—he thought it not wise for man to attempt.

The evils flowing from the excessive use of wine he deeply deplored, as he did the evils flowing from over-indulgence of any other passion or propensity. But who could argue from excess of any kind that the rational enjoyment of God's gifts was therefore sinful? Who would venture to argue that because mischief was done by many of God's gifts that they should, on that account be circumscribed or prohibited by human laws? The atmosphere that fans the cheek of beauty—that invigorates the frame—that flutters the leaf upon the tree—that dimples the surface of the lake—that gives variety and majesty to the ocean, when accumulated in masses, lashes itself into the tempest and strews the shore with the wreck of human life and property. The learned member, standing amidst the wreck of navies, and the whitening bones of the human victims, might eloquently describe the scene; but would he, if he could, attempt to restrain the eccentricities of nature, or to forbid to man, by human laws, the benefits of navigation? How beautiful is water! (the Temperance man's own element) yet how dangerous! The rain which fertilizes the fields sweeps away with its excess bridges, mills, and human habitations. If not drained off it sours the land, and breeds the pestilence in cities. The fire that warms our hearths—that clears our woodlands—that smelts our metals—that drives our steamers and locomotives, is not less dangerous. Would he deny to man the use of these elements because the casualties by fire and flood are most disastrous? Would he forbid their use because people are burned in cities; drowned in the rivers; because a boiler bursts at sea, or an engine sometimes runs off the track, or kills hundreds by violence of a collision? William the Conqueror, it is true, once denied to the people of England fire and light after the curfew tolled, but the abhorrence in which the act is held, would not encourage anybody to follow his example.

Woman is God's best gift to man. The fascination which she spreads around her—how difficult to resist, the passions she inspires—how intimately interwoven with all that arouses to exertion, and rewards us for our toils. Yet, when even love is indulged in to excess—when reason is overpowered—when passion hurries on to folly, how numerous the victims; how blasting the effects. Yet who would, reasoning from the perils of indulgence, and the dangers of society, deny to man the companionship which alone makes existence tolerable? The learned member for Annapolis might draw from the sinks of vice, or even from the agony of a single victim, some harrowing pictures; but would he on that account imitate the Turks, and lock up all the women? (Roars of laughter.) The victims of indulgence in opium I have never seen, but even spirituous liquors do not produce the extent of physical suffering and moral dislocation that results from the abuse of this drug. But would the learned

member deny to society the use of that which allays the delirium of fever—which soothes the infant upon the mother's bosom, and saves more lives than it ever destroys? Take gunpowder, which blasts our rocks, loosens our plaster, defends our country, kills our game. Mark the mischiefs and miseries it produces when its mysterious power is abused. But who would argue that, because boys blow themselves up, and tyrants use gunpowder for unworthy purposes, its use should be forbidden? Would the learned gentleman, even with the battle fields of Balaklava or Inkermann before him, attempt to restrain, by human laws, the manufacture and sale of gunpowder? Who denies that law is the safeguard of our lives and properties; that courts are indispensable institutions; that lawyers are the fearless advocates of the innocent and oppressed? But has not even law been abused? How many pettifoggers defile the courts; ensnare the ignorant; waste mens' estates, and embitter their lives? Walter Scott's Peebles and Planestanes, and Dickens's pictures of the Court of Chancery are familiar to us all. These are but sketches illustrative of the evils inseparable from the dispensation of Equity and Law by the most perfect tribunals of civilized countries. How are these evils to be mitigated or removed? I would say by discussion; by exposure; by example; by honest and successful attempts to separate the securities and the legitimate practice of law from its abuse. The learned advocate of this bill, to be consistent, should close the courts; imprison the lawyers; and forbid the manufacture of law, or its importation from foreign countries. (Laughter.) Woman, from her first appearance on the scene of life, had brought sorrow and suffering with her. In her train came rivalries, and jealousies, and war and strife. Let the learned member go into his own county, where the pretty faces peeping through the apple-blossoms are lovely to behold. Even there—are there no broken hearts; no pale faces; no blighted lives; no damaged reputations? No girls, with Burns's pretty excuse upon their lips—

A dear loved lad, occasion sung,
A treacherous inclination.

No youths pleading, in the intonation of passionate repentance, that even

The light that led astray
Was light from Heaven.

Yet, would the learned gentleman, in view of all these evils, point to the pretty girls and say "touch not, taste not, handle not." Would he, for fear of mischief, coup them all up like cows in a Belgian barn? (Laughter.)

The world has come down to the present period from the most remote antiquity with the Wine cup in its hand. David, the man after God's own heart, drank wine. Solomon the wisest of monarchs and of human beings drank wine. Our Saviour not only drank it but commanded Christians to drink it "in remembrance of him." In strong contrast with our Divine Redeemer's life and practice we hear the Scribes and Pharisees

who drank it not—who reviled our Saviour as a "wine bibber," and the "companion of Publicans and Sinners," who would have voted for the Maine Liquor Law unanimously as they cried "Crucify him."

Such people have existed in all ages of the world. The desire of human beings to dictate to each other what they should eat, and drink, and wear, has been evinced in different countries at different periods. The zealots in the State of Maine are mere plagiarists after all. Sumptuary Laws, tried in many countries and at different periods of the world's history are now universally condemned by the good sense of mankind. Laws restraining drunkenness are nearly as old as drinking. It is curious to see what strange experiments have been tried at times. Zælus of Locris, 450 years before the Christian Era, ordained "that no woman should go attended with more than one maid *unless she was drunk*; and that she should not wear gold or embroidered apparel unless she intended to act unchastely." This sage Lawgiver punished adultery with the loss of both eyes. His own son broke the law, and the old gentleman unwilling to deprive his son of both eyes, compromised the matter by putting out one of his own.

As early as 747, laws were passed in England *restraining drunkenness in the Clergy*. And Constantine, king of the Scots, (who was a sort of Neil Dow in his day) punished it *with death*.

His Laws passed away as this Law will pass, and a good deal of Whiskey has been drunk in Scotland since. In England in 995 an effort was made to restrain drinking by law, but it failed. Taverns were only introduced in the 13th century. In the reign of Edward the 3d there were only three allowed in all London. Now there are thousands. Edward the 4th tried to restrain them in 1552, 40 were then allowed in London, 8 in York, but 4 in Oxford. They were not licensed till 1752. The history of wine is curious. Its invention is attributed to Noah, who certainly had seen enough of the evils of water. The Chinese made wine from rice two thousand years before the birth of Christ, and although it must be allowed that they have tea enough, they make and drink it yet. Wine was but little known in England till the Roman conquest. We are told that it impairs our strength, yet the people who drank it conquered those who did not. It was only *sold by the apothecaries* (as is now proposed again) in the 13th century. In 1427 Henry the 6th, a sensible king, tried to restrain its adulteration and we read "that 150 Butts and Pipes were condemned and emptied into the gutters in London, for being adulterated."

The Stoics denied themselves the use of Wine but their sick soon died out. The Puritans tried the experiment of coaxing people into temperance and virtue, but they signally failed. I invite the Hon. and learned member for Annapolis to review this period of English history. Refer to the time when the Puritan cause was most triumphant, when Charles had been slain,

the followers dispersed, when Cromwell reigned in Whitehall, when his Major General held Military command of all the Counties, when the May poles were struck down—the Theatres closed—the Towers shut up. When mirth was restrained and temperance enforced by the Sword. Now, what was the effect of all this? No sooner was the Protector in his Coffin, than the people of England, by a common impulse, threw off a system which they regarded as oppressive. So distasteful had their restraints become, that the people restored the Stuarts, forgot their civil wars and sacrifices—reopened their Theatres and Taverns, and so disgusted were they with Puritan domination that liberty was forgotten in the general joy which the restoration of personal freedom occasioned. The wine cup went round, and from that day to this no attempt has been made to re-establish Cromwell's system. Now, what I fear is this, that the friends of Temperance are about to sacrifice all the good they have done, as the Puritans sacrificed all the reforms that they had established *by carrying restraints too far*. This law may be partially enforced for two or three years—but it will coerce people into resistance, and occasion a revulsion of feeling to be followed by universal license.

So far as my reading extends, I may assert that every King, every Statesman, every Warrior who has illustrated the page of History drank wine. The apostles who were the companions of our Saviour, drank it. The Prophets whose flights of inspiration still astonish us, we have every reason to believe, drank it. Cicero and Demosthenes, and all the orators of antiquity and of modern time indulged in the juice of the grape. Who can say how much of the inspiration which gave them such power of language was drawn from its inspiration. Have these men been eclipsed by the Dows, and Kellogs of the Platform? What Orators have the State of Maine sent us forth comparable with the Pitts and Burke, and Grattans, and Foxes, and Sheridans of the British Islands, every one of whom drank wine? Let the learned gentleman glance at the noble structures—the architectural wonders that embellish Europe. Who reared them? Men of gigantic intellect whose common beverage was wine. Let his eye range through the noble galleries where the Sculptors have left their statues—where the Painters have hung in rich profusion the noblest works of Art. Wine, we are told clouds the faculties and deadens the imagination. Yet it was drunk by those benefactors of their race, and we cannot, with their masterpieces before us, believe the assertion till their works have been eclipsed by artists trained up under this rigorous legislation. Has Maine turned us out yet a Statue that any body would look at, a Picture that any body would buy? Look at the deliverers of mankind—the heroic defenders of Nations. Was Washington a member of the Temperance Society? Did not Wallace "drink the red wine through the helmet barred?" Who will undertake to say that Bruce on the morning on which he won the battle of Bannockburn—that Tell, on that day when he shot the apple off his son's head, had not tasted a glass of Whiskey or a stoop of Wine?

If then, Sir, all that is valuable in the past, If heroism—and architecture—and oratory, sculpture and painting—if all that has bulwarked freedom and embellished life, has come down to us with the juice of the grape—if no age of Nation has been long without it, I think it better

the advocates of this bill to show us some country where their system has been tried—some race of men who drunk nothing but cold water.

I turn to the learned member's own profession. I ask him to show me two such Lawyers—two Judges so eminent as Lords Eldon and Stowell, the one the wonder of the Admiralty as the other was of the equity Court. Yet it is on record that at the very time when these men were oppressed with Herculean labours—when day after day they were delivering judgements so masterly and profound that they defy all criticism, each of these great jurists drank his five bottles of Port a day. (Laughter.) I certainly would not advise the learned member for Annapolis to try in this country an experiment so hazardous. In the moist climate of England this might be done, but not in the dry atmosphere of Nova Scotia. I have sometimes seen him, however, when a few glasses would have done him good. Indeed, I sometimes fancy that, both in the Senate and at the Bar his wit is not as poignant, or his logic so acute, as in the olden time when he used to take his glass of wine.

My hon. colleague and friend from Cumberland, whose sincerity in this cause I entirely respect, quoted to us last winter the passage from Scripture—"If eating meat causes my brother to offend, then will I eat no more." But would my hon. friend shut up all the butchers shops and forbid by law the sale of meat, for fear somebody would eat too much? Again—he told us, "we have tried moral suasion, and have failed." If so, who is to blame? If a speaker here fails to convince his audience, do we permit him to coerce them into belief by force of law? I resist this bill because it is a violation of the voluntary principle. Because it is defended by the old arguments by which fanatics and persecutors in all ages have sought to propagate religious opinions. Hoping to save men's souls (more precious than their bodies) Catholics have burnt Protestants, and Protestants Catholics. The right of private judgment was denied. The right of one human being to coerce others into belief, as it is now sought to coerce them into temperance, has been tried a thousand times, and has failed, as this attempt will fail.

Mr. Howe cautioned the house against following, too readily, the example of the United States. The people in these States were liable to sudden gusts of excitement, and their history was filled with absurdities. He convulsed the house with laughter by extracts from the Blue Laws,—by reference to their burning of witches, and by a sketch of their latest extravagance—the policy of their Know Nothings, who sought to drain out of their country the foreigners who had cut their canals, built their railroads, and made the Republic to flourish. We have not room for this portion of the speech, which we have given at such length, because the hon. gentleman took no part in the Temperance Debate during the last session.

Hon. Mr. Johnston—The hon. member for Cumberland has not only asked us to vindicate the Bill, but he has cast upon us the necessity of vindicating our common nature. If, sir, it be true, that the use of intoxicating drinks are necessary for the promotion of man's physical or intellectual energies.—If I had any reasonable ground for believing this to be a fact, I should withdraw the Bill at once, and retire from these Halls to mourn over our fallen nature! He has given us a long array of dis-

tinguished men who we are told thus gratified a vitiated appetite; but in attributing their distinction and their merits to intoxication, he has sir, shorn them of their laurels, and left them unentitled to the fame heretofore attached to their names. I shall endeavor to adduce proof in opposition to his argument. At so late an hour as this, I will not weary the House, but will take an early opportunity of replying to him and other speakers.

The debate and House adjourned.

THURSDAY, Feb. 22nd, 1855.

Prohibitory Liquor Law.

Mr. McLellan said.—Mr. Speaker, it is admitted all round that by the free use of intoxicating Liquors, many of our best men become not only slaves to this vice, but that a number of lives are annually sacrificed thereby. Yet, we are told we must continue this abuse to sustain our revenue. Men, in starving situations are justified in sacrificing part of their numbers to sustain a life in others; but certainly the same principle should not justify us in sacrificing human beings that we may fill our Treasury. Better have it empty than overflowing at the price of blood. The most barbarous nations in the world but sold their subjects for slaves; they did not make sale of them as sacrifices to supply their Treasury. Such reasoning is unworthy of an intelligent people.

The argument used may be summed up in this way. A man now earns five shillings which he lays out in drink; on which he pays 8d duty. Under this Bill, if he earns a like sum and lays it out in sugar, he pays 1s 3d duty. The former weakens and unfits him for labour, the latter strengthens, and enables him to perform more. So long as the principle is acknowledged that labor liquidates all taxation, it cannot be denied that as you increase the abilities of a people to work their ability to pay is also enhanced. When anything begins to roll down hill, like alcohol is now, each is willing to increase its impetus with a kick. And it is quite a relief to meet with some good hearted old chap, having such a respect for an old acquaintance that he abstains from facilitating his progress and racks his brains to find out something good to say of him, no matter what evil he has done. The speech of the hon. gentleman from Cumberland evinced the truth of this. In argumentative power it was singularly lame for him. He would constrain us, because Cromwell undertook to restrain doubtful evils and failed, from attempting to overcome one which the hon. gentleman himself admits is widely injurious. He argued that because great poets, politicians, and jurists imbibed alcohol, so should we. But he should have

shown that its use contributed to their greatness. This, however, exceeded even the hon. gentleman's power. That great men indulged in evil practices is no reason why we should follow their example. Again, says he, fire, powder, meat, women, wind, and water, do injury sometimes, and ought on the same principle to be restrained. We do restrain them, but do not prohibit; for the benefits they confer infinitely out-weigh their evil effects. We contend that the evils resulting from the use of intoxicating liquors are immensely great—the benefits diminutively small. Therefore his arguments were inapplicable—were so much wind. He tells us we are acting like the Scribes and Pharisees, who desired to inflict their peculiar views on all. They departed from the spirit of the law and held to the letter. What possibility is there of acting more in accordance with the Divine Command than to remove evil—friend and foe alike. Again, he informed the House that in the first settlement of America they burnt persons supposed to be witches. But is it mere supposition that alcohol is an evil, No; and, therefore, all conclusions drawn from these premises must be erroneous. The Americans he says are so changeable that they at once adopt any new idea, and that therefore, there is no safety in following them. But he himself destroyed this argument by informing us that in the early settlement of the country they had restrained the use of intoxicating liquors by pains and penalties, and had been pursuing the same course ever since, when they gave it up as a bad job and adopted the Maine Law. Fickleness therefore, cannot be applied to them. The most annoying thing about old king alcohol is that the trash of men don't satisfy him; for if we have a noble fine hearted clever youth, the pride of his family and neighbours, or a man that has distinguished himself in mechanical or professional pursuits—such appear to be marked men, and it is almost as difficult for them to escape, as it was for the British officers to avoid the bullets of the old American Riflemen. In voting for this bill I believe I carry out the wish of those who are in the habit of drinking deeply, and I am sure it will serve their interest. My sense of duty in supporting it is like that which would induce me to cling to a board or plank, and essay to save some noble hearted fellows who had fallen through the ice.

Mr. Mosher said. I have to present Mr. Speaker, several Petitions on the subject of Temperance—and in favor of this Law from the Township of Windsor signed by no less than 4468 persons equal to about five eighths of the whole county. If we were to reject the prayers of these

numerous Petitioners we should be like to the unjust judge who neither feared God nor honored Man.

Hon. Solicitor General—What does the hon. gentleman consider the age to which a petitioner should have arrived at, that his petition should be entitled to weight?

Mr. Mosher. These petitions are signed by all persons over twelve years of age. (Laughter.)

Hon. Solicitor General. I expected some such answer. A petition was handed round but a few miles from Halifax for signature. One old gentleman signed, also his wife, servant, with several children and as he expected to have an addition to his family before the meeting of the House he put down the name (that was to be) of the unborn—guessing that it would be a male child. (Laughter.)

Mr. Fulton. That man, Mr. Speaker, could not have been friendly to the Temperance cause! As this is a question of great importance, I do not feel that I should be justified in giving altogether a silent vote; and in my opinion it demands a calm and deliberate discussion. The subject of Temperance should be debated above all other subjects temperately. It is with this feeling that I arise to address the House now. Now, Sir, if the friends of this measure fail to convince the House that there are evils connected with the use of intoxicating liquors; evils which justify the means we seek to employ or to answer objections urged against the Bill, then they may be fairly called on to abandon it. But, Sir, notwithstanding all that has been or can be said they will not be placed in that position. The feeling in favor of Temperance is largely on the increase; we are asked, why pass it this Session? I will tell you why; a large proportion of the people of this Province have come to the conclusion that a measure similar to this they must and will have. It is possible that by it we may not accomplish the object in view; I and the friends of the Bill believe otherwise, therefore it should have a trial, and on that principle I think we are in duty bound to try it?

Numerous have been the epithets and some of them not very complimentary which have been applied to those moving in this direction. Fanatics, hypocrites and I know not how many more have been lavishly expended on us. But these do not move me,—nor do I believe that they affect any true hearted temperance man. So long as we feel that our cause is righteous, and just; that we are advocating a system the effect of which will be to alleviate the evils that mar the social structure and destroy its beauty—we can fairly invoke the blessings of heaven to rest

on our endeavors ; and the terms fanatic, hypocrite, fall harmless.

This, Sir, is not a Government question ; every member of the Government has been left free to follow the dictates of his own conscience—and the Country may rest satisfied that such is the case ; that the people having spoken out in favor of this Bill the Government will not thwart its passage as a Government—although each individual member is not restricted in the exercise of his own opinions.

Now, Sir, there was one observation which fell from the Hon. member for Halifax. He is an opponent of this Bill ; notwithstanding this, whenever he arises to address the House on Temperance he does not fail to proclaim himself a great friend of Temperance. For myself, Sir, as I am inclined to believe that actions speak louder than words—I somewhat doubt the sincerity of the Hon. Gentleman's professions. I would ask him if he has ever identified himself with any organisation for the promotion of temperance principles ? If not, Sir, the friends of Temperance might well pray—did they depend on his advocacy for the propagation of their principles—*save us from our friends.*

With respect to the Speech of my Hon. Colleague (Mr. Howe) I should not have referred to his remarks were it not that he bestowed especial remark on my position in relation to the Temperance cause ; but should have permitted his speech to be dealt with by the Hon. and learned introducer of the Bill who will have the closing of this Debate—and who is on the subject of Temperance, at least, quite able to cope with my Hon. Colleague. I am always extremely sorry to differ with him on any subject ; but, Sir, I must say that I listened to his speech of yesterday with mingled sorrow and surprise. Sorrow because the conviction forced itself on me, that if the powers of his mind were turned in a different direction he might accomplish much good : Surprise, that he, knowing the feeling that is now abroad in the Country, to say nothing of Cumberland, should have attempted in a Speech occupying several hours to turn the whole subject into ridicule. I think the House will agree with me that there were but two principles embodied in that Speech which certainly created much merriment. First he advocated the continuance of the present drinking customs ; and secondly ridiculed this movement of temperance men with respect to the Bill under discussion.

My Hon. Colleague in referring to the various celebrities whom he quoted as using wine failed to shew that they would not have been as great—or greater men

without it ; nor did he depict the errors drinking occasioned them to commit, or the brilliant intellects it has darkened into insanity ; had he referred to these his contrasts might not have appeared so favorable. He said that I last year stated “ that Temperance men had tried moral suasion and found it insufficient ; ” this does not convey the idea I then expressed. I then remarked that “ while moral suasion had done much good it had failed to reach every class of persons.”

Hon. J. Howe—That was very probably the argument used by my hon. friend ; my notes were taken last year and, therefore, may have been faulty.

Mr. Fulton—Now, Sir, one of the principal objections urged in opposition to this measure is the loss of revenue that is to follow its adoption—in the opinion of those who oppose it. This is a department with which it is the province of the hon. Financial Secretary to deal ; and I have no doubt, but that he will be able to answer this objection which has been marshalled by the anti-temperance men in the van of their attack and reiterated by every speaker against the law. In my opinion—though I apprehend a slight falling off—the decrease in our revenue will be nothing like what we are led to believe it will be ; and that opinion is based on the view that those who now expend large sums in the purchase of an article which depraves their minds and delibates their bodies will employ them in providing necessary dutiable articles—which would promote the comfort of their families and increase their respectability. It will wrest from your Poor Houses and Penitentiaries the hundreds who are annually driven from poverty, or forced by law, as punishment for their crimes, into them. This will much lessen a large public expenditure ; but independently of all this,—I in common with all temperance men believe that the benefits to result from this measure will far outweigh any and all disadvantages that have been or can be introduced under this Bill—nor do I anticipate the necessity of increasing the duty to be levied on imported articles. We have been asked in view of this deficiency to provide a means for supplying it ; I answer “ sufficient for the day is the evil thereof ”—when we require to make up a falling off in our Revenue it will be time enough for us to consider the question. Then comes the argument of impracticability ; I cannot offer a reply to those opposed to us on this point ; experience alone can prove whether it will or will not be operative here ; I may be justified in referring to the effects of a similar measure elsewhere as an earnest of its results with us. It has been urged that wherever tried—Bills of this character have failed. My reading instructs me differently ; and I now have under my hand indisputable testimony strongly controverting and denying such a position. Neil Dow, in the following extract shews how popular the Law is.

“ Every month, in this State, since the enactment of the Maine Law the prohibitory policy has grown constantly in favor with our people until the present time, we have no party at all opposed to it. The total Anti-Maine Law vote throughout the State, at our September election, being only about 3,500 out of a total vote of

31,000! A rum party no longer exists in Maine."

To shew the working of the Law in Connecticut I may read the following letter from Henry Dutton :

NEW HAVEN, Oct. 30, 1854.

E. C. DELAVAN, Esq.,

Dear Sir,—I take this earliest opportunity of replying to your enquiries regarding the operation of the prohibitory Liquor Law of Connecticut. I hazard nothing by asserting, that no candid enemy of the law will deny, that it has proved more efficient than its most sanguine friends anticipated. It has completely swept the pernicious traffic, as a business, from the State. An open groggery cannot be found. I have not seen a person here in a state of intoxication since the first of August. In our cities and manufacturing villages, streets that were constantly disturbed by drunken brawls, are now as quiet as any other. The change is so palpable that many who have been strongly opposed to such a law have become forced to acknowledge the efficiency of this. At the late state agricultural fair, it was estimated that on one day from 26 to 30,000 persons of every condition of life were assembled, and not a solitary drunkard was seen, and not the slightest disturbance was made. The effect was so manifest that the law has been regarded with more favor than it was before.

The statistics of our court and prison, prove that criminal prosecutions are rapidly diminishing in number. Some jails are almost tenantless. The law has been thoroughly executed with much less difficulty and opposition than was anticipated. In no instance has a seizure produced any general excitement. Resistance to the law would be unpopular; and it has been found in vain to attempt to set it at defiance. The longer the beneficial results of the law are seen and felt the more firmly it becomes established.

The ridiculous idea, so industriously circulated, that the sanctity of domestic life would be invaded, has been shewn to be a mere bugbear. The home of the peaceable citizen was never before so secure. The officers of the law have no occasion to break into his dwelling, and he is now free from the intrusion of the lawless victims of intemperance.

Connecticut, by her own law, and by the laws of the adjoining State of Massachusetts and Rhode Island, is now effectually guarded against the invasion of one of the worst enemies of the human race on all sides except the west. The principle obstacle in the way of complete success consists in the importation of liquors from the city of N. York into this State in casks and demijohns, professedly for private use.

May we not indulge the hope, that this evil will soon be remedied, and that as the Empire State is the first in population, wealth and influence, she will stand foremost in this great effort to suppress immorality and crime, and to promote the happiness of the human race. Certain I am, that if her citizens once try the experiment of a stringent pro-

hibitory liquor law all the gold of California would not tempt them to abandon it.

With the highest respect, your obedient servant,

HENRY DUTTON.

In answer to the argument that we have no right to legislate I may quote the following extract from the message of Gov. Clarke :

"Intemperance deprives the State of the productive energy of thousands of our citizens and so far diminishes its wealth, impedes its enterprise, and militates against the common good. It is a fruitful source of the pauperism which imposes heavy burdens upon industry and capital; and its intimate relation to crime, and consequently to the burdens which crime imposes upon us, is too obvious to escape your observation. If the purely moral aspects which it presents shall be deemed as not entering within the scope of your duties, its relation to taxation, and its producing causes, is clearly within the province of legislation, and demands a degree of attention corresponding to the great issues which that relation involves."

The right to legislate in reference to the traffic in intoxicating liquors will not be denied. Our present excise system is the fruit of such legislation. It has, in the process of time, undergone many modifications, but its restrictive element, throughout these changes, has been retained, in subservience to the original purpose of the system, viz.: the prohibition of the traffic so far as the public good may demand and the constitutional limitations of the law making power will permit. All restrictive legislation contains the germ of prohibition—is, in fact, prohibition partially applied—so that what is termed prohibitory legislation, in regard to the liquor traffic, is only the extension of a principle endorsed as sound by successive Legislatures, and its impartial application to all.

With these remarks, sir, I leave the advocacy of our views to the hon. introducer of the Law and other Temperance gentlemen in the House.

Hon. J. Howe—In answer to the speech of my honorable colleague, if the house will permit me, I shall read a few passages taken from the Toronto Leader, containing the observations of a person who had been sent to Maine for the express purpose of ascertaining how far the Law had been efficacious; and his report has been endorsed by the Editor of the "State of Maine"—with which journal John A. Poor, a Lawyer of much ability, is connected. What says it:

When I have heard the success of prohibition in Maine, and especially in its chief city of Portland, affirmed, I have always felt a strong desire to see the assertion corroborated by a corresponding condition of criminal statistics. If the prohibitory law really secured the object of its enactment—the suppression of the manufacture, sale and use of spirits, wines, porter and ale, the criminal statistics ought to exhibit a resulting decline. If they do, the best possible evidence of the practical success of the law would be given. If they do not, then all the rhetoric in the world will not suffice to disguise the failure of prohibition. To this infallible test, then, I

resolve to appeal : and the result is of the most astounding character. That there might be no possible room to cavil about the accuracy of the statistics, I resolved to search the records of the courts in order to note the fluctuations of crime since the celebrated "Maine Law" went into operation, in July, 1851. For judicial purposes, the City of Portland is united with the County of Cumberland ; one municipal court serves the joint purposes of both. From the official records of that court I obtained the following statistics ; showing the number of persons annually charged with crimes and offences from the year previous to the enactment of the "Maine Law" to the 21st of this month, the day on which I examined the judicial records :

Years,	No. of persons charged with crimes and offences.
1850 (the year before the law passed)	492
1851 (Law in force from July)	523
1852	642
1853	627
1854 (to Dec 21)	734

Thus, then, the number of persons charged with crimes and offences, in the city of Portland and county of Cumberland is situated, rose from 495, in 1850, the year before the law went into operation, to 743, on the 21st December, 1854, when the year had ten days to run. The law prohibiting the manufacture and sale of intoxicating liquors has been three and a half years in operation ; and the progress of crime so far from being arrested has gone on increasing in a geometrical ratio, having far outstripped that of the population. In 1850, Portland contained 20,000 inhabitants, in 1854 it has 25,000 ; showing an increase of twenty-five per cent in four years. The increase of crime in the same period, has been nearly fifty per cent. But it may be said there may be some other explanation of these astounding figures ; that these crimes do not necessarily argue the existence of drunkenness ; but that they may have occurred in spite of the forced but exemplary sobriety of the people. This theory, however, does not rest upon facts. The judicial records show that somehow men do drink to excess in this model city of forced abstemiousness ; that in the police office charges of drunkenness are daily preferred ; and what is more extraordinary still *that the number of persons charged with this offence in 1854 is greater than it was the year before the prohibitory law was enacted.* On this point also I examined the judicial records before quoted ; with the following result. In 1850, the year before the "Maine Law" was enacted, two hundred and six persons were charged with drunkenness, or with being common drunkards ; while two hundred and sixty-eight had been charged with the same offence to the 21st December in the present year ! But the actual increase of drunkards in the city of Portland and county of Cumberland is greater than even these figures indicate. The actual number of persons accused of drunkenness, in 1850, the year before the "Maine law" went into operation, is exaggerated in the records of the courts : owing to the practice which then existed of classifying as "common drunkards" vagrants sent before the court on workhouse warrants ; a practice which has since fallen into disuse. Nor do these figures show the whole number of drunkards arrested during the present year ; for many who are taken to the Marshal's office during the night are released in the morning. We have thus official evidence of the astounding fact that the number of public drunkards in this city and the County of Cumberland

in which it is situated, is considerably greater after three and a-half year's operation of the "Maine Law" than it was before the law was enacted.

In some months of the present year, the number of public drunkards arrested has been much greater than in others. The month of July was the one in which excess in the use of liquor showed the worst results, about ninety persons or nearly an average of three a day having been charged with that offence. It is a reasonable supposition that intoxicated persons take greater care to guard against arrest now than formerly and that a greater number do consequently secrete themselves than when they were not exposed to the vigilance of an anti-liquor law administration. This, however, is only an inference, and does not deserve to have the weight or authority of an established fact. It is at the same time, a reasonable and legitimate inference.

Of the character of the crimes other than drunkenness, the progressive increase of which I have shown, I have said nothing. They consist, for the most part, of such as result from drink—assault and battery, and others of a kindred nature,—showing that there are not only more public drunkards and more offences and crimes in this city and county than before the "Maine Law" was enacted, but that those offences and crimes generally result from drink.

The cases of drunkenness which I have quoted from the judicial records are nearly all from this city. The same remark is true to a great—but not an equal—extent of the other offences and crimes of which the figures are given above.

The question remains—where is the drink obtained that produces all this intoxication, and so much swells the list of offences and crimes ? At this port very little liquor is imported. That which is consumed here comes generally by a circuitous route from Boston, where also a similar law is in operation. None of these laws, which, in the different States, prohibit the manufacture and sale of intoxicating drinks, affect importation. This arises not from the unwillingness of those States whose prohibitory laws exist to proceed to this extremity, but from the fact that the commerce of the country is under the exclusive control of the Federal Congress, and cannot be interfered with by any individual State. There is therefore, no legal obstacle to the importation of liquor at this port ; and if it is generally brought from Boston it is that the law may be more surely evaded. If the late collision between the Ocean and the Canada, the vessel bound for Portland was found to have on board several demijohns of brandy. When liquor is found in this State, it cannot be confiscated before the proof is offered that it was kept for sale ; otherwise every man's private dwelling would be liable to be searched. It sometimes occurs that places which do not profess to be taverns or hotels are searched. That liquor is sold at such places is abundantly notorious ; and so great has been the increase of private houses in which it is sold, since the "Maine Law" came into operation, that I have heard one of the best authorities in the city estimate the number of places of every description where intoxicating drinks are sold at from forty, the number in existence at the time the law was passed, to four hundred at the present time.

All the places not professing to be taverns at which liquor is sold, are mere drinking shops of the worst and most dangerous de-

scription. They are free from all those so some restraints which, for the good of society it has been found necessary to impose upon licensed taverns. The sole qualification required in the keeper of one of these dens is secrecy. He is not required to provide himself with any thing that is useful—rooms, beds, victuals, anything, in short, which renders a licensed tavern or hotel useful to the public. On the other hand, there is, probably, not a single hotel in the State, that any traveller would think of staying at, where every kind of liquor is not regularly sold,—where it is not openly brought to the public dinner table,—carried to private rooms, where little parties collect, and drink in the room where it is kept in a sort of cupboard, the doors of which are kept locked except when liquor is required to be taken out. I found no difficulty in getting, at the public dinner tables of the hotels anything in the way of drink I asked for. Indeed, there is no pretence whatever of withholding from travellers any beverage that they may call for. I am informed that many of the most ardent advocates of the prohibition do not aim at such a degree of success. After driving through the city with a gentleman resident here, to whom I explained the object of my visit, I asked him to go with me into some of the hotels and see the actual working of the machinery. I was stopping at another hotel; and so we went in as mere casual passers by—apparently, in fact, having no object but to take a glass of brandy. We went to the office,—the bars having all become offices now,—and, on making known our wants, were shown into a room not far off, on the same floor. The waiter who accompanied us took a bunch of keys in his hand and walked up to a sort of cupboard, and having unlocked the door handed out a decanter of questionable brandy—saying, as the liquors were exposed to view, without any remark from us other than the order for the liquor,—“The Maine Law illustrated!” The decanter had apparently had rather heavy drafs upon it, for the brandy had got very low. The waiter, therefore, produced a large demijohn, out of which he replenished the nearly exhausted decanter. I do not profess to be a judge, but I should call it indifferent liquor. Indeed, from all the evidence I can collect, nothing else but indifferent liquor is now imported into this State. Importers, in view of the risk of seizure, will not import a costly article; and the result is that the public, which will not desist from the use of stimulants, in spite of the law, is served with a deleterious, poisonous compound which passes for pure liquor. The effect of swallowing such abominable fluids must be greatly injurious. Instead of prohibiting the use of liquor, the real effect of the law is to cause a very bad article to be consumed.

From all the evidence I can collect, I believe that the sellers of liquor not only derive great benefit from the prohibitory law, but that they are so fully convinced of the fact that they would not procure its repeal if they could. They charge about twice as much for liquor as they did before the law was

enacted, and that for a vastly inferior article; thus making their profits three or four times as great, as before the law was passed, on the quantity sold. And that the quantity sold is much less, the statistics I have quoted give no indication. But the advantages of the law to retail liquor dealers do not stop here.—They are free from the license tax; from the obligation to provide stated accommodations for their patrons; in short, they enjoy a lawless freedom of everything but the fear of detection. And, in point of fact, they care very little for that; for society having conspired to defeat the law, the liquor dealers are held harmless of all fines, penalties, and forfeitures which are ultimately borne by their customers being raised by a sort of voluntary assessment. When a fine for illegal selling is announced, the regular customers of the house mulcted contribute each his proportion to make up the amount.

The conspiracy into which society has entered to defeat the law does not end here. It is the most difficult thing in the world to get evidence to convict a party of illegal selling. The seller and the buyer are in league to defeat the law. The buyer equally with the seller deems himself an interested party.—Whether it be the honor that is said to exist among thieves or something else, the purchaser would deem himself disgraced if he disclosed the violation of the law to which he was a party and of which he was the cause. The law holds out a premium to the drunkard to become informer, by giving the judicial functionary who is to try the case, a discretionary power to remit part of the penalty to which he is subject in case he turns evidence against the seller. Cases are very rare in which the buyer becomes informer or witness; and this danger is especially small with respectable hotels. Convictions therefore are most difficult to be obtained. The great majority of complaints for infraction of the law come to nothing. But when conviction is obtained, in the lower tribunals, it is seldom acquiesced in, when it is possible to raise some legal point on which to appeal it to the Higher Court. Nearly the whole legal fraternity has joined the conspiracy to defeat the law; and there are few cases in which it is not possible to pick some flaw. When a case is appealed, the chances are that the conviction will be upset.

In Augusta, under the eyes of the very Legislature that passed the prohibitory law, liquor is just as much sold as in this city. Two or three persons will go into a hotel; take a room, and call for any liquor they want, which at once comes to order.—This necessity of taking rooms by parties who do not intend to remain all night is another new source of profit which the prohibitory law secures to hotel keepers. In Bangor, liquor is more openly sold than in either Augusta or Portland; and in the surrounding country the effect of attempting to prohibit its sale and use is said to have produced the most disastrous results. As liquor is dearer, if not more difficult to obtain, in small quantities, several parties club together and purchase a large

quantity for their joint use. It is stored in some particular place, where the owners go to drink it. It is not kept for sale; and neither its purchase nor use is a violation of the law. A native of Bangor informed me that that practice, an off-spring of the prohibitory law, has made many sober young men miserable wretches.

In this State, no one is reduced to the necessity of feigning sickness and getting a medical certificate to that effect in order to obtain liquor. It is only too easily accessible everywhere. If it is not publicly exhibited, it is publicly sold at the dinner table, in the private room, and the room where it is kept.

As may readily be supposed, the parties charged with the office of public informers do not always show an excess of vigilance or carry the system of *espionage* to a revolting excess. If I am correctly informed, a good deal of collusion exists between the illegal sellers and those whose duty it is to watch them.

I have it on the authority of a gentleman extensively engaged in the administration of the law, and thoroughly understands its workings, that it leads to the most frightful perjury; and he does not think that this immorality can be avoided so long as the law holds out the temptations it does to the commission of this crime.

On this the Editor of the "State of Maine" thus remarks:

"We give in another column a letter on the subject of the Maine Law, which we commend to our readers. Notwithstanding its great length, we preferred to publish the whole as we could not leave out any portion, without materially injuring it. The *Leader* is the Government organ of Upper Canada, and is probably the ablest paper in that Province. It has a very extensive circulation among all classes.

"We are acquainted with the author of the letter, and we quote with entire approbation following from the *Montreal Gazette* the publication of the document:—

"We publish to day a letter on the working of the Maine Law in Maine, from the special correspondent of the *Toronto Leader*. The facts stated we commend to the consideration of the advocates of the Maine Law in this Province. We are intimately acquainted with the writer, and believe his statements may be relied on. We are aware that he went specially to make inquiries on the subject, and are perfectly satisfied of his impartiality. His statements are at least susceptible of easy refutation if untrue, and, if the advocates of the Maine Law are not prepared to accept the consequences of them, we trust that in the place of frothy and worthless lamination, they will shew us in a legitimate manner wherein the error consists. We are opposed to the principle of the Maine Law, but we are ready to give all due consideration to any facts that may be urged in its favor.

"Assuming the statements of the Correspondent of the *Leader* to be true, which we shall do until they are controverted, we would

put this question to the advocates of prohibitory liquor laws:—Whether it is worth while to make legislative enactments that will be certain to fail of their purpose, and not only that, but encourage systematized breaking of the law as well as perjury? We hold it to be an unsound principle of legislation to enact laws that will not command common respect. Willfully to break laws is a crime and a sin in morals, and the State by the making of bad laws should not hold out temptations for the commission of either; or it would create worse evils than those sought to be removed."

Mr. Fulton.—It will be remembered, Sir, that statements similar to those just quoted by my hon. colleague, were put forth about a year since, by a person calling himself Dow. These were refuted by Neal Dow, the father of the Maine Law. It just so happens, Sir, that in reference to the very article cited by my hon. friend—I have an article published originally in the "*Montreal Witness*" and republished in the "*Canada Temperance Advocate*" from which I quote. It reads as follows:—

Portland and the Maine Law.

We thankfully transfer the foregoing from the *Montreal Witness*; and from the same source we commend the following to our readers:—

The *Montreal Herald*, which inserts with alacrity anything against the Maine Law, has copied a communication from some person about Portland, Maine, to the *Toronto Leader*, another anti-Maine Law paper. This document gives statistics showing that crime has been on the increase in Portland and vicinity since the Maine Law was enacted, and avers that drunkenness likewise has been steadily on the increase, and that drinking is now perfectly open. Upon this the conclusion is arrived at by the *Herald*, and passes from mouth to mouth through the city that the Maine Law has proved a decided failure. To this conclusion we are disposed to demur for various reasons:—

1st. Because the statistics now published by the anonymous correspondent of a bitterly anti-Maine Law paper are directly in the teeth of all that we have seen formerly, and of a document signed by the leading ministers, merchants, and others of Portland, which was called forth a year or two ago by a somewhat similar attack on that city.

2d. Even admitting the statement to be true, as regards Portland and its immediate vicinity, they would only prove that place to be an exception to a general rule; for there can be no doubt that the Maine Law, in every State where it has been enacted, has greatly diminished drunkenness and crime. Else, why are temperate men, and, indeed, good citizens generally, so anxious to sustain it in States where it has once been introduced?

3d. Portland has increased with great rapidity since the Maine Law was enacted, and, being a great thoroughfare for Canada, has a large resident and floating foreign population, so that it will not be wonderful if there be much intemperance and crime there.

4th. The people of Portland actually put out a Mayor who enforced the Law, and put in one who would not enforce it, so that the Maine Law was virtually repealed for that locality, and the results so triumphantly proclaimed by our anti-Maine Law friends are, if true, the fruits not of the Law, but of the want of it.

Now, Sir, I give these extracts to my hon. friend in answer to his, here is a communication entitled to credit because it contains the actual experience of one who made himself acquainted with the facts by actual observation—which facts have been copied into a leading paper published in Portland—and meet the approbation of its Editors.

So it will be perceived that the letter from which my hon. friend read—was got up for a paper directly opposed to the Maine Law; and is therefore not entitled to weight—ever though not answered, as it has been, so completely by the "witness."

Mr. A. G. Archibald, I am satisfied, Sir, that a document, such as that which has been just read to the House by the hon. member for Cumberland—emanating from the source it has—should not be entitled to that credence which an authentic narration over the signature of a responsible person would command. Is not the animus of that extraordinary letter patent from the beginning to its very end; and I would ask my hon. friend, if he is disposed to accept it as a fair and impartial statement of the facts. Every sentence is animated with intense and virulent opposition to the Law. He tells us that since the Maine Law has been in operation—crime has increased; and that a greater number of persons have been summoned before the proper tribunals and convicted of drunkenness. Does he in candor admit that these increased cases may have been the result of the more rigid surveillance exercised by those to whom the carrying out of this Law had been intrusted? How many of the 734 cases may have resulted from a breach of the very law he condemns? This candid observer does not say. But, Sir, he argues that the law has failed because the importation sale and use of the article has not been precluded. So say we; and for that reason is it that the law introduced by us goes further than the Maine Law and prohibits all three.

The hon. and learned member for Cumberland, in his speech of the other day lent the influence and weight of his acknowledged talents to the opponents of this measure; many points taken by him could not fail to excite admiration for their ingenuity, and indeed the whole speech abounded with wit and humour. But, Sir, in my view that is not the mode by which such a question as this should be met. Water, said he, is useful and beneficial—but it sometimes does injury, would you therefore bring in a law to prohibit the existence of water,—so with fire and gunpowder. Does not every hon. gentleman here feel that these illustrations were not in point? Sir, I maintain that a legislature is bound to enact such laws as will best subserve the interests of the country; I hold that no society can exist without the resignation—by its members—of a certain amount of individual natural liberty. Is there not a restrictive Law on our Statute Book by which powder magazines are prohibited from existing within certain boundaries? The argument, then is fallacious and unsound. I shall not further trespass on the time of the House at present but will take an opportunity of offering my views more at large.

Hon. Jos. Howe felt the force of the remarks, made by the hon. member for Colchester; but he would suggest to the advocates of the Bill, whether in the absence of correct data—two gentlemen should not be deputed to visit Maine examine into the working of the Law, and to

report on it. He should be quite prepared to submit to the investigation of the hon. and learned member for Annapolis and the hon. member for Cumberland.

After some further conversation,

Hon. Attorney General said—Mr. Speaker, I approach the consideration of this question in a spirit of calmness, with a desire pervading my mind to test the soundness of its principles, and the application of those principles to the present situation of Nova Scotia. I desire to ask the representatives of this people whether they are prepared to introduce into Nova Scotia a principle, in my view, unsound and injurious. On one point, sir, the advocates of this measure and its opponents do not differ; all agree that drunkenness is an evil; that if it could be eradicated from the land—banished from our midst, a great moral benefit would result, and the tone of the social system be improved; a healthier and sounder morality introduced, and a hideous blemish struck away from our system. Now sir as regards the current of public opinion; hon. gentlemen take up the petitions presented, and argue from them as incontestible proofs of that feeling. What do we do see, sir? Pages on pages, filled with names written in the same handwriting; in many cases signed by girls and boys. I presume that the most enthusiastic advocate of this bill will not tell us that all these signatures have been procured with propriety, or that all of them are from persons whose age and information entitle their sentiments to weight. That a large body of sensible, intelligent men and women have appended their names to them is unquestionable; and that outside pressure has been brought to bear on many hon. gentlemen in this House, none can deny. Take my two hon. colleagues in the Government, the hon. member for Cumberland and the Hon. Financial Secretary; no man can impute to them, in the advocacy of this measure, a selfish or unworthy motive. As members of this House, though in the Government, they have been left free to adopt whatever course they deemed necessary on this question. It must not be supposed, then, for a moment, that the Government of this country would place itself in the false position of opposing a movement, in which it becomes a moral and free people to engage, originating in motives, which have for their object the moral elevation, the christian improvement, and the social happiness of their countrymen. Still they may conscientiously differ in the propriety of the experiment, and hold that no case has been made out in its favor. Sir, grave objections have been urged against the measure; some have not yet been answered, and some, in my view, cannot be answered.—This, of all others, is a bill which should be fairly, fully, and temperately argued. I do not mean to assert that it will not effect some good; that the sale, importation, manufacture or consumption of alcoholic drinks will be as extensive as at present. In many—perhaps most—portions of this country, these evils will be checked; the bill will be, to a certain extent, operative, but I believe that in its course will flow evils of equal, if not greater, magnitude, than those it will cure.

It, I have said, is a dubious experiment; no such law can be found on the Statute Book of any country in the world—going far beyond the laws adopted by the United States. The Maine Law goes to no such length; in Vermont, after trying the modified law, a reaction has taken place, and the Maine Liquor Law has

been abrogated. Massachusetts has not adopted it; New York has refused to sanction it.—Quotations have been read from the message of Governor Clark; but, sir, let us mark the alteration which has taken place in the sentiments of the Empire State. At the late session, the Senate and House of Representatives passed a restrictive law which permitted the importation of intoxicating liquors for use, which this bill prohibits; but Governor Seymour, in the exercise of that power vested in him by the constitution, vetoed that law,—interposed his judgment to prevent its going into operation; and, sir, with that veto, he sent down an eloquent and able message, in which he announced his objections to the bill. Now, sir, it is true that Governor Seymour lost his election by a very insignificant majority, the voters in the State numbering some hundreds of thousands; true it is that 300,000 electors were so equally divided that for days varying reports announced the alternate election of, on one day Seymour, the next Clarke, until the final report gave the gubernatorial chair to Mr. Clarke. This shews indisputably that public opinion was nearly on an equipoise; and if this was the case in the United States, how much stronger would have been the feeling, had the law gone to the extreme length contemplated by this enactment.

If, sir, the surrender of a mere indulgence would effect the object which temperance men have in view, and, per force of example, save human beings from the corrupting and demoralising vice of drunkenness, the people, actuated by a sense of virtuous self-sacrifice, should voluntarily abandon the use of that which caused the evil. This, however, is widely different from a compulsive law which steps in, usurps the office of conscience, and with arbitrary inflexibility, enunciates a rule of moral conduct, to which it enforces strict obedience. We are told that the power of virtuous action of voluntary resolution can no longer be our guide; if so, and that principle be sound, it ought to be applied to every evil. We see around us, Mr. Speaker, moral vice quite as odious in its results as any that ensue from the use of intoxicating liquors. Ascend your upper streets,—there infamous houses and brazen, flaunting vice are to be seen. Why not attempt to legislate these out of existence? Because human laws or human wisdom can never reach human passion; because the experience of the world has shewn us that any attempt to eradicate vice by legislation increases rather than diminishes it. Does any man suppose that we can extirpate drunkenness from the land? The passion for strong drink is inherent in human nature; it is to be found in the castle and the cottage—in the islands of the South Sea or the wilds of Mexico, as well as in London or in Paris. Control it you may; eradicate it you cannot. Now, sir, if the principle be sound here, it is sound all over the world; it is applicable alike to Iceland or the wine-growing countries of the south of Europe. In the latter it is consumed largely by the people; the wines there produced are found to be healthful and invigorating—nor could any substitute be provided to supply their place. From this, sir, I argue that wine in its moderate use is not injurious; that it never was the design of Providence to prevent its use; and hence it follows that no eternal rule of morals, such as has been propounded by the advocates of temperance here, can be laid down for our guidance.

force is not derived from the scriptures. I listened last session to the ingenious arguments drawn from holy writ, and urged on this House; and, sir, I am sure that no candid enquirer who heard them could escape from the conviction that there is nothing in the language of scripture which asserts that it is a violation of moral duty innocently to indulge in the use of wine. But, sir, after I had spoken last session, in addition to all scriptural reference made, I found a passage completely sustaining the views I had expressed. It is in Ecclesiasticus, and reads thus:

Wine taken with sobriety is equal life to men—
—if thou drink it moderately thou shalt be sober.

Wine was created from the beginning to make men joyful, not to make them drunk.

Wine drunken with moderation is the joy of the soul and the heart.

Sober drinking is health to soul and body.

Wine drunken with excess raiseth quarrels, and wrath and many ruins.

Wine drunken with excess is bitterness of the soul.

These passages contain, in my view, the whole philosophy of the question; and though quoted from one of the books which we do not receive as canonical, is yet held by a large body of christians to be among the inspired writings, and by all is regarded with respect. The rule sought to be enforced is not sanctioned by scriptures; it has no precedent in the legislation of any other country; it is opposed to the vital principles of all social, national and christian policy from the earliest ages to the present hour—and therefore it is that I call it a new and dubious experiment.

Now, sir, among the Americans, that law-loving and law-ordaining people, when the restrictive bill was in operation in Massachusetts, the city of Boston presented a spectacle by no means creditable; in open day, at the public bars of the Revere or Tremont Houses, or at their dining tables, liquors were sold as freely as before its passage. It is my duty, as a public man, anticipating similar results here, to exclude it if possible from our Statute Book. Sir, I do not wish to be misunderstood; if this law comes into operation, I shall endeavor faithfully and vigorously to carry it out; and therefore it is that I desire that it should be fully understood before it is adopted. As to the effect of the bill on the revenue, I differ from my hon. friend the Financial Secretary. The amount now derived from this source is £22,000 or thereabouts. Suppose that the importation is entirely checked—and it must be so as regards the legal importation—then about one-fifth of the revenue is lost to the Province. From what source is this deficiency to be supplied? It may be that the increased consumption of some articles will supply a part; but no man believes that the yield from this source will amount to the loss occasioned by the bill. Molasses and sugars are both taxed to the highest possible degree; the duty on tea cannot be increased, and we shall lose 4 or £5,000 by the free importations under the reciprocity bill. True, our revenue of last year increased beyond that of former years to an unprecedented degree; but no prudent man would look to it as an index of the next year's collection; rather would he be disposed to assume that of 1853 as the basis of his calculations. We are about to effect a loan of £250,000 or upwards, the interest on which must be supplied, and the ordinary vote for the

The rule which temperance men desire to en-

road service must of necessity be provided for since, I cannot believe that our people are at all inclined to surrender any portion of that grant, I take it that the public credit of the country must be sustained. Now, sir, in addition to this the amount derived from the sale of licenses in the city of Halifax amounted in 1852 to £1150—in '53 to £1300; that sum is struck away, and under this law must be levied by direct taxation on the citizens of Halifax. As a financial question, then, it is replete with difficulties which require much care to surmount or overcome. As a moral reform its effects will be at least questionable. This, sir, is no experiment to be talked of on platforms and adopted without forethought; when men whom the public have intrusted with their dearest public interests are required to deal with such a law as this—considerations, which have no weight on the temperance lecturer bear heavily upon them. We cannot shut our eyes to the fact that the geographical position of this country—and its contiguity to the Republic of America—are two forcible proofs that this law will be set at naught—must be to a large extent nugatory. Again, the Law will only preclude the poor from using intoxicating drink; the rich man who can afford it and is not inclined to forego the gratification of his taste, will import his own brandy; this is a consequence which cannot be avoided.

These, Sir, are my views; the subject was so thoroughly discussed last year that a reiteration of the arguments then used or a more minute examination into the nature and effects of this measure is entirely unnecessary. Its friends need fear neither the secret nor the open hostility of the Government; nor should the odium of rejecting this measure be taken by the Upper Branch,—if passed here, I hope the Legislative Council will not refuse its sanction; I desire that this Law shall pass because I believe that nothing but actual experience will convince Temperance men of the evils that will flow from. I shall record my vote against the Bill, because I believe that it will be unsound in principle and injurious in practice,—that instead of improving the moral tone of society it will deprave and vitiate it; reduce our revenue and substitute hypocritical for open drinking—introduce a poisonous drugged decoction for the healthy liquor now used—promote smuggling and increase crime—for these reasons I shall vote against the Bill.

FRIDAY, Feb. 23, 1855.

Mr. Marshall, from the Committee on the petition of operators in the Telegraph Company, reported a bill in favor of that petition, to exempt operators from serving on juries, &c.

Mr. B. Zwicker presented a petition from inhabitants of Lunenburg, in favor of the Prohibitory Liquor Law, now before the house.

Hon. Provincial Secretary, by command, laid on the table the report of Captain Chearnley, on the River Fisheries of Nova Scotia.

Mr. Marshall reported in favor of a patent Fog Bell.

Mr. Hugh Munro presented 2 petitions from the county he represented, in favor of the Prohibitory Liquor Law.

Hon. Financial Secretary presented petitions in favor of the Prohibitory Liquor Law.

The house went into Committee on bills, and passed a bill to incorporate the Committee of the Merchants Exchange Reading Room in Halifax.

Several bills passed for the revision of the Revised Statutes.

The bill with reference to the appointment of Harbor Masters was taken up and discussed by Messrs. B. Smith, Marshall, Thomas Coffin, hon. Sol. General, S. Chipman, Murray and McLellan.

This bill was recommended to be sent to a Special Committee.

The Bill for the assessment of Railway damages was taken up.

Mr. Killam opposed the passage of a clause relieving the counties of the fencing each side of the railway. He never believed that Halifax was going to pay anything for this Railway, and the present bill convinced him of the fact.

Mr. Esson—The hon. member is quite mistaken. Halifax is ready, at any moment, to raise her £100,000, and pay the interest on it.

After other bills had passed without debate, the house adjourned. C.

SATURDAY, Feb. 24, 1855.

Chancery.

Hon. Attorney General asked leave to introduce a bill entitled an act to abolish the Court of chancery, and to transfer the equity jurisdiction to the Supreme Court. The bill was prepared by the Solicitor General, Mr. Ritchie, Mr. William Howe and myself, the commission appointed last year for that purpose. The bill comprehends, in a narrow compass, all that the commission thought necessary to effect the object in view. The change contemplated will have a large effect on the rules and practice governing proceedings in equity, and sweeps away most, if not all, the absurdities incident to chancery proceedings. The New Brunswick bill of last year creates an equity side in the Common Law Court—chancery under another name. In the States of New York and Ohio they have introduced a change in the whole practice of the Supreme Court. Neither of these did the commission think it wise to adopt; they took a middle course, giving to the Judge of the Supreme Court an equity jurisdiction. In the four years prior to 1851, 125 suits were instituted in Chancery, or an average of 31 causes a year. Twenty-five of these were brought to foreclose mortgages; therefore but six were annually instituted for other than foreclosure cases, and these combined all the varieties of matter over which an equity court has jurisdiction. I am justified, then, in stating that the actual business done does not exceed 10 or 12 suits yearly. The great objection to Chancery, as now constituted, is that its forms, delays and expensive machinery excludes a vast amount of business which ought to be adjudicated on by it. The first clause of this bill gives to the Supreme Court jurisdiction over all causes now determinable only in Chancery, and then provides that the practice of the Su-

preme Court, as modified by this act, shall constitute the Chancery practice. It transfers the whole records at once to the Supreme Court, and abolishes the cumbersome, expensive, and highly objectionable mode of taking evidence in writing. It allows a judge on application to order that any fact may be tried by a jury. The proceedings, instead of commencing by a bill full of technicalities, are initiated by the issue of a summons, in which the complaint is to be set out in clear, intelligible language. The eleventh section provides that if anything has been omitted by the commission, the court shall supply the deficiency by an order or rule to be framed for that purpose. The Hon. Attorney General then explained that the court had power to enforce the specific performance of a contract, and that the bill provided means for the perpetuation of testimony, and that the assignee of a case in action, such as a bond or otherwise, might sue in his own name.

Note.—As the bill is now under debate, the Reporter has much condensed the address of the Hon. Attorney General.

Municipal Corporation.

The House went into committee on the Municipal Corporation Bill, and passed a number of clauses.

Com. and House adjourned.

MONDAY, Feb. 26, 1855.

Cadets in the Navy.

Hon. Provincial Secretary laid on the table dispatches from Sir George Grey, apprising the Government of Her Majesty's decision to place annually at the disposal of the Government of Canada, New Brunswick, and Nova Scotia, naval cadetships, in the proportions of two to the first, and one to each of the two last.

In laying these papers on the table he said that he was commanded by His Excellency to inform the House that, referring to the great public services rendered by the hon. member for Cumberland (Mr. Howe,) and especially to the eloquent and effective speeches delivered by him, here and elsewhere, in advocacy of the claims of Nova Scotians to the patronage of their Sovereign, he had selected one of the sons of that gentleman as the first object of the provision thus graciously made by Her Majesty, for the promotion of natives of this colony, in her military service. The Provincial Secretary concluded by expressing his conviction that the young gentleman thus distinguished would, by his good conduct, prove himself worthy of the honor conferred on him, and of the name that he bears illustrious, as we know it is, in the naval annals of the British Empire.

Hon. Joseph Howe.—Mr. Speaker, I may say that I look upon the adoption of the policy declared in the despatches just read as a

move in the right direction. I have long felt, and often expressed the opinion, that the United Services ought to include men from the outlying portions of the Empire; and that the introduction of more of our young men into them would add much to the strength of the nation by sea and land. As these services have been hitherto conducted, I have always considered colonists practically excluded. When His Excellency the Lieutenant Governor put this correspondence into my hand, and did me the honor to offer me the first cadetship in his gift for one of my sons, I did not think, assuming the old policy to be changed, I did not think I had any right either as a British subject—a British American—or a Parent, to refuse. I therefore enclosed the note of His Excellency to my two sons at the Horton Academy, and asked which of them would accept the appointment, and by the mail after, I received an answer in which both of them volunteered. (*Cheers and merriment.*) I was then at a loss to know which to select, but the regulations enclosed set me right, decided the point. These provide that the applicant shall be above fifteen or under twelve. The oldest being "above fifteen" was therefore excluded. The youngest is just twelve. In a few weeks I expect that he will be duly enrolled in Her Majesty's service. I do not expect that this youngster will be able to do much towards the reduction of Cronstadt or Sebastopol, but I hope he will do his duty, and if he lives, remember the example of his great namesake of the first of June.

Mr. Marshall.—I am very glad, Mr. Speaker, to welcome these despatches, and have no doubt the young gentleman just spoken of will distinguish himself in the Navy, as his Father has done here.

Prohibitory Liquor Law.

Mr. M. I. Wilkins opened the debate. [Having handed over notes to that gentleman, and not having received them back, we are obliged to go on without them at present. They were intended to come in their proper place in the Parliamentary volume, but have not been received.]

Mr. Archibald said, that the question before the House was the general principle of the Bill, that most of the arguments of the hon. and learned gentleman who had just sat down referred to details. With respect to these, it was a matter entirely for the committee, if the bill should reach that stage, to pass on them, and should it be made appear that any of the clauses were capable of improvement they could be moulded to meet the wishes of the House. He would not, therefore, at present touch that part of the hon. and learned gentleman's argument, but there were some of his positions that he could not refrain from noticing. The hon. and learned member seems to suppose that it is the object of laws to punish crime, not to prevent it. I hold an entirely different doctrine. I think that preventive is better than cure, and I cannot help thinking the hon. and learned gentleman's doctrine would be well illustrated in the case of a leaky vessel. According to his notion it would be bad policy to stop up the leak. The

only mode would be to bail out the ship after the water had gone in. This is not the kind of legislation which is in accordance with the spirit of the present day. The hon'ble and learned gentleman thinks that intemperance has been inflicted on mankind, by the Author of all things, and that it is in vain to attempt to stay it by legislation. Without stopping to enquire as to soundness of the premises, I will protest against the conclusion. Is that the mode in which similar evils are dealt with? Does a pestilence approach our shores, would the hon and learned gentleman adopt no sanitary precautions? If legislation were needed would he not adopt it, because providence had sent the scourge?

The hon and learned gentleman has talked of the petitions on the table. He thought that the 40,000 persons who had asked for legislation, represented but a small part of the community. But if so, what do the 40 petitioners on the other side represent? He tells us, too, that the bill is based on the principle that the use of liquor is a sin. He is entirely mistaken. The friends of the bill maintain no such doctrine. Nobody pretends that the use of spirituous liquors is wrong *per se*. It is only in reference to consequences that what is in itself indiffereent, becomes wrong. It is, therefore, because the use of these beverages is found destructive to the best interests of the community, that they become legitimately the subject of restrictive or prohibitory legislation.

As to the scripted part of the argument I will leave it to the hon. and learned introducer of the bill to follow its opponents over that ground. But in reference to the quotation of the hon and learned Attorney General I will say, that from the authority to which that gentleman had applied, in support of his views, I am led to the conclusion that having found nothing in the bible to suit him, he had been obliged to take his stand on the Apocrypha—(Laughter.) I am willing to give him the full benefit of his position, he could hardly expect gentlemen to look upon the argument as anything but apocryphal.

And now, sir, let me ask the attention of the house to the principle involved in the bill. It is said that evils of a moral nature are not the proper subjects of legislation, and that this bill, in dealing with a matter of that kind, is founded on a wrong principle. Before advertng to the soundness of this position, let me ask the house if there is anything new in the principle of the present bill? What has been the effect of every law passed in Great Britain since the first ale house was licensed? What has been the effect of every law on our Statute Book on the subject of spirituous liquors since the first session in which the legislature of this Province was convened down to the present day? Was it not to prohibit the bulk of the community—to prohibit all but an excepted few from engaging in this traffic? Now, this bill only goes a step further. The germ of prevention is found in restriction. It is a question, not of principle, but of degree. Our license laws prohibit 999 out of every 1000 from selling. This goes one step further—it prohibits the other man also. The legislature which restrains the body of the community from engaging in the traffic assumes the principle that this bu-

ness cannot be left with other branches of commerce, to unrestricted freedom; that society requires its restraint, and it is obvious that the extent of the restraint is a question entirely for the legislature to deal with. But suppose we had no sanction in the practice of ages on the subject; I hold that the power of legislating on a matter of this kind, is a right inherent in every society. When men gather in communities they give up a portion of their natural freedom. Whatever is necessary to the well-being of the community, is yielded to the community, which, therefore, possesses the *Right*, by a necessity of its existence, to provide against evils which are injurious to the commonwealth. Every community must possess this right—and in practice every community wields it. But to authorize any interference with the rights of individuals, for the benefit of the whole, it should be made apparent that there are sufficient grounds for such interference.

Now, sir, let us try this question by that rule. Let us take even the very worst phase on which the subject can be viewed—the question of pecuniary loss to the community. I find by a calculation which will not be questioned, that the actual cost to the people of this Province for the consumption of that part of the spirituous liquors on which *duty is paid*, exceeds £176,000 a year. For this vast outlay what do the people get in return? This enormous amount is deducted from the produce of our industry, and we are to be told that all this waste is to be continued, so that we may get the sum of £20,000 back. This is the same as if I were to commence a game with a person in the street, and to every eight sovereigns I throw to him out of the window, he throws me back one. It would be hard to convince me that I was not losing by the game; and yet that is actually what the people of Nova Scotia are now doing. But, sir, the pecuniary loss of the cost to the consumer is but a small part of the whole loss. Add the waste of time—the idleness, the pauperism, the misery and the crime that followed in the wake of such expenditures and there is a fearful aggregate that loudly calls for the interference of the legislature.

It is urged, on the other hand, that something is due to these persons who are now engaged in the traffic, and that it would be a great hardship to them if their capital should be endangered by legislation.

There is no doubt some hardship in their case—that is a hardship that any branch of business is liable to. Every fiscal change deranges some one. A few years ago Flour Mills were in effectual operation in this neighborhood grinding wheat. By a single line in your Tariff—the policy of the country was altered, and the Mills went down. It was a hardship to the men engaged in the business, that it was one incidental to every trade, and men who invest their capital in enterprises of any kind must take their chance of such changes as the policy of the Legislature may demand. But are the parties engaged in this trade taken unawares? In every Session of the present House the question has been brought forward—in 1852, a Resolution was moved. In 1853, a majority of this Assembly actually voted in favor of the very bill now on your table, but the friends of the measure with a forbearance for which they get little credit, pressed it no further then. Indeed, Sir, before the present house was called into existence, the subject had been gradually and slowly ripening towards legislative action—the little cloud, no bigger than a man's hand, which years ago appeared on the horizon, had

risen and spread till it overshadowed the zenith, and it was impossible that those engaged in this traffic could be so blind as not to see how public opinion was marching onwards to this consummation.

But, Sir, not only here but in other countries was there the same slow but progressive motion. The hon. gentleman for Cumberland, told us that he dreaded these sudden gusts of popular feeling which burst and spread like wild-fire over the neighboring States—but this is not one of them—in 1837—18 long years ago a Committee of the legislature of Maine reported in favor of some such a law. In 1846, after 9 years of controversy and slow but gradual advance, they concluded to abolish Licenses—five years more of agitation and discussion and in 1851, the prohibitory law which takes its name from that state was passed—from 1851 to 1855 it has continued the law of that state—with what result we shall presently see. All this time the subject was not neglected in the adjoining states and the example that Maine in 1831 presented to the world has since been followed in Massachusetts, in Vermont, in Connecticut, in Rhode Island, and in Michigan, and even in the Empire State itself, the governor returned by the late election, represents the same principle, and recommends it in his message to the adoption of an assembly returned by the same majority to that he owes his position. It will therefore probably be law in New York at a very early day. But to return to Maine—4 years of its operation have now been tried and with what result?

We are told here that the votes of the members of this House are no index to their real sentiments—that they are affected by pressure from without. But how does that argument apply to our constituents—they at all events are under no pressure. The 40,000 who have asked for this Law have had no such pressure applied to them, and in Maine at the late Election, after 4 years trial of the Law—in a State where the people raise a self-imposed tax for education, \$221,000 a year—the question has been tested by the ballot-box and yet of a vote of 90,000 and upwards, only 3,500 were opposed to the Law. This is less than 1 to 25 and is a most significant fact. And now, Sir, I wish to go further, and to lay before this House such evidence as I think will be considered satisfactory to them as to the real working of this Law in the State of Maine. When the hon. gentleman for Cumberland introduced the paper the other day which pretended to give the state of the facts, I had not access to precise information on the subject but I felt that that paper bore on its face the marks of its own condemnation. It was evidently the one-sided statement of a partizan against the Law and in its style and language have the marks of its origin. In asking the attention of the House to the Extracts which I shall have to bring from various quarters on this subject, I have to solicit their indulgence, because I know with what impatience the House always listens to quotations from printed documents; but on a subject of this kind the House will perceive at once that it is not mere declamation they require,—they are called upon to assume responsibilities of the most serious kind, and it is right before coming to a decision to weigh with care and deliberation the results that have followed the Legislature of other countries on the same subject.

Before going into the evidence let me dwell a moment on what we might expect to be the re-

sult of such a Law. We are told on the other side that it will be a dead Letter. Is that reasonable? Is it to be supposed that the zealous and energetic, and devoted advocates of temperance, who have brought the cause from its infancy onwards till its present stage—who have defended it in obscurity and in obloquy, and who have advanced it to the point it has now reached, are going to abandon their exertions whenever those exertions have the best chance of being effective? I do not believe they will. If you put the Law on your Statute Book, I believe it will be enforced—at all events—to an extent which will quite justify the passing of it. And now, Sir, in referring to the testimony which I ask to lay before the House, it shall be of three classes; I shall give you the opinion of persons favourable to this species of Legislation—next the opinions of persons indifferent—and thirdly, the opinion of those whose feelings have been adverse to it. In respect of the first class, that of its friends, I shall not expect the House to consider it as authoritative—it must be taken “*cum grano salis*.” But in regard to this class of testimony it is but right to make one remark. The advocates of Temperance as a Body cannot be considered as having any selfish or interested object in view. They may be zealots—they may be weak—misguided, fanatical—but their objects are, unquestionably, to promote what they believe to be the good of mankind. What is the other side of the picture?—without supposing the parties engaged in the traffic—or the parties addicted to the indulgences it affords—to be any less entitled to credit in general matters than the rest of the world; is it not obvious that their statements on a matter in which their personal interests or acquired appetites are so deeply involved must be accepted with some amount of hesitation? With this general remark let me return to the testimony. I quote the observations made by Mr. Pope, of Manchester, in a meeting held at Edinburgh on the 15th of Dec. last, in which this question was discussed.

“Our evidence, (says Mr. Pope), is the Police Records, the Mayor’s report, the Municipal Report, the amount of Poor Rates and taxes, the number of tenants in the Gaol, and other things about which there can be no deception whatever. The information is patent, upon the face of state documents, to any who choose to apply for it—First of all we should say, that the primary object of the law, the putting down of public Houses, has been accomplished in the State of Maine. We don’t say that all drinking places are put down. In every State where the Maine Law is in operation there are secret places for drinking—there must be so, otherwise there could not be the no small amount of drunkenness which now exists there. These secret places, however, are gradually being limited out and abolished, and the prominent results of the law is that the trade, as a trade, is driven from Society into the black and secret parts.”

And again,

“Has the result of this suppression of public houses been that the public have been down into more secret drinking than before the operation of the Law? Let us see—Along with the suppression of public houses, there has been a suppression of 75 per cent of the drunkenness. In the city of Portland, Maine, there were committed to the House of Correction for drunkenness in the year previous to the passing of the Law 14 persons, subsequently from June to the 10th October, and from October

16 to December 31 none—and the 15th June 1852, one year after the passing of the Law the House of Correction was empty.

I have not quoted the statistics referred to by Mr. Pope in regard to the towns of Maine—which show the same results, but cannot refrain from quoting a paragraph in reference to the kind of testimony on which the opponents of the law place some stress.

"It is a most remarkable fact," says he, "that the men who break the Maine Law are not the Native Americans—they are the English, the Scotch and the Irish" (might he not have gone a little further?) "who visit the United States, who are mean enough to go about seeking to break the law of that land in which they are strangers, and who after returning home breathe contempt upon the law because they have been able to break it."

Now, Sir, let me turn to another piece of testimony. It is still of the friendly kind, and therefore I do not ask for it the absolute credence of the other side. The Recorder of Birmingham, Mr. Hill, who was lately a member of the Imperial Parliament, being desirous of ascertaining what the operation of the Law had been on this side the Atlantic, addressed a number of enquiries to a gentleman at Boston, of high standing and character—one of these questions was this—

"What is the general impression among the well-informed and sober-minded regarding the working of this law?"

To this question the answer is as follows—and I regard the cautious and guarded manner in which this answer is given as entitled to great weight—

"There is a difference of opinion concerning the working of the Law—Clergymen—anti-slavery, and total abstinence men are almost unanimously friendly to the law. Hotel keepers, liquor sellers, grocers, apothecaries and regular drinkers are about as unanimously opposed to it. Moderate drinkers are divided in sentiment. My own opinion may be briefly expressed. Naturally shrinking with aversion from some of the more stringent portions of the law in consequence of an early and unrepressed feeling in favor of the largest phase of personal liberty which includes an opposite to general sumptuary legislation, I looked upon the law when first enacted in our Sister State with some suspicion. But the statistics exhibiting its remarkable effects in securing the diminution of crime, of intemperance, and of pauperism, early compelled me to waive all my scruples. The statistics are in the accompanying papers. I know no reason why such documents should not continue permanent."

Now, sir, this is not the opinion of a nameless newspaper contributor. They are the deliberate opinions of Dr. Stone, of Boston, a gentleman of high character and position in that country, and are the answers of a man to whom a high public functionary in England applies for solid and reliable information on a question of grave public policy. Whatever may be said of it there can be no question that, placed side by side with this, the anonymous and one-sided production read to the house the other day, does not weigh as a feather in the scale.

Let me now turn to another class of testimony. The house—everybody—is acquainted with the style of mind which distinguished the productions of the Messrs. Chambers of Edinburgh. We all know these men to be shrewd, intelligent, sunny, Scotchmen—men not likely to be

turned aside by enthusiasm—not likely to commit themselves to extravagances, either of expression or of sentiment. In looking upon this question they do not regard it from the same point of view that a temperance man does. They look at it with the eyes of philosophy, and let us hear what they say on the subject:—

"Our age is bringing out some remarkable questions of which no one was dreaming twenty years ago. In those quiet days we heard little of nuisances hurtful to public health, and, had any one been told that he had good ground of complaint against a neighbor on account of a glass sink or an open sewer, he would probably have only been imprisoned.

"One of the most remarkable of the newly turned up questions refers to the right of the individual to besot himself."

After arguing out the question of the right of society to interfere in this matter, he says:—

"If it be found that the shutting up of public houses on a particular day does abate the notable symptoms of intemperance for that day, or the closing of them entirely does in a great measure extinguish those symptoms throughout the whole week, we do not see how the said majority can be prevented from taking these steps if so inclined. How the facts really stand on those points is not the subject we have at present to deal with, but we may express our unhesitating faith in the statistics, which show that there is a connection between the facility of obtaining liquor on both place and time, and the consumption of the liquor, and all the usual consequences thereof."

And then referring to the injury to the party engaged in the traffic, he says:—

"We cannot, of course but feel for the industrious man who is threatened with the loss of his little trade, and even for the capitalist, whose larger concern, the distillery, may some day be left unproductive on his hands. Grant the hardship to them, and let it not be spoken of with any approval to lenity. But let it be remembered that there is a larger public interest concerned on the other hand. Those who are engaged in any branch of the liquor trade should well see how questionable is the permanence of a system involving so much misery to mankind, and which many believe to be as much a cause as an effect of the mind, depravity connected with it.

"They ought to be on the constant outlook for other and better methods of employing their time, their industry, and their money. Let them not be too easily led away by the idea that what they do live by they ought to live by, or that they have any vested right in the dealing of perdition to the bodies and souls of their fellow creatures, for most undoubtedly there is no solid ground for the soles of their feet in these ideas."

And then appealing to the parties themselves, he says:—

"They cannot but own that their industry is injurious to mankind. They are men, and cannot but feel concerned to think that such is the case, and some uneasiness must therefore rest on their secret minds regarding their occupation. Now, if they are forced from this line of life, and proceed upon some course of industry which comports with the good of their fellow-creatures, there will assuredly be a cessation of the uneasy and self-reproaching feeling which has hitherto harrassed them, and very gradually they will have cause to rejoice that they were compelled to bring their interests into harmony with those of their neighbors, and thus secure a more agreeable state of things."

Let the house consider that there are not the

opinions of an enthusiast or a fanatic. They are the sentiments of no good, as reflective, as unenthusiastic, and as shrewd a man, as any where man is known in the literature of the present day.

And now let me turn the attention of the house to the other class of testimony, and I shall have done. The article from Chambers Journal is a significant fact. It indicates the progress of opinion in the old world—but a still more significant fact remains to be told. The 'Edinburgh News,' a paper well known in the world, looking upon this question as one, the importance of which is just beginning to be felt, sent a special commissioner to the United States to investigate the operation of these laws in that country. A person selected for that purpose left Edinburgh says the Edinburgh News of the 30th December last, "with very strong convictions that all legislative interference for the advancement of moral and religious questions was wrong in principle, and therefore, he believed impotent, if not pernicious in practice."

Yet what says the man who came to look at matters as they are, with all the influence of his prepossessions against the law?

"The hotel keepers are the only class with any pretensions to reputation who deal in liquor, and they do so to oblige strangers and drinking lodgers, but even with the injurious consciousness upon them that they are following illicit practices, and that at any moment they may suffer open shame. The moral influence of the law is one of its most important features."

"The stigma affixed to the seller, and the power of seizure are the props of the Maine Law."

And then, after giving a large body of statistics, he says "in rambling about I have seen shops, and in some places rows of shops, which were occupied three years ago by liquor sellers, and which are let now for other purposes, and nowhere have I seen even the most moderate hint that anybody sells anything stronger than water."

"Nobody here dare say that he keeps a dram shop. So far as outward and visible signs speak the traffic appears to be destroyed."

I do not quote any large part of this gentleman's report. It is full of interest, but I feel that I have no right to trespass too far upon the patience of the House. I thank them sincerely for the indulgent attention they have given to the quotations and extracts I have laid before them; and I recognize, in the patience with which they have permitted me to lay before them so much of that which is usually borne with reluctance, an anxious desire to bestow upon the subject the consideration to which it is so well entitled. I think it will be apparent from what is now before the House that the experiment has not failed in the neighbouring States—and upon us now devolves a great responsibility. If we have it in our power as legislators to step in and stay the torrent of vice and misery which is pouring over the land, it is our solemn duty to do so; and in the decision which we are now to come to, we must feel that the best interests of the country demand that our decision should correspond with the convictions that must result from a careful and conscientious investigation of the grounds upon which this Bill is commended to the support of this House.

The House here adjourned with the Debate.

TUESDAY, Feb. 27, 1855.

Bills and Petitions

Mr. M. I. Wilkins asked special leave to introduce a Bill to erect a hospital at Picton. Leave was granted and the Bill read a first time.

Hon. Mr. Fulton presented five Petitions in favor of the Maine Liquor Law from the eastern portion of Cumberland.

Mr. Esson presented a Petition in favor of the Maine Law.

Mr. Marshall also presented a Petition very numerously signed from Guysborough on the same subject.

The Liquor Law.

The discussion on the Maine Liquor Law Bill was resumed.

Mr. Schwicker said—as this Bill is before the House I do not feel that I should be justified in allowing it to pass without remark—although I did hope that after the opening speech of the Hon. and learned member for Annapolis no further discussion would ensue. Some of the arguments used against the law were very inapplicable, and very weak and many intended to confound its advocates had the effect of strengthening the belief I entertained. No man can look abroad on society and not perceive the vast injury—the unmitigated misery which the use of ardent spirits creates. It stares you in the face—it is on every hand—in every house, in the country and the city. The object of the friends of this measure is to obviate this all-prevailing misery—to extirpate this curse. But we are told that the Law will not be operative, that it will be violated. Sir, there is not on our Statute Book a bill that is strictly adhered to—but they are of use because they repress if they do not entirely prevent the evils they are intended to cure. The advocates of this measure are not so insane as to believe that it will at the outset effect all they wish—but they are convinced that its operation will be largely beneficial.

The arguments urged by the Hon. member for Cumberland were untenable, he referred to a great many subjects altogether unconnected with the subject. The Hon. Attorney General referred to the scriptures and told us that moderate drinking was no evil—that wine made glad the heart of man and that its moderate use was beneficial, but his scriptural quotations were not entitled to much weight because they were extracted from the non-canonical portions of holy writ. I do not intend to argue this question; it has been so thoroughly discussed here and elsewhere that there remains little if anything to be said that is new. I deemed it right, however, to make these short remarks and will conclude by assuring the House that with each new discussion my opinions respecting this measure so far from being weakened, are strengthened and confirmed.

The Hon. Provincial Secretary said—The subject under discussion is a great moral question, agitating not merely our own country, and all the American Colonies of the Crown, but various States of the Union, and

all portions of the old world, wherein the vice of drunkenness prevails. Hitherto, the sound, good sense of the advocates of temperance have deprecated and prevented its being made a *political question*. Their sagacity has convinced them that to make it so would infallibly mar the object of their desire. A moment's reflection must convince a legislator that, in debating a subject of this importance declamation on the one hand, and levity on the other, are alike out of place. Every member of the social community feels and deplors the vice of drunkenness, and the misery that follows in its train; but our duty is gravely to consider the cure of this evil in the present, and its prevention in the future. In the world in which our lot is cast—the great theatre of our responsibility—moral evil exists. *Why* it is permitted is not amongst the divine secrets that are revealed to us.

We are certain that it is not referable, as to its cause, to the great moral governor of the Universe, and, in this connexion I may express my conviction that the learned member for Pictou, in a recent speech, traced it of that divine source, without sufficient consideration, or that he did not intend what his language implied. Our experience, however, proves that the very existence of moral evil affords scope for the exercise of many virtues, which, in its absence, could not be practised. I do not contend that because there is in the heart of man an innate tendency to evil, therefore we should not endeavour to extirpate it, but, with reverence I would express my conviction that this object is not designed to be accomplished by act of Parliament. I admit, however, and I desire to deal with this subject with all frankness and honesty, that it is the duty of statesmen, and law-makers, in public stations, as of individuals in private ones, to strive, by all legitimate means, to remove from their race *every temptation to vice*. If opium were introduced into general use amongst our people, and we daily beheld, around us, its victims, it would, unquestionably, be our duty to prohibit its importation, and no man could justly complain that in the legislation framed with that object his personal rights were unnecessarily invaded. It might reasonably be said to one so complaining, we deprive you of what you call a luxury, because the general measure that includes you in its operation, is the only possible means, at our command, to cure a great social calamity. I am not insensible to the argument that if, in a given case, you can prevent a confirmed drunkard from having access to the liquor that intoxicates, you render him susceptible of those religious, and moral influences, which cannot possibly affect him so long as he remains a drunkard. We are now told that the temperance organizations, the force of example and persuasion, so long and so generously exercised, have failed, and that it has become necessary to resort to *coercive legislation*. Having reached this point, two great questions arise, which must be gravely and honestly considered. In discussing them

we must not forget that we represent not merely the advocates of this particular measure, within, and without these walls, not merely the signers of the petitions on the table, but all the Queen's subjects in Nova Scotia, and that we are bound to respect the rights and interests, the opinions, nay the very prejudices, and feelings, of them all. The questions adverted to are these; First—is the measure before us likely to produce the results that are its objects? Secondly, referring to the acknowledged fact that it will, to some extent at least, invade private liberty, *is it necessary?* Under the first branch of our public revenues that may be involved in the bill, I admit, unhesitatingly, that if we could be assured of the success of this scheme which designs to extirpate drunkenness, all mere fiscal considerations are unworthy of a thought, whilst it is perfectly obvious that, in that event, the increased industry, and consequent productiveness, of those who now squander their substance in waste, and profligacy, would increase, instead of diminishing, the public wealth. But, it would be folly to exclude from our minds the consideration, that, if this mode of legislation fail to cure, or prevent, the great social evil at which it aims, if it fail to keep out from the band that which now produces a large portion of our revenue, it will, without any counterbalancing good, be productive of very serious mischief, by straitening our resources, and thereby marring important public works, upon which, under auspicious circumstances, we have recently entered.

Again, in enquiring as to the probable success of this law, consider the peculiar facilities for smuggling, and illicit trade in the forbidden liquors, which are afforded by the natural formation of a country, surrounded as ours is, with the ocean that indents it with bays, harbors, and creeks, innumerable.—We are told, and, doubtless, with truth, that all the friends of temperance will feel themselves under a sacred obligation to exert themselves in behalf of this law; with a view to its execution, and its advocates please themselves with the reflection that, at all events, open traffic in the pernicious thing will no longer exist; but, in the innate propensity to ardent drink which no law can reach, in selfishness, and the love of gain, in that sturdy and determined opposition which highly penal laws invariably produced, an antagonism to this bill, of a very serious nature, must necessarily be encountered. I say nothing, for others have said it better than I can say it, of those terrible vices which, in every community, are engendered by attempts to evade an extremely coercive, and liberty-restraining law. Perhaps it may be worthy of a passing thought whether it be prudent to incur the risk of these, for the sake of passing a law, unparalleled for its stringency, and somewhat doubtful as to its operation. I have said that those who support this bill must, as, indeed, they themselves admit, *show the necessity for it*. This can be done, only, by evidence, first, of the trial, and failure, of all measures of less

severity that have been, or might have been, levelled directly against the mighty evil of public drunkenness; and, secondly, by establishing that that kind of legislation is required that will involve the innocent with the guilty, and place the use, and abuse, of liquors that may intoxicate, in the same position, as respects an offence against public morality. But, before entering on these, let me, in passing, advert to a remark made by the learned member for Colchester, who, in opposition to an argument in favor of first punishing tried and proved offenders, urged by the learned member for Pictou, said *you must prevent rather than punish*. It seems however, not to have occurred to my learned friend, that there may be something objectionable in a mode of legislation which seeks to prevent offences, by *punishing the innocent as well as the guilty*. But, I now require the advocates of this measure, who assert an absolute necessity for it, to respond to the questions that I am about to put to them. Have you treated the public drunkard, who disgraces society by his bad example, and ruins his family by his vices, as a criminal? Have you inflicted upon him infamous punishment, and degraded him in the social scale? Have you exercised the strictest superintendance over, and scrutiny into, suspected haunts of indulgence in the vice of drunkenness? Have you proved the sincerity of your zeal in the cause of temperance by the powerful moral influence of your personal discouragement of the rum seller, and the rum-drinker? Have you been honest and self-sacrificing, to decline the votes of these as ministering to your ambition? Have the pulpits done their work in this sacred cause? Have you tried how far the same amount of energy and devotion displayed in the advocacy of this measure, might have conduced to the extirpation of drunkenness, if exerted in the promotion of a system of moral and religious education, that would teach those likely to become victims of intemperance, the connexion between virtue and happiness, and between vice and misery? I will not stop to enquire whether the particular nature of this bill be understood by the signers of the petitions, generally, who merely concur in praying that the traffic in intoxicating liquors may be prohibited, but, inasmuch as it has not been published, it would seem very doubtful if the extremely stringent character of it, being immensely greater than that of the *model law of Maine*, were known by all whom we represent.

Certain it is that, when, during the progress of the last election at Windsor, I asserted that to subject to fermentation the juice of the apple, or of the currant, or of the gooseberry, would be prohibited by this bill, and under a pecuniary penalty, the assertion was roundly denied; but will anybody venture to deny it here? As regards the evidence of public opinion for or against the bill, afforded by the number of petitioners in its favor, as compared with the whole population, the supporters of it say it may be inferred, from the silence of those who have

not signed, that they are not opposed to it; but perhaps it is quite as fair an inference that these last have had the petitions presented to them by the zealous advocates of the cause, and have declined to sign them. I could not help thinking, last night, when the learned member for Colchester so ably and eloquently expatiated upon the evidence in favor of the beneficial operation of the liquor law of Maine, as deduced from documents to which he referred, that my learned friend was furnishing arguments against himself, seeing that, if a law, such as that of Maine, far less restrictive than this bill, was proved to have wrought such a wonderful improvement in the condition of the people, relatively to drunkenness, it followed that there was no necessity for the extreme prohibitory character of the measure under consideration. But what is the social evil that has induced the assumed necessity for this legislation? It is not an evil that is referable to the use of wines, or malt liquors, both of which are prohibited by this bill, as regards the importation or the manufacture of them. There may be objections to the permitted use of them, as leading, possibly, to the use of ardent spirits, or as furnishing a medium of introducing these under false names, but, *as a fact*, they are not, generally, used as ministering to drunkenness. What argument, then, short of absolute necessity, in relation to the only possible means of preventing drunkenness, which is produced by the use of *distilled spirits alone*, can be urged for placing wines and malt liquors in the same predicament with the former? There are thousands in this Province who, by their industry, have acquired the means of enjoying, and as they conceive innocently and without injury, wines and malt liquors. These men would cheerfully surrender these luxuries, if you satisfy them that by doing so, they will reclaim drunkards; but they will resist, so far as they lawfully may, any invasion of their personal freedom thus exercised, until you, by the failure of measures levelled against offenders alone, establish that necessity.

Many of these men have attained an age surpassing the threescore and ten of the Psalmist, and they have sound minds in sound bodies. Go to them, and tell them, that chemical analysis proves that even the expensive and supposed pure wines which they use, contain quantities of alcohol, and are highly pernicious. They will laugh at you, and with reason, for their experience contradicts your theory. And he knows but little of the constitution of man, how high soever his pretensions, or reputation as a physiologist may be, who will lay down the position that pure wine is injurious, in its moderate use, to our race.

He ought to know that the mere presence of a small quantity of the alcoholic principle does not necessarily produce any injurious results. Man's nature wondrously adapts itself to aliments as well as to climates. Apart, however, from all speculation, the man who has lived to the age of eighty and enjoys

vigour of body, and serenity of mind, having, throughout that long pilgrimage enjoyed the genial wine 'that maketh glad the heart,' is a living refutation of the doctrine that inculcates the pernicious character of the fermented juice of the grape. We all acknowledge sir, that in a christian Legislature christian principles should be the governing principle of legislation. In this view of the question, however, I was greatly disappointed, when, in accordance with an invitation, I, with many gentlemen around me, repaired, last winter, to 'Temperance Hall,' wherein a learned divine was lecturing on the subject of Temperance, and with considerable ability, not to hear from his lips one syllable on the religious aspect of the subject under discussion. I heard him, indeed, and with regret declare, in relation to the popular sentiment so strongly manifested in favour of prohibitory legislation in this cause, *vox populi vox Dei*. It occurred to my recollection that that was the cry of the regicides who slew Charles Stuart, and I remembered that popular fury had raised it loudly before and since that event. I honour self-sacrifices whenever made from philanthropic principles.

When the great apostle of the gentiles—in my apprehension the most magnanimous of all mere human beings whose characters are recorded on the pages of History, divine or secular, declared that he would neither eat, nor drink if thereby his brother was made to offend, I venerate the nobleness of the sentiment, but what would he have thought if his christian liberty, on which he often eloquently descanted and of which he knew the value, had been violated by an act of parliament which compelled him to make this sacrifice! I am not ignorant, Sir, of the nice distinctions which have been attempted by men of real, or fancied liblical learning, versed in the ancient languages, between the wines of scripture which might or might not, intoxicate, but I consider them extremely unsatisfactory. Without depreciating the value of learned criticism of the sacred volume I believe that, as a general rule, the meaning of its pages lies upon the surface, so that he that runs may read.

Reverently, then, applying this test as an interpreter of those passages which relate to the vine—the sacred mystical vine—and its fruits, I affirm that the moderate use of the fermented juice of the grape is not only not forbidden, but is expressly sanctioned in the old and new testaments. A common sense view of the question sets the matter at rest. The identical wine, the abuse of which is denounced, is approved, in its use. When, at the marriage in Cana, the *chaste water saw its God, and blushed*, what change did that water undergo? It became wine—the good wine. What was that? Was it the sickening, cloying, unexhilarating *must*, of which, indeed, the saccharine principle might nourish, but could not impart the slightest amount of innocent hilarity, or was the product of the benign miracle the fermented juice of the grape? which we know by the experience of the present hour the use makes glad the heart, whilst we need no assurance that on the occasion referred to the abuse was rendered impossible by the sacred presence that gave grace and glory to the

festival? To conclude, sir, as the introducer and supporters of this bill have presented it to us as a *perfect measure*, which they are resolved not to modify, or amend in any particular that will change its nature, or soften its stringent character, I must regard it as a *whole*, and, as such, for the reasons I have urged I feel bound to vote against it. There are amongst my personal and political friends many who know how painful it is to me thus to oppose their feelings and wishes, and who will ascribe to a sense of duty, even though it may be a mistaken one, my opposition to the bill. They will perceive that I have discussed it with seriousness; and they may entirely confide in the assurance given by my friend the Attorney General that, if it become a law, government will honestly and faithfully administer it.

The House adjourned for an hour.

(AFTERNOON.)

Prohibitory Liquor Law.

The debate having been resumed,

Hon. J. W. Johnston rose to reply to the arguments delivered by other hon and learned members, as there appeared to be a disposition of hon. gentlemen on both sides to close the debate to-night. The hon. and learned Attorney General, in his speech the other evening, urged no objection for which we were unprepared—used no argument which we were not ready to meet. The petitions of over 40,000 persons formed no insignificant argument in this matter. It is true the hon and learned gentleman from Pictou tried to depreciate the efficacy of these petitions; and when he tried to withdraw from these petitioners all the females who had signed them, I felt that he was treading on tender ground. I felt, sir, that they had a right to the expression of their opinions, as members of the community, and as particularly interested in this question. The women do not reason so closely as men, but they go more directly to the point; and if a jury of ladies were assembled to hear the speech of the hon and learned member they would have heard him with very great pleasure. But, looking at his argument in favor of Temperance Societies, the very first question they would have asked was "Why does he not join them." The hon and learned gentleman should have recollected the quotation from the Scottish poet:

"Ah! gentle dames it gars me greet
To think how many counsels sweet,
How mony lengthen'd sage advices,
The husband frae the wife despises."

When the hon. and learned gentleman, therefore, asks me to strike off the ladies from these petitions, every member of the House ought to rise in opposition to him; because they come from the bosoms of families, and from the hearthstones of those who feel deeply on this question. Sir, the term fanatic has been applied to the friends of this Bill, intimating that they had more zeal than discretion, in pressing it forward moderately but energetically. If ever an expression were misapplied to any society or body of men, it was greatly misapplied in this instance. The men who pressed for this bill

had shown an example of moderation and forbearance which was not found to have been exercised in any question that had ever come before the Legislature. As long ago as the year 1846, a report was brought into the House of Assembly signed by a personal friend of my own (Mr. Gaius Lewis,) in which, after acknowledging the benefits which had accrued to the Temperance cause by voluntary lectures and organization, the committee remarked that:—

“ They are forced to the conclusion that no effectual or final cure of this dread evil will be found short of a total stoppage of the importation or manufacture of all intoxicating liquors; and they further believe that the time is speedily approaching when the force of public opinion on this subject will render it imperative on the Legislature to pass such enactments.”

In the subsequent year, the same gentleman (Mr. Gaius Lewis) signed a report—not recommending the same law, but looking at it in the distance, and in 1848, 1850 and 1851, progress was made in the same direction. Hon. Mr. Johnston stated the various steps which had been taken referring to public records as he went along, and said that he preferred, and he thought it was much more satisfactory to the House that he should refer to statistics and facts as he went along rather than indulge in declamation, as gentlemen on the opposite side had done. He went on to shew that in 1852, 1853 and 1854 this bill had been before the House, and although it had been actually carried, its friends would not press it, because they wished to educate the country up to its voluntary adoption. They had exercised all caution. There had been no precipitancy—their course had been peculiarly characterized by patience and moderation. Nor was the Legislation of the House without illustrious precedent. In 1834, the House of Lords in England supported a Bill having the same object as this; and in the 1st of June, 1853, an institution under the of “The United Kingdom Alliance” had been established in London for the suppression of intemperance. A still more significant index of public opinion in the mother country was that the Times, characterised alike for its great power, its wonderful ability, and its notorious want of principle as respects the changes of popular opinion, has recently enunciated very able arguments on this question. As to the practicability of carrying out the provisions of this Bill, that was altogether a question of experience, and hon. gentlemen had no right to assume that an untried experiment would be unsuccessful. In reply to those who had quoted Scripture, the hon. gentleman quoted the Apostle Paul in one of his epistles as saying that, among other offenders, “*Drunkards* could not enter the Kingdom of God”—that evil should be resisted, even to the cutting off their hands, if necessary. The gentlemen who quoted Scripture must show that the Scripture inculcates the use of intoxicating drinks. He hoped, among the improvements of the age the sup-

pression of the Liquor traffic in Nova Scotia would be a prominent one.

After hearing Mr. Johnston's argument; of which the above is an outline, until nearly 7 o'clock, the House adjourned—it being understood that the hon. gentleman was to resume on the day following, and the question be taken.

WEDNESDAY, Feb. 28, 1855.

Fees of Public Officers.

The Hon. Attorney General said that held in his hand a return of all the fees taken at the Secretary's office in the year 1854, which had been moved for some days ago by Mr. Marshall. They amounted to the large sum of £1070, the principal amount being £796 for Marriage Licenses issued at 20s. each. In no former year had so large a number been applied for, and it was one of the most pleasing indications of the good times we had been lately enjoying, that so many of these genial unions, the youth of the country drawn together, and moving off in harmonious couples, had been consummated. The same law extended to these provinces which the Registrar General had noted in Great Britain, where the number of marriages always bore a relative proportion to the briskness of trade and the ease and abundance of employment. He had to invite the attention of the House to the circumstances under which the fees for these licenses had been required. The fee in the revised statutes had been repealed, and the bill brought in at the last session had not passed. So far as the Provincial Acts, therefore, applied—there was no authority for exacting either 1s. or 20s. for a license, but as the issuing of the marriage licenses was an exercise of the prerogative, the Governor could attach any condition he thought fit, and an order in Council was passed adopting the old rate of 20s. for each license which the Legislature at its present session might modify or reduce at pleasure. The whole amount of course was paid into the treasury, and was subject to its control. If no law should pass during the present session the government would act upon the same principle. A remark of a similar kind was applicable to the sum of £229 appearing in the return for Militia Commissions. This was also a branch of the prerogative independent of any provincial act, but as the money went into the treasury it was competent for the Legislature to deal with it as they thought fit.—The committee now sitting seemed to be of opinion that these commissions should issue without charge, in which decision the government of course would readily acquiesce. The only other item that demanded any remark was the receipt of £3 for the fees on three patents taken out during the past year. The former acts imposed a fee of £7 for every patent, one half of which was paid to the Attorney General. But it was one of the numerous and silent reforms introduced by the Revised Statutes that this charge had been reduced to 20s. In one of the three cases a question a reference had been thought necessary to the Crown officers, and the Solicitor, in the absence of the Attorney General, then in England, had prepared an opinion and received the usual fee. The Attorney General himself had received and exacted no fee upon patents, though a case might occur where it would be right and proper that a fee should be paid. It ought to be mentioned also that Mr. Keating, whose salary would no longer maintain his family and whose

value as a public officer was universally admitted, claimed a commission on the receiving and paying over of these fees. This appeared to be a reasonable claim, but the Executive Government conceived it was a question solely for the House and had declined to entertain it as of their own authority. The Attorney General concluded by moving that the return should be referred to the committee, and by expressing the readiness of the government, at all times, to afford the most ample information on the receipt and appropriation of the public monies paid to its officers.

The papers were laid on the table.

Prohibitory Liquor Law.

Hon. J. W. Johnston resumed his argument of the previous day. In answer to Mr. Howe, with reference to fire, water, and other blessings, his answer was simply this—man could not control these elements; but the manufacture of intoxicating liquors was a perversion of the blessings God had given to man. If the abuse of opium were to counterbalance its use, then he would banish it from the land; but these were not parallel cases. We had an instance, however, where the heathen—a Chinese Emperor had endeavored to destroy the abuse of this baneful drug, which had become as destructive to his subjects as intoxicating drinks had become with us; when, melancholy to relate, England, christian England, had sent her fleets to enforce its consumption. A few weeks ago he was curiously surprised at taking up a Boston paper, and finding an edict issued against wine by an insurgent chief in China—so that even the heathen were ahead of us; and this individual levelled his prohibitions not against the poor but the great—but decreed that all Ministers of State—

Mr. Howe.—Railway Commissioners?

Mr. Johnston.—Yes! Railway Commissioners. (*Roars of Laughter.*) Aye, but only bear what is to be done to them? If any body knew of a Minister of State, or Executive Councillor, or Railway Commissioner, drinking Wine and did not inform on him he should be decapitated;—(*Roars of Laughter;*) if any body knew of such a thing and did tell, he should occupy the place of that Minister of State, who should have his degraded head cut off. (*Renewed merrime t.*) Little need be said in answer to the honorable gentleman's argument as to women and the passion of Love. These are necessary for the preservation of our species—spirituous Liquors are not. For, the moment it is shown that fermented liquors are useful as a common beverage for the human system, our argument drops. On the contrary all experience proves that they are injurious, and that nothing short of this law can abolish their use. When I am met with these references to other gifts which can be abused, I answer that this is a peculiar one. Man must eat and will eat; and we cannot prevent an inordinate use of food. Man need not use intoxicating fluids; they are injurious and destructive to him, and we desire to banish them from the land. We maintain that they can be so banished; and in denying that their use is beneficial, we do not admit that the highest efforts of Poets, Orators, Statesmen, or Artists, have been accomplished under the influence of wine. Exhilarating drinks may quicken the faculties for the moment, but leave them in utter prostration; and ultimately ruin both body and mind. This it is that invests this subject with its solemn—its momentous character; and not only does it apply to one age—but continues from generation to generation. The health and

disposition of the father has its influence on his offspring; and all children of parental inebriates have a tendency to the unhappy appetite. Thus are perpetuated the physical evils which flow in the train of this noxious habit. It is a singular fact in this debate that all gentlemen have abandoned argument in favor of distilled spirits and rallied round vinous beverages, but in reality there is no difference between the two, except in the degree and extent of their intoxicating qualities. Whether vineous, fermented or distilled, the use of such liquors in the human system shows its ruinous influence in every aspect. They impair the health—becloud and stultify the mental faculties—shorten life—and wither up the moral responsibilities of man. Not only do they place before us often times the image which God gave for nobler purposes, debased into a spectre of physical and moral ruin—with every fair prospect in this life blighted; its baneful influence extends beyond this life, and darkens the prospect of hope beyond the grave.

But if we look at the evils of intemperance in one man as relatively connected with other beings, we shall find them amazingly magnified. We do but little when we touch a man singly; for he who renders himself an inebriate and ruins his own character, makes himself the unhappy instrument of misery to all those over whom he has influence. He brings shame upon himself and want and degradation on those who are dependant on him; because he wrecks the happiness of the wife of his bosom, who has given him her hand, and made her fortune his for life; and consigns his children not only to penury and rags, but destroys their moral perceptions by his bad example. But take a wider range and watch the influence of such a man on the community of which he is a member! Behold one whom God designed for nobler ends—one whose duty it is not only to promote his own happiness and that of his family, but contribute to the general good;—see him failing the ends of his own existence and consigning those he should love, cherish, and protect to the alms house—perhaps to penitentiaries and Jails! Here is the reason Mr. Chairman, why there are 20,000, 30,000 or 40,000 names to these petitions—because the great body of the people of this country feel, in some channel or other, the deadly evils of intemperance. But we do not want names. We have only to take examples standing out before us every day to prove that there is ample reason, and apparent grounds for the adoption of the law proposed in the Bill now before you. All admit that the picture I have drawn of the evils of the liquor traffic is not overcharged; but when we bring forwards the *only remedy* that will be effectual, we are met by the argument that it goes too far! Sir, I confess that most of the reasoning against the measure does not appear to merit much estimation. Fanaticism and extravagance are imputed to us most undeservedly; for never was a subject calling for reform dealt with more soberly and guardedly than this. We have made no hasty attempt to bring the Law into operation. It exhibits no novelty now. It has been our theme for years, and the time has arrived when we may safely try the experiment.

The hon. and learned gentleman here read numerous extracts from different authorities, showing the destructive power of alcohol over talent, genius, health, and went on to instance its effects on the mind by quoting the language of the captain of a ship in which he once sailed to England. On hearing the coast the captain was ordered to take a glass of brandy and water; but his

answer was—"No! wait till we get 'round Holyhead." I heard this as I lay in my cabin, and afterwards asked him the reason of his answer—why he refused the drink? and his candid answer was, that in charge of a ship just nearing the coast he dared not drink for fear his intellect would become clouded, and he might make some trifling error which would endanger the ship, and the lives of all on board. Mr. Johnston also mentioned the case of a physician in Warwickshire, who was in the habit of taking a glass of brandy before he went to bed; but so seductive were its influences, so gradually encroaching the force of habit that, knowing the injurious influence of the liquid, he had to instruct his servant to pour him out *one* glass only before he went to bed, and lock up the decanter. Mr. Johnston here referred to the operation of alcohol on the human system, and quoted from authorities on the subject. He proceeded to say that he did not know why David had been referred to by the hon. member for Cumberland, but if he had come a step further down and quoted of Solomon—Solomon with his 700 wives and 300 concubines (roars of laughter,) he would have found that the writings of the wisest man were against him. The Proverbs said—"Look not thou upon the wine when it is red—at the last it biteth like a serpent and stingeth like an adder. Thine eye shall behold strange women, and thine heart shall utter perverse things." Prov. 23c., 31, 32, and 33v.) So that Solomon sustains the bill upon the table, and if he were here I should have his vote. (Laughter.) The hon. gentleman referred to the Puritans. True, sir, they had faults—that I need not deny; but they were driven into moroseness and austerity by wrongs and persecution. Still they were distinguished for noble and manly virtues, and were incomparably in character superior to Charles the II, whose court was thronged with licentious characters and dissolute women—such as the hon. Railway Commissioner has had painted on his cars.—Cromwell raised England to the highest pinnacle of prosperity—the "Merry Monarch" became a base pensioner on an adjacent kingdom. As to Pitt, Fox and Sheridan, the hon. gentleman has done enough for my argument in merely mentioning their names; for all of them were carried down to untimely graves by the sin of drunkenness. As to William Tell, I do not believe a drop of liquor passed his lips on the eventful day when he performed the exploit of shooting the apple from his son's head. Even if he were in the habit of drinking he would have taken care on that occasion not to have unstrung his nerves; and unless the hon. gentleman produces the fullest testimony, I cannot believe his assertion.

Mr. Doyle.—There is no doubt whatever that he had "a shot in."—*Much Laughter.*)

Hon. Mr. Johnston.—Rather he had a shot out.—(Laughter.) The Hon. Gentleman went on to argue that wine was not necessary for the healthful exercise of man's faculties. That it was one of the most precious gifts of God to man was partially unsound; because man perverted the true nature of the juice of the grape by artificial means. We were told yesterday that wine formed the union between Christ and his Church. This Bill is not directed against that wine. The real unfermented juice of the grape is one of the most nutritious products of nature. It is in the highest degree beneficial to the human system. All this we admit; and yet we have not

reached the point contended for by the Hon. Provincial Secretary. What we import under the name of wine is the juice of the Grape corrupted by the art of man. The Hon Member for Cumberland will have us believe that man is cold, heartless, bloodless, senseless, until he has imbibed the juice of the grape; if this be true, let us not be proud of the triumphs of man's intellect; but proud of what Wine, and Brandy, Gin and Whiskey have achieved!

But it is said it will be impossible to carry out the measure. That remains to be proved. That there will be evasion of the Bill, I have no doubt, but it is in vain to say that there will not be a large amount of good flowing from it, while the evasion can be but small. You declare the manufacture, importation, and sale of spirituous liquors, except for medical, manufacturing, or mechanical purposes *illegal*; and you provide that all such articles shall be warehoused, as goods for exportation are now warehoused, and therefore no person can hold intoxicating liquors in possession unless known to the authorities, or they be illicitly obtained. If the latter the article shall be liable to confiscation. We have, therefore, the best means we can devise to carry out the Law, and we ask for it because there is a reasonable prospect of its success. The Hon. Gentleman quoted the opinion of Bishop Burgess on the subject; and opposed the proposition to strike out the word "importation" from the Bill; because if liquors were to be allowed at all, they might as well be made in the country where the manufacture would afford some employment to our people. As to the Revenue, let it go!—it was nothing compared with the blessings sought to be obtained under this Bill. We desire not to interfere with the business of any persons in the community; but they must not sell that which will ruin others. Personal interests must yield to public necessity; and the higher classes of Society must be content to forego their social indulgences in consideration of this great moral reform. I may remark that he who votes against sending the Bill to Committee votes against any restriction whatever; and in closing, let me touch a chord on which the Hon. Attorney General played during his speech—when he reminded Hon. Members of their responsibility for the votes they were about to give. I remind those who vote against the Bill of their responsibility; and trust each member will choose for himself a course which will promote the welfare of his constituents, which will be in accordance with the scriptures we revere, and which will secure the approval of his own conscience.

Mr. M. I Wilkins—Suppose intemperance to be an evil, as I acknowledge it is, and one of great magnitude; but did not the Almighty send evil into the universe; Who sent thirst? Who sent hunger? Did man make hunger?

Hon. J. W. Johnston—Who gave an abundance of water to satisfy thirst?

Mr. Wilkins—But if it were not for thirst man would not drink this cold water, and if it were not for hunger man would not eat. Evil has, therefore, been introduced into the world to increase the ultimate sum of human happiness.

Hon. Mr. Johnston—I did not say that the Almighty created intemperance; but thirst. God gave man the grape and the grain; but He is not to be charged with sending intemperance into the world, because man's pernicious appetite has

perverted His blessings, and wasted the grape and the grain in intemperance.

Mr. Doyle—I am satisfied of one thing—that water has claimed more victims than wine—more men have been drowned than ever died from drinking.

Hon. J. Howe—Yes! and water is the only thing that ever destroyed the whole human family.

Mr. M. I. Wilkins argued that the wines of Scripture possessed a saccharine and intoxicating property.

Hon. J. Howe—I do not rise to take up time, which would be uncourteous to the hon. and learned gentleman for Annapolis, who has the right to close the debate; and in moving the resolution I hold in my hand, I care not whether it passes or is rejected. I may say that I am glad at the manner in which this question has been treated by the house; and acknowledge that its friends have not pressed it on us unfairly. I do not move this resolution for the purpose of delay, but before we pass such a bill as this, I do sincerely desire to ascertain, in an authentic form, the operation of the law in those countries where it has been adopted. I should be quite satisfied if the hon. and learned member for Annapolis himself, and one of the Judges of the Supreme Court, or any other man, were to be sent to Maine, to inquire into the actual working of the Law. I shall look upon this, not as delay, but as time well spent for our information. I have put 3 Commissioners in my resolution, in order that there may be no jockeying on the part of the Government.

Resolved, That this bill be deferred until the next session, and that the lieutenant governor be respectfully requested to appoint three commissioners, having the confidence of this house, to proceed to the United States; and in those states which have adopted similar measures to carefully examine into their character, working, and effects, and to report at large for the information of the government, and the people of this province.

Hon. Attorney General.—The hon. and learned member for Annapolis, has placed the matter in an unfair light when he tells us that all who vote against this Bill vote against all restriction. That is not a fact.

Hon. Mr. Johnston. They should vote for it, who are in favor of any one restriction.

Hon. P. Secretary.—Were we not distinctly told by the advocates of the bill at the outset than they intended to have "the Bill—the whole Bill—and nothing but the Bill?"

A call of the House was moved before division.

Mr. John Campbell said that he understood Mr. Creighton paired off with Mr. Mosher.

The motion was then taken on Mr. Howe's resolution as follows:

For the resolution.

Comeau,
H. Munro,
Wade,
McKinnon,
Wier,
Doyle,
Martell,
Pro. Sec'y,
Att. General,
M. I. Wilkins,
Annand,
Solicitor General,
Esson,
Howe,
P. Smyth,
McLeod,
Cowie,

Against

Ryder,
Marshall,
McQueen,
John Campbell,
Josiah Coffin,
Thomas Coffin,
Fulton,
Zwicker,
John Munro,
Jost,
Beckwith,
Thorne,
Shaw,
Bent,
Holmes,
Murray,
James Campbell,

Bourneuf,
Fuller.—19.

Chipman,
McLellan,
Dimmock,
Brown,
B. Smith,
Johnston,
More,
Archibald,
McKinnon,
Killam,
E. Young,
Whitman.—29

On committing the Bill the House again divided, and the motion passed 29 to 19—the names above being reversed.

Mr. Doyle. Seeing the Hon. Financial Secretary in the ranks of the majority, I beg leave to ask him whether he has drawn his salary from the Treasury during the past year, inasmuch as a considerable portion of it was raised from the very traffic he condemns?—(Laughter.)

City Morals.

Hon. Joseph Howe—Mr. Speaker, I rise to ask leave to introduce a Bill which has been placed in my hand by the Mayor of this City; and I may say I believe it has been placed in my charge, because some observations I made the other day having given offence, this will give me an opportunity of explaining. The Municipality complain that they have not the power to cure the evils to which I then alluded; and they desire to obtain such power. The bill is short and the proceedings summary. It gives the Mayor or any Alderman the power to enter any place suspected of being a common brothel. (The hon member read and advocated the bill.) Now, sir, our laws are sufficiently stringent against women—against those who are thrown outcasts on the world and cannot be restrained from evil practices; but the brute of a man who is ten thousand times worse in his nature than any woman who opens a grog shop, and connects with it an establishment of the worst description—for him, it seems, the law has not sufficiently provided. He has not only an interest in preventing these poor wretches from returning to the paths of virtue, but in their drinking the liquid fire which he sells to them and others. To this extent I would go—give the magistrates the power to enter these dens, and wherever they find a man keeping a brothel and selling rum, let them deprive him of his license, and never give him one again.

Mr. Doyle—How is it that neither the country nor township members were consulted on this Bill.

Mr. Wier—the hon. member for Cumberland has taken Halifax into his special keeping. Mr. Wier went on to take exception to and deny the statements of the hon. member for Cumberland made the other day, with reference to the immorality of Halifax. He maintained that Halifax was a far more moral city considering its size and position than any other city in the world. In a sea port and garrison town, where sailors and soldiers were floating about there must be such houses; and he considered it would be very bad policy to make them respectable.

Mr. Howe reiterated his charge, and declared that he knew of no city so bad on this continent except Buffalo, on Lake Erie.

Mr. Wier and Mr. Esson defended the city and enumerated the efforts of the Corporation to check drunkenness and vice.

The Bill was referred to a Special Committee.

Hospital at Pictou.

Mr. Martin I. Wilkins.—I hold in my hand a Bill to provide for the erection of an hospital at Pictou. Even if this Bill does come strictly under the term "Private Bill" I hope there will be indulgence enough in the House to allow me to introduce it as a special favor, considering the humane object it has in view.

Hon. Att. General.—I shall not oppose this motion, but the difficulty is that when the rule is once broken, we do not know where to stop.

Mr. Wilkins.—The Bill is for the benefit of the whole Province—to prevent the spread of disease.

Mr. Wier.—Now, that the Liquor Bill has passed, there will be no disease in any part of the Province.—(Laughter.)

Mr. Martell.—Do I understand this Bill is to tax coasters?

Mr. Wilkins.—No—it is not. I move it be referred to a Committee, and I name myself as Chairman—I presume you have no objection to that.—(Much Laughter.)

Mr. Wilkins then proposed Messrs. Coffin, Whitman and Ryder, to whom the Bill was referred.

House adjourned.

THURSDAY, March 1, 1855.

Statute Labor.

Mr. J. Coffin—moved that the resolution reported from Committee in reference to the Statute Labor Law be taken up; it was intended to test the sense of the House as to the propriety of the principle and if adopted the Committee would then be prepared, to report a bill to carry it out.

Mr. McLellan thought the Committee had better introduce the bill first.

Mr. M. I. Wilkins referred to the abuses incident to the present Law; a poor young farmer was now obliged to contribute as much to this service as a wealthy man who kept all the carts in the country running; and it was an admitted fact that one half the labor which should be expended on the roads was either injudiciously laid out, or was not performed at all. He thought some revision of the system was absolutely demanded.

Mr. Comeau. Sir, I hope this house will never prove so ungrateful as to compel Clergymen to perform Statute Labor. I am now about 60 years of age—my property is limited, but little as I have it is my own: when I was sixteen years of age I was compelled to labor for six days in every year on the highways; a number of years passed and a Law was passed compelling me to work 8 days—and that is not all, they followed me up. (laughter) —and after the lapse of further time made me work four days additional—when I got up to 60 years of age I thought I was clear altogether (laughter) but now I see that you were going to follow me up again. (laughter.)

Mr. Dimock.—The present law does not give entire satisfaction—and an alteration should be made. I would like, however, to wait until we know what kind of a Bill is to be introduced—and if I thought it would be beneficial I should support it. I do not think that any young man—below the age of 21 years living with his parents should be assessed.

Mr. A. G. Archibald advocated an alteration in the law; it was well known that Magistrates had relieved persons from the performance of this public duty—who should not have been relieved,—while the public service had to suffer in consequence,—in Colchester 15 bridges had been carried away and 7 were severely injured—these had to be supplied, and if the statute labor were not performed as it should be the public would suffer severely.

Mr. Killam.—This is a question which interests the whole Province, and is as important in its character and consequences as any that has been discussed this session. On it depend the facilities for intercommunication afforded our people—the state of our public highways renders it essential that we should guard the performance of Statute labor rigidly, since the public have only this and the sum voted by the house from which to construct their highways, and keep them in repair.

Mr. Shaw said that something was necessary to be done; it was perfectly clear that there was not half the labor performed on the roads that should be, but he did not know what would obviate the difficulty.

Mr. Marshall maintained that this was the very time the question ought to be brought forward; the Government ought to take the responsibility of introducing measures for equalizing taxation, both for Statute labor and Education—and the principal part of such taxes ought to fall upon the wealthy.

Dr. Brown was in favor of the resolution.

Hon. J. Howe.—The unimproved land sought to bear part of the tax.

Hon. Mr. Johnston.—The adoption of the Municipal Corporations bill would provide for both subjects, Statute labor and Education.

After some further discussion the resolution was put and negatived.

FRIDAY, March 2, 1855.

Breakwater, Short Beach.

Mr. J. Shaw moved the following resolution:

Resolved, That the sum of fifty pounds, being the amount granted last session, to aid in the construction of a breakwater at Short Beach in the county of Yarmouth, shall be paid to the commissioners of that work, in consideration of the heavy expenditure made, and no aid having been before granted by this House, notwithstanding part of the expense was incurred before the grant was made.

The resolution passed without division.

Leave of absence.

Hon Joseph Howe—Mr. Speaker—I rise to ask the house to grant me leave of absence for the next ten days. I have been in the house, sir, for 20 years, and have never found it necessary to ask for such absence before. I trust, therefore, the house will grant me this indulgence.

Leave of absence was granted unanimously.

Liquor Law.

The Prohibitory Liquor Law was put into Committee and passed—to come into operation on the 1st April, 1856.

Contingencies.

The same Committee as acted last year on contingencies was appointed.

Militia Law.

Mr. B. Smith reported bills on the Militia Law; the amendments recommended by the Committee were to authorize the sale of any arms that are unserviceable: the importation of improved arms for the militia, to such extent as the house might be disposed to provide the means, and the formation of volunteer companies in the several regiments and battalions. The first bill reported continued the militia law of the revised statutes, and also the act of last session, except the sixth clause, provided for the payment of adjutants and other officers, for duties performed last year, and that no fees should be paid on militia commissions.

Reciprocity Treaty.

Hon. Attorney General stated that he had received a telegraphic despatch, announcing that the fishery and reciprocity treaty had been passed by both branches of Congress.

Chancery Bill.

The Chancery bill was taken up and discussed in a conversational manner—the formal debate on the subject being postponed till to-morrow.

Customs Officers.

Mr. Wade gave notice of a motion to call upon the Imperial Government to provide for dismissed officers of Customs.

Hon. Attorney General said that the subject was under consideration of the government.

Mr. Wade expressed himself satisfied with the declaration just made.

—
SATURDAY, March 3, 1855.

The House met and adjourned to afford time for Committees to transact business.

—
MONDAY, March 5, 1855.

House of Refuge—Dispensary.

Mr. B. Wier reported from Committee on the establishment of a House of Refuge—and a Dispensary—recommending a grant of £50 in aid of the first object, and £100 for the latter.

After some conversation in a low tone,

Mr. Killam objected to all these grants passing out of the Treasury—£1850 for Poor Asylum, and now these two grants. He considered both grants in this Report unnecessary. The Poor House was open for the admission of all the Poor and Sick.

Mr. Annand would be very sorry to interfere with the Dispensary—at different times 40,000 persons had been relieved at that establishment; and what did the Province pay? Heretofore only £50, and there were at all times a sufficiency of vaccine matter.

Mr. Wier explained that it was not contemplated to disturb the old establishment—this was a different institution, of which gentleman had received information by circular.

Hon. J. W. Johnston particularly advocated the establishment of a House of Refuge, in order to save fallen women from utter destitution and the most loathsome and wretched deaths, both physically and mentally. A house had been hired—the cost of £250 had been borne by private subscription, and over half a dozen of these unfortunate women had been won back to the path of duty, and resided there for nearly a year. He was very glad the Committee had recommended a grant of £50 and was quite sure it was but a small proportionate sum for the public Treasury to give—compared with the subscriptions raised in Halifax.

Hon. Attorney General.—I move that the Report be received and such parts as refer to the House of Refuge be adopted. I do not oppose the other grant, but wish to have it put in shape.

The motion passed in the negative, 22 to 15.

Several Voices.—There is a mistake in the question.

The Speaker.—The question cannot be put again, without unanimous consent.

Mr. Wier.—If this had been brought in, for any other part of the Province, I have no doubt it would be assented to, but some members, like the Hon. Member for Yarmouth, are constantly and jealously speaking against this city. If it be true that there are as many poor in proportion to the population in Yarmouth as in Halifax, I am astonished to hear it, judging from the speeches constantly made about the prosperity of that Township. I think it very unfair that a report of a committee should be hustled out of the House in this manner—it would at least have been more courteous to have negatived the items in Committee of Supply. I give notice that I will move in the morning to rescind.

Chesley Abiteau.

Mr. Howe presented the petition of Gilbert Fowle and 47 others, against the repeal of the act relating to the Chesley Abiteau. Annexed thereto was a copy of a letter to Mr. John C. Wade from Ezra Foster and 14 others, requesting that their names should be erased from the petition of R. H. Bath, J.P., inasmuch as their signatures had been obtained by misrepresentation; and also the petition of Joseph Clarke, and eleven others declaring that there were a number of misstatements

contained in the petition of Benjamin Chesley and others.

Agriculture.

Mr. Smith, from the Committee on Agriculture brought on his report, which made the following recommendations:

£10 to Samuel Phillips and others of Barragee, in aid of Oat Mill, but all such grants to be discontinued in future.

Daniel Vetter, Inverness, frauds in grinding grain. The law affords sufficient remedy.

Central Board—Salaries to

Secretaries	£75
Printing	12 6 10
Cattle from New Brunswick	136 12 7½
Sheep from Canada	53 15 6
Fowls and Eggs	18 6 0
Books for Distribution	5 12 6
Paid Secy's. Industrial Exhibition	35 11 4
Rent, Postage and expenses	14 5 6
	<hr/>
	357 4 3
Received from Treasury	200 0 4
" Sale of Cattle	116 11 ½
" Sale of Sheep	18 10 6
Balance in hand from last year	75 19 11
	<hr/>
	411 1 9½

Leaving a balance in hand of 59 17 6
The Board had imported last year several head of Ayrshire cattle, and 5 Leicester sheep.

The report recommended a model Farm, improved breeds of sheep, and the manufacture of bone manure.

46 Local Boards are in useful operation. The grant of £900 to be continued, and £200 for the Central Board.

The cost of importation and keep of Stallions to 7th of March, 1855, was £199 8s 2d. less than the amount voted for the service, which was £2000.

The Committee recommended the payment of £10 to Palmer Inglis for taking care of said horses.

£2000 to be granted, including the amount to be realized from the sale of horses, for the importation of 9 other Stallions to improve the breeds in the Province—1 to each 2 adjacent counties; and £850, for the importation of Mares.

£1,000 for the importation of improved Sheep.

£50 to encourage the manufacture of bone manure.

£150 for the distribution of Mr. Dawson's Book among the Farmers of Nova Scotia—5,000 copies.

The report was signed by all the Committee and was laid on the table.

Indian Affairs.

Mr. Whitman from the Committee on Indian Affairs, reported the following payments in behalf support of Indians.

Capt. Charnley,	£85 0 0
A. Whitman, Annapolis	20 0 0
A. Campbell, Tatamagouche	10 0 0
J. McKinnon, Sydney	80 0 0
Hon. J. McLeod, C.B.	30 0 0

John Creighton, Lunenburg	10 0 0
Rev. Mr. Corteau, Richmond	20 0 0
JB McDonald, Pictou, & Colchester	17 5 8
" " Kings, per acct.	7 0 8
A. F. Comeau, Clare	15 0 0
Dr. Jennings, Medical Attendance	4 10 0
Dr. Shaw, Kings County	16 1 9
Dr. Borden, " "	1 10 0
Dr. Webster " "	1 15 0
Dr. Payzant, Queens	1 18 9
Dr. Forbes, " "	3 8 7
Dr. Croker, " "	2 8 6
Dr. Elmsley, Victoria,	2 10 2
J. P. Doane, support of Boy	5 0 0
Newel Jedore	4 0 0
Thomas C. Seaman, Morton	2 16 0

280 4 5

Undrawn £3 7 6
Dr. Foreman 7 6

3 15 0

283 19 5

300 0 0

Grant for 1854

Balance in Treasury 16 0 7
Due Capt. Chearnley to Dec. 31, 1854, 10 15s. 2d.; due J. McKinnon, Esq., Sydney, C.B., 15s. 4d.

In hands of Hon. J. McLeod, £1 0s. 7d.; in hands of John Creighton, Esq., 13s. 10d.; in hands of Rev. Mr. Corteau, £4 9s. 6d.

The Committee recommend the following sums to be paid out of the grant for 1855:

Dr. Forbes, Queens,	£5 0 0
Dr. Croker, " "	2 2 3
Dr. Harrison, Musquodoboit	5 0 0
Dr. Jeans,	6 12 6
Dr. Foreman,	2 12 6
Dr. Tupper,	5 0 0
Dr. Brown,	3 0 0
Samuel Bayard, Guysborough,	4 17 6
Charles Gallagher, do	1 0 0
John H. Minor, Horton,	8 11 10
Irak Benjamin, do	12 5½
Rev. T. Welch, Queens,	4 0 0
Francis Paul, Indian Chief,	4 0 0
Newel Jedore, Indian Chief,	4 0 0
W. J. Fuller, Horton,	9 4 4
Rev. Mr. Garey, Clare,	15 0 0
John Wade, Esq., Bear River,	10 0 0
J. Creighton, Esq., Lunenburg,	10 0 0
A. Whitman, Esq., Annapolis,	20 0 0

The Committee again recommended the passage of an act imposing penalties on persons purchasing Indian Clothing, guns, &c, distributed as bounty to Indians.

The Report was signed by all the Committee, and was referred to Committee of Supply.

Mines and Minerals.

Mr. Archibald.—I rise, Mr. Speaker, to move the resolution agreed to by the majority of the Committee on Mines and Minerals, in relation to the royalty on slack coal. This resolution affirms the right of the Province to £3,152 0s. 11d., the amount payable between the 31st of December, 1849, and the 31st of December, 1853, on 31,250 chaldrons of slack coal raised and sold by the Associa-

tion during that period. The resolution is as follows:—

“Resolved, That this house are of opinion that the general mining association have no legal or equitable claim to exemption from the demand of £3152 Os. 11d., made against them by the provincial authorities for the royalty on slack coal, for the period intervening between the 31st December, 1849, and the 31st December, 1853, and that the executive government be required to communicate this resolution to the agent of the association, and take such other steps as may render available for the use of the province this portion of the crown revenues.”

Before entering into the particular subject of the resolution before the House, I feel it right to make a few preliminary observations. It will appear by a hasty review of the different negotiations and arrangements between the Crown and the Province, on the one hand and the association on the other, that the result has always operated in favor of the company. Mark, sir, a few facts in confirmation of what I state. The reservations in the grant to the Duke of York in 1826 were one shilling sterling per ton of 22 hundred weight, each hundred weight being 120 pounds. By the arrangement of 1828, as interpreted by the company, superseding the lease of 1826, the reservation is £3,333 6s. 8d. for the first 20,000 New Castle chaldrons, and two shillings currency, on all over that quantity. To try the effect arising from the difference in the two reservations, I have calculated the rents payable under the Duke of York's Lease on coal raised from 1849 to 1853 inclusive. By the Journals of 1854 it appears that the quantity of round coal raised in that period, amounted to 295,147 Newcastle chaldrons. This quantity under the Duke of York's Lease would pay

The revenue received was	£48,524 33,268
Difference	15,256

Which represents the gain to the association by the substitution of the agreement of 1828.

The only agreement which appeared in point of fact to exist, consisted of letters from Sir George Murray to the Governor of Nova Scotia, and the papers therein referred to. In the letter of the 2d December, 1828, Sir George states that the Treasury had agreed to lease the coal mines of Cape Breton for a rent of £3,333 6s. 8d.

In a previous letter, however, he had stated that the agreement referred to he Coal Mines of Cape Breton, and the reserved Mines at Pictou, and that the terms of such lease were set out in a memorandum enclosed. It is a remarkable fact that these letters don't contain the words “Newcastle Chaldron,” and the whole correspondence marks the astuteness with which the interests of the Company were watched and the incapacity of the Minister to whose care the interests of the Crown were entrusted. Why, Sir, it would appear

from the letter of the 2nd of December 1828, that Sir George Murray was so ignorant of the geography of the question at to suppose that all the mines he intended to lease were in Cape Breton. With that glaring fact on the face of the letter, it is not at all wonderful that the Colonial Secretary, who does not appear to have had his attention drawn to the peculiar wording of the Association's proposals should not have understood the Newcastle chaldron to mean anything more than the ordinary Winchester Chaldron; and therefore it is not at all unlikely that under this phase, the association have benefited by getting a remission of one half the burden intended to be imposed on them.

But, sir, in 1845, they made a further advance. For the fixed rent they had up to that period the liberty of raising 20,000 Newcastle chaldrons. By the Treasury Minutes that year, made at their solicitation and against the wish of this Province, they are allowed to raise an additional quantity of 6,000 chaldrons without any addition to the rent. It has always been understood that the Association, in obtaining a right to raise, by the Newcastle measure, were to be really governed by that measure. But what has been the fact? By the authority of a gentleman whose name on subjects of this kind is a guarantee for the accuracy of the information, Mr. Taylor, the author of the Coal Statistics, the Newcastle chaldron is stated to weigh 53 hundred weight. It has been lately understood that as invoiced at Pictou it weighs 32 hundred weight per chaldron, Pictou measure, and by the examination of the Association's Agent last year by the Committee on Mines and Minerals, it is admitted that the weight is 31 hundred weight, and that the Newcastle measure is double or 62 hundred weight. Here, then, it appears that under the Newcastle chaldron the Association have been in the habit of selling 29 hundred weight more in each chaldron than they are entitled to under their lease. Let this run over the period from 1849 to 1853 inclusive, and what is the result? Why, just this, sir! that within that period the Association have saved on the round coal the sum of £7,011 3 0, which should have found its way into our Treasury, if the payments had been made on the measure by which it is proposed to be regulated. I call the attention of the Government to this fact. I think it is a matter of grave importance and it well deserves their particular attention. I also call the attention of the honorable and learned gentleman for Annapolis to this fact. On this point he has been misled—the Province has—every one has.

In 1845 when the Crown was about enlarging the quantity which the Association were to be permitted to raise for the fixed rent, the matter was referred to the local Government, of which the Hon. and learned Gentleman for Annapolis was leader. A representation was made by the Administration here to the Colonial Minister showing that in the agreement of 1828, the association had obtained terms more favorable than those under the Duke of York's Lease.

A calculation is made to support that view and in that calculation which will be found on the Journals of 1845, page 10 of appendix, the same learned gentleman states that 40,000 Newcastle Chaldrons contains 96,000 Tons.

In this calculation the weight of a New Castle Chaldron is assumed to be 52 cwt., and is converted into the tons specified in the Duke of York's Lease. But if the calculation had been made according to the real weight as now claimed by the association, the aggregate would have been 115,000 tons instead of 96,000. So that not only the house have been misled—but the past as well as the present Government have been laboring under a delusion which is putting money in the pockets of the Association at the expense of the Provincial Treasury. This matter should receive, and I hope will receive, the most thorough investigation.

And now, sir, to come to the subject immediately before the house—the question of slack Coal, I would only premise that this is hardly a time for the Company to come here to solicit such an indulgence. By the Reciprocity Treaty passed this very session, an immense boon has been conferred on the Association. Let us see to what an extent—Last year they raised and sold 146,000 Chaldrons Winchester measure. This year they will, without doubt, raise 180,000 chaldrons of which two thirds or about 120,000 Chaldrons will find its way into the United States. Before the law passed the duty on each chaldron was 5s. or equal to £30,000 on the Export of this year. Under the operation of this law, therefore, this branch of trade has received in effect a bonus of £30,000 per Annum. If it could have been carried on at all before it would be carried on now with just the advantage of that amount each year over former years. To obtain this advantage, many gentlemen were of opinion that important rights and interests of other classes in Nova Scotia had been to some extent sacrificed—and it seemed hardly the time for the Company to press for the exemption of the fair debt they owe to the Province.

I will not go into the history of the Slack Coal question, which has been expanded at large in the Report which has been printed and is in the hands of members. Under the Law it is clear that the Association are liable to pay on Slack Coal. Indeed, they admit the liability—and the only question now is whether a settlement made in 1849 by which it was stated that it should be left to the "Legislature" to say whether Royalty should be paid on Slack Coal, thereafter, interfered with this right. It has been contended first that the Legislature has never acted; and Secondly, if there had been such action, no notice of it had been given to the Company.

Now, as to the meaning of the word "Legislature" in the Memoranda I cannot entertain a doubt. It is necessary to look at the whole context, at the Letters by which the negotiation was commenced and carried on—How does it begin? By a Letter from Mr. Howe to the

Agent of the Company calling his attention to the "Report of a Committee of the House of Assembly"—In a subsequent part of the correspondence he speaks of the matters to which the "attention of the Government had been drawn by the Legislature" referring to this same report of the Assembly. Can it be supposed that in the correspondence the word "Legislature" meant one thing and in the settlement resulting, another? There could be no reasonable doubt on that subject to any one who would look over all the documents.

Then, as to the notice;—is it possible that the action of the Assembly in 1851 should not have been known at the time to the agent of the association?

In the first place the resolution for enforcing the royalty on slack coal, was reported from the committee on Mines and Minerals. Then 100 copies of the Resolution were ordered to be printed—and then, again, in the printed report of the proceedings of that day, the debate on the subject is reported at full length—and was participated in by Mr. Geo. R. Young, Mr. Johnston, the late Mr. Fraser, Mr. Harrington, Mr. Marshall—in point of fact every leading member then in the House appears to have taken part in the debate, and at the close of it an amendment is offered by Mr. Fraser, and rejected on division; and the original resolution carried on another division, both of these being entered with names on the Journals of this hon. House. Is it possible to conceive that all this could take place within these walls, and no report of it reach the ears of those whose interests were so deeply affected by the resolution?

But, sir, I hold that there was no need of any notice at all. The right to the royalty comes under the lease. It existed as well in the case of slack as of round coal, and was not to be created by any action of the House. It was a rent admitted by the tenant to be due to the landlord, but the tenant hoped to prevail on the landlord not to exact it. The rent was not released by not being demanded immediately, and whenever it suited the landlord to decide whether he would exact it, he had a right to do so. It was not necessary to send a formal notice. The public journals in which the acts of the Assembly are recorded, are a sufficient notification of the Assembly's decision and should have been responded to at once.

It might be said that if the duty on slack coal were imposed, it would fall heavily on our own people,—to some extent it might effect them. But of the 31,000 chaldrons to which the resolution refers, only 690 were consumed in this Province.

To give up royalty, therefore, on the whole would be the sacrifice of £3152 to the general Treasury for the purpose of saving some £695 to the parties using this coal.

It must be remembered, too, that those who should receive this bounty, were persons living within a short distance of the Mines, and who had access to this coal. The bulk of the population of the interior were excluded from this local advantage and it would therefore be hardly fair for the purpose of adding to the advantages of these favored few to strike off from the general revenue so large a sum, which we were entitled to receive.

In conclusion, I will say, that so long as the association claim to hold us by their bond, we should hold them by theirs. So long as they claimed by the improvident acts of the Crown, the full benefit of the language of their grant,

they should be content to have the same measure mented out to them.

I hope, therefore, that the resolution reported from the committee will meet the approval of the House, and that this question will be soon finally set at rest.

Mr. Martin I. Wilkins advocated the views of the minority of the Committee as set forth in the following memorandum :

We have declined to sign this report, for the following among other reasons :—

1st.—As the report undertakes to set forth the facts, and to deduce conclusions from them, it ought, we think, to have done so with equal fullness on both sides, which, in our opinion, it does not do.

2nd.—We think the negotiation of December, 1849, is not stated with the distinctness requisite to convey an adequate idea of the extent and obligation of the compromise then made. The letters that passed between Mr. Howe and Mr. Cunard, in December, 1849, —and still more the payment by Mr. Cunard, and the acceptance by the provincial government, on that occasion, of money which has been in dispute and formed part of the compromise,—gave to the arrangement, morally and legally, the force of a binding agreement. This deduction, and the facts from which it is drawn, ought, we think, to have been clearly stated and distinctly acknowledged.

3d.—The fact that the house in 1850, when the matter was still fresh, did not adopt the report of the committee, recommending the duty on slack coal to be enforced, and did not take any action on the subject, has a pertinency in the argument which, we think, demands for it more prominence than has been given in the report.

4th.—In our opinion, the whole of the reasoning and inferences designed to shew that the association or its agents indirectly had knowledge of the resolution of 1851, ought to be expunged. If the association was entitled to notice of the decision of the house, it had, we think, a right to expect and require that the notice should be given formally, and accompanied by a distinct intimation of the views and intentions of the government in relation to the resolution of the house. From Mr. Boggs' testimony, it appears that no notice was given until 3rd March, 1854.

5th.—That part of the report which endeavors to establish that the Receiver General had a right to suppose that the statements and receipts rendered to his office by the agent of the association included slack coal, is, we think, imperfect and inconclusive. The report fails to notice the necessary deduction, from the significant fact that the Receiver General received a statement and gave a receipt for the coal of 1850 similar to those for the coal of 1851. Yet in the former he must have known that the slack coal was not included ; because by the agreement entered into the year before, to which he himself was a party, the future payment of duty on slack coal had been made to depend on the decision of the legislature, and he knew that no branch of the Legislature had intermediately adopted

any decision to enforce the payment. To suppose that the Receiver General believed the agents of the association, under these circumstances, to have voluntarily included the slack coal in the statement for 1850, would be inconsistent with reason and the state of the facts ; hence the receipt in full for that year cannot be subject to the objection made to that for 1851 ; and as regards the latter, the reasoning in the report rests on the assumption that the Receiver General had no ground to suppose that the statement did not include slack coal—an assumption which it is impossible to adopt, after it is shewn that he must have known the fact to have been otherwise the year before. Besides, the ignorance of material circumstances ought not, we conceive, to be urged for vacating an act affecting the rights of others, when the means of knowledge were in possession of the party and no deception was practised on him.

6th.—The report is objectionable in this, that while it vindicates the Receiver General from the imputation of inattention, it does not distinctly exonerate the agents of the association from any idea of concealment or misrepresentation in the accounts rendered. We think that the exoneration of the one should have been as explicitly avowed as the vindication of the other.

7th.—The report, we think, is not correct in affirming that “ the claim of the association to exemption from the duty on slack coal, as a matter of right, rests solely on the memorandum of Mr. McNab, and the contract therein implied,” for the reasons stated in the 2nd preceding objection. And the argument on the meaning of the word “ legislature,” we deem incomplete without relation being had to the whole correspondence referred to in that objection ; and also without considering it in a third aspect, viz., that the word legislature might have intended the two deliberative branches, without contemplating an act of the whole legislature.

8th.—The report we consider defective in not noticing two facts, very important in an equitable consideration of this subject, viz :

1st.—That in consequence of no claim having been made for duty on slack coal, and no decision of the legislature having been made in conformity with the agreement of 1849, as understood by the agents of the association, they had not raised the price of slack coal on the consumer, as they otherwise would have done to protect themselves ; and

2ndly.—That the stockholders having changed in the intermediate time, injustice will be done to individuals in urging a claim for arrears, under the circumstances of this case.

The force of these two considerations is greatly enhanced by the fact that, notwithstanding the house was, on the 13th day of March, 1854, in possession of the views of the association by the letter of the agent hereto subjoined, (see journals for 1854, p. 484) yet neither branch of the legislature at the last session, nor the government in the recess, took any action on the question calculated to bring it to a definite conclusion, and thus have complicated it by another year's delay. The latter referred to is to the following effect (see Journals 1854.)

HALIFAX, 6th March, 1854.

SIR—

We have the honor to acknowledge your letter of the 3rd inst., requiring the payment of £3152 0s. 11d., by the general mining association, all royalty on slack coal measured and sold at its mines during 1850, 1851, 1852, 1853. In reply, we beg to refer to the agreement made in 1849 between the general mining association, by their agent, and the Provincial Government, by which the claim for royalty on slack coal was relinquished to the 31st December, 1849, and any claim after that period was made dependent on the action of the legislature. This question has never been decided by the legislature, and no notice has been given to the agents of the association which could lead them to anticipate this claim, although the returns of coal raised and sold, including the slack, have been regularly rendered, and payments made and acknowledged by receipt in full by the Provincial Government, every year during the four sessions that have since elapsed.

Under these circumstances we have not felt at liberty to increase the price to the consumer, as we otherwise would have done, and the claim now made comes upon us when the association has lost the opportunity it would have had to protect itself.

We therefore trust that the provincial government will feel the force of our objection against acknowledging the claim, and will, on consideration of the facts, perceive that the association cannot justly be required to pay any part of the sum demanded.

We have, &c.

(Signed) CUNARD, BOGGS & CUNARD.

To honorable

JOSEPH HOWE, Provincial Secretary.

Lastly.—We dissent from the report because we think the committee ought to have reported that, under the agreement of Dec. 1849, the determination of both the legislative council and Assembly is required to fulfil the terms of that agreement; that the delays in the action of the government and legislature have raised equities in favor of the association that should exonerate them from any claim from arrears; and that the duty demanded on slack coal, whether retrospectively or in the future, should be graduated according to the relative value of round and slack coal.

J. W. JOHNSTON,
M. I. WILKINS,
W. W. BENT.

Hon. Sol. General, Mr. Marshall, and Mr. M. Wilkins, again addressed the house on the subject; the former in favor, the two latter against the exaction of the Royalty on coals; but the present practice of the house in meeting at 12 o'clock, and adjourning at 7, renders it utterly impossible for the Reporters to write up the past debates in the full and ample manner which it has been their desire to accomplish.

TUESDAY, 6th March, 1855.

Reciprocity Despatch.

Hon. Pro. Secretary laid on the table of the House a despatch relating to the Reciprocity Treaty. The despatch referred to a communication said to have passed between the Lieut. Governor and the Governor General relating to the attendance of Delegates from Nova Scotia at Washington.

Hon. Mr. Johnston.—There is certainly something irreconcilable in this subject. It will be perceived that in answer to the address of the Legislative Council, reference is made to a communication which passed between Lord Elgin and the Lieutenant Governor, as proof that it was no fault of Lord Elgin's that the Province of Nova Scotia was not represented at Washington when the terms of the Reciprocity Treaty were under discussion. From the tenor of the debate on this point it was impossible not to attribute blame to Lord Elgin; the statements made by members of government inculpated him while they tended to shew that they were not at all to blame; and yet we are told, that from motives of delicacy this communication which exculpated Lord Elgin from all suspicion of improper conduct should not be published. I conceive that the Government are bound to give all essential information on a subject involving the honor and integrity of a Colonial Governor.

Hon. Pro. Secretary. The Government do not feel justified in submitting the communication in question, not because they fear its contents—for confident in the vigilance with which they watched the progress of this measure and cared for the interests of this people they have nothing to fear from any information that may or can be evolved—but because it contains matter of a highly confidential character. True, the despatch just now produced refers to the communication in question, but does not in any wise authorize the government to give it publicity; had the government laid it on the table they would have subjected themselves to the animadversion and attack of the very Gentleman who now ask that it should be produced.

Mr. M. I. Wilkins. It is said that we have responsible government; I should like to know to whom the government are responsible? And what is the nature of their responsibility? A despatch is written by the Lieut. Governor to the Governor General concerning the non representation of Nova Scotia at the convention. The Legislative Council inquire of the Imperial Government why they were not represented; and the reply is that in consequence of that communication the delegation was dispensed with. Surely this was a matter affecting the public at large a matter peculiarly Nova Scotian. What right, then, had the government to refuse publicity to information which the people should have? In my view—none. Have we not a right to assume that there is something in the document which the government are afraid to make public; that this people have been virtually intrigued out of their rights; and this too, by a Government calling itself responsible and deriving its authority from the people. So flagrant an act should meet with just reprehension; the most valuable part of our property bartered away without consultation—without our sanction. This may be responsible government, but I believe they have a better government among the monkeys of the Cape of Good Hope. (Laughter.)

Hon. J. W. Johnston. We have been told that there is matter of a private nature in this communication—and therefore it was not submitted. The Hon. Provincial Secretary pledged his word that when the documents were exhibited they would prove the government to be pure and spotless (Laughter). We may assume that to be true on the faith of his statement, but it must be remembered that in this way a government may cloak anything, that it is their interest to conceal or prevent their expressed views or their course of policy on matters vitally affecting the public well being from coming to the knowledge of the people. But we are told that there was no necessity for the production of this document. Did not the Legislative Council desire information? Do not this people require it? They do. Great blame was attached to the action of the Imperial Government and Lord Elgin for their conduct in not consulting Nova Scotia—by hon. gentlemen who took part in the debate on the Reciprocity Bill. We were led to believe that they wished to sacrifice Nova Scotia to the exigencies of Imperial interest—without even asking our concurrence. In this it seems we were mistaken—the British government and Lord Elgin anxiously desired to meet our wishes,—this information is contained in a communication the contents of which we can only inferentially assume as it not before us; and the government still refuse to produce it.

Hon. Attorney General. I have but a very few words to say in this subject; in the first place I entirely assent to the principle that all public documents or necessary information of whatever character should be submitted to the House, except that of a private and confidential character. Now, sir, the government are the judges—from the necessity of the case, they alone can judge as to the propriety of submitting or withholding information. In their view the document in question is of such a confidential character that it could not possibly be submitted. I will not say that it is so—but suppose it contains paragraphs entirely confidential from the British Minister to the Governor General—would any government presume to give them publicity? But it is said there must be some information in it which the government desire to conceal—connected with the delegation; this is not the case,—there is no substantial basis, no ground to support an assumption so absurd. Is it not matter of public notoriety that the delegates were appointed and waited for a length of time anticipating a summons to attend at Washington. What possible reason could the members of government have had for desiring to absent themselves? Hon. gentlemen will be compelled to tax their ingenuity somewhat to fasten any blame on the government.

Mr. Marshall.—The speech of the hon. Attorney General only makes matters worse. I do not believe the British Government ever intended to barter away my rights and the rights of my fellow countrymen without asking us to

say yea or nay to the bargain. If so the proposition to pass that Reciprocity Bill should never have been acceded to by any Government. Nova Scotia should have stood on her own rights and demanded her legitimate and rightful due. The British Government should have been told that Nova Scotia felt what was due to her position and would never tamely consent to be treated with contumely and contempt. But, sir, the onus must rest somewhere; it must appertain to the British Government, Lord Elgin, or our own government. To which of the three does it belong? It is now clear that Lord Elgin is blameless—we cannot suppose that the British government stipulated to settle the matter without our concurrence—the government of Nova Scotia alone remain, on them the imputation must rest unless they disclose information that will absolve them. I have heard too often bold claims to spotless integrity put forth in this House to feed these vauntings and am not at all inclined to waive my judgment on the faith of protestations coming from such a source.

Hon. Solicitor General.—I had imagined, sir, that the explanation given by my hon. colleague, the Attorney General, would have satisfied even the incredulous gentlemen of the opposition—and that their good taste and sense of decorum would prevent their indulging in those insinuations of corruption to which they invariably resort when worsted in argument; torturing facts in such way as to make them bear any and every construction they choose to put on them, arrogating the tone and manner of patriots and laying claim to be the defenders of the rights of the people. These resorts have now become stale—they should seek some new aggressive weapon; but I, in common with the liberal party am inclined to believe in the homely but truthful adage “actions speak louder than words.” They eulogise Responsible Government; how long should we have waited for it in vain if it had depended on these, its new-made supporters to introduce it? Now, sir, as to the despatch which the government in the exercise of their constitutional discretion have withheld. I think we shall be perfectly safe if the Government of little Nova Scotia follows in the wake of the great Government of England. What, then, is the course there pursued? Any member of the Legislature asks information of the Government; if not of a private and confidential nature it is at once submitted—if it be private or involves state information which, in the judgment of the government, it would be unwise or injurious then to disclose—they take the responsibility of refusing it. Does the Querrist move to compel the government to bring down information? No! If dissatisfied he moves a vote of want of confidence—and the question then is have or have not a majority of the House sufficient confidence in the government to believe that in refusing the information they were actuated by a sense of duty—and were acting for the public good. That is the course in England—that is our course, and if hon. gentlemen question the stability

a strength of the government, let them move their "want of confidence" at once.

(The Hon. Sol. General here referred to passages from Despatches to shew that the Government were sincerely anxious that Nova Scotia should be represented at Washington.)

Crown Land Office.

Hon. Solicitor General—in answer to inquiry previously made—laid on the table of the House all the correspondence which had passed between John Spry Morris and the Government, relating to his removal from the Crown Land Office.

The papers were read.

Mr. Marshall—I understood when this change was made that it was Mr. Morris's desire to retire from the office—how comes it that he left on leave of absence, and was displaced before his return?

Hon. J. W. Johnston—The very same idea struck my mind when I heard that document read. Mr. Morris says—I left you on leave of absence, and, to my utter astonishment, I find that you have appointed another to my office; and yet, sir, up to this hour, the House has been under the impression that Mr. Morris desired, nay, anxiously sought to obtain a pension and retire. It certainly becomes the Government to offer some explanation of a discrepancy so glaring and obvious.

Hon. Solicitor General—If Mr. Morris was not aware that his place was to be filled in his absence, how comes it that the amount mentioned by him as the sum he was willing to receive, corresponds exactly with that voted him. The hon. gentlemen mistake the matter; Mr. Morris does not complain that he was displaced—but that no retiring allowance had been provided for him. This is accounted for by the fact, that he was not acquainted at the time that any retiring allowance was made him until after his letter was written; but, even then, he does not ask to be reinstated—or express a wish not to retire, neither does he complain that he was legislated out of his office.

Mr. M. L. Wilkins.—The question is quite clear; an old and faithful public servant, asks leave of benevolent Responsible Government to visit the mother country. In his absence Responsible Government grows hungry—and seizes on his office—without securing him any provision, and, even, without informing him that he had been turned out. (laughter.)

Mr. McLellan—It is an old saying, that if a servant is tired, and wants to leave his employment, you had better let him go at once, for no good can be got out of him; this he thought, was the case with Mr. Morris.

Mr. Holmes had been very intimate with Mr. Morris, and he could assure the house that, when he went away, he had not the slightest knowledge that he was to be deprived of his office.

Hon. Attorney General was sorry to see

the day frittered away in idle talk as it had been; he had hoped the debate of the afternoon would have increased the Revenue by £3000, unjustly detained by the Mining Association.

Hon. Mr. Johnston asked the Government to lay on the table the precise day of Mr. Uniacke's appointment to the Crown Land Office.

The discussion ceased.

Hon. Mr. Fulton reported from the Committee on Public Printing.

Hon. Pro. Secretary reported from the Committee on Sick Indians.

The House adjourned.

WEDNESDAY, March 7, 1855.

Special Road Service.

Mr. Thomas Coffin moved a call of the house for the purpose of testing his motion to divide the £3,000 vote for special services, the same as the other road grants were divided.

[While the messengers were out it was found that the report of the Committee on the subject was missing. It had been taken from the table.]

Mr. M. I. Wilkins—A case of assassination!—(Laughter.)

Mr. Zwicker supported the report of the Committee.

Mr. Wier considered the Committee stood in a proud position as to this report—the opposition to it proved this; because members round seemed to suppose that every county was to get a proportionate part, instead of the same being apportioned for special services.

Mr. Wade did not think the hon. member stood in a very high position; for during this and the preceding year there had been £6000 voted for these services, and out of that the county of Digby got only £125. It was gross injustice to a county as well entitled to special grants as other counties.

Mr. Wier—The reason why I did not consent to any grant to Digby was, that I did not conceive there was an application from that county that was entitled to a single penny.

Mr. Comeau seconded the motion to throw out the report.

The motion was negatived 27 to 16, and the report was adopted.

Hon. Financial Secretary said that he had remarked upon this report last night that the county of Colchester had not been done justice to; and he now begged leave to move that out of the £674 2s. 9d., drawn for road casualties in that county last year, only £474 2s. 9d. be taken out of the Road Grant. (This was equivalent to a vote to Colchester of £200.)

Mr. Archibald set forth the peculiar claims of Colchester at much length. He considered the present position of that county entitled it to the benefit of the resolution before the house. He should have been sorry to ask any special consideration, if his case did not fully entitle him to it, but when the house was informed that, after the rise of the legislature last spring, the creeks had carried away within the county no less than 14 river bridges, and 8 brook bridges, and had also done extensive damage to 8 other rive

bridges, they could appreciate the extent of the calamity to which that county had been subject. Many of their bridges were on leading post roads, or thoroughfares of the county, and the travelling was obstructed to a large extent. Under these circumstances it became necessary to meet the emergency; and expenditures to a very large amount had been necessarily incurred. Already about £1,400 had been expended in restoring the bridges, and the members felt this loss press most heavily upon the road monies of the county. But the sum of £1,400 represented only part of the loss; the freshets which had swept away bridges had not left the roads uninjured, and large repairs were this year required, which, without the loss of bridges, would have pressed heavily on the members of the county. Under these circumstances, he felt that if ever a case could be made out for a special indulgence this was one, and he trusted to the sense of justice which must be felt all round the house to sustain the resolution.

Mr. Holmes—I passed through Colchester last spring, and found only one bridge carried away—that over Salmon River; while, when I got in Pictou county, I found one carried away which cost £500.

Mr. Fulton and Mr. Marshall supported the resolution.

Mr. Whitman did not see why Colchester and other counties east should receive more consideration than Annapolis, and other western counties.

Hon. Mr. Johnston was always sorry to oppose a special grant for a sufficient purpose; but he had to complain that Colchester was always more favorably dealt with than other counties with equal claims. See how it stands.

Colchester receives out of the Road

Grants	£2892
Annapolis but	2315

Leaving a balance of	£587
----------------------	------

within a small sum of £600 over Annapolis. The county of Annapolis had undergone great injury to its roads from freshets; and he at this moment held in his hand a demand for the last instalment of £300 which he had to borrow from a gentleman for special casualties in that county. If a special case were made out he would vote for it; but surely this motion was hardly fair to the county of Annapolis.

Mr. Archibald agreed that as Annapolis was a distant county, its roads were not so much travelled over as those of Colchester, which lay in the heart of the Province, and all the people of eastern counties, and New Brunswick, travelled over them to Halifax.

Mr. Whitman—There are attractions in Annapolis as well as in Halifax; and its roads are travelled over by the people of Hants and King's—very often with heavy loads that cut up the roads.

Mr. Killam thought the county of Colchester had got its fair share; and this motion only showed that his resolution, early in the session for £60,000 for roads and bridges, should have passed. He did not see how the hon. member for Colchester could move this, after the declaration he had made that not a farthing more than £45,000 could be granted. Another thing he saw on reference to the books in the hon. Financial Secretary's Office, that there was £300 road money for his county still undrawn in the Treasury. (Laughter.)

Hon. Financial Secretary explained about the £300 that remained in the Treasury for work partly done and partly in prospect—that the £200 now moved would only bring the vote for

Colchester up to its proportion in comparison with Annapolis last year. The reason why Colchester was worse off than other counties, was that the main post road skirted along the shore by the mouths of large Rivers, the Bridges of which were carried away by Freshets.

Mr. Holmes hoped that £200 for Pictou would be added to this.

Hon. Attorney General.—If the House think there is a case made out under the extraordinary circumstances that the calamities in Colchester in the destruction of Bridges amounted to £1,400—he was content to vote for it, but he would stop here.

Mr. Wilkins.—Suppose we can make out as good a case?

Mr. Holmes was not prepared to show a case now, but would be prepared to do so in the morning.

Mr. Locke.—A motion of this kind last year resulted in the voting of £100 for each county. We may as well come to it at once—and make it £200.

Dr. Brown.—A very good idea—I move that.

Mr. Holmes.—I second it.

Mr. Archibald would rather forego his own claim than assent to this motion.

Mr. Annand.—Much as I would like to vote for the grant to my hon. and learned friend, I would vote against it rather than assent to his.

Hon. Attorney General.—The financial resources of the country will not warrant it—do you want to borrow money?

Hon. J. W. Johnston.—I will cheerfully vote for this amendment—£3,600 for this useful service will not be felt in the present prosperity of the country.

Hon. Attorney General maintained that after the handsome vote that had been given for roads, £45,000, the largest that ever had been given in this country, it would be great extravagance and imprudence to add another £3,600 to that service, after the Province had entered into large public works involving an expenditure of £200,000—it would not be much to the credit of this Legislature to extend the Road Grants. It would embarrass the government, and he did hope the majority would oppose this motion.

Mr. Whitman.—I don't understand that argument. I never supposed the revenues of this country were to be taken for the Railroad; the interest of the money only we are to pay. The money is to be borrowed.

Doctor Brown said that it appeared that Colchester with about the same population as Kings, had already road grants amounting to £2,642, while Kings had only £2,200, a difference of £440; there was the same or a greater difference between Colchester and Annapolis, while the population of all three counties was nearly the same. He did not think Colchester had made out a case such as to justify a further grant of £200. The fairest mode was to give each county £200—then nobody would complain.—He wanted that sum to assist it repairing the great Cornwallis bridge and making it free.

The House divided on the motion as follows:

For the motion—Creighton, Thorne, Marshall, Jost, J. Munro, Bent, More, Whitman, Zwickler, J. Coffin, Ryder, Murray, Comean, Beckwith Cowie, Holmes, Johnston, Brown, Wilkins, Killam, T. Coffin, Borneuf.—22.

Against the motion—Young, Wade, McKinnon, Chipman, Fuller, McLellan, Martell, Fulton, Dimock, Annand, Prov. Secretary, Attorney

General, Shaw, Fin. Secretary, Archibald, J. Campbell, Wier, Sol. General, Mosher, McQueen, Esson, Locke, P. Smyth, B. Smith.—24

Mr. Archibald—After this expression of the house against exceptional votes, I hope my hon. friend will withdraw his resolution.

Hon. Fin. Secretary.—I am willing.

The Speaker—You cannot withdraw it except by unanimous consent.

Mr. Whitman—Several gentlemen wish to vote on it.

Hon. Attorney General—Then I move in amendment that the house go into Committee on the order of the day.

This motion passed—and the order of the day was the debate on Mines and Minerals.

Mr. McLellan said—Mr. Speaker—If the people in the country knew how often members have to vote against friends—to censure the conduct of individuals towards whom they can have nothing but good feelings, and to speak on subjects we often feel unable to do justice to, we should hear less about the pleasant time members have when in session. We are told that the common feeling against having our mines and minerals granted away for so long a time should not be chargeable on the Company who obtained them as a matter of bargain. How often do we allow bargains to pass because we know there will be hard feelings against the purchaser. Had the Company been content with the Duke's lease, the feelings of the community against them would not have been so strong; under that lease they could not hold a grinding monopoly over the people of Nova Scotia—could not tax them five shillings a chaldron on their own coal. But they teased the British Government until they got all—were enabled to make us pay the rent by increasing the price of coal. Under these circumstances the Company ought to have been satisfied without resorting to quibbles and catches. In 1826, all the mines and minerals of Nova Scotia were handed over to the Duke of York for 60 years, at a rent of 20s., and one shilling stg. per ton of 2,640 lbs., as Royalty, except some few free grants, and the coal mines then opened in Pictou and Cape Breton. It is often said it was well for us that these mines were opened, otherwise all would have passed away from us; but supposing the whole had been alienated from us under that lease—calculating the Winchester chaldron at 31 cwt., or 3,472 pounds, at a shilling a ton, we would have had £13,228 Royalty on the coal raised in 1854, whereas the Company were willing to pay only £8,332. By having the mines reserved, therefore, we have lost £4,895, and after we are paid for the slack coal, our loss for this year will be nearly £4,000. I ask then, if, after we have been jockeyed out of our mines, we should give up one farthing of what we are entitled to as the proceeds from them? The first dodge resorted to by the Company was in January, 1828, when they petitioned for the reserved mines, and offered £3,000 a year, and two shillings per chaldron, royalty, for all over 20,000 chaldrons sold in Nova Scotia and Cape Breton, Newcastle measure. This offer having been made in England was sterling—equal to £3,750, currency, and 2s. 6d. royalty. This offer was demurred to, and not accepted by the British Government. Then came dodge number two. In June following, they increased their offer to £3,300 for rent, and 2s. royalty, and ask that the rent might be paid in the same manner as the royalty—not in currency, but merely computed in currency, which ought to have

been £4,125 rent, and 2s. 6d. royalty. Notwithstanding these offers, in 1829 Sir George Murray informed us that the rent was to be £3,333 6s. 8d. currency, and 2s. per chaldron royalty, for all over 20,000 chaldrons—no mention being made as to whether the chaldrons were to be double or single, or whether the royalty was to be in sterling. Both of these points, however, were taken against the Province, at a loss of from £3,000 to £5,000 annually. The third dodge was to try begging, and a large sum was given them at our expense—they were allowed to tax us for coals, but were relieved from paying royalty on their slack coals. Their fourth dodge is to saddle us with the expense of a Chancery suit they have with the Creditors of the Duke of York; and with which the people of Nova Scotia have as much to do as has the man in the moon. (Laughter.) Your tenant sells his lease to another—they differ, and get into law; it would seem most unreasonable to put the expenses on the landlord; yet this is done—the expenses snugly shifted over to poor, good-natured blue-nose, at the rate of £600 a year for 40 years; which will amount to £80,000 including interest—a pretty heavy saddle indeed! In June, 1845, it is stated in a minute of Council that £3,000 sterling was to be the rent, and 2s., currency, per Newcastle chaldron, for all coal raised over 26,000 chaldrons (not 20,000 as formerly, but 6,000 chaldrons are added for the suit in Chancery.) Now, as we have been saddled with the expenses of this law-suit, the Company must take the bitter with the sweet. They are entitled to pay for all coal raised, even that which is used in their own engines, for raising and conveying to the landing, which was exempted in the Duke of York's lease. Their fifth dodge is their contending that by leasing the reserved mines, we lose all claim to the shilling a ton for coal raised beyond the reserved mines—in proof of which they state that we have allowed the accounts to run together, and have received payment under the reserved mines agreement. Such attempts to shuffle off a just claim of the Province are contemptible. The hon. and learned Attorney General, while in England last summer, opposed this dodge so ably and manfully, that he well deserves the thanks of this house and of the country. He appears to have given some offence, however, for he is told his plea is mischievous and inconvenient. When boys are caught taking apples that don't belong to them no doubt they think it a very inconvenient thing. (Laughter.) The best possible proof that the claim under the Duke's lease was not given up, is, that the sum taken was so much less than the Company offered to give in full for all coals sold in Nova Scotia and Cape Breton. If it were not so, why the demur by the British Government, and why did they take a smaller sum for rent, unless it was that they refused to give up the one shilling per ton under the Duke's lease—eightpence only being the charge under the agreement for the reserved mines. Not a single line or sentence, in any minute of Council or despatch from any Colonial Secretary, can be found, to show that our claims, under the Duke's lease, were given up. The Company offered to purchase, but could not—they have therefore, not a single thread to hang their claim on. Their sixth dodge is concealment. The hon. and learned member for Pictou, and the hon. member for Guysborough blame the present government for being remiss and inattentive to the business of the country. This re-

minds me of the beginning of this small coal affair. This house never acknowledged the validity of the Duke of York's lease; and in the time of the Johnston administration, as it is called, a resolution passed the house to take the opinion of lawyers in England. The hon. and learned member from Annapolis, as Attorney General, and the hon. Mr. Dodd, as Solicitor General, receiving the pay of the Province, were considered the most suitable persons to state the case; but objections were made to them, as it was said they were also under the pay of the Company. This was not denied by them, and as I had lived long enough in the world to learn that men did not act without some motive—that men were not kept in pay for nothing, I formed a determination to examine this coal mine affair thoroughly. Some time afterwards, when in the country, I took up the journals for this purpose, and soon found that in their eagerness to saddle the Province with a law-suit, the company had charged £300 six months before they had liberty; and that they had been paying £400 short rent ever since 1845. But I could find no accounts of the small coal in any journal I had, and at last discovered them in the Council journals, for the year in which no royalty was paid by the Company. I then wrote to the Government, and in consequence thereof a demand was made on the agent; a large sum was paid, and a much larger sum refused, under the plea that the Company held Sir Rupert D. George's receipts. Finally, the Government agreed to take a certain sum to a certain date, as has been stated, leaving it to the legislature to relieve them in future from payment on slack coal if they should think fit. They now attempt to make this memorandum mean that the three branches of the legislature must pass an act requiring payment. Mr. Cunard, in his letter, admits the right of the Company to pay, but says that as the Company ask nothing on plaister raised and sold by the people, the Province should not charge them royalty on slack coal. But by their own agreement they are bound to pay.

Mr. McNab has not attempted to relieve them further than to December, 1849; nor could he, more than any individual in the Province. Nothing short of an act of the three branches of the Legislature could relieve them—so that the very contrary of their argument is the fact. I thought the settlement on the part of the Province in 1849 was too easy, treated as we have been from the first to last; and I gave myself no further trouble about it. Never dreaming that, after £8,000 or £10,000 had been relinquished on account of receipts given in a mistake, (but which were valueless, properly speaking,) there would be further short-comings. This, however, has been managed by the agents handing in two accounts. The large one under oath where no money was to be paid and another minus the slack coal, thus concealing the true account from the Receiver General, so that it was thought to have been paid, and was so reported by the Committee on Public Accounts in 1852. While, therefore, the present Government is a little to blame, the Johnston Administration were much more culpable. The account could not have been concealed—nor the despatches relating to other irregularities. The Johnston

Government must, therefore, have done wrong with their eyes open; so that the model government and model accounts which the hon. member for Annapolis and his press took so much time to praise, turned out to be no model at all. Outside of the platter all was fair, inside all foul! Had the Johnsonian Government done its duty, I would not have had the trouble of looking up old musty journals. The present government and this House would have been saved a good deal of time, and the Province chest would have been in a better condition. Our natural birth-right as Englishmen has been swept away from us, except a small pittance; and all sorts of shuffling, manoeuvring, quirking, begging, trifling and catch-taking, have been resorted to, for the purpose of depriving us of our rights. I am sorry to say these efforts have been too successful. Our coal fields are closed to us except pretty much where the Company choose. When they chose, and how they chose. So close and deadening is this monopoly that I might fairly expect no Nova Scotian would advocate the course pursued by the Company. I was proud of the hon. and learned gentleman for Pictou when he voted to reduce costs evidently against his own interest on the New Practice Bill, but I am not proud of him in viewing the course he is pursuing on this matter. He tells us it is a customary thing in England to charge no royalty. Where there is no agreement, custom ought to be considered; but here is an agreement, and custom has nothing to do with it. He tells us the Company has got our receipt; but how was it obtained? Was it not on an account pretending to set forth all the coal sold? And are not receipts obtained under false pretences valueless? I would like to ask the hon. and learned gentleman what he would think of a countryman who would come into town and present two accounts for one service—the larger one to be sworn to, the smaller one to pay money on, and the difference of payment between the two some £700 or £800? The hon. and learned gentleman advises us to give up one third of our claim; but we have given up so much already that it is certainly their turn now. Let us see what they will give up. He tells us we are under great obligations to this Company—that many persons have been made rich by their operations. O, sir, we are thankful for being put under a sort of bandage, grievous to be borne, for small favors, indeed! Gentlemen may try to smother over this matter, but the opinions of the country on it are too well known. It requires strong resolutions on my part to speak of it in moderation; but I would rather see the mines closed forever, than be shuffled and wheedled about as we have been. I do not say that we ought to close the mines; but we ought to pursue a wiser decisive course with the company. All payments and conditions mentioned in the Duke of York's lease are binding on them. This requires that returns shall be made at certain times, on affidavits of principal persons employed in the works, and that payments shall be

made on certain days thereafter, and in case of failure of payment for 21 days after, the lease to be null and void. As neither return nor payments have been made agreeably to the lease, we may fairly say to the Company—clear out with your accounts and law-suits and leave what you ought never to have had anything to do with!

If this be not done, you should require the Company to fulfil their Treasury minute of 1854, as regards slack coal raised, (not sold,) which will amount to £6000 instead of £3000 since the arrangement with Mr. McNab. Again, sir, we ought to appoint competent persons to see to the measurement of all coals raised. If the statement of my hon. and learned colleague be correct, there is an error in the measurement to vessels; and this opinion is confirmed by the fact that cargoes sold in the United States overrun about one third of the measurement at the mines. One vessel took in 348 chaldrons, which turned out 466 in Boston, and left about 2 chaldrons for ships' use. This is almost the average difference of all cargoes shipped, so that the province loses almost one third of its just and proper revenue. Let the company be called to make up the deficiency in their returns since 1828. This deficiency will form a sum which is well worth while looking after. It is well understood what the Pictou measure will turn out in the United States—the calculation is there made accordingly; and it is therefore of no consequence to sellers or buyers for the American market, whether the measure be too small or too large—not so, however, in paying royalty, or dues to the creditors of the Duke of York. The advocates of this Company tell us that a sharper look out should have been kept between the Provincial Secretary's and Receiver General's Offices. If that be true, we should go to the fountain head, and insist on an inspector over the mines. We gave our fisheries away to obtain liberty to send certain articles to the United States duty free—coal amounting to about one half our export; therefore half our fisheries have been given away to benefit the coal trade and the Mining Company. Have we a right to make such a sacrifice for them? Certainly not! We, therefore, ought to ask them to return what we have paid for them by laying an export duty on coal equal to what they had to pay formerly. It will be as easy for the Company to pay here as in the United States market; and my hon. and learned colleague estimates the amount at £30,000—no trifling sum to aid us in internal improvements and in fostering our native industry.

Hon. J. W. Johnston delivered an elaborate argument on the subject, which we endeavour to condense into practicable limits. He hoped the members of the House would examine the position they occupied on the question and the evidence to be adduced upon it. The movers of this resolution were claiming a sum of money, for the benefit of Nova Scotia. This House were the representatives of the

people and therefore the members of it were acting in the capacity of parties in the case, judges, and witnesses. The speech we have just heard, sir, was so full of extraordinary statements and exaggerations that I will not attempt to reply to it; I can only regret that any gentleman in this House should feel it to comport with his public duty to charge gentlemen who have brought capital to this country and expended it with double-dealing and shuffling. This language is perfectly harmless here, because we know the source from which it emanated; but it is quite different when it finds its way abroad. I do not believe that speech will find an endorsement by any man in this country. It is a subject on which gentlemen are not now at liberty to exercise prejudice or prepossessions. We are tied down to a particular question. We have got before us a claim of the Province to £3,000 or £4,000, which you want the Association to pay into the Province Chest on a certain ground. We have nothing to do with the frequent cry of "monopoly," and such considerations ought not to mingle in this debate. The Attorney General has moved resolutions on the broad question which will no doubt receive full consideration at an early day. We have a simple question before us—I shall endeavour to treat it as a Nova Scotian; and I do not think that any man ought to be ashamed to do justice to parties against whom prejudices and injustice seem to be arrayed. Now, suppose the Association were strictly entitled to pay the same royalty on slack as on screened coals—is there nothing in the equities of the case affecting the difference between such coal? The resolution on the table hardly touches that; and let me inform the House that fifteen per cent. of the value of slack coals is lost in bringing it to the surface of the mines. Another fifteen per cent. is lost in sifting it at the surface, and the large coal is then sold at 18s. 9d. per chaldron, while the slack coal only brings five shillings per chaldron. The latter article has not been consumed much until late years; but if the demand for it increases, the large proportionate tax now sought to be levied on it will fall very heavily on our own people. It is a matter of regret to me, sir, that the committee have so equally divided on the Report—as much so that I could not concur with the majority who have put some facts forward prominently, and are entirely silent on others. The mines and minerals, heretofore reserved to the Crown, were surrendered to this Province in exchange for the Civil List on the 29th of June, 1847. The Province took the mines subject to the rights of England and of the Association. I put it

to the Hon. Attorney General, as a professional man, whether, in the case of landlord and tenant, under such a transfer, the right of the tenant would not be respected?

Hon. Attorney General.—I do not dispute that.

Hon. J. W. Johnston.—I knew you could not; and yet, strange to say, the Government of Nova Scotia, on assuming the proprietorship of the Mines in 1847, actually laid claim to certain arrears which were abandoned by the British Government between 1834 and 1849. This demand was for £5000 or £6000 on Slack Coals, and other items. all of which were covered by receipts held by the Company. While the matter stood thus, Mr. Howe, as Provincial Secretary, on the 3d of December, 1849, addressed a letter to Mr. Cunard claiming these sums. That gentleman replied arguing that he was not entitled to pay. It cannot be said that Mr. Cunard tried to elude the payment of this money, because every year the Royalty was paid on Lists expressing what was large and what portion was slack coal; and up to 1849, with the knowledge and acquiescence of the Imperial Government, no duty whatever was paid on slack coal. Such payment never was exacted—receipts were given in full. Up to that time, therefore, Mr. Cunard had no right to pay anything; but yet he compromised the matter and did make a payment; so that instead of the Province being "soft," as some gentlemen say—Mr. Cunard was "soft" in paying when he had no right to do so. I have said that the demand was made in December, 1849. In that same month a negotiation was opened, and on the 31st of December the whole matter was settled by a compromise, on which Mr. Cunard paid money; and took a receipt. On that occasion it was agreed between the parties on behalf of the Province and the Association that no royalty should be paid on slack coals until the Legislature should exact it. It may be said—what right has the Company to ask the question whether they should pay on the slack or not—have the Legislature not rights under the Lease? Certainly you have; but you have placed the matter *in nubibus* by your own act. After the agreement entered into with Mr. McNab, in writing, and in express terms, you have allowed your duties to slumber from January 1850—and so on through 1851, 1852, 1853, and 1854. On the 15th of January, Mr. McNab signs this receipt in full, and I sent to Mr. Boggs to obtain these papers, in order that the House might not labour under the erroneous impression that Mr. Cunard intended to withhold.

(Hon. Mr. Johnston read the papers.)

The Officer signing these receipts could not have been ignorant that royalty on slack coal was not included in them. The same sort of a receipt was signed in 1851. In the spring of 1850, the House appointed a Committee as usual on Mines and Minerals. On the 25th of March, Mr. George R. Young, as Chairman of that Committee reported. That report has some reference to slack coal; but it was not adopted by the House. Mr. McNab, then, certainly knew that in the Session of 1850 there was no action of the Legislature—nay, not even of this House, and therefore he very properly signed the receipt for that year in January, 1851. The receipts were identically the same. It would be absurd to suppose that Mr. Cunard, with the shrewdness that is imputed to him, would pay royalty on Coals when he was not entitled to—he would not be acting truly for his own interests or the interests of the Company, if he did so. In 1852, Mr. McNab signed a similar receipt, and it is folly to suppose that he would have thought Mr. Cunard would have paid the Royalty on Slack Coals after the express agreement that he should not pay until the Legislature enforced it. The Association had no right to pay what Mr. McNab, acting for the government, had agreed they should not pay. The Association did not charge this Royalty on the sale of the coals—ought we now to exact it under such a circumstance? A good deal has been said about the meaning of the word Legislature, and about notice to the Association. I do not think it right to infer notice where notice ought legally and fairly be given, and if the government were bound to give notice, as they were under their own agreement, that notice should be formal and direct. In a Court of Law, no inferential notice would be allowed—a positive and direct notice would be insisted on. It is said the Association must have known the resolution of the House. Would such a doctrine be tolerated in a private matter between man and man? Then again it is a very forced construction to say that the Legislature means this House—not the Council. The whole correspondence speaks of the Legislature. Mr. Cunard speaks of the Legislature, and Mr. Howe speaks of the Legislature.

(Hon. Mr. Johnston quoted extracts.)

When I saw this expression first I was quite surprised that any one should put upon it a different construction from both branches. What reason was there that the Legislative Council should not be consulted on this matter; and he that can narrow down the word "Legislature" to that of "Assembly" must have curious ideas of language. I have not

myself within the strict question before the House. Indeed, I am surprised that so much warmth should have been evinced on this simple subject, and a respectable body of men denounced as intriguers, tricksters, pettifoggers, and a desire imputed to wrong the Province. They have acted strictly according to their agreement. In 1851 the House passed a resolution, but it was not brought to the notice of the Association. In 1852, it duty should have been paid for 1851, why did not this House insist on it again? A Committee reported under a misapprehension. In 1853, the House did nothing. In 1854, nothing was done. Just look, then, on the conduct of this House in the matter, and ask, whether in face of an existing contract on behalf of the Government, this House, without its own action, can, by a misconstruction of language, claim a large sum of money now, for years gone by. Perhaps I look at this matter in too legal a light, but that is, sir, because I look at it strictly as a matter of contract. It may be said that the Association have derived great benefit from this Province; but, sir, I can assure you they have expended vast sums of money without any adequate return—they have expended two millions in their works, and their annual expenditure is very great; and I think it would be for their interest to leave the Province altogether, as it was certainly their interest never to have engaged in sinking mines at so vast expense, when they might have done over the country, and taken off the surface coals at trifling expenses.

(It being too late to divide this evening the House adjourned.)

THURSDAY, MARCH 8, 1855.

Maine Law.

The Maine Liquor Law Bill was taken up.

Hon. J. W. Johnston moved that Clause of the Bill be amended by inserting the words "Fermented-intoxicating" instead of "fermented and intoxicating."

Hon. SOLICITOR General. I recollect, to have heard a story of a Dutch Justice—before whom several parties were taken one morning charged with drunkenness—when the following colloquy ensued. Justice—to the first—"what did you get drunk on?" Wine. Den I fines you \$10. "and you?" On Brandy. "I fines you \$5. "and you?" On Punch! "Den I fines you noting for I gets drunk on Punch myself." (laughter) so the Hon and learned member for Annapolis would fine all the unfortunates who got drunk except those overcome by cider. (laughter.)

Mr. Murray thought that if the door were once opened persons would not know where to stop—and that it would afford facilities for the sale of liquor under the denomination of Cider.

Mr. Dimock was of opinion that pure

Cider was not deleterious and if its manufacture were prevented much loss would ensue to a large class of the farming population.

The Hon. Speaker had been perfectly sincere in his advocacy of the Law; he believed stringent means were required for the suppression of vice, and would not deviate an iota from the strict letter of the Bill which was a reflex of the sentiments entertained by all temperance men; he would therefore move "that Cider be prohibited by name."

Hon. Att. Gen. would not interfere with the Bill; he had no desire to cripple or emasculate it, nay more, now that it had passed the House it should have the best aid of the Government to make it effective. If, however, the friends of the Bill desired to amend it he should offer no opposition to their wishes—but he thought the Bill being the result of long and well considered deliberation on the part of Temperance men should not be departed from except for reasons cogent and convincing.

Hon. Mr. Johnston was astonished at the speech of the hon. and learned speaker and surprised that he should have seen fit to cast discredit on the advocates of this Bill. The hon. Speaker's imputations were utterly unfounded, the words of the law as amended would prohibit all fermented intoxicating liquors from being either imported or manufactured; and if, as hon. gentlemen asserted Cider was intoxicating it would come within the wording of the Law. To deal in specific prohibitions was impossible; throughout generic terms were used embracing all fluids of an intoxicating nature and therefore even if possible it was not necessary to name any particular articles.

Mr. M. I. Wilkins.—Cider is a highly intoxicating liquor; and can be made as strong as Champagne.

Hon. Solicitor General. The friends of the Bill plainly asserted their intention of prohibiting the manufacture of intoxicating liquors, of all kinds; it was admitted that Cider was intoxicating and in order to the maintenance of their own consistency it should be dealt with as all other liquors.

Mr. Marshall thought about as much Alcohol could be extracted from Cider as argument from the Hon. Solicitor General's Speech (Laughter.)

The Hon. Speaker. It must be admitted; because a diversity of opinion subsists among members as to the nature of Cider—that the clause as modified by the Hon. and learned member for Annapolis may be construed in two different modes; under that clause the importation and manufacture of Cider may or may not be permitted according to the opinion entertained by the tribunal before which any

charge for a violation of the law may be preferred; the amendment I propose will at least remove all possibility of misconstruction—and, in my view should not be opposed by any friend to Temperance.

Hon. Attorney General—according to the views propounded by some temperance men hundreds and thousands of barrels of Cider may be landed on a wharf; it cannot be touched on Tuesday, on Wednesday it has become frozen and is liable to seizure—and the propriety or impropriety of the seizure would have to be decided by the Court.

Mr. Archibald—I always believed that Cider was intoxicating—and if misapprehension or misconstruction be likely to arise cider should be prohibited by name.

Mr. Shaw—would not on any account advocate anything that would appear to the least misconstruction or misconception; but he had always believed that Cider in its pure state was not intoxicating and he still continued under that impression.—The passage of the Law will devolve new responsibilities on its friends. We fear that some have flattered themselves that their work will be done when the law receives the Executive signature. No mistake could be more radical in itself, or more serious in its consequences than this. The law will not embody the principle of self enforcements and whether it shall be a blessing or a curse to us, must depend in a great degree upon the exertions of its friends to sustain it.

We need it, not to secure a respite from toil, but as a mere efficient instrumentality with which to work, than we have hitherto possessed. If the labors of temperance men are needed to obtain it, they will be needed in still more abundant measure to give it effect. In fact, to relax our efforts now, would be to blast our brightest hopes in the very hour of their fruition.

The house adjourned for an hour.

On resuming—

The Hon. Speaker gave notice of his intention to renew the motion made by him in the morning.

Mr. Beckwith did not think that Cider of itself was intoxicating—but it could be imported and mixed up with Alcoholic Liquors and for this reason he should vote that it be prohibited.

Hon. Solicitor General—I congratulate Temperance men on the position of their advocates in this house, reduced as they are to the extremity of stultifying their own action and abandoning their own expressed opinions.

Hon. Mr. Johnston—and I on my part congratulate the friends of Temperance on the new horn seal—and suddenly acquired

love of the hon. Solicitor General and his friends for principles which only 8 and 40 hours ago they struggled against with all their might. (Laughter.)

The Hon. Speaker said the Legislation of an Assembly to be effective must be impartial, just and general. It is admitted all round the House—that the clause as it stands is ambiguous and doubtful; there is not freedom but a miserable slavery in any country where the law is ambiguous, unknown, can be construed in different ways or has a different operation upon different classes. Therefore, Sir, while I say to Mr. Keith, whose distillery is in Halifax; you must not longer continue the manufacture of that which is universally believed to be deliterious, my sense of justice presents me from permitting the manufacture of a liquid producing similar results by hundreds, nay, thousands of barrels; in my view these manufactories should be closed also. I do not entertain the opinion that the friends of this measure would be willing that this law should go forth to the country in any doubtful garb. No Sir, we desire that it should speak our views in no equivocal voice—that it should contain and evince the feeling animating those whose desires are that it may be matured and perfected. That this may be effected I shall vote that Cider be prohibited explicitly, by name—then all possibility of its importation manufacture or sale will be destroyed.

Hon. Attorney General. If the clause prohibits the importation manufacture or sale of Cider—why opposes its exclusion by name; if not surely to carry out the-views of Temperance men?

Hon. J. W. Johnston. I have explained so often the views I entertain that it is scarcely necessary to reiterate them. Under the terms—fermented intoxicating liquor the importation, manufacture, and sale of Cider is excluded if it be intoxicating—if it be not intoxicating no necessity for its exclusion exists.

Mr. Archibald, but the Hon. and learned member for Annapolis must remember that Cider may be made intoxicating—does he desire that a door should be opened for the use of this intoxicating article? I do not believe he does. It would be absurd to suppose that it should be left to the opinion of each Justice of the Peace before whom the cause is tried to determine whether it is or is not intoxicating in its effects.

The Hon. Mr. Johnston's amendment was then put and carried in the affirmative.

The Hon. Speaker—then moved the words "including Cider."

Hon. Mr. Johnston—I must oppose the amendment—and sir, I do so on princi-

ple. If Cider as originally manufactured is not intoxicating it should not be included. The argument used to prohibit it would be equally applicable to Beer or Water both of which may, by the introduction of Alcohol, be made to intoxicate,—would you prevent the manufacture of Ginger or Spruce Beer on this account. No Temperance man holds such a doctrine. But if Beer were made intoxicating the party who sold it would be liable to the penalties imposed by the Law though not mentioned by name; so with Cider when like Beer it is innocuous it is not prohibited—when it becomes injurious the Law embraces it.

The Hon. Speaker. In moving this amendment, Sir, I may observe that on this as on almost every other subject upon which I see fit to address the House—and offer the honest convictions of my own mind my conduct seems invariably to meet with the severe and condign reprobation of the Hon. and learned Member for Annapolis. On this question it becomes no man to boast of his sincerity; I have not boasted and shall not boast of mine—but will merely say that it is not now that I have begun to support the measure; for the past four years whenever before the House my voice has been raised in its advocacy my vote has been recorded in its favor—nor have my efforts to carry it out been confined to the Legislature but have been put forth at Public meetings in this city and elsewhere whenever I have been called on. It will not be because I happen to incur the displeasure of the Hon. and learned Member for Annapolis that I shall relax in my efforts to obtain for the Province a Law which if carried out will produce vast and immediate benefit. It was from a friend of the measure that I first ascertained the existence of a desire not to include Cider among the prohibited articles and I at once expressed my entire dissent from such a proceeding,—and intimated that I should move to include it by name. But it is said to be an unreasonable and unnecessary amendment? What? The Hon. and learned Gentleman himself must admit that the clause is ambiguous and doubtful—liable to be construed in different ways as the temper—feeling or judgement of a Court may dictate. If he is in favor of excluding Cider—why oppose its exclusion by name; if he is not so desirous the advocates of the Bill should take care that it is done. To the argument that Cider may or may not be intoxicating—I reply that the pure unfermented juice of the apple is not Cider—when fermented it becomes Cider and intoxicating in its character at one and the same time. The argument to my mind is unanswerable,—Cider is intoxicating, ad-

mittedly so,—intoxicating liquors of all kinds should be excluded, therefore we should exclude Cider. But says the hon. gentleman I wish to exclude it and it is excluded by the clause as it now stands; we reply the clause is ambiguous when it should be explicit, and therefore Cider should be named that no misapprehension may take place when it comes into operation. But the hon. and learned member for Annapolis has attacked and impugned the sincerity of my motives; are his own free from animadversion? Where is this Cider that is spoken of principally manufactured? In Annapolis—his own County—thousands of Barrels are annually made. Has he no interest, then in keeping Cider out of the Bill that his constituents may yet enjoy the emoluments now reaped by them from its manufacture and sale? I would ask if it is a very unjust or unfair inference to draw—that these are the motives which shape his action on this question. I cast back, then, in the same contemptuous style they were enunciated, the imputations used by the hon. and learned member—and would be glad if, hereafter, before he assails others he would take care to examine well into the purity and propriety of his own motives. Cider may be harmless at one hour, the next have become intoxicating—for this reason the manufacture, importation and sale—should not be permitted.

Hon. Mr. Johnston—The hon and learned Speaker is unfortunate both in his resolution and his remarks; he says none should boast of their sincerity on this question. How widely different is his precept and his practice. All the acrimony which has accompanied this discussion arose in this way; my amendment to the Bill was proposed—Cider was mentioned and the hon. Speaker in his opening remarks boasted of his sincerity and contrasted it with my insincerity.

Hon. Speaker—I did not say so; I never referred to the hon. and learned member's insincerity.

Hon. Mr. Johnston—When Cider was mentioned the hon. and learned Speaker said, "I shall oppose this amendment for I am sincere in my advocacy of this measure." If then any thing personal has intruded itself into the debate it arose from the style and peculiar tone of the hon. Speaker's opening remarks at the inception of the debate. Am I correct or not? He took it on himself to extol his own sincerity and depreciate that of those who desired to adhere to the Bill as it was; to adopt general and generic terms without descending to particular specific articles. To my mind in thus acting the hon. and learned Speaker forgot his own dignity—and the more so when he assumes that my

reply either was or was not intended to be contemptuous. I remarked that the hon. hon. and learned Speaker had no right to impute insincerity to the sincere advocates of this measure; to those who had by the exercise of all their ability fought the bill up to its present situation—now about to pass through its last stage; and, sir, although I did not impute insincerity to him, when I reflect on his conduct I can hardly believe but that such an imputation would have been well founded. As to his contempt—that or his regard are alike indifferent to me. The hon. and learned Speaker's arguments have been answered over and over again; but, sir, I cannot say that his action in moving this useless, unnecessary motion, a motion which can be productive of nothing but injury to the Temperance cause he has evinced but little prudence. Sir, those whose minds are willing to stoop to little means for the purpose of gratifying private pique are generally acute enough to bolster up their action with plausible pretexts; and if we could analyse the hon. and learned Speaker's motives they might not be found as spotless and pure as he would have us believe.

Hon. Attorney General—I now ask the hon. and learned member for Annapolis whether or not he conceives that cider comes within the Bill? Is or is not the manufacture of cider prohibited?

Hon. Mr. Johnston—I do not think pure cider is. When it comes out of the Press it is not intoxicating—and it remains in that state until frozen; when the liqueous particles are carried off the remainder may have become from the freezing slightly intoxicating—in fact it goes through a process similar to molasses in distillation; but you would be equally justified in prohibiting the importation and use of molasses because it may be distilled into rum as that the juice should not be pressed from the apple because after freezing it is intoxicating.

Hon. Attorney General—Now sir, mark the position of the case. The hon. and learned member for Annapolis declares that cider is not prohibited under that Bill. Is there a man around these benches who does not know that cider is intoxicating in its character—and yet the hon. and learned member for Annapolis is willing to permit its sale and manufacture:—but I have no hesitation in declaring that under the clause cider cannot be legally manufactured or sold.

Hon. Mr. Johnston, it is fruitless for the opponents of this measure to attempt to impose on its advocates the belief that they are friendly disposed towards it. If the great end of Temperance men be accomplished the mere prohibition of cider will

not in any way affect the measure; they desire to prevent the use of wines, spirituous or fermented-intoxicating Liquors of any kind—the Bill provides for that. It defines by well understood terms the object of the Law and takes every precaution to make it completely effectual.

Mr. T. Coffin—The opinions prevailing as to the character of cider are strangely inconsistent—mine have always been that cider was an intoxicating beverage. My position, too, is somewhat extraordinary, voting with the opponents of Temperance in opposition to its advocate—that the views I have always understood to be entertained by Temperance men may be carried out—and the real object of this Bill be attained. Sir, it is admitted that the clause is ambiguous: I desire that the ambiguity should be removed—and to obtain that object Cider must be specially mentioned in the clause;—the bill, the whole bill, and nothing but the bill is my motto. I see on the other side a combination of members from Agricultural districts for the purpose of allowing the manufacture and sale of Cider—and among those gentlemen are many friends to Temperance. Are we to be told that cider of 2 days age is different from the same article when 15 days old? Is its nature changed; if so I ask who is to determine this? Is it not apparent that there must be much difference of opinion and many difficulties in the way of carrying out the Law unless this glaring ambiguity is removed.

The Hon. Attorney General and the hon. Provincial Secretary again addressed the House—after which the amendment was put and carried in the affirmative—26 to 21.

Hon. Attorney General.—Do I understand that the hon. member for Kings' is voting against the amendment after his declaration made this morning?

Mr. Beckwith—Yes.

The Clause then passed.

Breakwaters and Roads.

Mr. S. Chipman introduced a Bill to authorise the raising of wages to workmen on Breakwaters and Roads. He explained that during the last year workmen could not be had at the rates laid down in the Revised Statutes, and therefore there was a necessity for an alteration in the law.

The Bill was read a first time.

Municipal Incorporations.

The municipal Corporation Bill was taken up.

Mr. McLELLAN said. Before this Bill finally pass, I feel it necessary to express my opinions respecting it. I have carefully examined it to ascertain if it could be simplified or the expenses reduced—so that it might not cost more than

it is worth; but it is so cumbersome and expensive in its provisions that nothing can be done with it—and to remedy these defects a new Bill will be required. The Bill would do little harm if its cost and character were well understood—and the people had full opportunity of acquainting themselves with its contents before they were required to adopt it. When a man recommends a machine to the people it is common and absolutely necessary that he states the cost; and there are a great many good things so expensive as to be good for nothing. I have vainly listened day after day to hear the Hon. introducer state the sum it would annually cost Annapolis County; but he carefully abstained from doing so. I therefore feel it to be my duty to lay before the House a comparative estimate of the probable cost of the Bill and to shew what its effects will be. The only advantage of the Bill, under responsible Government is that—instead of persons being drawn from the Grand Jury Box to audit and manage the Public accounts of a County as is now done, the people will elect them. But its evils are numerous; It has been said "where there is no wood the fire soon goeth out." This is applicable to our elections—for by the second year the excitement is pretty well dead—under this Bill as the elections take place annually fuel will be added to the flame yearly; the excitement will be kept up continually. Experience has shewn that when a Town or County is incorporated it at once becomes involved in debt; One set of Councillors will desire to ornament a common—others to ornament something else and between them both, at last the Corporation is Bankrupt. In proof look at St. John N. B. inextricably involved in debt—while this City is steadily marching on year after year to the common fate; Even now, there are Bills on the table to add about £8000 to its Public debt. True the Legislature may stop them—but that is an ungracious task which few will assume.

Now, Sir, the expenses of working this Bill—in Annapolis & Colchester—their size being about equal—may be computed as follows. There will be Twenty-six elections in each County the first year—and thirteen every succeeding and 156 rotation or monthly Courts will be annually held in each, all these are rendered imperative by the Bill.

Sheriff's fees for first Election, £11 15 0
 12 monthly Courts in each Poling District or 156 in the County requiring 936 days attendance of Judicial Officers and Clerks at 10s per day 204 0 0

Offices rent fuel and Stationary for Offices—the 13th will be held in the Ct. House at 120 0 0
 Travel of Judicial Officers and Clerks say 4 miles daily at 3d each way 7 0 0
 fall and one in the spring at 5s. per day as Provided by the Bill 78 0 0
 756 8 0

Cr.

Supposed Saving in the Accounts by men being elected to examine them say £25 0 0
 In the County of Annapolis in '53 there appears to have been by the returns 536 suits, magistrates fees thereon averaging 3s. being £87. 18
 Experience has shewn that set days for the sitting of Magistrates Courts increases litigation 3 fold £263 14s 288 14 0
 £467 14 0

Collection Commission at 7½ per cent say with some little losses 43 6 0

Annual sum to be added to the taxation or County rates of Annapolis or Colchester by this Bill 511 0 0
 average Travel of Wardens and Counsellors 20 miles each at 3d 26 0 0
 en mayor or Speaker ary say 20 0 0
 raor done by the Clerks of the 13 Rotation Courts out of Court for issuing summonses—subpoenas, executions—alies Exon s—appel Bonds settling with Constables—Plaintiff—Defendants and Witnesses say £20 each £260 0 0

26 Counsellors say 1 week in the Time lost by the inhabitants of either of the said Counties at and about the 13 elections, by all attending them, say 4000 days at 8s 9d each £750.

Total cost in money first year £510—loss of Time £1500 £2010 0 0

I calculate that the return days and scrutinies to be about as burthensome and costly as the present Sessions. The gain then is £25 0 0 the loss £2510; what merchant would engage in such a speculation—what farmer would adopt a supposed improvement the result of which would mulet him to the extent of £1985.

But this is not all, nor nearly all; the Council will allow the Sheriff more than £11 15s. each for holding 13 Elections, paying Preiding Officers, Clerks and giving up Benches. They now pay £87 for each Election, the 200 or witness will be but a small way

in paying them; the Recorder in Halifax receives £200 a year—one will be required for each County and he must be paid; besides it would be highly improper to refuse the services of some Attorney who might have the interests of the County so much at heart as to offer his services in that capacity. (laughter). The duties of Clerks and Treasurers would be largely increased—and the cost would increase in the same rate. In fact, Sir, every time I think of it some new items of expense presents itself—and I have not the least doubt but that the exent will shew that the £510 will be swelled to £700. This, Sir, is no light matter; additional cost of this kind will be heavily felt by the people in the Country.

The last of the evils incident to the Bill tho' not the least is that it digs up the old rotation Courts and spreads them again broad cast over the Country. When formerly in operation they were found to be so many schools for litigation—drunkenness and dleness. Those who had business to transact—the idle and; the lovers of sport ran to these Courts and fruitlessly dissipated their time and money. There was Law in the morning—drinking and house racing in the afternoon and fighting at night. Assault and battery cases had to be settled the day following. The desire to attend these Courts created an errand making spirit or induced parties to litigate who would never have gone into Court; in fine, Sir, they became at last such a perfect nuisance that they were abolished.

Are we again to see constables running round to stores and houses, saying, "the Court sits next Tuesday—I am going west, what can you put in my way?" All the Plaintiff had to do was to give the names de'tor and witness—and by the time the constable returned his pockets looked very much as though a sheaf of wheat were in each of them. The probate Court is thought to be the worst court in existence—but this completely out-herods it and is worse in every respect. The Judge of Probate has power and if he is a good Judge the public have not much cause to complain—but these officers to be created by the Bill will increase litigation and have no power to check it. The hon. Introducer may not think litigation an evil, but I do. Annapolis is a very respectable county for Nova Scotia, but it is not to compare for wealth or population to those places which have been formerly deemed fit for incorporation. The rates under this bill would be twenty shillings where now they were no more than one-and-sixpence. In large places, the public accounts and business increase so much that incorporation becomes a necessary evil. A small steam engine might be advantageously employed to supply water for some large manufactory; but it would be madness in an Annapolis farmer to purchase one to pump

water from his horse-trough. What we want is a cheap simple corporation, such as this:—Say at our town-meetings you elect all officers required out of the magistrates so elected in the different towns, let thirteen be chosen Counsellors to transact County business, one of them being Warden to meet once a year as our Session now do. There is no complaint against the mode of doing county business now, why should it be changed? The cost of this plan would be—

To 15 presiding officers at these meetings 15s.	£7 10 0
To 2 clerks 5s. each	7 10 0
" annual expenses of ballot-boxes	3 15 0
" 12 counsellors a week in session	18 0 0
" Travel of do, 20 miles 3d each way	6 0 0
" Warden or Mayor's salary	10 0 0
	<hr/>
	£52 15 0

The loss of time in attending these meetings would be made up by dispensing with the meeting of the Sessions. Thus the franchise would be extended—the liberty of the people enlarged and all this at an expense but little if anything greater than we are now charged. The excitement would be small—there would be no monthly Court to encourage litigation; writs would not be issued by the bushel, the Judicial officer being responsible for the number of writs he issues and amenable to the opinion of his neighbors.

In conclusion, sir, I beg leave to congratulate the hon. and learned member for Annapolis on his safe return after much wear and tear, to the point from which he started two years since. The bill is harmless, unless the counties voluntarily adopt it—for the hon. gentleman of his own motion has relinquished the coercive clause and thus tacitly admitted that he was wrong in introducing it; I must also congratulate him that he is one of an Assembly whose members are wiser than himself—otherwise his coercive clause would have been adopted, and lastly, I must congratulate him that there are wiser men in the other end of the building—if there were not this bill would have been in operation and the people of Annapolis would now be beset with all the difficulties which must of necessity arise under this Bill without the power of refusal. There is an old saying no loss is so great that there is not some small profit; if Annapolis adopted this Bill there would be slight danger of any highway robbery being committed, as constables and tax-gatherers would be plenty as to be always within call.

Mr. A. G. Archibald.—My hon. colleague, after allowing the bill to go through its various stages until it has nearly arrived at the last—in a long speech he

assailed it; and attempted to show that its working would be injurious. Sir, I do not believe there is another man in the House who would endorse the sentiments he has expressed. The cost of working the measure has been much exaggerated by him; I believe it will be found but slightly, if at all, more expensive than our present system—while under it the people will enjoy the practical blessings of a healthy and liberal system of municipal government; their privileges will be extended and they will have a more direct control over the officers who transact their business. For these benefits I am sure they will cheerfully pay any slight increase in the taxes levied on them—that may be come necessary for the effective working of the system. The Bill is optional, the Counties may or may not adopt it as they please; in my opinion after it has been fully discussed and is thoroughly understood in the Counties not one will refuse to accept it.

Hon. Mr. Johnston.—I will not offer any argument in answer to the glaring fallacies which pervade the lengthy speech just delivered by the hon. member for Colchester; these are so obvious that reply to them is unnecessary. That the hon. gentleman should have remained silent until now—and after the Bill has passed through committee made this furious onslaught upon it at the last moment—an attack abounding in statistics founded on no data—dealing in vague assumptions and basing his calculations on nothing. The people of this Country will have the Bill before them in printed form; and I have sufficient confidence in their intelligence to believe that after they have investigated it their judgments will lead them to a vastly different conclusion from that to which the hon. member has arrived.

The Bill then passed and the House adjourned.

FRIDAY, March 9, 1855.

Pension to Mr. Morris.

The third reading of the Bill for pensioning Mr. Morris, having been moved,

Mr. M. I. Wilkins protested against the Bill. Mr. Morris had never resigned office; he was merely on leave of absence—was most ungraciously superseded, was an efficient officer, and therefore the country ought not be saddled with £900 for an officer instead of £600.

Mr. Marshall delivered one of the best speeches we ever heard him utter, against the Bill Responsible Government was against pensions—but here was one introduced by its advocates. Mr. Morris was an efficient officer—had never resigned, and ought not be put aside to make a place for any favorite of the Government, especially at the sacri-

fice of £800 a-year of the peoples' money. If this were right why was not Mr. Fairbanks treated in the same way.

Dr. Brown said that he was opposed to this pension last winter and had not changed his mind since. In fact, sir, I never could bring my mind to vote for a pension at all, unless in such a case as that of Sir Robert George, when we were in a manner compelled to do so. In the present case, if any body was to be pensioned, it should have been Mr. Uniacke. The country would in all probability lose less. Mr. Morris evidently is a man of firmer health and is likely to live much longer than Mr. Uniacke—he might live these 20 years. (Laughter.) Besides from long experience Mr. Morris would be likely to be the most efficient officer. I shall, therefore vote against the Pension, and wish the country to understand on what grounds this sum is to be granted—and thereby £800 a year added to the peoples burthens. The people should know that by the present arrangement the crown land Commissioner was costing the country £900 in place of £600.

Mr. McLellan said it would have been all very well if Dr. Brown had suggested Mr. Uniacke instead of Mr. Morris last session; but he did not, and the House being pledged by resolution to this Bill, the engagement ought to be fulfilled.

Hon. Mr. Johnston took exception to the mode of dealing with the question. This officer was relieved from his office for the sake of giving office to the hon. Attorney General. If Mr. Morris wished to retire, if he were competent to fulfil his duties, he ought not be relieved by pension, but should have been allowed to retire, without a pension. But he rather apprehended that Mr. Morris did not wish to retire; but on learning that he would have to retire requested that he might not be put out of office without a retiring allowance. This Bill was altogether in opposition to Responsible Government. It was in opposition to all the professions of those now in office. It was not necessary for making an office for an Executive Councillor. Mr. Johnston felt in a most painful position. He was opposing a Bill which would affect a friend and an honest man, and if rejected would do him great injury. He regretted, also, that by this Bill, all the professions of the present government were cast to the wind—the principles they had pretended to establish were receded from, and as regards a constitution, the country was left to toss about on the same sea of uncertainty which had characterised political movements 6 or 7 years ago.

The hon. Attorney General said that this matter had been fully discussed last year, and therefore it was not the intention of members on this side of the House to discuss it. The pension had been granted agreeably to a resolution of the House last session—every body understood it, and there was no necessity for debating what was debated last session, and decided according to public exigency.

Mr. Annand.—This thing, Mr. Speaker, was done in a corner. After the arrange-

ment of last session, three gentleman went to their constituents—the hon. Provincial Secretary, the hon. Solicitor General, and in place of the hon. Mr. Uniacke, a gentleman, (Mr. Fuller) has been returned for Richmond, professing the same politics. The country have, therefore, passed upon the subject and approved of the steps taken. Now, sir, I do not care whether the resolution passes or not. I do not care in one sense, whether Mr. Morris gets any pension—but I should like to see carried out in good faith the arrangements which were concluded last session, which were then as now deemed beneficial for the interests of the country.

Mr. M. I. Wilkins.—Oh! you need not deceive yourselves. We are not going to let this pension pass without debate. (Laughter.)

The House adjourned for an hour.

On resuming the same discussion was continued.

Mr. Holmes said that it gave him great regret to vote against this Bill either as regards Mr. Morris or Mr. Uniacke, with both of whom he had been so intimate. He sometimes doubted whether what he saw before him was real or imaginary. Take the changes which had been made! Was the Secretary's office less expensive now than formerly? No. What was this Bill? to increase the expenses of one office by one half. What, said the hon. member for Colchester—would this house repudiate its actions? It would be well if the House would repudiate much that it had done; well if the Government would repudiate and retrace their steps with reference to many acts of wrong and oppression they had been guilty of. The day of retribution was at hand, and although members on the government side might not wish to speak on this subject because they knew they were in the wrong, he had no hesitation in declaring his opposition to the Bill.

Mr. Killam objected to the Bill, because he believed the principle of pensions was entirely wrong and unsound. If Mr. Morris had performed any services for which he had not been paid, then, of course, we ought to pay him—but this is not pretended. Now, admit, for the sake of argument, that we owe Mr. Morris,—how much do we owe him? It must be some certain, specific sum, and not a sum fluctuating between £300 and £6000 which he may receive under this bill. This bill cannot make it right; right exists independently of bills; but the right in this case is not claimed. Again, the advocates of this bill pretend that this Assembly have to appropriate the revenue for those who are to come after us, as well for ourselves. It is just as honest to steal from our neighbor as to appropriate the earnings of posterity. For these reasons I have always abhorred pensions. I reluctantly consented to pension Sir Rupert D. George in 1848, in order to settle the civil list and obtain possession of the casual and territorial revenues—and this was the utmost the then Liberal party would consent to. I well remember the difficulty

there was in fixing that part which formed an allowance for the Registry Office, which included a reduction on the cost of recording throughout all the Counties of the Province, and made all the Registrars independent.

The plea of necessity is a poor one;—no necessity can justify wrong. I agree with the hon. member for Guysborough, who asked the government why they did not make the Land Office a Head Department. Although I assisted to introduce Government by heads of departments in 1848, they have been largely multiplied; and we can do well without the Commissioner of Crown Lands. I would rather see the numbers diminished than increased. What chance is there to reduce or even keep salaries at a moderate ratio, or prevent a growing pension list, with nine paid seats on these benches, supporting the Government, actuated by the powerful motive of self-interest. The hon. member for Londonderry calls the refusing to pass this Bill, repudiation, and says the House agreed to it last session. A resolution did pass here, carried by a very small majority to that effect. On that point my views are very probably the views of many others; if not, they are likely to be ere long; that is, the day will come and may not be far distant, when the people of this Province will not consider it morally or legally wrong to refuse the right of any former Assembly to control and regulate their affairs, by forestalling the main spring of their existence—their liberty to do what they think proper with their own, when Mr. Morris's pension will go unpaid; but what is worse than that, the hard earnings of the industrious that are now being squandered to gratify the ambition of a few, will never be repaid. Which is the more honest, to reach your hands into another's pocket, taking therefrom his money to pay your debts—or to refuse paying what others unjustly compel with no other right except that given by an unjust law? If this Bill pass and become law, I hope the next House will repudiate the act as well as many other improvident acts; and reinstate Mr. Morris, if competent and willing to accept the office, and I will, if returned, assist, and at once relieve the country of the expense.

Mr. Thomas Coffin said—Mr. Speaker—the subject before the House ought to be fairly before the people and so far as I can, I will put it in its legitimate form. It is well known Mr. Speaker, what hard fought battles have been fought up here within the last 4 years, in connexion with the Railroad—the particulars of which I need not take time to relate; but may say that after long arguments and contention the Liberal party gave way to the Opposition. They did this, although the Liberals had a majority and they gave the opposition the time they required to carry out the policy or to negotiate with Mr. Jackson to mature his scheme. They tried their best—they could not succeed—and the result of their deliberations is well known to be a failure. Still their opposition did not cease, although they pledged themselves that if they failed in their views they would no longer oppose

Government scheme. This pledge, I repeat was not fulfilled—the opposition was still vigorous.

After waiting a whole year for Mr. Jackson however, the government carried their point—the principle of a Railway by its instrumentality was established, and this having been the case, the Hon. Mr. Howe was selected as Railway Commissioner, and Chairman of that Board. It therefore, became necessary for him to resign his office as Provincial Secretary—he did so—and also his seat in the Government. It then became necessary, in order to carry out the Railway policy to a successful termination, to reconstruct the Government, and the changes then made was with the unanimous consent of the government party for the public good.

It has been said that Mr. Morris was thrown out of office without his consent. This is not the case—It was his wish to leave—no wrong was done him; and what the government have done was done with common consent for the general good. This, Sir, I hand over to the opposition gratis. They can make what use they please of it. I will not take more time, Sir, but leave this subject for abler men to deal with; but I am inclined to go straight forward—without deception or higgling of any sort.—(Hear, hear, from the Government side.)

Mr. Smith said that it was exceedingly unpleasant to oppose a grant of money to a friend; but we ought not let these feelings carry us beyond public duty. Both the gentleman superseded from the Crown Office, and the one who occupied it now, challenged the respect of every member here; but there was a public voice abroad—public opinion must be looked to—and when he recollected that all pensions were set down as Tory things, and that, when the Liberals came in, they promised they were going to carry on the government on different principles, on a more economical scale—he felt it his duty to vote against all such misappropriations of the public money.

Hon. Attorney General—I shall endeavor Sir, to adhere to the policy I marked out this morning, and not debate a question that is so well understood by the House and the country. There is no new feature in it. What favor the hon. member for Pictou (Mr. Holmes), may do his friend, by voting in the manner he has stated, I am at a loss to know. Will he deprive him of a pension that the House has guaranteed; or does he expect to get Mr. Morris back to office. He may, if there be a change of Government.

Mr. Holmes—That is exactly what I want. (Laughter.)

Hon. Attorney General—Still more astonished am I at the hon. member for Hants opposing a grant which was necessary for the formation of a Government to carry out the railway policy in which his county is so deeply interested. The successful carrying on of that work depended on these changes. But what is meant by the references we have heard to interested motives of members of the House. We have a place holder here to

52 members of the House. The supposition, that hon. members here can be corrupted, to suit the convenience of these 4, is not very complimentary—nor is it parliamentary. Does any man suppose that the hon. member for Richmond could be seduced to sacrifice the interests of his constituents, because he holds a Commissionership of St. Peter's Canal, which yielded to him the enormous sum of £23 in one year! But the hon. member for Yarmouth talks of repudiation. I am not blind, sir, to the attempts made to destroy our credit; and I am ashamed to hear them. What induced the hon. member to move £60,000 for our Road Vote, instead of £45,000, the most liberal grant ever yet given? To get it? No! but to embarrass us. And I regret to hear him say that Nova Scotia is capable of repudiation. Not another member of the House can be found to endorse that sentiment—

Mr. Marshall—Here's one.

Another Voice—Here's another.

Hon. Attorney General—Well, I am very sorry to hear it. You would follow the example of the broad-brims of Philadelphia, which is not very creditably thought of throughout the rest of the world—which would be, in the last degree, disreputable—and which, I do not believe, any Legislature could ever be got in Nova Scotia to sanction. I understand the game, sir! It is to destroy our credit, under which we require to borrow £200,000, this year, to extend our railway to the county of Hants. Does my hon. friend for that county endorse that sentiment?

Mr. B. Smith—I will speak for myself.

Hon. Attorney General—Sir, if capitalists step forward liberally, as I trust they will, to advance the money to set our railway in successful operation, no legislature within these walls will ever repudiate the act; and, if such a thing were to happen, I am quite certain the Crown—the supreme power in the Constitution—would step in and prevent so great a wrong.

Mr. Marshall—Is repudiation any new thing in this country? Was turning Mr. Fairbanks out of office, without allowance, against the pledged faith of the Crown—was that no repudiation? Is a Legislature to be tied down to the acts of its predecessors? Where would be the change of the Cabinets of England if there were no repudiation? Where would be the Reformation? And what was the repudiation here talked of? Did I not sit here and hear the Hon. and learned Attorney General's Brother George hold the same language when Mr. Howe was in England—did he not say the Railroad was to swamp our Road and School money, and to be a perpetual burden on the revenue? Here Sir, is high authority for the repudiation now spoken of—the extravagant expenditure we were now plunging into. The government are certainly taking a high stand. The Hon. Solicitor General just now said to me—“We'll allow you to talk!” and the Hon. Attorney General stands on his tiptoes and does talk. It is now admitted that these pensions have been got up to sustain the same

staggering, and struggling government; and I for one, if ever I have the power, will endeavour to sweep them away.

Mr. Wade was very glad that we had at length something to go to the country on—announced by the Hon. member for Yarmouth and endorsed by the hon. member for Guysborough—and that was, that on a change of government and the return of the old party to power, our public works must stop. He wished the country to understand this.

Hon. Attorney General enquired whether the remarks of Mr. Killam on repudiation were intended to apply to Mr. Morris's pension only, or to our public works also?

[No reply.]

Hon. J. W. Johnston—It is a common saying among those who drink deeply, when they are getting weak and intend to be sober for a season—that they have *kegged*; the Attorney General this morning gave notice that he had kegged from speaking on this subject; (Laughter;) and the necessity of his speaking as he did just now, might have been obviated if he had deigned to make some earlier explanation of the necessity for this pension. Now, the Railway policy was put forward as a reason why this pension should be granted; but there was no pension necessary to create a Railway Commissioner—there was a pension necessary for the creation of a new Attorney General. The Hon. and learned member for Digby has congratulated himself that there was something to go to the country, and he appealed to the Reporters. I have to complain, Sir, that the reports are very inadequate on one side, while they are given very fully on the other; * and therefore, sir, I shall depend very little on these Reports to set me right before the country. The hon. Attorney General addresses himself to the feelings of the hon. member for Pictou, and says you must not vote against this bill because you thereby injure a private friend. Is that the doctrine of the hon. Attorney General?—that you must not injure a friend, although by saving him you injure the country? Is that your political morality? Again, he appeals to the hon. member for Hants, (Mr. Smith,) and holds up the Railroad in holy horror. Is the Railroad to be the stalking horse to interfere with all our principles of public action and economy?

Sir, the railroad is going on, and time will tell whether it be a good or ill-advised measure, an experiment successful or disastrous. Ah, sir! glad was the hon. Attorney General to turn your attention for a moment from the hideous features of the Bill now before the

house; a bill not intended to benefit Mr. Morris, but to be subsidiary to the schemes of those who moved it. But the hon. member for Halifax, (Mr. Annand,) has told us of the "arrangements" that were making. I want to know, sir, whether one part of those arrangements was not that he himself should have the office of Queen's Printer? (Laughter.) So the "arrangements" went on, and the whole secret of the matter is:—Give us money enough to buy all that can be bought, and then we shall have a strong government. They first came over to our side and bought up a Provincial Secretary for £700 a year, and then new salaries and pensions follow. Now, sir, I have no idea of giving a pension at any time unless it is justly due, and absolutely required for the public service. The only necessity for this was to give office to the present Attorney General; and, between pensions and salaries, it is no wonder that there is an accumulation of votes on the opposite side. With reference to the Road Vote of £60,000, I voted for that because I thought the revenues of the country could afford it. I voted for the extra £2,600 on the same principle—for £200 to each county is but a small sum to cover extraordinary damages to bridges. We ought not be turned from these essential services by the railway. We were assured, last session, that no such sacrifice would be required of us. The railroad is going on—the country is committed to it; and, if it fail, the fears of the hon. members for Yarmouth and Guysborough will be realized. Then will come the pressure which will be felt without any corresponding benefit. The question of this pension is one of very large importance, if we are to have this country governed by a system that allows every sinking administration to be patched up by corruption.

Hon. Solicitor General.—It was not my intention to have spoken on this subject; but some remarks of Hon. gentlemen have called me to my feet. The Hon. member for Guysborough did not exactly comprehend or interpret what I said. I did not say—"We will let you speak;" but that if he and his friends wished to debate the matter, they were welcome to do so; and I added that as the subject had been fully debated last year, it was hardly worth while to waste time on it now—day after day, and hour after hour. As one, I am perfectly willing to let my speech of last year go for what I ought to say now. But, Sir, we are on the eve of a general election; and I do not begrudge the opposition their privilege of getting up a grievance. They must be hard up, indeed, to make this one. It is ridiculous for honorable members to spend 6 or 7 hours in debating a question, when no opposition is offered them.

Hon. Mr. Johnston.—There is opposition. Withdraw your Bill, and we cannot oppose it.

* REPORTER'S NOTE.—After this charge a correspondence took place with the hon. Mr. Johnston, by which it was ascertained that two omissions of brief replies of his to the Hon. Provincial Secretary and to Mr. McLellan had been accidentally omitted in the reports. Had our attention been called to the fact at the time, the omissions would have been immediately supplied, as they have now been in the volume publishing for the Assembly. Mr. Johnston has acknowledged the anxiety of the Reporters to do justice, and the fidelity of their reports.

Hon. Solicitor General.—I am very much astonished at the new-born energy of the hon. and learned gentleman—the holy horror with which he regards pensions now, after having supported them so violently in times

past! Sir, when we contemplated reforms in times past they were intended for the benefit of the people. We contended for something substantial—not the chaff, but the good grain, and the people, I take it, know well how to distinguish between them. They will not take the dirty chaff of the thrashing flour instead of the good wheat that we have given them. For these reasons I was content to let this matter pass without observation. We are here to carry out the policy of last year. It is said it was only carried by a majority of three; but that amounts to a declaration that what the late government did we are not to do now. The hon. gentleman for Annapolis declaims against what he practised himself. He talks about our majority of three last Session; and in the same breath about the case of Mr. Fairbanks. Why, Sir, what did the Hon. Gentlemen himself do in 1844, with his blessed majority of one? Did he not appoint Mr. Fairbanks to the Treasury in that year and surround his appointment with the checks and guards of Imperial pledges, in order to deprive the people of this country from having the right of self-government and the changing of their officers? Let not the Hon. and learned gentlemen, then, set himself up for a pattern of a patriot or statesman. Talk about Responsible Government! Why, the Hon. and learned Member opposed and obstructed it for four years with his majority of one; until at last the people arose in their majesty and put an end to his pretensions, repudiated his attempt to place an officer in the Treasury without the power of removal. We hear of despatches being kept back and secreted; but did not the Hon. and learned gentleman and his government withhold despatches guaranteeing to this Province the blessings of Responsible Government, while, at the same time they held forth to the country that Responsible Government had been denied to us by the Imperial authorities? Yes, Sir, and this was circulated in printed slips from one end of the Province to the other. If they had continued in power, Responsible Government never would have been conceded; but when the other administration came in they found this invaluable paper in the Secretary's Office, and that Responsible Government had been in fact conceded to Nova Scotia, instead of denied to her. As regards the general conduct of the present government, Sir, I am quite content to let it compare with that of the Hon. and learned gentleman opposite, since our entrance into public life until the present time.

Hon. Attorney General.—The speech we have just now heard from the hon. and learned member from Annapolis is as remarkable for what has been said, as for what has been omitted. He spoke of my having taken off the *keg* as regards speaking. I could not help thinking, Sir, that it would have been well if the Hon. and learned member if he had taken the *keg* before he introduced his cider amendment to the prohibitory Liquor Law; he would have stood much higher in the House to-day; for of all the scenes I have beheld throughout my public life, that was the most

amusing exhibition. When, therefore, that hon. member descends to such language as he has used, he must recollect that he has his tender points; and that we can resort to retaliation.

Sir, I do not deprecate discussion. I fear not the agitation of this subject as much as honorable gentlemen chose; but I do condemn the waste of public time in useless debate and idle repetition. It was the hon. member for Yarmouth that called me to my feet. He threw out an original idea, it is true. What! that we are repudiate the acts of this Legislature relating to our public works—or that any future Legislature will do so? Sir, I do not wonder that my hon. friend from Digby with his usual manliness should have risen as he did, and proclaimed such a want of principle and honesty as worthy the condemnation of the country; because, Sir, if a Conservative party still survive at all—represented by the heterogeneous materials we see before us, we find that one of its first acts is to be the repudiation of the just debts the Province has contracted.

It was because I stamped with reprobation such a doctrine as that, that I rose to reply. The hon. member for Annapolis carefully avoided touching the point. Why did he not come out and tell the people of Nova Scotia that if they wish to maintain the Public credit, fulfil their obligations, and carry on their public works, they must return the Liberal Party to power. He has talked of the hideous features of this Bill. Do not the people understand this question in all its learnings? Halifax has given a pretty significant hint as to the voice of her citizens—three constituencies have approved of this Bill as part of the railroad policy; and I rather think that on the issue just opened—the policy of Repudiation, the people will teach us that it is neither in accordance with sound patriotism, nor dictated by a love of justice. But, sir, it is wrong to strengthen a government. I will not go back to show all the extraordinary acts of the last Government; but recall one or two. Does the hon. and learned member for Annapolis remember the six Conservatives he thrust into the Legislative Council—making their majority 14 to 6, thus endeavoring effectually to neutralize the voice of the Commons, in case a liberal majority were returned? Does he recollect that he was not ashamed to make the people of the Province go to the hustings on a false issue, by his withholding a valuable despatch which was not discovered till the people asserted their power and dragged it into open day? Sir, when I want lessons of Political purity and public virtue, he is the last man I should ask for them. Even the Reporters have not escaped his angry frowns and fierce denunciations; but I would have it understood that the opinion of the hon. member for Annapolis is not the opinion of this House on either side; for there are but few members here who do not believe that the reporters discharge their duties fairly and impartially; if not, there is not an adherent of the government would support them a single moment.

They are not here to defend themselves, and therefore ought not have been made the subject of so unjust and unjustifiable an attack. Now, sir, I shall withdraw from this debate. I am glad the hon. member for Barrington. Mr. T. Coffin has come out, and with his usual manliness stated the whole of this question in a nutshell—in a manner that the government could hardly have done it. Let it be understood then, that the opposition, if returned to power, would destroy your Railways, impair your credit, and make Nova Scotia the laughing stock of the continent. For myself, sir, I can allow these little blasts of petulance to pass by with perfect composure.

Hon. Mr. Johnston.—We have got the hon. Attorney and Solicitor Generals fairly into the field at last. The Attorney General tells me that my speech was distinguished for what it did not contain. I return the compliment. While reiterating the flat stale stories which have so often deluded the country, he has forgotten to say aught of the £300 a year he is now squandering away. He has answered the hon. member for Yarmouth by the old cry—"The wolf," "the wolf!" just as the fox in the chase *doubles* when good dogs are on his track. But when he talked of the heterogeneous materials of the Opposition, I could not help glancing along the government ranks, and admiring the homogeneous materials there! Well am I content to contrast one side with the other. Just imagine the Chief Railway Commissioner and the Attorney General sitting on one Bench together, like two brothers! He talked of political morality and personal honor. Sir, who can forget what took place through the Press when the hon. and learned Attorney General was still engaged in politics in that chair? Have we forgotten the exposures that were threatened to be made? have we forgotten the fiery denunciations that were hurled at the government in power? Have we forgotten the relationship of the writer to the hon. Attorney General; and what shall we say of political virtue and personal honor, when we see arrangements made by which he comes into power with the very men who were denounced by the brother they destroyed; and at the expense of this £300, which would not have been necessary, except to place him in the office he now holds. What then? The Provincial Secretary was enticed from this side of the house that a Government might be formed consistently with political morality and personal honor. I point to that chair for another change in politics, and we all know by the experience of many years past that a political Speaker is not a bad agent to assist a government. You are strong!—where did you get your strength? You have made the adhesion to your ranks very palatable, to be sure; but what is it makes up your government at this moment? The defalcation from the side of the conservatives. So this, when we think of political morality, and watch the course of the Attorney General himself, we shall find nothing worthy of imitation. He has refused of the explanations

of the hon. member for Barrington—because, forsooth, the government could not have made them. Why not? It was their duty to have done so. Wherefore, then, is this pension created? For strengthening the Government it may be—but strengthening it at the public expense, and at a violation of the principles by which they came into power.

(During his speech, the hon. gentleman made some reference to a conversation at a window with the Provincial Secretary, which we could not comprehend.)

Hon. Pro. Secretary.—Mr. Speaker.—I have endeavored, during my career in this House, to conduct myself in a gentlemanlike and courteous manner; I think others will admit that I am not claiming too much in making this assertion. I have never, as a member of either Branch of the Legislature, forgotten the dignity due to others. So far as the observations made by the hon. and learned member for Annapolis extend, in relation to the peculiar circumstances under which I became associated with those gentlemen in the Government to whom it is my pride and pleasure to be attached, I have nothing personally to complain; should that occasion arise, I will be ready to answer him. As to my public conduct, that is before the country; my constituents have judged of it, and the proud man in which they have testified their approbation of the course I pursued, abundantly compensates me for any contemptible, scurrilous observations by which I have elsewhere been assailed. The hon. and learned member has referred to a conversation at a window of this House between himself and myself—a conversation I allude to with pride and satisfaction; and am glad he has given me the opportunity to state what it was. That conversation referred to the political party with which I, at that time voted; and it is a source of pleasure to me that, since my acceptance of office, all of them, with one exception, have not forgot that they were gentlemen. Let the hon. and learned member question the explanation I now give, if he dare. On one memorable evening, I rose in my place and gave an explanation as regards the Railway, which I had no right to suppose he would receive with indignation. Seeing the difficulties which surrounded the enterprise of a Railway by a Company, which I had voted for in a previous Session, I had friends with whom I consulted before I came here,—to whom I explained my views as to the perfect independence of Railway construction from every other question then agitated in Nova Scotia, and that, if the project of the previous year failed, our only hope was in reliance on our own resources. As I have said, one night I rose from that seat and proclaimed my Railway policy. In the morning, when I came into the House, I was told by one of my friends that I had given offence to the hon. member for Annapolis. I called him to the window, and expressed my regret that he should have taken exception to anything I had said—that the speech should not be taken as any intention of abandoning my then political friends: but, on the Railway question I considered we ought to be free. I had not, then, the most remote connection with the Liberal party. I had never, with human being, had any communication whatever, on the subject of taking office—nor was any offered or tendered to me—nor had I ever received any hint or overtures on the subject. Long afterwards, when the Railway Bill had been not only carried through, against much opposition

sition, on one eventful morning, three gentlemen intimated to me their desire to have a conference with me, and yourself, sir, and the two others, wished me to support, actively, the great Railway policy of Nova Scotia. On their explanations, the party unanimously offering me the Provincial Secretaryship, I was never more agitated in my life. I replied that I must take time to deliberate—that I must have the longest possible time to consider. Viewing, then, the position our Railway question occupied—having passed this House after strong opposition, and the necessity of a combination of its friends to carry it to a successful issue—viewing other party ties to have been, in a great degree, dissolved by that great measure—I thought seriously of my duty in the matter—my solemn duty, in so eventful a crisis, to my constituents—I was permitted to consult an intimate friend, who recommended me to accept office, and I did accept it, and formed a political connexion with the gentlemen around me. In the cordiality and confidence with which they received, and have ever since honored me—in the pride and pleasure which I feel in acting with them—in the approval of good and virtuous men who appreciate my motives and sanction my public conduct, and in the triumphant manner in which, by a majority unparalleled in the Township I represented, I was returned to this Assembly, after my acceptance of office, I have found abundant consolation, under the severe strictures and scurrilous invectives to which I have been subjected since that event.

Now, sir, let me advert to the circumstances under which I came into this House, at my election, immediately previous to my separation from the opposite party. It will be seen that I was put in nomination, not at my own instance, or to gratify my own ambition, but with the greatest reluctance on my part, and at the urgent solicitation of others. When a vacancy in the Representation of Windsor was created by the death of my lamented friend, Mr. Fraser, I was waited upon on a summer's evening, by gentlemen deputed for the purpose, and by them solicited to stand for the Township. I at first absolutely refused to do so—informed the deputation that I had declared frequently to my friends my determination not again to enter into public life, and that I felt no interest or personal ambition in doing so, as the party connected with those who were to be my supporters, were in a minority in this House, and, as I supposed, likely to remain so. Eventually, however, I acceded to the proposal of these gentlemen, earnestly reiterated; I stood, and, after a contest, was returned by a small majority. During the progress of that contest and the canvas that preceded it, I never had the slightest communication by letter, or by word of mouth, with the learned member for the County of Annapolis—in fact, I never had with him any particular intimacy, nor, in any special degree, enjoyed his confidence—nor am I aware of any obligation I was under to the hon. and learned gentlemen. Before I accepted the office that I now have the honor to fill, I formally vacated my seat, by notice to the Speaker of this House, which induced the necessity of my re-election, in order to sustaining my place, and I declare, without the slightest risk of contradiction that, up to that time, I fulfilled to the letter every party obligation. Unless, then, I was chained to the hon. member's chariot wheels and to the destinies of his party forever, I conceive that I was a free man, and fully entitled to the exercise of my unlettered discretion, to make a fresh start in public life. So long as there was

hope of a Company Railway, I stood by the learned gentleman. When that departed, my public policy became distinct from his. Let it not, however, be supposed for a moment, that it was a matter of indifference to me—the separation from the honorable and amiable gentlemen on the opposite side of the House. There are many of them for whom I shall ever entertain feelings of personal regard and esteem. It is always a delicate and invidious thing, sir, to speak of one's self, and I have not volunteered this vindication of my public conduct. The learned member for Annapolis, with what degree of temper I leave this Assembly to judge, has wrapped up, in a mystery of his own creation, the necessity for these explanations. I have made them with calmness and moderation, but with all the force of simple truth. To the faithful friends whose good opinion I am anxious to retain, who put the best construction on my acts, and repose faith in my assertions, this explanation may not be unwelcome—to the indifferent I have no explanation to offer.

Hon. Mr. Johnston—Mr. Speaker, it is necessary that I should make a few observations in answer to the hon. and learned gentleman who has just sat down. With reference to the principles on which he changed sides in this house, there is so great a difference between him and myself on the duties that ought to guide public men towards their party, that I do not think it likely we shall agree. What he has avowed here I think utterly inconsistent with the obligations that bind a public man to his party. I can say no more. The hon. and learned member says there was no confidence between us—there was the same confidence with him as among other members of the party. He has a good memory—does he not recollect any of the notes and communications that passed between us? Why, sir, I took up a letter of his the other day, written three weeks before he accepted office. In a public sense he was the same to me as a brother. The strongest tie existed that could subsist between one political man and another. The price at which he valued my friendship he has shown. The price at which I valued his as a member of a party to which we both belonged, £700 a year had no comparison with. I do not believe in that political morality which says—when you come into an Assembly with a political party, watch your opportunity and desert to the enemy. Is that the hon. gentleman's sense of political purity. If so, let him keep it. He is where he ought to be. [Applause in the galleries.] Sir, that which binds men together in their natural and social sympathies, also binds them in their political relations—they are placed under reciprocal obligations which cannot and ought not be sacrificed to patch up their own fortunes. He says—I would not consent to the nomination for Windsor because the political party I belong to are in a minority, and likely to remain so. Why then, sir, did he not stand aside and allow them to find a man who would be faithful in their ranks. Has he forgotten the Conservative party that put him in the house? Has he forgotten the exertions they made to put him in? that every nerve was strained to put him out? that men who would not have voted for him under any other circumstances did so for the success of their party. What brought Mr. Pattillo from Liverpool? Votes like that put him into the house. He received from these men a sacred trust and solemn deposit. Was it honorable to make use of the power which they gave

him to destroy his party? He did so, as far as he could. Is that his public virtue and personal purity? If he had gone over, on a railway question, for example, without taking office, he would have stood unblemished; but I couple his significant expression that his party were in a minority, and likely to remain so, with his acceptance of £700 a year for deserting it. We can easily gather the motive. He says that every man in the house of his old friends met him as gentlemen, but one. That one was myself; for I cannot forego the opinions I hold on such matters. The act which he perpetrated ought to have driven hundreds out of society. But I stand alone then!—the only man that withholds the hand and averts the countenance. Be it so—I am content. He said that a conversation took place, and he "dared me" to question his explanation in a manner very ill-becoming the first part of his speech. Does he not know the utter insignificance in which I hold anything he may say? Now, Sir, let me correct one or two points of his explanation, or rather add something that he has omitted. After the speech which he should not have delivered without consulting his party. On the morning after, he beckoned me from my seat, went to one of the windows, and this is the conversation that took place. He said—I understand that some of my friends do not think I did right in making the speech I did yesterday. I should be sorry to be dishonorable to anybody, and especially to you; and then he complimented me on my public services and sacrifices for the party. I assure you that I had not the slightest idea of weakening my relations to the party, and I will go on the floor and make a speech this afternoon to that effect. Am I right?

Hon. P. Secretary.—No, I deny that.

Hon. J. W. Johnston.—Mr. Wilkins, I declare before God that what I say is true. (Cries of "order.") I said in reply—"You had better not do that, because it may place you in a false position; but what you have to do is to act cautiously, look to the future." Sir, if I had known him as well as I do now, I should have told him to go in and make his speech; because that would have nailed him to his duty. But it soon became very clear that his heart was not with his party—that he was no longer of us if he was with us; and I think it was on the last day of the session that I said to him, there are rumors abroad with reference to your connection with the Government—had you not better contradict them before the house? His answer was, "I can say nothing on the subject." I took it for granted, then, the whole thing was over. He says he enjoys the friendship of all others but myself; then he has lost nothing, because he cares not for me. If his conduct be correct, it would subvert the whole foundations of party; for if the principle be true that where there is mutual confidence and support, the obligation is also mutual, then the violation of such confidence is as dishonorable on the one side as on the other.

Hon. Provincial Secretary explained again. The personal estrangement of the hon. and learned member—even the scorn he professed, were to him matters of perfect indifference. The Provincial Secretary denied again the expression imputed to him at the window, remarking that ever since his Railway vote, the hon. member for Annapolis had worn towards him the aspect of estrangement—and that the appeal made to him to join the new government was made solely on the ground of carrying out that policy—and after stating that the majority which approved of it

was unparalleled in the elections of that Township, and that to his own heart his motives were pure and honest.

Hon. Solicitor General rose—

Mr. Zwickel—Oh, Mr. Speaker, we had better saw this off!—(Rears of Laughter.)

Hon. Sol. General—I shall not weary the hon. gentleman's patience. Mr. Speaker—I have listened to this discussion with mingled feelings of regret and amusement. We have heard much of the hon. and learned Provincial Secretary having changed sides in the house on the question of railroad policy. Now, it appears to me that when a Government undertake to carry out a certain policy, they assume the responsibility of carrying their measure here. The Government took the responsibility of risking the estrangement of some of their own supporters, and in point of fact they did estrange the hon. members for Horton and Yarmouth. Acting on conscientious motives, no doubt, they sat with the opposition; and they have ever since remained in opposition to the Government. Is it right then, for men to leave one side and not the other, on a great public question like this? It was truly said there were no distinguishing features between the parties. Responsible Government was the question before. On that the learned member for Windsor and Annapolis sat together. The moment that was conceded the question was settled—the great line of demarcation was broken down. Why did the opposition call themselves conservatives? Did the learned member for Annapolis remain Conservative? No, but rushed into the extreme of ultra radicalism. His first step was Universal suffrage. Was that Conservatism? The Legislative Council, too, should be elective. Was that Conservatism? Then, if the old party ran from one extreme to another, was every gentleman bound to "run a muck" for their leader, whether he were right or wrong? In railroad policy, as in every other policy, a man cannot be of a party unless he be with a party; the hon. and learned member, two sessions ago, carried his railroad policy, and the Government fell back for him to carry his policy out. They waited for a year, and he did nothing. When, therefore, there was hope no longer—and when Mr. Jackson had actually declined; when the people of Nova Scotia, and those of Windsor, in particular, whom my hon. and learned friend represented, saw there was no prospect but in putting our own shoulders to the wheel, he acted as became a true representative of the people in supporting what was feasible in preference to mere party combination; and if there were more like him here it would be better for the interests of the country. If we put our hands with more unanimity to public works, and had less of faction, the country would prosper more than it does. At the time the hon. and learned Provincial Secretary, then the member for Windsor, made his speech, I know that he had no intention of joining the party to which he now belongs; but when the members of the Government pressed upon him that it was essential to carry out the railway policy, he reluctantly consented. It was, therefore, more an inevitable necessity than a matter of choice.

Mr. Marshall.—Perhaps the hon. Provincial Secretary may think I have a great deal of temerity in coming forward after his challenge to the hon. and learned member for Annapolis.

Hon. Provincial Secretary.—I will listen to all the hon. gentleman has to say with the most friendly and kindly feelings.

Mr. Marshall.—I would be guilty of gross treachery to my hon. and learned friend from Annapolis if I were to allow the idea to go abroad uncontradicted that I had held the hon. Provincial Secretary in such high estimation as I did when he belonged to this side of the house, and before he joined the present government. I say this reluctantly, but imperatively, to place the matter right before the public. It is an old saying and a Scotch one—"Don't scald your meat with another man's broth." With reference to the conversation at the window—it was told to all of us next day; and I recollect asking the learned member distinctly, "Are you going to desert our party or only going to support the Railway policy as others of our party may do. He answered that he had no intention of leaving the party, and giving me a familiar slap on the back, as he was in the habit of doing in old times, he said, "Leave you, my dear fellow! I would be sorry to say a word or do any thing to offend one of you," and he certainly did say something about making an explanation in the house.

Hon. Provincial Secretary.—The hon. member has certainly been on the most intimate terms of friendship with me since. But if you look at it for a moment, you will perceive that the expression I deny does not in the slightest degree alter the question; because even now, I say that I would have gone on to the floor in a moment and made the speech alluded to; because I had not then the slightest idea of entering the new government. If then, what is said were true, although I have no recollection of it, the fact would only prove my honesty and sincerity of purpose. The altered circumstances which induced me to join the government are familiar to the House and the country. But I forgot to refer to another conversation at another window, when the hon. gentleman told me that I had been returned by almost superhuman exertions by the constituency of Windsor, that Mr. Pattillo had travelled from Liverpool to Windsor to give me his vote, and asked me what I intended to do. I answered that I was the best judge of my own political course, and personal honor.

Hon. Mr. Johnston.—I did not think the communication made to me as confidential. It was not so considered by the hon. gentleman himself because it was mentioned all round among the party, the same day and afterwards.

Dr. Brown.—I must again protest against this measure, because I hold, as I have already said that all pensions are in their nature wrong, and contrary to the principles of justice and sound public policy. In old times, nothing was more odious in the sight of the so-called Liberal party. This formed a principle ground of attack on the old Tories. I recollect many years ago how the country was set into a flame, by pensioning the Common Pleas Judges. In the County of Kings the very name of Pensions is hateful to the people. When I look round these benches, and see many who once battled for the Peoples' rights, I am struck with amazement. What are these men doing now? Granting pensions, increasing salaries, instead of reducing them—paying the Legislative Council; in short lavishing the people's money in the most shameless manner, and at the same time obstructing every good measure that is submitted, preventing the people from local self-government, determined to retain the old tyrannical and irresponsible Upper Branch, simply because it keeps them in clinging to power. There

is one honorable member, however, whose advocacy of pensions was quite consistent with his former professions. I allude to the learned Provincial Secretary. Whatever may be said of him he cannot be said to have changed his political creed. He has never shown any dislike to pensions or high salaries. If ever I return to this house, I shall use my best endeavors to retrace these false steps, and restore to the people these pensions, out of which they have been defrauded.

Mr. Killam explained—stating that he was elected by the Liberal constituency of Yarmouth in 1847 with Mr. Huntington (for the County of Yarmouth). He came with strong party feelings in favor of Responsible Government and strong feelings against Mr. Johnston and his Government. During the first session Mr. Howe and his friends displaced Mr. Johnston and his friends from office and power—Howe, Huntington and others taking offices. Matters moved along for a year or two tolerably smooth, yet a portion of the Liberal party—himself being one—were not satisfied with all that was done during his first four years of legislative duties. The Railroad question was before the House and Country in various forms—Mr. Huntington and himself opposed the Great Quebec scheme. In 1850, Mr. Howe and the Government decided on making the Railroad a Government work, and Howe proceeded to Great Britain to solicit aid from the British Government;—in consequence of this, Mr. Huntington resigned his seat at the Council board and office of Financial Secretary. His conduct in that respect he believed was unanimously approved of by his friends and political opponents. In 1851 came the Election—Mr. Huntington being unable, on account of ill health, did not offer. He (Mr. K.) was returned. This was not the Government he helped to form in 1848. They had completely changed their political course and repudiated what they advocated in 1846-7. But further, what happened in the Session of 1854? another change, to form a strong Railway Government, to enable to be carried through the House a bill for the construction of Railroads (as all former bills had passed); the Provincial Secretary (Howe) resigned, to accept the chief commissionership of the Railway, at a salary of £700, and what was called the Liberal party took a strong Conservative (Wilkins), one who had up to that time been a bitter opponent, and placed him at the head of the Government—passed a resolution to pay £300 per annum pension to the Commissioner of Crown Lands, thereby making a place for the late Attorney General at £600 per year, and elevating the Speaker (Young) to the Attorney Generalship at £500. What position, then, ought he (Mr. Killam) to occupy in order to be consistent? Certainly not in supporting a government formed expressly to carry out a policy directly opposed to what he believed to be the true interest of the country. He considered himself bound to carry out the views and principles of the party that elected him, which certainly were not the principles of the present Government, but directly the reverse. If they had changed, he had no reason to believe his constituents had. Even if his conduct was approved by those opposing him at the last Election, that should not be a charge against him. He had always endeavored to act honorably, and it was gratifying to meet the approval of all, and especially that of his old friends. He had always hoped and expected the support of his colleagues (Mr. Shaw) on the questions of Railways.

Pensions, but he had been disappointed. He (Mr. Shaw) of course was free to take his own course, but he had been returned by the same Constituency that approved of Mr. Huntington's policy, and his supporting the present coalition government, which gave rise to the pension in question, was affirming what Mr. Huntington had disapproved of in 1850, and gave up £600 a year rather than consent to. After this explanation he hardly expected his position could be fairly compared to that of Mr. Wilkins.

Hon. Sol. General.—The explanation of the hon. member for Yarmouth just proves the truth of the argument I was setting forth just now. Mr. Huntington disapproved of the policy of the Government, and therefore resigned. Mr. Wilkins did approve of the policy of the Government, and therefore accepted office to carry out what he believed to be for the benefit of the country.

Hon. Mr. Johnston.—Oh, yes!—we all understand the difference—the one gave up £700 a year for conscience sake—the other sold his party for £700.

Mr. Comeau—I voted against this pension last year. It was then an open question, and the House outvoted me and passed it. We have heard of repudiation—I do not wish to repudiate, and, as the resolution passed last year, I suppose it must go. If I understand this right, I don't think it is a question of pension, but a question of party; [hear], and my reason for supporting my party was the discussion we have had here to-night. Because, if I were to desert my party, they would speak of me as they have spoken of the hon. Pro. Secretary, and call me a traitor.—[Much laughter.] But he has the advantage of me—he can speak for himself much better than I can for myself; and another thing, he has got a good berth, which I do not think I would get if I were to join the other party.—[Roars of laughter.] Therefore, Mr. Speaker, I must vote for the Bill.

The question being taken on sending the Bill to Committee, was decided in the affirmative 26 to 23.

For the Motion.—Pro. Secretary, Financial Secretary, Hugh Munro, Attorney General, Solicitor General, Annand, Fuller, Shaw, Comeau, Wade, Bourneuf, Chipman, P. Smith, T. Coffin, Locke, McLellen, Wier, Doyle, Esson, Fulton, Dimock, Archibald, Jas. Campbell, McKinnon, Martell, McQueen.—26.

Against.—Kyder, Brown, Killam, Whitman, Thorne, Johnston, Beckwith, Moore, Young, Smith, Moser, Bent, M. I. Wilkins, Holmes, Murry, Marshal, John Munro, Creighton, Zwicker, Jost, Campbell, Cowie, Josiah Coffin.—23.

The House adjourned.

SATURDAY, March 10, 1855.

Liquor Law.

Hon. Mr. Johnston moved that the Bill be re-committed for the purpose of striking out the words excluding cider by name.

Mr. Fulton said.—I feel obliged, Mr. C. to make a few observations on the subject under discussion. When the question was previously before the House I voted for the amendment including cider—specifically, by name. To this course I was actuated by three reasons. First, it appeared to me that without that amendment the Bill was liable to misconstruction; and I felt that we were bound to make clear, that which by any possibility could admit of a doubt. Secondly—

I was of opinion that equal justice should be done to all parties in the Province; and, believing—as I always have—that cider was intoxicating in its nature, I could not see the justice of permitting a moiety of the community to manufacture the article we designed to prohibit—while our law permitted others to do so. If we did so legislate—the charge of partiality might, with justice be preferred against the advocates of Temperance. It is true that a difference of opinion, as to the intoxicating nature of cider, did exist; on that point, however, I am incompetent to judge.—I never drank a bottle in my life. Thirdly—the use, manufacture or sale of cider is prohibited in the pledge of the Sons of Temperance; as a member of that body—to preserve my own constituency, I voted for its exclusion by name.

These, sir, are the simple reasons which dictated the course of conduct I pursued; I have made this short explanation that my conduct may not be misunderstood by those who take an interest in the Temperance cause.

Hon. J. W. Johnston.—Before the question is finally put—I beg leave to make a short explanation. It occasions me much sorrow that this question should have arisen—for I believe that it will do infinite harm to the cause of Temperance. The position its advocates occupy in this House at the present hour is humiliating; divided into two sections on a question which I cannot but believe to be unimportant and unessential.—Under these circumstances I can well appreciate the tone of triumph with which the hon. Attorney General alluded the other day to the position which I occupied. I have over and over again explained to the House that the exclusion of cider by name is not necessary to prevent its importation, manufacture or sale, provided it be intoxicating, and if not intoxicating why prevent the farmers of this Province from manufacturing that which is not injurious or hurtful in the least degree. I cannot but conclude that the present course has been adopted by the opponents of Temperance to make us ridiculous by dividing temperance men on this invidious unnecessary and paltry question.

Mr. Beckwith explained—he voted for the amendment because he believed that it carried out the views of Temperance men.

Mr. Comeau moved that the question be now put, which was negated 20 to 23.

The House went into Committee—passed a number of minor Bills—and adjourned until 12 o'clock on Monday.

MONDAY, March 12.

Prohibitory Liquor Law.

Hon. Mr. Johnston moved a resolution that the Bill be referred back to Committee, for the purpose of striking out the words "including cider," as these words were unnecessary, cider when intoxicating, being included in the words "fermented, or intoxicating drinks."

After a debate of two hours, the question was decided in the negative, as follows:

For
 Ryder,
 McLellan,
 Wilkins,
 Moore,
 Marshall,
 Joseph Coffin,
 Bent,
 J. Munro,
 Zwicker,
 Beckwith,
 Thorne,
 Jost,
 Shaw,
 John Campbell,
 Holmes,
 Johnston,
 Dimock,
 Brown,
 B. Smith,
 Killam,
 Murray,
 Chipman,
 E. Young.—23.

Against.
 Fulton,
 Locke,
 Creighton,
 McQueen,
 Martell,
 Wade,
 Eason,
 Wier,
 Archibald,
 Comeau,
 Moser,
 T. Coffin,
 Fuller,
 McKinnon,
 Solicitor General,
 Bourneuf,
 Cowie,
 Pro. Secretary,
 James Campbell,
 Fin. Secretary,
 Atty. General,
 H. Munroe,
 H. Smyth,
 Annand,
 Doyle.—25.

Militia Law.

Hon. Attorney General called attention to the Militia Law, which was now about to be read a third time. He understood that the recommendation not to demand fees for Commissions, was not concurred in by all the Committee; but, it was thought, the fees ought to form a regimental fund. He was not going to make any motion on it, but called the attention of the House to the fact. If the Bill passed now, alteration would be beyond our reach.

After some conversation the Bill passed, with the understanding, as we thought, that the fees paid on Commissions issued last year, were to be refunded.

Mines and Minerals.

The House resumed the consideration of this subject.

Hon. Attorney General—Mr. Speaker—It is not my intention to debate this matter at any length. Members around me are acquainted with the whole question, because we have taken the precaution of printing both the Report and the Protest against it,—rendering the ordinary proceeding of debating the question at length quite superfluous. Indeed, it is difficult to get up a debate on it, it has been so long discussed, and the merits of the case are so well known.—I shall content myself with meeting some of the observations made by other honourable members. I do not think, Mr. Speaker, that the receipts in full can be considered conclusive; because a receipt in full, by law, is not conclusive if it can be shown that there was a mistake made in giving it. Now, it was known at the time by the Company, though not by the Receiver General, that the Royalty on the Slack Coal was not paid—and, therefore, the receipt was signed by him in ignorance of the fact. The Association were in possession of every information; they knew the Legislature had demanded it; and in 1852, the people of this country were proceeding upon the supposition that the Royalty had been paid. It is not denied that the Royalty has not been paid; it is not denied that the Association were entitled to pay it. Neither can it be said that there was, on the part of the Government, any surrender of the rights of the people. The reference to "the Legislature." The correspon-

dence referred to, is but a confirmation of the rights of the people of Nova Scotia to the Royalty, stipulated for in the lease under which the Association holds. When, therefore they paid in 1849, £300, which had been detained that year, it was no surrender of a legal right in their favor.

It has been said that they have not asked a higher price on the Coal,—hoping the Legislature would not exact this Royalty. There might be something in this argument, if I could bring myself to believe that the Association did not always charge as high prices as the market could afford. I think they have done so, and, therefore, there is nothing in the argument. Neither has there been any evidence here, that the Shareholders have been changed between 1849 and now; but if there was, it is a known principle that a party buying stock, comes in for all the liabilities of the Company. In 1850 a Committee reported in favor of the payment of the Royalty, but the resolutions were deferred at the instance of the hon. and learned member for Annapolis himself. It cannot be said, therefore, that the House took no action. The Legislature has never lost sight of the subject; but have always been thwarted or cajoled. I support these resolutions, then,—

1st. Because there has been an affirmation of our right;

2d. Because there never was a surrender of our right.

3d. Because no injustice will be done the company.

4th. Because the company has always placed itself in antagonism to this Legislature.

Were it not for the latter fact, the Company would be entitled to the consideration of this Legislature; but, when we find that they are pressing for the execution of new instruments, to our injury, and the detriment of the people of Nova Scotia; and are holding a tenacious grasp on all our minerals, how can they expect to deprive this House of £3,000 which they justly owe. Holding, as they do, a close monopoly of all our Mineral wealth, they cannot expect to receive such a meed of indulgence, generosity, and favor as is now asked at our hands.

After some conversation between Messrs. Pro. Secretary, Martin Wilkins, Archibald, and McLellan,

Mr. McQueen said that the debate had elicited all the facts and arguments on both sides, and it would be useless for him to go over the same ground. He regretted that the question had not been viewed more with reference to the justice of the case, and had been less incumbered with the legal technicalities, arising from the construction of the Leases; the proceedings of the House, with reference to the Royalty on the Slack Coal, was, to say the least of them, very irregular. For the year 1850 they had no grounds; whatever, in demanding the Royalty, and the resolution that passed the House in 1851, he was bound to believe, from the statements of the Agent, was not considered by him at all binding, or as deciding the question left by the settlement between Mr. Cunard and the Receiver General, to be decided by the Legislature; and that such decision had never been communicated to the Agent, officially. Equities and consequences had been raised in favor of the company, which he felt disposed to allow, particularly as by the example of all Coal countries where a duty was charged—the sum imposed was in proportion to the relative value of the

Round and Slack Coal. In some of the Scotch Mines, for instance, 6d. per ton was levied on Round or Screened Coal, and but 1-2d. on Slack, a Chaldron. He had also another reason, which influenced him materially, that the present consumers of the Slack, who were the poorer classes and tradesmen, would have to buy at the additional price that would be charged for the article in consequence of the duty;—other arguments, in which he concurred, and urged in favor of this compromise, were within the recollection of the House—as the transfer of stock since 1850—the small amount of Slack Coal exported—the quantity that became useless on the surface—and the additional advantage derived to the public in obtaining the Coal freed from the Slack or dirt;—he wished to see justice done to all parties as nearly as the circumstances and present disposition of the Country on the question would permit, and he would therefore move an Amendment to the Resolution before the House in the following words :

“Resolved—That it is reasonable and just that the General Mining Association pay Royalty on the Slack Coal shipped by them, in the proportion which the value of that article bears to the Round or Screened Coal; and therefore, that the Association be called upon to pay a Royalty of 5d. currency, per chaldron, for the Slack Coal shipped by them between 1st. January, 1850, and 31st. December, 1854, agreeably to their Annual Returns, in full, to the latter date, and that, henceforth, the same rate of 5d. currency, per chaldron, be paid on all Slack Coal shipped by them.

Mr. Killam—the Coal Mine question is a plain question. The Association claim the right to mine all through Nova Scotia. The Lease is the law under which we claim the Royalty. What more have we to do with it? What are we here for—to alter this law? I should think not. The Lease says they shall pay; it cannot be left to this branch of the Legislature to say they shall not pay. They must have known that we cannot relieve them. A resolution of this House is no good for that purpose. We may pass one, but the next House may come and insist that they shall pay under the Lease. Your resolution, therefore, cannot relieve them,—it would only embarrass them the more. The disposition of the people of this Country is to keep the Mining Association to their Lease as long as they keep the people to it. They deprive the country of all benefit from these Mines, and make us demand what they ought to pay without our asking; and they dispute our claim when we do ask, on the ground that we did not ask before. The suggestion thrown out about the measure at the Mines being too large, ought to be looked to; and I would not take the return of their officer, as to the quantity of coal shipped, but would appoint an Inspector of our own, to take care of our interests.

Mr. B. Smith—I agree in sentiment with the hon. gentleman who has last addressed you. This is an old question; and yet, we find that in 1855, it is as open as ever. The hon. member for Colchester has taken to himself, and deserves, much credit for discovering that the Royalty on Slack Coals had not been paid; and it must also be admitted that the Government have not exercised proper vigilance in carrying out the wishes of this House, the consequence of which is, that we have nearly lost £1,000 a year, for some years past; for, as it was thought in 1862 that this money had been paid, it is more than likely that this mistake would have

been continued, had it not been for the enquiries of the learned member for Colchester.

Up to the year 1834, the Coals raised from the Mines were not sifted, and the Royalty was paid on all of it; but when, in 1834, the Company began to sift the Coal, no Royalty was paid on the Slack. In times past, sir, we have heard some very glowing pictures drawn in this House about the improvidence of this grant; and it was maintained that the Company had no right to hold these mines and other minerals of the Province. We voted £500 to get an opinion from a lawyer of eminence in England, and that was against us. The hon. and learned Attorney General thinks the case made out to procure that opinion was not a good case; and I dare say, with his legal knowledge and penetration, he could make out a much better one. But, I believe, sir, no matter what goes home, the same decision will come back to us. I look upon the Lease as a good one, and maintain that, as we are bound by it, so are they; that, while they work the mines, they are bound to pay the Royalty. It is contended, on our part, that the Royalty should be two shillings Sterling, and not Currency; but that point has been settled, and I would not disturb it now. The Royalty, however, should attach to Slack Coals. If they chose to sift the Coals it is no business of ours. They should pay on *all coals* raised. I do not look upon this as a matter of law, but in the right of justice, as a Layman; and, if the Association have been relieved of Slack Royalty for 15 years, from 1834 to 1849, they ought not complain if we now resume our rights. If they don't like to pay the money, let them give up the bargain, and let us mine Coals where we like.

Hon. Mr. Johnston had never understood that the Company raised coals in the way spoken of—he thought so, but, on enquiry, learned that they had not.

Mr. Smith—I understand that, from 1826 to 1834, they raised coals without screening them; and, as they are very tenacious of their rights, we ought to be as tenacious of ours.

Mr. Holmes—I can give the honorable member some information on the point. At first the Company raised coals without ridding them; but, after they understood the article would sell better in a foreign market after screening, they resorted to that process. Now, sir, until within a year or two past, it is a fact that very little of the Slack Coal was shipped; but it was consumed, principally, by blacksmiths, and neighbors around the Mines. The only effect of exacting the Royalty will be to increase the price to these poor people, who now get it at about six shillings a chaldron. It has been said that the Company have done a great deal of good. That, sir, is indisputable. Neither the Government nor the people of this Province could have opened the works that have been so successfully prosecuted; and with so much benefit to the Province. The Company do not object to pay Royalty on the Slack Coal—what they object to is, going back, and paying on that for which they had not provided. By insisting on the Royalty in this comparatively useless article you only raise the price of it on your own people, and that will not do much good to the country.

After various explanations between Messrs. Martin I Wilkins, Hon. Mr. Johnston, Archibald, and McLellen,—

Mr. Martell contended that Royalty ought to be paid on coals, as duty on potatoes—large and

small. The hon member for Pictou tells us what the Association have done for the country—he ought to have gone a little further, and told us what they have done for themselves. They came here without invitation, and have conducted the business to suit themselves. Would any company, under the control of the Province, have dared to keep vessels waiting at the Port of Sydney, 6, 8, or 10 weeks, for cargoes? Would they have to wait, when there are coals all over the Province, if other mines were allowed to be opened? They are like the dog in the manger; they will neither open mines themselves, nor allow others to open them. They even place our own people at a disadvantage to foreigners, in the sale of coals; and I must not be told that it is because foreigners engage cargoes by wholesale. Some of our own people have offered to take 10, 15, or 20,000 Chaldrons, on as favorable terms as they are sold to Americans, but they were refused; and are placed on a more disadvantageous footing than citizens of the United States. A proposition has come from the Isle Madame to open a Mine. How is that to be? Will this Association tell the Company to go on, and work it? No! they will not do that, because it will enter into competition with theirs.

The monopoly enjoyed by this Association, Mr. Speaker, is crushing down the industry, and hampering up the commerce of Nova Scotia. We should do all we can to throw its weight off our shoulders. This Royalty should be exacted to the last farthing—it should be paid on the Slack as well as the Round; for they cannot raise the Round without the Slack. I shall vote in favor of the Resolutions.

After an anecdote from Mr. McLellen, and several explanations, the question was put on Mr. McQueen's Amendment, which was negatived as follows:—

Bent,
Murray,
Ryder,
Jost,
Joseph Coffin,
Zwicker,
Beckwith,
Moore,
J. Munro,
Thorne,
John Campbell,
Cowie,
Johnston,
Holmes,
Wilkins,
Marshall,
McQueen,
Brown.—18.

Esson,
Comeau,
McKinnon,
Loeke,
E. Young,
Sol. General,
T. Coffin,
H. Munro,
Fuller,
McLellen,
James Campbell,
Fin. Secretary,
Fulton,
Martell,
Wier,
Shaw,
Dimmock,
Bourneuf,
Pr. Secretary,
Archibald,
Attorney General,
Mosher,
Killam,
B. Smith,
Chipman.—25.

The original resolution then passed 27 to 16—and the House adjourned.

TUESDAY, March 13, 1855.

Chancery Court.

Hon. Attorney General moved the second reading of the bill for abolishing the Court of Chancery; and explained the nature of the

proposed change and stated the government proposed to give to the present master of the Rolls a retiring allowance of £450 or £150 more than the sum paid to the retired judges of the inferior Courts of Common Pleas.

Mr Marshall. The Hon. Attorney General gives no answer to the Petition I laid on the table some time since from Judge Halliburton asking leave to retire from the Bench with the pension of £300 which he enjoyed previously to his once accepting a seat there—he having been one of the Judges of the Inferior Court.

Mr. Holmes thought if Judge Halliburton retired and the master of the Rolls were placed on the Supreme Court Bench a saving would be effected of £150 for the pension proposed to be paid to Judge Stewart exceeded that sought by Judge Halliburton by that sum.

Mr. B. Smith did not intend to oppose the Bill—but thought the cheapest mode of effecting the proposed change should be adopted.

After some further remarks the discussion dropped.

Hon. Attorney General laid on the table of the House a memorial from Mr. White setting forth his claims to a retiring allowance—and the House adjourned.

WEDNESDAY, March 14, 1855.

School Districts, Annapolis.

The house met at 12 o'clock.

Hon. Mr. Johnston moved the house into Committee for the purpose of taking up the bill for dividing the county of Annapolis into 2 school districts.

Hon. Mr. Johnston proposed that instead of dividing the county across the Annapolis river, it should be divided by the river, forming a northern and southern district.

Hon. Attorney General opposed the motion. It was a material alteration in the bill, as read before the sessions.

Mr. Whitman would rather take the bill as read before the sessions, than not get it at all.

Hon. Mr. Johnston explained that it would be much more convenient to make the river the division line between the districts, because in many places it was difficult to cross it, especially from Bridgetown to the estuary of the river.

Mr. Wade opposed the alteration suggested.

Several members took part in the conversation.

Mr. Wade moved that the bill be referred to a Select Committee. He had received letters against the bill.

Mr. Whitman—The meaning of that is that it is to be deferred till next session. This bill has been agreed to by all the members; and the only opposition I know of against it is that of the Chairman of the present Board, who does not want two districts, because he cannot be Chairman of both.

Mr. Wade—There is a memorial on the table of the house against this bill, and I have received private letters of the same nature. There is no reason why an inquiry should not be instituted before a Committee.

Mr. Whitman and hon. J. W. Johnston contended that there was nothing to inquire about—they were opposed to a Committee.

Hon Atty. General admitted the necessity for a division of the county into 2 school districts; but did not approve of the alterations proposed. He was astonished that the motion for a Committee should be resisted.

Mr. Whitman—And I am astonished that the Attorney General should endeavor to mystify this matter. The bill on the table is precisely the same bill that was read at the sessions—we would like to have the amendment if we could; if we cannot get it we will take the bill as it is.

The motion to recommend the house to refer the bill to a Special Committee, passed on a division 21 to 18.

The bill was therefore laid aside for the purpose of such recommendation.

Harbor Masters.

Mr. Smith moved the taking up of the bill giving to the sessions in each county the appointment of Harbor Masters.

After a long conversation, participated in by Messrs. McLellan, Holmes, Killam, Cowie, and others,

Mr. McLellan moved in amendment a proviso to exempt all vessels not entering the harbor of Maitland

Mr. Smith—The bill gives the sessions power to fix the limits of the harbor. I rather think this is something like the proviso moved last year by the hon. member to the Militia bill—whereby he deprived the adjutants of pay for doing a large amount of duty, and rendered the whole bill inoperative.

The amendment was negatived by a large majority.

Dartmouth Morals Bill.

Hon. Mr. Johnston moved to take up the bill for giving the sessions power to appoint constables to keep the peace, &c. He explained that though the bill was a general one, it was peculiarly necessary for the preservation of the public peace and morality in Dartmouth, especially on the Sabbath, when that town was subject to an influx of visitors.

The bill passed, and after the passage of some other unimportant bills, the Committee rose, and the bills were reported.

Annapolis School Districts.

On the bringing up of the bill for dividing Annapolis county into 2 school districts, recommended to be referred to a Select Committee,

Mr. Whitman moved a resolution to the effect that there was no inquiry for a Special Committee to make; and the reference to a Committee at this late period of the session would be tantamount to the rejection of the bill.

The resolution passed by the following division:—

For—Zwicker, J. Coffin, Wilkins, Killam, More, John Campbell, Jost, Creighton, Marshall Bent, John Munro, Thorne, Mosher, Beckwith, Murray, Cowie, Whitman, Holmes, Johnston, B. Smith, Ryder, Brown, E. Young, P. Smyth.—24.

Against—Locke, Wade, T. Coffin, Comeau, Fulton, Martell, Wier, Jas. Campbell, Bourneuf, McLellan, McKinnon, Shaw, Dimock, Attorney General, Annand, Chipman, F. Secretary, Esson, Fuller, Doyle.—20.

The bill therefore stood recommitted, and the house adjourned for an hour.

Death of Mr. McDougal.

On resuming,

The hon. Attorney General rose and said—Mr. Speaker, I rise to announce to the house the

death of the hon. Alexander McDougal, a member of the Legislative Council. It is usual on such occasions that a resolution should pass such as I hold in my hand; but I may remark sir, that Mr. McDougal has peculiar claims to the respect and regard of this house. He was long a member of this Assembly—respected and esteemed by all who knew him here—a man whom I have been happy for many years to reckon among my personnel and political friends—a man of fine poetic taste, cultivated intellect, and mild and inoffensive manners. I beg sir, to move as follows:—

Resolved—That this house will attend the funeral of the late hon. Alexander McDougall, late a member of the Legislative Council, and that the Speaker of this house be requested to communicate the foregoing resolution to the President of the Legislative Council.

Hon. Mr. Johnston seconded the resolution, which passed unanimously.

The house then adjourned.

THURSDAY, March 15, 1855.

A number of Bills including the act to enlarge and amend the New Practice Act were passed through Committee.

Mr. Marshall Reported from the Fishery Committee.

The House went into Committee of supply and passed thirty five resolutions—granting various sums of money—and the House adjourned.

FRIDAY, March 16, 1855.

Funeral of Mr. McDougal.

The house met at half-past two to-day, and attended in a body the funeral of the late honorable Alexander McDougal, after which the house immediately adjourned till 11 o'clock to-morrow.

SATURDAY, March 17, 1855.

The House was engaged all day in receiving the Reports of Committees.

MONDAY, March 19, 1855.

Division of County of Halifax.

Mr. Esson rose and said—Mr Speaker I hold in my hand three petitions, which I this morning received from Musquodoboit. The first is one of great importance, and will, I am sure, receive due attention from this house. I regret, sir, that these petitions have been delayed to such a late period of the session; but, sir, as I have always received fair, full, and satisfactory attention from this house for any measure I have had the honor to introduce, I feel satisfied the same courtesy will be extended in this instance. The petition, sir, is to divide the county of Halifax

Hon. Speaker—I beg pardon for interrupting you, Mr. Esson, but must remind you that the subject is entirely local; and, therefore, according to the rules of the house, the petitions cannot be received. You had better withdraw them.

Mr. Esson—Well, sir, I should certainly be the last man to interfere with the rules, but must

distinctly state that sooner or later, something must be done, and if my opinion had not been confirmed before the present road scale, which my hon. colleague and myself have just finished, that alone would show me that a division or increase of representation is necessary. Why, sir, look at the map upon your wall—showing the county of Halifax to be nearly one-fifth of the Province, and only two representatives outside the township limits! although our township colleagues are, as I must say of every member in this house, disposed to give every assistance, for which sir, whether I occupy this position in a new house or not, I trust they will accept this acknowledgment—yet, sir, it is due to this county, both on the score of extent and of population, that it should be divided into two counties, with an increase of representation. If the petitions are excluded by rule, sir, I shall much regret it, but must reluctantly submit to the rules of the house.

The Speaker decided that the petition was a local one and could not be presented.

Mr. Esson had other petitions on the subject of assessment, &c.; he should be sorry if they could not be presented.

The Speaker—The same rule applies to them.

Hon. Attorney General remarked that the subject matter of these petitions was constantly pressing upon him. For instance, in the county of Halifax it was a fact that the people of St. Margaret's Bay, of Musquodoboit, and of other outlying parts of the county paid no taxes, because they were not represented in the Government of the country. The same difficulty had begun to operate in his own county, (Inverness.)

Chancery.

The house went into Committee on the Chancery bill:—

Mr. Martin I. Wilkins said:—This bill proposes to transfer all equity jurisdiction to the Supreme Court. I do not believe that court can discharge the business. The Chancery Court, so far, has given satisfaction. True, the expenses of the Court have been complained of, and if its jurisdiction is transferred to the Supreme Court, I believe that Court will be assailed. I believe that for one suit now brought in Chancery, there will be ten in the Supreme Court—that everything distasteful between one man and another will be made the subject of litigation, and the expenses will at last be found to be ten times greater. All business will be brought to Halifax; for the judges go singly to the country; scarcely a case will arise that will not be appealed from, and the consequence will be that we shall never be able to get a decision in the country—every cause will have to be argued in the capital, at an enormous cost to the country. I calculate that every case where a rule Nisi is obtained will cost the parties from £50 to £100. Then, again sir, the bill provides for pensioning the Master of the Rolls. I look upon him as one of the most competent judges we have in the land. He is most capable of discharging the duties of a judge of either Court; and therefore, to pension him is only to extract so much money from the pockets of the people unjustly and unlawfully. A petition has been presented by Mr. Justice Haliburton, setting forth that as he is getting too old and infirm to discharge the duties of a judge; and that, inasmuch as when the inferior courts were abolished, (very improperly in my opinion) and the judges were pensioned, he was among the number; and that by the acceptance of a seat on the Supreme Court

Bench he has saved the country £300 a year: after 14 years service he asks the Legislature to restore him his pension. He is well entitled to it on the higher ground that bodily infirmity unfits him for the duties of a judge; and if that pension were restored and the Master of the Rolls placed on the Supreme Court Bench, that would be at least a saving of £100 a year. But as regards the Master of the Rolls, I am against pensioning him altogether. Nothing can be more impolitic than to pension a public officer in good bodily health, and of sound and vigorous intellect; for the moment you begin to pension them, there seems to be something that makes them live longer. (Laughter.) Look at the pension to Miss Cox—it has been on the Civil List as long as I can remember; there is something in a pension decidedly conducive to longevity; she must have been pensioned from her mother's womb; and she will never go to her mother earth. (Roars of laughter.)

Hon. Attorney General briefly explained: The question was well understood—he moved the first clause.

Hon. Mr. Johnston—The subject is one of a good deal of intricacy—it opens a large field for investigation. It has engaged the minds of men accustomed to treat of jurisprudence in the mother country. The question does not come before us as a matter in which we have any choice. If it came before us for the first time—as to whether we should introduce a Chancery Court, the issue would be entirely different. I should say it would be better to commence the jurisprudence of the country without the complexity of Chancery proceedings. We are not, however, in that condition; but we are to decide having a Chancery Court in existence, whether it would be advisable to abolish it—whether any sensible plan can be adopted as a substitute. The difference does not so much exist in the Courts, but in the fundamental principles characterising the two systems. We have had Chancery proceedings in this country since its first settlement; and I have come to the conclusion that it is desirable to amalgamate the two systems, if it were possible. The difficulty arises because the two systems have been practiced separately. It is impossible to amalgamate them without considerable inconvenience. This difficulty is incident to any change; and in making the important transfer now before us, we must take care that every class of cases are provided for, and that no individual will suffer in his just rights by our legislation. [The hon. gentleman illustrated his argument by reference to the decision of the Master of the Rolls on a Will.] He considered the Master of the Rolls competent to fill a seat on the bench of the Supreme Court; and said that he intended to support the principle of the bill.

Hon. Solicitor General made some explanations, after which the house adjourned for an hour.

On resuming, the afternoon was spent in going through the various clauses of the bill, all of which, except those for granting pensions, passed through, with very trifling debate. The pensioning clauses were laid aside till to-morrow.

Official Papers, &c.

Hon. Attorney General laid on the table a list of cash advances from the Treasury during the past year; also, the report of the Superintendent of Education for the eastern part of the Province.

Hon. Provincial Secretary, by command, laid on the table of the house the report of the Commissioners for erecting a Normal School.

Mr. Annand, from the Committee on expenses

incurred in prosecuting and defending the case of Nicholas H. Martin, reported in part. The report was received and adopted.

TUESDAY, March 20, 1855.

Mr. Wade moved that a Committee be appointed to consider the correspondence laid on the table on the 30th January last, relating to the transfer to Colonial Officers of Customs, of duties previously performed by Imperial Officers of Customs.

The resolution passed unanimously, and Messrs. Wade, Wilkins and Annand, were appointed a Committee for that purpose.

The Chancery Bill was taken up.

Mr. Marshall said he intended to move a resolution which he held in his hand, in amendment to certain clauses of the Bill. The Government had not submitted the correspondence which had taken place with the present Master of the Rolls, in relation to his willingness to serve on the Bench of the Supreme Court; no other course was left to him, (Mr. M.) than to oppose the measure; not that he opposed its principle, but because he differed as to the mode of carrying it out. He should lay the resolution on the table—as a notice.

Hon. Attorney General—I presume, if the hon. member for Guysborough desires information, that he will adopt the usual course—move his resolution as an independent motion, and discuss it on its own merits. To introduce it in opposition to any clause of the Bill, would be to offer opposition to a measure, with the principles of which he professed to coincide.

Mr. Marshall—A principle may be sound, and yet be worked out in such a way as to make it deleterious, rather than beneficial in its tendencies. I am prepared to oppose the Bill, if pensions are to be needlessly foisted on the country, under it.

Hon. J. W. Johnston—Surely the hon. and learned Attorney General has not forgotten that this information was asked, and the reply was, that the Government did not intend to give it. The course adopted, then, by my hon. friend from Guysborough, is perfectly correct, and altogether justifiable, under the circumstances; he believes that the machinery of the Bill before the House might be improved and rendered less expensive, if the Master of the Rolls were removed to the Supreme Court; the Government, after holding correspondence with that functionary, refuse to send it down or to alter measures. Should my hon. friend be required to support a Bill under such circumstances?

Hon. Pro. Secretary—Our inquiry, on this subject, is confined to a very minute point—let us consider it. The usage long established of this House, is, for any hon. gentleman, desirous of obtaining information from the Government, to lay a resolution, as a notice, on the table, respecting it. If the information can be given, it is brought down—if not, the notice is either debated, or no further action is taken on it. In this instance no such resolution was laid on the table—no formal notice was given to the Government—and yet an hon. member, who had it in his power to pursue the proper course for a month or upwards, and neglects to do so, comes in at the last moment, complains that the Government have not submitted the information—and moves an amendment to the whole Bill, in consequence. But, sir, the Master of the Rolls is an independent judicial officer—but nothing

more. I have yet to learn that he is to be consulted before we act—that his sanction must be had, before this House can decide whether he is to be pensioned, or transferred to the Supreme Court. Sir, I do not conceive that his sanction or acquiescence are matters of the slightest moment.

Hon. Sol. General—The measure, under discussion, should be separated, entirely, from Judge Haliburton's pension; that is a matter, per se, upon which this House may, or may not, deem it wise, at present, to decide. But, sir, let it not be said that the present Government are given to withholding information. That is not the case. The fate of the Cabinet led by the hon. and learned member for Annapolis would deter them, if they were not actuated by a higher purpose, and animated by different principles. But, sir, the hon. and learned member for Annapolis knows well, that there is a class of information of a personal—a delicate character—which no Government, without violating their duty, could make public; and, if a Government is unfairly pressed, it is their duty to refuse to submit it. The hon. member for Guysborough has moved his resolution without asking for the information in question—without giving the Government time to ascertain whether they could, with propriety, lay it on the table; and his resolution is moved in amendment to the Bill. A course so unparliamentary, so unfair, cannot—may, will not—be sanctioned by this House.

Mr. Marshall—The argument of the hon. Sol. General might be all very well, were it not that he has forgotten how often this information has been required of the Government. I made no demand of the Government, but simply exercised my right as a member of this House—and asked for information, which, I perceive, I am not very likely to get. The hon. gentleman must not say that this course is unprecedented; it may be that no formal request was made, in writing; but yet the query was put to the Government, and a negative answer returned. He must not suppose that we, untrammelled by official harness, are to take for granted everything the Government say; when we require information, the dazzle of no position, however elevated, will prevent our seeking it. But, it seems that this is deemed a party move; such is not the case; and, if the Government are prepared to consider the propriety of submitting the information sought, I am willing to withdraw the resolution.

After some further discussion, the House adjourned until 3 o'clock.

On resuming—

The Hon. Attorney General stated that, as the hon. member for Guysborough had consented to withdraw his resolution, he would inform the House that the Master of the Rolls had intimated his willingness to accept either a seat on the Bench or a Pension; but that the Communications between the Master of the Rolls and the Head of the Government were nearly all of a private and confidential nature, and therefore could not be submitted.

Mr. Coineau gave notice that, when the amount of the pension came to be considered, he should move that it be reduced to £300 per annum.

A very lengthy discussion ensued—in which the Hon. Mr. Johnston, Messrs. Wilkins, Marshall, B. Smith and Holmes, advocated the transfer of the Master of the Rolls to the Supreme Court Bench; which was opposed by the Hon.

Attorney and Solicitor Generals, Messrs. Benjamin Wier, Wade, Annand, and others.

The House adjourned, without coming to any decision.

WEDNESDAY, March 21, 1854.

Registry of Ships.

House went into Committee on Bills.

The Bill providing for the Registry of Ships was taken up.

Mr. Martin I. Wilkins advocated the old measurement.

Hon. Sol. General said it would be very awkward to have our vessels measured differently from the ships of Canada and Great Britain.

The Bill passed.

Statute Labor.

The Statute Labor Law was taken up.

Mr. Ryder said that some alteration in the law was necessary. The Act of last Session had set the whole subject adrift. Very few had performed their Statute Labor, in his part of the country.

Mr. Killam, Mr. Shaw, the hon. Speaker, Mr. Martin I. Wilkins, and others spoke on the Bill after which it was referred to a Special Committee consisting of Messrs. B. Smith, McLellen, Dr. Brown, Ryder and McQueen, as a Special Committee to report thereon.

Slack Coal.

The Legislative Council having, by message, asked a Conference, by Committee, with this House, on the general state of the Province, and said Committee having been appointed, the hon. Pro. Secretary reported that the Council desired to know the reasons which induced the House to demand the £3,000 Royalty on Slack Coals.—[Laughter.]

Mr. Marshall—What is that? Reasons—why sir, they have no right to ask reasons.

Mr. Doyle—I move that communication be not received or considered.

Mr. M. I. Wilkins—Why, you need not be astonished at this. It was a very comical resolution you sent up—a regular puzzler.—[Laughter.]

Court of Chancery.

House resumed Committee.

Hon. Pro. Secretary said that this was a very important subject. It was now the general opinion that the Chancery business should be transferred to the Courts of Common Law; and the plan was reasonable enough; for, while in England the Judges were slaves, we had here Judges enough, and they had abundance of leisure. The venerable Chief Justice was as able and as industrious as any of them; and if the voices of the people of Nova Scotia were taken, he believed they would vote that he should be renewed in his youth, like the eagle. If, then, the Judges at present on the Bench were sufficient for the work of the country, the passing of the present Bill would be a clear saving of £300 a year. The hon. and learned member for Annapolis, with the gentlemanly spirit and political courtesy for which he was remarkable, insinuated that the friends of this Bill were not so much actuated by public interests as by personal ambition; it was just possible that they might be as ambitious as the hon. and learned member himself—but, *not more so*. Hon. Pro. Secretary concluded by saying that

his objection to placing the Master of the Rolls on the Bench, was, that it would permanently increase from five to six, and that his presence on the Bench would create discord instead of promoting harmony.

Mr. Holmes was averse to pensions. The hon. member for Clare had voted, last year, against a pension to Mr. Morris—this year he voted in its favor—that was £300 lost to the country. Probably, the hon. member would vote for this, also,—only showing that, while the first downward step is hard, the second and third come more easily.

Mr. Zwicker—There has been a great deal of argument on the subject. I do not know much about Courts—never been brought into one in my life—hope I never shall. I think this discussion is “harping too much on one string.” The question is raised—shall there be five or six Judges? I do not think that question arises at all. Five Judges are enough, and if Judge Haliburton were pensioned, agreeably to his petition, it would be the best course. I think it necessary to abolish the Court of Chancery—all suits there can be as well settled in the Supreme Court, provided you pension a Judge who says he is incompetent to perform his duties, and render the Bench efficient by placing on it the Master of the Rolls, who would be an ornament to the Courts of any Country.

Mr. Wier—I am surprised to hear gentlemen talking against pensions in one breath, and want to pension Judge Haliburton in the next. I once had something to do with Chancery where there was a property with £260 on it, and £290 paid into Court. I have ever since been wondering what has become of my change—whose pocket it had dropped into—where it has gone. I disapprove of appointing Mr. Stewart to the Supreme Court Bench—he will bring there all the dusty cobwebs he has been accustomed to handle in the Court of Chancery. Judges are human beings as well as other men; and although I do not charge the Judges of the Supreme Court with allowing their political feelings to warp their judgments; yet I would not consent to putting another Judge there on the same political side as the majority now there. The people do not desire it, and a large majority of the people of Nova Scotia would have a right to be dissatisfied if Mr. Stewart were placed on the Supreme Court Bench. I am satisfied, therefore, to pension him and let him retire from public life.

Mr. Beckwith—This Bill is not to lessen the expenses of law, but to increase them. I wish the business of the country to be settled in the country. I will vote against the pension.

Mr. Fulton—We are but giving Mr. Stewart £400 a year instead of £700, thereby making a saving of £300 a year. The alteration will not give much more work to the Judges of the Supreme Court. It is only because I look upon the Court of Chancery as doomed, that I vote for the pension—for I hold that pensions ought only to be given in such cases. If, however, you pension Judge Haliburton, you establish, for the first time, the principle of pensioning the Judges of the Supreme Court; and that principle once established, you will have enough to do. All the others would be entitled to ask for pensions, whenever they sought for ease and retirement.

Mr. Marshall—That principle, I presume, pensioned Mr. Morris, who was a good officer, to make room for one who was his inferior, merely for the purpose of patching up a rickety Government.

Mr. M. I. Wilkins—I ask the member for

Cumberland, [Mr. Fulton,] whether he does not consider we ought to pension Judges? Ought we retain them in office, no matter what their infirmities? Did we not pension Judge Monk? You pension no Judges:—what was the result with Judge Blowers? Did he not hold office for many years when he was incapable of doing anything? Was that not the case with my father? They sat in their easy chairs and enjoyed their salaries as long as it pleased Providence to let them live. To my mind, the sooner you come to pensioning your superannuated Judges the better, in order that the justice of the country may be properly administered. One member says it would be improper to put Mr. Stewart on the Supreme Court Bench, because he knows too much equity. Just as if, being transferred to a Common Law Court, he would not practice Common Law instead of Chancery. On the same principle, if the Provincial Secretary were to resign his office and turn merchant, he would be foolish enough to man his ships with tailors instead of sailors. (Laughter.) Another argument is that we must have Radical Judges on the Bench, no matter how radically bad they may be, in place of the upright, honorable, and honest Judge. I think you ought rather grant Judge Haliburton's most reasonable request, to grant him his old pension, than unnecessarily create a new one. It is said that £700 is more than £400; admit it; but, if get £700 worth of work, you give nothing. I am doubtful whether there is any necessity for abolishing the Court of Chancery in Nova Scotia. I have heard nothing in the country against it. It is necessary for the business of the country; and the decisions of that Court, of late years, would have done honor to the Bench of the Mother Country.

Dr. Brown—I am in favor of the Bill, but against this pension. Looking around these Benches, I am surprised to find many Liberal faces supporters of high salaries and pensions. I, sir, must adhere to the old confession of faith—and, therefore, must oppose this clause. The very name of pension is repugnant to the ear of a Liberal. With regard to the economy of this measure, there can be no doubt at all. The hon. member for Cumberland says that it is only the difference between £400 and £700—saving to us £300. Then, I say, that the economy is, at present, in favor of the £700; for on the Bench are five or six old gentlemen who, it is not probable, will live ten years longer. Divide that by five, and it will give two years for each—or only £1500, while Mr. Stewart will probably live fifteen years longer, which will amount to £6,000, the whole of which we have to pay a man for doing nothing.

Mr. McLellen—The hon. member for Yarmouth, last evening, asked me a question—whether I would rather give £700 for a few years, than £400 for life; I answer him—if we can make money by shoving one of the inferior Court Judges on the Supreme Court Bench, why, let us save money by putting them all there, Sawers and Marshall included. Then there is another legal nuisance that ought to be swept away—the Court of Vice Admiralty. Out of 12 vessels that I know have been put into that Court, only £5 have been realized above the costs—only 8s. 4d. a-piece! There are 12 vessels eaten up by one Court alone. (Laughter.) I hope the Attorney General will not stop until he sweeps it away. I walked in at a meeting of this Court the other day, and saw a number of

gentlemen sitting in silk gowns, and one gentleman was reading something. The Judge was mugging and talking, and every now and then he would say to this one, take this—to another one, take that. I came out, thinking to myself it was something like the old fable of the boys and the frogs—fun to them, death to us.—(Laughter.) If those gentlemen knew the misery they cause; the broken hearts and unhappy deaths they are chargeable with, they would pause; and, if the practices of the Court were known as well as they ought to be, I am sure no man would ever go into it. It is said it would be advisable to put the Master of the Rolls on the Supreme Court Bench; but practice is a second nature, and he would now be too slow a coach for the business of the country. The Conservatives say they want to save £100—we want to save £300.

Mr. Killam—I would like to ask the hon. member for Londonderry a question. If he had six ships afloat commanded by captains at £700 a year, and one of them got rickety and unseaworthy, would he put the Captain of her on the shelf with £400 a year for doing nothing, or would he put him in another ship to earn his money? That is the case exactly. The Attorney General bore very hard on me yesterday because I bore spoke of the profession. Why, sir, the vane on a church steeple shows which way the wind blows—so with them. We cannot see where the wind goes to or comes from, but we can see how the weather-cock points—in one direction or another. There is something we cannot see, but something we can believe. He said that fees had been reduced, and laws could not be made without lawyers. Why, sir, two or three years ago, a Commission was appointed, at the request of this House, to revise the laws. The Commissioners passed them here pretty much as they liked. What are they now? completely remodelled, so that there has scarcely been a chapter that has not been altered. They could not have cost the Province less than £1,000, besides the printing. I have heard the hon. Attorney General, in a very loud voice, declaim against pensions; but now he proposes one—has passed another, and, before another year is over, will want one or two more. Some hon. gentlemen make great protestations, which are as fleeting as the moment in which they are uttered; for instance, when the railroad was on the carpet, two years ago, many here protested that, to make it with money at 6 per cent, would be madness. Now it is perfectly understood. Make one false step downward, and others speedily follow. This question is easily understood. Two and two make four—the advocates of this pension say they don't.

Mr. Annand—The hon. member for Horton, (Dr. Brown), said it would be better to transfer the Master of the Rolls to the Supreme Court, because, taking the ordinary chances of human life, we should have a vacancy on the Bench every two years. I argue, that if you put him on the Bench, you will never have less than six Judges, which will be £700 in perpetuity, instead of £400 for the remainder of one life. A great deal has been said about pensions; and no one on this side of the House would pretend to advocate one, were it not demanded by a grave public necessity. Another reason why I would not advocate the transfer of the Master of the Rolls to the Supreme Court is, that there are too many Judges there on one side of politics already, and I will never give my consent to put

another there. Sir, what is the reason why merchants, going into Court, employ Conservative lawyers? I need not answer. It is sufficiently plain, and I maintain that the preponderance of Conservative Judges ought to be redressed.

Hon. Attorney General—Some remarks that have been made, Mr. Chairman, might have been spared. The Revised Statutes cost £1,000—why, sir, they have been worth to the country five times what they cost. They have been altered, it is true, but that is incident to all legislation. It is imputed to gentlemen who performed the labor for very small pay, that they did it for selfish motives. Look, sir, at the New Practice Act. Did that originate from the laymen of this House? No, but from the lawyers. It simplifies proceedings, and reduces, materially the fees of practice. Is it fair then, when Legal gentlemen come forward and say—"we will give you an improved and cheaper system—is it not unjust and irritating for a gentleman to get up, and charge them with selfishness? A Chancery suit, under this Bill will not cost one third the sum it did formerly. Sir, I have been here twenty years, and I have always found a juster and deeper regard for the public interest, evinced by legal gentlemen here on both sides,—far more than ever they got credit for out of doors. It is wrong to make such charges against a profession that has done so much for the country. I make these remarks in explanation—not touching the general subject.

Mr. Marshall—Well, sir, I am really astonished at the eulogium we have just heard on some of the learned Attorney General's own legal labors; and, if it were not for offending that learned gentleman, I should certainly like to give my opinion on these Revised Statutes. Why sir, what are they?—a perfect mass of contradictions and absurdities from beginning to end. Every law is ambiguous, and the good, strong, sense of our old Statutes is completely emasculated. The Preamble of the Revision contains something which the last clause completely nullifies. Speaking as a Magistrate, I can make nothing of them. They are clumsily drawn—badly indexed—and it is of no use for the Attorney General to talk about them here, when it takes half the legislation of this House to put these contradictions and incongruities in order.

Hon. J. W. Johnston defended the profession, —and said it was not of much use to curtail fees—for, if the law did not sufficiently remunerate them, their clients would. But there is a consideration incident to the new system of government deserving of attention. Whatever may have been thought of other offices, it was generally expected that the man elevated to a seat on the Bench, should be the one in the profession most capable of discharging its duties. The road to preferment now is political—not professional; and appointments might be made irrespective, altogether, of talent or character. It is an evil inseparable from the system, and I suppose is incurable. It is in reference to this state of things that I look at this Bill. It is impossible to look at the contingency of filling up a seat on the Supreme Court Bench without some anxiety, as to the probable injury or benefit the country may incur. In discussing the Bill, then, we should do our duty as men, and not suffer ourselves to be denuded of our right of judgment. We should have no false delicacy in such a matter as this. Look forward for 6 months, and I venture to assert that, if Judge Stewart is pensioned, between the next election and the

meeting of the next House, some one of the Legal gentleman assisting to pass this pension will ascend the Bench. I say this prophetically—one seat, at least, will be occupied by one of those who sustain this Bill. I will not, sir, answer the remarks made as regards ambition. While, for myself, I could make a triumphant reply, I will not occupy the time of the House with mere personal observations.

Hon. Attorney General—Do I understand that some legal gentleman here, will be placed on the Bench, before the meeting of the next House? I can only say that I am completely in the dark, as to how that is to be done. I never heard of such an idea, until this moment.

Hon. Mr. Johnston—Let the future speak for itself.

Hon. Attorney General—There is no foundation, whatever, for such an assertion.

Mr. Wade—I should like to see how it can be done by law.

Hon. Mr. Johnston—Oh! the present Government want no law. (Laughter.) Have they not paid salaries and pensions a whole year without law?

Hon. Attorney General—Does the hon. gentleman say that another Judge can be appointed without law?

Hon. Mr. Johnston—I say that one of the members who vote for this pension will occupy the place of one of the five Judges.

Hon. Attorney General—That implies an arrangement—I deny that there is anything of the sort.

Hon. Mr. Johnston—I referred to no arrangement. I referred to the Bench; and, believing that the necessities of the country will be such, under the present Bill, as to call for a reinforcement of Judges, advantage will be taken of the circumstance, to place one of the gentlemen opposite, on the Bench.

Hon. Attorney General—The learned gentleman has made a charge, and has now evaded it; he says, at first, that a Judgeship will, for certain, be given to a gentleman on this side, and then, he says, it will be done in a certain contingency. The hon. and learned member can have no ground for what he states; unless, indeed, a Judge should die. Such an event as that, neither he nor I can control. In case it were to happen, the appointment of a Judge from the Liberal ranks, would be a great public advantage. But, beyond that, will he tell me how such a manœuvre as he has insinuated, can be accomplished by this Government, or any Government? He tells us that circumstances will require another Judge. That is another thing—no Government can act on such a necessity—it must be done by an Act of the Legislature.

Hon. Mr. Johnston—No!

Hon. Attorney General—By no possible scheme that passes my imagination can such a thing be accomplished—an idea thrown out to alarm the fears and arouse the prejudices of this House, for which there is no ground or excuse in the law or in the Constitution of the country.

Hon. Mr. Johnston—The learned Attorney General must have paid very little attention to what I said yesterday; not to have detected the same remark. I argued that, if the business of the Supreme Court would so increase by the amalgamation of Chancery that it would become oppressive, and either one or two of the Judges retire, one or two of the gentlemen opposite would fill the vacancies so created. That contingency might arise under the clause they advocate

in favor of a pension. That contingency would not arise if Mr. Stewart were placed on the Supreme Court Bench. Had I said that any arrangement had been made with the Judges, I should have been saying that which was altogether unauthorized. Should the contingency I have spoken of happen, you will have to provide a Judge to meet it; but the present clause almost makes such contingency inevitable.

Hon. Attorney General—All this is mere conjecture. The Bill, as it is to pass, will leave the Judges precisely as they are.

Hon. Solicitor General—One feature in this matter has not come out yet. Gentlemen opposite have not told us whether they think five Judges enough, or whether six are necessary, then there is nothing saved—and to be dodging this question day by day, pretending that they are going to save £700 or £800 a year, is a paradox. They are constantly insinuating all sorts of charges and innuendoes, implying that something mysterious or disreputable is at the bottom of this great measure, that the country have been expecting for years. The Government are charged with selfishness; but, if we had pursued any other course than this, we might, indeed, have been open to such charges. It reminds me of a man in the county I have the honor to represent, through whose land a road was to run. The land was surveyed, and he complained very bitterly of the course the road took through his farm. I said to him—"keep cool; perhaps here will be another survey;" and, sure enough, there was another; then he found out that the first survey was the right one, and the road by it could be made £200 cheaper than by the second. Such are the kind of arguments we hear to-day. We propose to save £300 a year to the Province; and we are abused because we do not impair the efficiency of the whole Court, for the purpose of saving another £100. No, sir, we are content with our first survey, and the moderate sum we are sure to economize without impairing the public service. A General Election is approaching; and then, if the hon. and learned member for Annapolis comes into power, he may put Mr. Stewart on the Bench, and save £700 instead of £300 a year.

Hon. Mr. Johnston—But suppose he will not come then? We are told he prefers the Bench now. Did we not ask you to test your sincerity by placing him there? If we found him there he would exclude us. Pass the Bill as it is, and you open all sorts of chances and contingencies on which professional men speculate. Pass an amendment, and you close the avenue, and secure the successful working of the Bill. It is not a question, sir, as the hon. Solicitor General has put it, whether five Judges are sufficient, but, whether the five you have are sufficient. You have but two residing in Halifax, and one of them is 80 years of age. There are three absent, one of whom is across the Atlantic, and has intimated to you, pretty plainly, that he wishes to retire. The hon. member for Halifax tells you that, if six Judges get on the Bench, you will never be able to reduce the number. You can embody a clause in the present Bill to that effect. Such reasoning is childish. As regards political considerations, sir, I am content to let this measure go to the country. But do not hon. gentlemen anticipate all that I have argued, from the remarks you have just heard? A vacancy is expected, and, if one occurs, it is to be filled by a Liberal. It is unnecessary for me to say more. The argument of the hon. Sol. General utterly destroyed the object for which he rose.

Mr. Marshall—As a new idea has been thrown out by the hon. and learned Solicitor General, I would like to ask a question of the hon. Attorney General. How would it do to put in this Bill that, in case of a vacancy, then the present Master of the Rolls should be appointed to it, and his pension should cease?

Hon. Mr. Johnston then moved a Proviso to the Bill, to the effect that Mr. Stewart should be transferred to the Supreme Court Bench.

Hon. Attorney General—When it becomes one of the functions of the Leader of the Opposition to dictate to the Government appointments to office, this Resolution will be in order—not till then.

Mr. Marshall—We have a right to move anything to save the people's money—this Resolution will save £400 a year.

Hon. Sol. General—The hon. and learned member expects to get into power at the next Election—and is afraid to trust himself. He, therefore, asks the House, by Resolution, to guide him.

Mr. McLellen—Yes, he is condemning himself for appointing Judge Dodd to the Bench, instead of Judge Marshall, whereby he would have saved £300 a year, ever since.

Mr. Marshall—But you cannot put even Judges indiscriminately on the Supreme Court Bench. The law says that, before any person can ascend that tribunal, he must have been in the practice of the law for ten years—no such rule applied in the Inferior Court, and Judge Marshall may not have served his 10 years.

Hon. Sol. General—Would not the same argument apply to Judge Haliburton?

Hon. Attorney General—I can only say, sir, that I take the motion just made, as a very good joke.

Hon. Mr. Johnston—Well, Mr. Chairman, this may scarcely be the time to move this; but I shall certainly do so when the Bill comes up before the House.

On the Clause for pensioning Mr. White, Registrar of the Court—

Hon. Attorney General moved £150.

Mr. McLellen—I move, in amendment, £100.

Hon. Mr. Johnston would not do injustice. If the House were determined to abolish the Court as a matter of public policy, they ought, at least, to provide reasonable allowance for those who suffered by the change.

Mr. M. I. Wilkins—I vote against the Bill, and against all pensions; but this gentleman has a petition here—that better be read.

The petition was read by the Clerk.

Mr. Marshall—The reason I vote for the £100 is this: when there was no idea of abolishing the Court, and we wanted to find out the amount of fees taken, the answer was—oh! a very moderate sum—hardly enough for a man to live on—while now, when the abolition is a certainty, and a big pension is wanted, the emoluments are set down at £400 or £500 a year. Men who fall wounded on the battle field retire, and are very glad to retire, on half-pay; and this gentleman, who has encountered none of the dangers of war, ought to be satisfied to get a hundred a year for doing nothing. As far as I can understand, he is not burdened with a large family; and, therefore, I think the sum voted is enough, although Mr. White is a gentleman, which are very scarce things to be found in this country.

Mr. Doyle—What! would you damn him to perpetual bachelorship, and never allow him to marry?—(Laughter.)

Mr. McLellen—Oh! £100 a year is quite enough.

Mr. Marshall—He can live very well on that in the country, if not in the City.

Mr. Whitman—I know many men, with families, support themselves, respectably, on £100 a year.

Mr. Killam—The memorial states that he has been in office some 23 years, during which time he must have put into his pocket some £6,000 or £7,000 of the public money. He sought the office, and, if the office is now abolished, he must take his chance. If pensions are granted in this way, there will be no end to them. Why should the Province pay money for no services at all? According to his memorial he has received money enough, and, if he did not take care of it, that is not our fault.

Hon. Sol. General—“Coming events cast their shadows before.” A new Election is approaching; and, often, the tumult of popular frenzy prevents the just consideration of private rights. I am not afraid to do what is right. This pension is not unreasonable. I believe it is not taking a penny out of the pockets of the people of Nova Scotia. The gentleman in question is an aged person, not able to turn his hand to anything else at this time of life, and I am quite satisfied to give the larger sum named. Is it dignified in the Legislature to say that an old officer should be obliged to go to St. Margaret's Bay, or some other out-of-the-way place, in order to get his board at the cheapest rate? He has been living in Halifax heretofore—perhaps he has a predilection to remain here still. True, you may ask him to go to Sable Island, and be boarded at 10*l* a year; but, I think, that would hardly be just to a public officer, not worthy the dignity of this House.

Mr. M. I. Wilkins—The hon. and learned Solicitor General says he is not afraid to do what is right. I don't think he gives himself credit for half courage enough. He is not afraid to do what is wrong. I am opposed to the dismissal of the officer altogether—otherwise I should vote for 200*l*.

The motion for 150*l* was lost.

Hon. Attorney General—Now, I move 100*l* sterling.

Mr. Marshall—There is nothing sterling in the whole transaction. (Laughter.) I move 100*l* currency.

The motion for 100*l* sterling passed—25 to 18.

The last clause provided that the Act should come into operation on the 1st of August next.

The House adjourned.

THURSDAY, March 22, 1855.

The House went into Committee on Bills and passed a number of a private and Local nature.

FRIDAY, March 23, 1855.

Chancery again.

Mr. Martin I. Wilkins presented the petition of John McGregor, Deputy Registrar and Junior Examiner of the Court of Chancery, on the subject of the abolition of that Court, and setting forth his claims.

He moved it be referred to a Select Committee.

After some discussion, the motion passed, and the Committee appointed were Messrs. Wilkins, Archibald and McLellan.

[Mr. McGregor did not pray for a pension, but to be the custodian of the Records of the Court. The petition was not reported on up to the close of the session.]

The House went into Committee on Bills, and passed the remaining clauses of the Chancery bill.

Mr. Marshall laid on the table, as a notice, the following string of resolutions, to be moved on the third reading of the bill:—

Whereas the duties of the Judges of the Supreme Court, increased as they have been by the changes introduced into the practice of that Court, will be further augmented by the abolition of the Chancery Court; and as the bill now under consideration provides no defined practice for the Chancery business transferred to the Supreme Court, great judicial experience, knowledge and research will be required in regulating the proceedings in Equity cases as they arise, and in bringing into efficacious operation the changes designed to be made in the law.

The Master of the Rolls from his study and experience of the Court of Chancery, united to long practice in the courts of common law is peculiarly qualified to be useful in carrying out successfully the union of Chancery and common law jurisdictions contemplated by this bill; the house has been officially informed that he has communicated to the Lieutenant Governor his willingness either to accept a pension or to take the office of Judge of the Supreme Court; and the section of the bill under consideration discharges the Master of the Rolls from all judicial duties on a pension of £400 cy.

And Whereas of the five Judges of the Supreme Court two only reside in Halifax, where the increased business will principally be accumulated, and of those the Chief Justice has passed the age of 80 years, after having spent more than 50 on the bench—and of the three resident out of Halifax one (at present absent from the Province) has by petition informed the house of his desire to retire from his office on his former pension of £300 currency,

Resolved,—That it is the opinion of this house it is unwise by rejecting the services of the Master of the Rolls to impose on the two Judges resident in Halifax an accumulation of duties which they may be unable or unwilling alone to perform; and which may force from the bench an aged and universally respected Judge.

That a just regard to the interest of society demands the adoption of every practicable means for securing the successful introduction of the important changes made by this bill in the administration of the law, and under existing circumstances, the transfer of the Master of the Rolls to the Supreme Court bench is a wise and prudent measure in relation to the beneficial issue of an experiment in which the welfare of the country is so deeply involved.

That in the pecuniary aspect of the question it is less expensive to the people to retain the services of the Master of the Rolls

than to fix on the civil list the proposed pension.

That the transfer of the Master of the Rolls to the Supreme Court does not require, and ought not to induce the permanent maintenance of six judges, if that number should not be necessary; and this house is of opinion that it would be the duty of the government, whenever a vacancy occurred, to abstain from making any new appointment, unless sanctioned by the legislature. Hence, in relating to the judicial services of the Master of the Rolls the only pecuniary expense that can be estimated is the difference between his salary and pension for the period that may intervene until a vacancy occur; in return for which the country receives the benefit of his experience in initiating and framing a system of practice, and of his services in assisting to overcome the perplexities and obstacles incident to important changes; and when the vacancy takes place five judges alone would remain, without any pension being entailed.

That on the other hand, while the pensioning of the Master of the Rolls deprives the country of his services, at a time when the public interest peculiarly requires them, this injurious result is brought about at an expense to the people of £400 a year, for an indefinite period, with the possibility of the necessity being found to exist for the appointment of another judge, should the two judges in Halifax be inadequate to meet the exigencies that may arise, or unwilling to assume, without assistance, the additional duties imposed on them.

That the only benefit that can arise from the pensioning of the Master of the Rolls is, that it induces an increase of Government patronage, and will place in the hands of the executive the nomination of a judge of the Supreme Court, when a vacancy shall occur, which would not be the case were the Master of the Rolls to be retained in the judicial services of the country. But this house is of opinion that the increase of government patronage is too dearly purchased by fixing on the revenues of the country a pension of £400 a year, and endangering the successful result of a measure which affects important interests.

That in the opinion of this house, the pensioning of the Master of the Rolls under these circumstances, needlessly increases the civil list, and the annual expenses of the country; wantonly offends against the known feelings and principles of the people of Nova Scotia, on the subject of pensions; and both in its judicial and financial results is unwise and injurious; that it sets an evil and dangerous precedent; violates the principles on which the government of this Province has been established, and is inconsistent with the professions in which the party in power obtained office at the hands of the people of Nova Scotia.

And Therefore Resolved,—That the clause granting a pension to the Master of the Rolls be struck out of the bill, and an address be presented to his Excellency the Lieutenant Governor, informing him that in the opinion

of this house, the interests of the country will be promoted by the Master of the Rolls being transferred to the bench of the Supreme Court—and that his Excellency be further informed—that this house does not intend thereby to indicate that six judges of the Supreme Court are permanently necessary, and that it is the opinion of this house, should the Master of the Rolls be placed on the bench, it will be proper, in the event of a vacancy occurring in the office of puisne judge of the Supreme Court, that such vacancy should not be filled until the Legislature shall have considered, and decided on the necessity of so doing.

Reports, etc.

Hon. Attorney General, from the Committee on privileges, reported with reference to a resolution of the Legislative Council, asking the house for their reasons for demanding the royalty on slack coal—to effect that the Council had a right to ask for the evidence, but not the reasons.

Mr. Chipman, from the Committee on breakwaters, reported a large number of grants, given on the principle that double the sum voted by the house should be raised by the people.

The house adjourned for an hour.

Molasses Duty.

On re-opening,

The house in Committee of Ways and Means.

Mr. Chipman voted to reconsider the duty on molasses.

Hon. Attorney General and hon. Financial Secretary supported the motion.

Mr. Esson and Mr. Marshall opposed the motion. The latter gentleman ridiculed the idea that the loss of £5,000 of revenue was going to ruin the credit of the magnificent Province of Nova Scotia.

Mr. Murray—When the hon. member for Halifax moved his resolution last night, to reduce the duty on molasses, I voted for it, being anxious that the poor should have the benefit; but I did not wish the distillers to participate in the boon, as they use, for the manufacture of rum two casks for every one that is sold in the country. Between the two, the poor and the distillers, I have got into a sweet mess, (laughter) as the duty is taken off without restriction; but I will endeavour to carry out my views when the subject of licensing the distillers comes up.

Mr. Locke moved to raise the ad valorem duties to 7 per cent., instead of retaining the higher duty on molasses.

This was negatived.

The motion to re-consider was negatived, 26 to 24.

The committee adjourned; all the resolutions were brought up and passed, and Messrs. F. Secretary, Chipman, and B. Smith were appointed a Committee to prepare the revenue bills.

Mining Bill.

Mr. Archibald's bill for incorporating a Mining Association was taken up.

Hon. Attorney General opposed the clause limiting the liability of the shareholders to the amount of stock subscribed.

Mr. Archibald advocated the clause. We wanted capital embarked in the resources of our country, and should admit it on favorable terms.

Hon. Mr. Johnston did not see what harm could arise from allowing gentlemen to come into the country and invest as much or as little as they desired in public works such as this.

Hon. Attorney General maintained that it would be a dangerous precedent.

The clause passed.

On a clause reserving the right of the Legislature to grant the Company the use of several thousand acres of Crown lands, enquiries were made as to the meaning of this clause.

Mr. Archibald explained that the iron of Nova Scotia, which had taken a prize at the great Industrial Exhibition in London, owed its superior properties to its having been smelted with charcoal, in the same manner as Swedish iron was prepared. The bill merely reserved the Crown lands adjacent to the mines, to be disposed of by the Legislature on such terms as might be deemed right, to enable the Company to make use of the wood for charcoal, should their operations be successful. In this way, valuable clearances of the wild lands of the country might be made.

Hon. Mr. Johnston supported the clause.

The bill passed.

Province Notes.

Mr. Wade, from the Committee on Province notes, reported. The report recommended a vote of £25 extra to the Clerk of the Commissioners.

Post Office.

Hon. Solicitor General, from the Committee on Post Office affairs brought in a very elaborate report. The principal recommendation contained in it was to increase the number of mails eastward to three a week, instead of two, as heretofore, at an additional expense of £150.

The report was adopted.

The house adjourned.

SATURDAY March 24, 1855.

Hon. Financial Secretary. Reported from the Committee on the Revenue Laws and presented the following Bills.

A Bill to continue and amend the Law relating to Customs duties. A Bill to continue and amend the Law imposing Light House duties. A Bill to continue the License Law and a Bill to regulate Distilleries.

Chancery.

The Bill for abolishing the Court of Chancery was taken up, on the motion that the Bill do finally pass.

Mr. Marshall moved by way of amendment the following resolution.

"Whereas the duties of the judges of the supreme court, increased as they have been

by the changes introduced into the practice of that court, will be further augmented by the abolition of the chancery court; and as the bill now under consideration provides no defined practice for the chancery business transferred to the supreme court, great judicial experience, knowledge and research will be required in regulating the proceedings in equity cases as they arise, and in bringing into efficacious operation the changes designed to be made in the law, the master of the rolls, from his study and experience of the principles and practice of the court of chancery, unaided to long practice in the courts of common law, is peculiarly qualified to be useful in carrying out successfully the union of chancery and common law jurisdiction contemplated by this bill; and this house has been officially informed that he has communicated to the lieutenant governor his willingness either to accept a pension or to take the office of judge of the supreme court; and the 73rd section of the bill under consideration discharges the master of the rolls from judicial duties on a pension of four hundred pounds, currency:

And whereas of the five judges of the supreme court, two only reside in Halifax, where the increased business will principally be accumulated, and of those the chief justice has passed the age of eighty years, after having spent more than fifty years on the bench; and of the three resident out of Halifax, one (at present absent from the province) has, by petition, informed the house of his desire to retire from his office on his former pension of £300 currency:

Resolved, That in the opinion of this house it is unwise, by rejecting the services of the master of the rolls, to impose on the two judges resident in Halifax an accumulation of duties which they may be unable or unwilling to perform, and which may force from the bench an aged and universally respected judge—that a just regard to the interests of society demands the adoption of every practicable means for securing the successful introduction of the important changes made by this bill in the administration of the law; and, under existing circumstances, the transfer of the master of the rolls to the supreme court bench is a wise and prudent measure, in relation to the beneficial issue of an experiment in which the welfare of the country is so deeply involved—that in the pecuniary aspect of the question it is less expensive to the people to retain the services of the master of the rolls than to fix on the civil list the proposed pension—that the transfer of the master of the rolls to the supreme court does not require, and ought not to induce, the permanent maintenance of six judges, if that number should not be necessary; and this house is of opinion that it would be the duty of the government, whenever a vacancy occurred, to abstain from making any new appointment, unless sanctioned by the legislature. Hence in retaining the judicial services of the master of the rolls, the only pecuniary expense that inter-

vene until a vacancy occur, in return for which the country receives the benefit of his experience in initiating and framing a system of practice, and of his services in assisting to overcome the perplexities and obstacles incident to important changes; and when the vacancy takes place five judges alone would remain without any pension being entailed—that on the other hand while the pensioning of the master of the rolls deprives the country of his services, at a time when the public interest peculiarly requires them, this injurious result is brought about at an expense to the people of £400 a year, for an indefinite period, with the possibility of the necessity being found to exist for this appointment of another judge, should the two judges in Halifax be inadequate to meet exigencies that shall arise, or unwilling to assume without assistance the additional duties imposed on them—that the only benefit that can arise from the pensioning of the master of the rolls is that it induces an increase of government patronage, and will place in the hands of the executive the nomination of a judge of the supreme court when a vacancy shall occur, which would not be the case were the master of the rolls to be retained in the judicial service of country; but this house is of opinion that the increase of government patronage is too dearly purchased by fixing on the revenues of the country a pension of four hundred pounds a year, and endangering the successful result of a measure which affects important interests—that in the opinion of this house the pensioning of the master of the rolls, under these circumstances, needlessly increases the civil list and the annual expenses of the country; wantonly offends against the known feelings and principles of the people of Nova Scotia on the subject of pensions; and both in its judicial and financial results is unwise and injurious; that it sets an evil and dangerous precedent; violates the principles on which the government of this province has been established, and is inconsistent with the professions on which the party in power obtained office at the hands of the people of Nova Scotia; and therefore that the 73rd clause, granting a pension to the master of the rolls, be struck out of the bill, and an address presented to his excellency the lieutenant governor, informing him that in the opinion of this house the interests of the country will be promoted by the master of the rolls being transferred to the bench of the supreme court; and that his excellency be further informed that this house does not intend thereby to indicate that six judges of the supreme court are permanently necessary, and that it is the opinion of this house, should the master of the rolls be placed on the bench it will be proper in the event of a vacancy occurring in the office of puisne judge of the supreme court, that such a vacancy should not be filled until the legislature shall have considered and decided on the necessity of doing so:”

Which proposed amendment being seconded

and put, and the house dividing thereon, there appeared for the amendment, twenty-two against it, twenty six.

For the amendment:—Messrs. J. Campbell, J. Munro, Zwicker, Ryder, Beckwith, Murray, Cowie, Creighton, Mosher, Thorne, Killam, Jost Coffin, Young, Moore, Jost, Wilkins, Marshall, Holmes, Whitman, B. Smith, Brown, hon. Mr. Johnston.

Against the amendment:—Messrs. McQueen, Thos. Coffin, Chipman, Archibald, Fuller, Bourneuf, Shaw, hon's. Mr. McLeod, Sol. General, Prov. Secretary, Mr. Dimock, Doyle, Esson, Martell, McKinnon, Wier, Comeau, H. Munro, hon. Mr. Fulton, Messrs. Wade, J. Campbell, hon's. Attorney General, Fin. Secretary, Messrs. Locke, Annand, P. Smyth.

Mr. Marshall then moved that the bill be amended, by striking out the 73d clause, and in lieu thereof inserting the following clause, viz.:

“On this act coming into operation, the hon. Alexander Stewart, master of the rolls, shall be appointed a puisne Judge of the supreme court, with the authority and powers, and be entitled to the salary and emoluments of that office, as the salary appointed by law.”

Which being seconded and put, and the house dividing thereon, there appeared for the motion, twenty-two; against it, twenty-seven.

For the motion:—Messrs. J. Campbell, J. Munro, Zwicker, Ryder, Beckwith, Murray, Cowie, Creighton, Whitman, B. Smith, Brown, J. Coffin, Young, Moore, Jost, Wilkins, Marshall, Holmes, hon. Mr. Johnston, Messrs. Mosher, Thorne, Killam.

Against the motion:—Messrs. McQueen, Thos. Coffin, Chipman, Archibald, Fuller, Bourneuf, Shaw, Wade, J. Campbell, Dimock, Locke, Doyle, Esson, Martell, McKinnon, Wier, Comeau, H. Munro, hon's. Mr. Fulton, McLeod, Sol. General, Atty. General, Prov. Secretary, Fin. Secretary, Messrs. Annand, P. Smyth, McLellan.

Mr. Brown then moved that the 7th clause of the bill be amended by striking out therefrom the word “sterling,” and in lieu of the word so struck out inserting the word “currency.”

Which being seconded and put, and the house dividing thereon, there appeared for the motion, eleven; against it twenty-eight.

For the motion:—Messrs. Killam, Bourneuf, Comeau, Shaw, McLellan, Ryder, Brown, Whitman, Mosher, Thorne, Young

Against the motion:—Messrs. Archibald, J. Munro, Moore, McKinnon, Wier, Holmes, Creighton, Annand, Wade, B. Smith, Marshall, Cowie, Martell, Fuller, Esson, Murray, Thos. Coffin, Locke, Doyle, Jost, hon's. Sol. Gen., Atty. Gen., Fin. Sec., Mr. Johnston, Fulton, Mr. Dimock, P. Smyth, Chipman.

Mr. Creighton then moved that the bill be referred back to committee, for the purpose of increasing the retiring allowance to the registrar of the court of chancery from £100, sterling, to £150, currency: which being seconded and put, and the house dividing thereon, there appeared for the motion three; against it, thirty-six.

The hon. the attorney general then moved that the debate on the question that the bill do finally pass, be adjourned until Monday next, which being seconded and put, was agreed to by the house.

The House then adjourned until Monday.

MONDAY, March 26, 1855.

Chancery.

Hon. Attorney General—Mr. Speaker—Having heard the resolutions laid on the table last Friday by the hon. member for Guysborough, it occurred to me that the friends of the bill ought to embody their views in a similar shape; for the resolutions are in fact a speech in disguise. I will not address the House at length; but merely move the resolutions I hold in my hand:—

Whereas, the Court of Chancery has existed in this Province from its earliest settlement, and all causes therein were argued before His Excellency, the Lieutenant Governor, as Chancellor, with the assistance of one or more of the Judges of the Supreme Court, by whom, in fact, all such cases were decided until the year 1826, when the Legislature authorised the appointment of a Master of the Rolls, with a salary of £600.

And Whereas, with the progress of society and of judicial and legal reforms in the Mother Country, and from other causes which this House forbears from enumerating; the Court of Chancery has become more and more obnoxious to the people, till, at length, after various intermediate proceedings, a resolution was unanimously passed by both branches of the Legislature in the Session of 1853, directing the abolition of the Court, and the transfer of Equity jurisdiction to the Supreme Court, when a Bill should be prepared, with the necessary machinery, for carrying out that object.

And Whereas, the Bill under consideration has passed the House without a division, except on the two clauses affecting the officers of the Court, and the amendment moved on the 24th inst., contains an exposition of all the reasons which were urged in vain, during its passage, to induce the friends of the measure to transfer the Master of the Rolls to the Bench of the Supreme Court.

Resolved, That, in the opinion of this House, notwithstanding those reasons, such transference would have been a sacrifice of the public interest, and on many accounts inexpedient and unwise.

That it would have increased the Bench of the Supreme Court to six Judges, while the example of New Brunswick and our experience, convinces us that five are sufficient. That the returns show that but one case a year has been brought during the last four years, in the Court of Chancery, twenty-five of which are for the foreclosure of Mortgages, requiring little or no judicial interposition, so that the increase of judicial labor under the new Bill cannot be regarded as oppressive. That the Bill provides that the practice of the Supreme Court, with which the judges are familiar, should extend to all Equitable suits there under, and the cumbrous and expensive forms and modes of proceedings in the Court of Chancery, are altogether abolished. That, if the residence of the Judges only in Halifax shall be found inconvenient, it will be competent for the Executive Government to suggest to one or more of the other Judges, or in case of a vacancy leading to a new appointment, to require as a condition his residence in town.

That this House will always consent, as far as the public interest will permit, both the convenience and dignity of the Bench; conceive it to be sound policy that the Judges should not represent too exclusively, any one set of opinions in this country, but being drawn, before their elevation, from both parties, may enjoy the confidence of both.

That, on these principles, the addition of the Master of the Rolls to the Supreme Court Bench, would have been unacceptable to the body of the people, whose interests and feelings it is the duty of this House to protect.

That, on the ground of expence, it would have been also unwise.

The abolition of the Court of Chancery, and of the office of Master of the Rolls, substituting, for his present salary of £700, has effected a saving to the country.

This allowance was introduced upon the principle adopted by the Interior Courts, and was indispensable to the passage of the Bill.

That a pension to one of the Judges of the Supreme Court who has applied therefore, has not been sanctioned by this House, because there is no public necessity to excuse it, and it would lead to other applications which it would be impossible after setting so dangerous an example, to resist.

That the course this House has pursued is, for these reasons, in perfect accordance with the leading principles on which they have maintained the present Government, the principles of economy, as well as defined and well-understood responsibility to the people, and an administration of the laws shall not only be pure, but unsuspected.

And therefore, that the Bill do finally pass, and that the Clerk do carry the same to the Council, and desire their concurrence.

Hon. Mr. Johnston—I do not know that there is anything very debatable in this. It embraces many matters of detail, but the reasons given do not appear to strengthen the Bill.

Mr. M. I. Wilkins—I am glad to see these resolutions, side by side.

Hon. Attorney General—I will never again allow a long string of resolutions to be placed on the Journals without an answer.

Mr. Marshall—Oh! we are not terrified at all that you have moved or can move. Our resolutions set forth our reasons for opposing the Chancery Bill, better than all the speeches that have been delivered. It may be impiety to doubt the infallibility of the present Government; but the reading public can judge of the two strings of resolutions.

Hon. Mr. Johnston—The Liberal Government now admit that their object is to place a Liberal Judge on the Bench, at an expenditure of £400 a year, needlessly. Let this be well understood in the country. Hon. Mr. Johnston proceeded to state that the highest honor and impartiality guided the decisions of the Supreme Court Bench; and that he knew it to be a fact that, in order to avoid the semblance of partiality, decisions justly deserved were often delayed from the political friends of the judges. He eulogised the character of the judges, and especially the venerable Chief.

Hon. Attorney General joined in the eulogium on the Chief Justice—he was as valuable a man as there was in America.

Hon. Mr. Johnston said that the hon. Crown Officer had included all in his aspersion, as applied to the Bench—to the effect that it required a Liberal to balance politics there. He, (Mr. J.) did not feel called upon to say more than he had, in defence of the judges; and he had abstained from making a single complimentary allusion to the Master of the Rolls. It was enough that that officer had stated his willingness to go on the Bench of the Supreme Court, at a saving to the country.

Over an hour passed in discussing how the question on the Resolutions should be taken. Eventually, the hon. Attorney General's was put

forward, as an amendment to that of the hon. member for Guysborough.

Mr. M. I. Wilkins remarked that the Chancery Bill would have the effect of making all the judges resident in Halifax.

Mr. Wier—I move the question be now put.

Hon. Mr. Johnston—I second that.

The Amendment passed by the following division:—

<i>For.</i>	<i>Against.</i>
Esson,	Creighton,
McQueen,	John Campbell,
Wade,	John Munro,
H. Munro,	Zwicker,
McKinnon,	Joiah Coffin,
Wier,	C. Young,
Comeau,	Thorne,
Bourneuf,	Moore,
Shaw,	Jost,
Dimock,	Wilkins,
Sol. General,	Mosher,
McLellan,	Cowie,
Atty. General,	Murray,
Pro. Secretary,	Holmes,
P. Smith,	Killam,
Fulton,	Brown,
Anand,	Whitman,
Chipman,	Johnston,
Martell,	B. Smith --19.
Fin. Secretary,	
T. Coffin,	
Fuller,	
Locke,	
Doyle,	
Archibald.—25.	

The Chancery Bill passed a third reading, and the House adjourned till 3 o'clock.

Duty on Molasses.

On re-opening, the House went into Committee of Ways and Means.

Hon. Attorney General moved that the duty on Molasses be increased to the same sum levied on it heretofore.

Mr. Locke moved, in amendment, that the duty of 1½d. per gallon, be imposed, and that the Advalorem duties be increased from 6¼ to 7 per cent.

Mr. M. I. Wilkins contended that, as this question had been decided already this Session, it ought not be again brought up—it was against Parliamentary form.

Mr. Whitman—The same members are here as voted the other day; we shall see if the Government have found a price to buy up any honorable member.

Cries of "Order! Order!"

Mr. Whitman—I move a call of the House.

Mr. Wier—Perhaps the hon. member judges other people by himself.

Mr. Wade—The remark was an insult to the whole House.

Hon. Attorney General—I shall treat it with perfect indifference.

Mr. M. I. Wilkins—The hon. and learned Attorney General is quite a model of forbearance.—(Laughter.)

Mr. McLellan rose—

Mr. Wilkins—Wait a moment till I have finished; (Laughter); and if the hon. member who is so anxious to hear himself, only had an intellect in proportion to the bulk of his person, he would be a model member.—(Renewed merriment.)

Mr. Wade commenced to speak—

Mr. Holmes—The learned member is out of order—he was standing.

Mr. Doyle—I thought a call of the House was moved for something tangible.

Mr. Holmes—The original resolution was to raise the duty on Molasses, from 1½d to 2½d per gallon. The amendment is to let the small duty remain on Molasses, and raise the 6¼ per cents to 7. I will vote for the amendment, because the increase on other goods will fall, chiefly, on the rich; and the poor will get their Molasses cheaper.

Mr. Locke's amendment was negatived.

Mr. Holmes—Gentlemen go over like a flock of geese. However, when honorable members Wade out beyond their depth, it is natural they should be defeated.

Mr. Wade—The gentleman is all the time scratching his head, and cannot find an idea.

Cries of "Question, question."

Mr. Doyle—I want the duty lowered, on Molasses. I am at a dead lock. (Laughter.)

The resolution to fix the duty as it was last year, passed in Committee, 25 to 23.

The Committee adjourned.

Mr. Esson—Well, I can assure the Government and the House, that I do not feel in very gloom humor after the manner in which my resolution has been treated.

Mr. Holmes—I move that the Report be not received.

Mr. Whitman—I second the motion.

The House divided as follows:—

<i>For.</i>	<i>Against.</i>
Comeau,	Archibald,
Creighton,	McQueen,
Beckwith,	Wier,
John Campbell,	Wade,
Zwicker,	McKinnon,
Murray,	T. Coffin,
Joseph Coffin,	Sol. General,
John Munro,	B. Smith,
Thorne,	Bourneuf,
Whitman,	Pro. Secretary,
E. Young,	Attorney General,
Jost,	McLellan,
Mosher,	Chipman,
More,	Shaw,
Wilkins,	H. Munro,
Cowie,	Dimmock,
Holmes,	Fuller,
Johnston,	Financial Secretary,
Marshall,	P. Smyth,
Killam,	Fulton,
Ryder,	McLeod,
Brown,	Doyle,
Esson.—23.	Martells,
	Locke,
	Anand.—25.

The House then adjourned.

TUESDAY, March 27, 1855.

Trade Returns.

The Hon. Financial Secretary, by command of His Excellency, laid on the table of the House the following Returns, relating to the Trade of the Province for the year 1854:

1st. A General Statement of Imports, being a detailed account of the principal articles of British and Foreign merchandise, imported during the year ending the 31st. December, 1854, showing the quantity and value of each article entered at each Port, and indicating from what countries imported.

2d. A General Statement of Exports from Nova Scotia, for the same period, and with the like particulars.

3d. An Abstract of the principle articles of British and Foreign merchandize imported into Nova Scotia for the same period, and with the like particulars.

4th. An Abstract of, Exports for 1854, with like particulars.

5th. A General Statement of Imports, showing the value of merchandize entered at each Port in Nova Scotia, for the same period, with like particulars.

6th. A General Statement of value of Exports from each Port, with like particulars.

7th. A Comparative Statement of the value of merchandize entered at each Port in Nova Scotia, during the years 1853 and 1854.

8th. A Comparative Statement of Value of Exports, for same periods.

9th. Statement of Goods in Bonded Ware-Houses at Halifax, 31st December, 1854.

He would beg leave to lay before the House, in a very brief and condensed shape, the information contained in the documents just submitted.

Value of Imports from Great Britain,	£636,885
" " B. N. A. Colonies,	329,612
" " Brit. W. Indies,	30,133
" " United States,	575,288
" " Other Countries,	219,164
Total value of Imports,	£1,791,082
Total value of Exports,	1,247,668
Difference,	543,414

Value of Exports to Great Britain,	£117,844
" " B. N. A. Colonies,	413,026
" " Brit. W. Indies,	270,750
" " United States,	318,676
" " Other Countries,	127,372
Total value,	£1,247,668

A Comparative Statement of the value of Imports and Exports, for the years 1853 and 1854, shows an increase, as follows:

Total Imports for 1854,	£1,791,082
" " 1853,	1,417,086
Increase,	£373,996
Total Exports in 1854,	£1,247,668
" " 1853,	1,078,707
Increase,	£168,961

The Ports at which the principal amount of increase, in value of Imports, were the following:

Halifax, at which the Increase was	£295,204
Yarmouth, " "	17,374
Windsor, " "	10,362
Pictou, " "	8,573
Digby, " "	6,654
Amherst, " "	4,157
Arichat, " "	4,264

The principal Increase in the Exports, was at the following Ports:

Increase at Halifax,	£132,587
" " Liverpool,	25,020
" " Pugwash,	9,693
" " Ragged Islands,	6,597
" " Horton,	8,197

The following statement exhibits the trade in Agricultural Products for the year:

Value imported:	Value exported:	Excess of exports:
Apples, £210	£7,188	£6,978

Butter,	2,804	20,219	17,615
Cheese,	87	2,548	2,461
Eggs,	—	1,172	1,172
Horned Cattle,	—	26,016	26,016
Horses,	—	3,121	3,121
Pork,	10,020	14,468	4,448
Potatoes,	6,328	54,382	48,054
Sheep,	—	4,746	4,746
Total.	19,249	133,860	114,611

BREAD STUFFS, viz.,	Value imported:	Value exported:	Excess of imports.
Elour, (wheat)	306,576	29,083	277,493
" " Rye,	14,514	—	14,514
Corn and Wheat,	16,097	—	16,097
Oats and Barley,	8,598	2,336	6,262
Meal,	51,901	—	51,901
Total.	397,686	31,419	366,267

Statement of the Trade in Fish and their products, for the year:

	Value imported:	Value exported:	Excess of exports.
Alewives,	£—	3,818	3,818
Codfish,	57,778	195,085	137,307
Herrings,	26,685	78,950	137,307
" " smoked,	—	6,059	6,059
Mackerel,	427	194,062	193,635
Shad & Salmon,	8,195	16,057	7,862
Scale Fish,	1,615	2,974	1,359
Oil,	8,042	24,400	16,358
Total.	102,742	521,425	418,683

Trade in productions of the Forest:

	Value of imports.	Value of exports.	Excess of exports.
Lumber,	£1,618	135,596	133,978
Shingles,	2,442	5,713	2,271
Spars and Knees,	—	9,562	9,562
Staves & Hoops,	—	20,348	20,348
Timber,	—	14,941	14,941
Wood,	—	30,577	30,577
Furs,	—	8,797	8,799
Total.	5,060	225,634	220,47

Exports of Mines and Minerals, viz.,	
Gypsum,	£14,987
Coal,	47,699
Total.	£62,686

RECAPITULATION:

Agricultural Products, (except Bread stuffs)	Excess of Exports
Fisheries,	£114,611
Forest Productions,	418,685
Mines and Minerals,	220,474
Add value of Ships exported,	62,686
Total.	143,503
Sterling Money,	£959,967

In round numbers, therefore, *Nine Hundred and Sixty Thousand Pounds*, is the value of domestic produce exported from Nova Scotia last year; a sum larger, in proportion to the population, than that of either Great Britain or the United States; and when the question is countingly asked, What does Nova Scotia manufacture? A reply is contained in these figures which triumphantly repels the aspersions which are often thrown upon the industry and enterprise of our people.

HALIFAX.

Value of Imports at Halifax, 1854,	£1,359,761.
“ “ “ 1853,	1,064,556.
Increase.	295,205.
Value of Exports from Halifax, 1854,	739,305.
“ “ “ 1853,	606,718.
Increase of Exports, do. Imports,	132,587 295,205
Total Increase of Trade,	427,792.

Value of Imports from	Value of Exports to
Great Britain, 584,591.	50,494.
B. N. A. Colonies, 198,586	267,438
British West Indies, 21,923	174,429
United States, 344,634	147,363
Other Countries, 210,027	99,581

Total. 1,359,761. 739,305.
Difference against Halifax, 620,456.

Value of Exports from Outports,	508,363.
“ Imports at “	431,321

Difference in favor of Outports, 77,042.

Comparative Statement of Ships built and sold, in 1853 and '54 :

	No.	Tonnage.	Val. Cur'ney.
Built in 1854,	244,	52,814,	509,319.
“ 1853,	203,	34,376,	315,418
Increase.	41.	18,438.	193,901.

	No.	Tonnage.	Valuo.
Ships sold in 1853,	86,	21,867,	191,401.
“ “ 1854,	69,	21,125,	179,316

Decrease. 17. 742. 12,085.

The House went into Committee on Bills and passed the Bill to incorporate the Trustees of the South Baptist Meeting House, at Wilmot ; the Bill to incorporate the Acadian Iron and Steam Company; and the Bill relating to the River Fisheries.

The House adjourned.

WEDNESDAY, March 28, 1855.

Distilleries.

Mr. Wier, Chairman of the Committee on the Petition of James Wilson and John Oal, Distillers, requesting certain privileges, reported that the Committee did not consider it expedient to report favorably on these petitions, this Session. The report was signed by all the Committee, and was adopted by the House.

Acadian Marble Company.

On the reading of the Bill for incorporating the above Company, in charge of Mr. Archibald, that gentleman explained that, as capital was necessary to develop the resources of the country, the liabilities of the Company should be limited to the amount of their investments.

Mr. M. I. Wilkins supported the Bill—thought it perfectly safe to allow the Company to go into operation without being liable for more than the stock they invested.

Hon. Attorney General opposed the limited liability. The House ought to lay down some rule to bind all companies alike—not to apply one rule to our Insurance Companies, and another

ing Companies. He moved the clause be struck out.

Dr. Brown was rather in favor of more extended liability.

Mr. Archibald—Here are gentlemen ready to come into the country and expend cash in £1,000 on a public undertaking; they are willing to risk the money; but they do not wish to risk another £1,000 which they have not invested. The Province can lose nothing—the money will be expended on your own soil; and, if the whole thing is a failure, those only who invest will lose anything.

Mr. M. I. Wilkins—Of course—their laborers will be paid every week. It cannot be pretended that they will lose.

Mr. Archibald referred to the practice of New Brunswick, Canada, and the United States, in favor of limited liability.

Hon. Attorney General—New Brunswick adopts more the American system than we do.

Mr. Smith advocated the Bill as it stood, and instanced some Bills for the Incorporation of Insurance Companies, that did not involve the Shareholders in double the amount of their Stock.

Mr. Zwicker opposed the views of the hon. Attorney General. The House ought to be very glad to welcome the expenditure of money, in his country, from abroad.

Mr. Wier advocated the Bill. If New Brunswick was ahead of us in enterprise, we ought to put our shoulders to the wheel, to keep pace with her, and the first thing to do would be to sweep away these old restrictions and absurd clogs on the industry and enterprise of the people. What made New Brunswick and the United States prosperous? The numerous companies which started into life, and were not hampered by any such restriction as was attempted to be imposed here. Nova Scotians were as enterprising and able as any men in the World, and it was high time such absurd laws were swept away.

Hon. Attorney General replied—He was determined to test the sense of the House on the matter, and take their decision as final.

The amendment to strike out the clause, (which limited the liability of the Company to the amount of Stock subscribed,) was negatived;—5 in favor, 30 against.

Hon. Attorney General—I take it for granted the question is now settled, as applicable to all Companies.

The House went into Committee, and passed the above Bill.

Government House.

Mr. Archibald reported from the Committee on the Government House Fire. The repairs would amount to about £5,000.

Delap's Petition, &c.

Mr. Wade moved for a Bill to authorize the assessment of the Township of Granville, to pay James Delap, for support of Poor.

After a long argument against the claim by Mr. Johnston and Mr. Whitman, Mr. Wade's motion was agreed to on two divisions—22, to 19—and 24, to 19.

A Bill relating to Crown Lands then passed; and the House adjourned.

THURSDAY, March 29, 1855.

Bills, etc.

A large number of private and local Acts were read a third time, and finally passed.

Mines and Minerals.

Mr. McQueen moved that the General Mining Association be required to pay the full Royalty due on Slack Coal sold and shipped by them during the year 1854, as per their returns; and that the Royalty be reduced to one-half the present charge, or six pence per chaldron on all Slack Coal, shipped from the 1st day of January, 1855, and not be increased beyond that rate, during the term of the Lease of the Association.

Mr. McLellan moved, in amendment, that the House do adjourn. The amendment passed in the affirmative, and the House adjourned.

FRIDAY, March 30, 1855.

Salaries in Public Offices.

The House met at 11:

On entering we found a report from a committee of which Mr. Wier was chairman, under debate, to authorise the Government to raise the salaries of clerks in public offices.

In answer to some remarks of the hon. Attorney General, Mr. Marshall stated that he did not think him worth answering.

Mr. Holmes—You have got into office on the cry of high salaries; and under the plea of reducing them, merely to enjoy these high salaries yourselves. Have you reduced any of them? No! they are as high as ever. Does the present Secretary's office cost less than when Sir Rupert de George was in it. No! and now you have brought in a bill to increase the pay of the clerks.

Hon. Financial Secretary turned to the Journals to show that Sir Rupert received £2,000, and no Secretary subsequently had received anything like that.

Hon. Mr. Johnston—Sir Rupert never received a farthing he was not entitled to; and as he is absent these observations might be spared.

Hon. Fin. Secretary—I did not bring him on the carpet, but the hon. member for Picton.

Mr. Holmes maintained that he could not find on the Journals that Sir Rupert received more than £1,500.

Dr. Brown—I object to this report—am against increasing salaries. Living is just as expensive in the country as in the town.

[A long personal debate took place, quite beside the question.]

Hon. Atty. General—It is not the intention of the government to increase the salaries of officers generally—only where it is indispensably necessary; but if this bill is refused some of our public offices will be shut up. Grant this power and it will be used discreetly. You may rely upon it that the government will not peril their position by extravagance.

Hon. Mr. Johnston—I am not quite sure of that. The hon. Financial Secretary has, before now, voted to increase the salary of the Lieut. Governor to £3,500 permanently. I do not oppose a reasonable increase where it is required. I know the increase of labor in the Receiver General's office has been such as to entitle the clerk to an increase of pay, for which he has the recommendation of his

superior. But I object to this measure because it does not state exactly what salaries are to be increased.

Mr. McLellan—The Clerk in Mr. McNab's office is the very last man who should have his salary increased. He works only five hours a day.

Mr. Martin I. Wilkins—Suppose instead of 5 hours a day, he works all day, and half the night, if not on Sundays also? His duty has been very much increased by an invasion in the Savings' Bank, to the tune of £75,000.

The motion to empower the government to increase salaries passed 18 to 15.

Mr. Whitman—I give notice that I will move to rescind.

Railway Expenses.

Hon. Attorney General, by command of his Excellency the Lieut. Governor, I rise for the purpose of laying on the table of the house an account of the expenses of the Railway Board. On the appointment of Commissioners, it was quite understood on both sides of the house that the salary of the Chief Commissioner, Mr. Howe, was to be the same as he received in his previous office, £700 a year. Not knowing what the duties of the other Commissioners would be, we thought the most prudent course would be to fix their remuneration at the most moderate sum. That sum, for all the other Commissioners we named at £600; but in the progress of the work we found that these gentlemen had to give one half of their whole time to the public service; and they have refused the sum named as quite an inconsiderable and inadequate remuneration for their labour. Under the circumstances, I think the house will agree with me that £1000 should be voted. The only difficulty in my mind is, whether the sum ought to be sterling or currency. I trust this will not be treated as a party question.

Dr. Brown—I oppose this; £600 was quite enough.

Hon. J. W. Johnston—I think the Board ought to be the best judges of their labors, and of what they should receive.

The Paper was laid on the table.

Office of Chief Justice.

Mr. Martin I. Wilkins—I rise, sir, for the purpose of moving the resolution I hold in my hand. In reviewing the acts of the present session, I think it will be admitted that we have been voting away the peoples' money rather unceremoniously. We have just been called upon for £1700 for railway Commissioners; and we have given £850 as pensions to gentlemen—which pensions are to last as long as their natural lives. Not having a very easy conscience on these matters, I turned over in my mind last night, to see if there was any possible mode of compensating for this extravagance, by making a saving elsewhere. We have curtailed the salary of the Commissioner of Crown Lands from £600 to £500; but we have given the odd £100 to one of the clerk's in his office; so that we have saved nothing in that channel. We have abolished the Court of Chancery—a very doubtful experiment, in my opinion. We have now a

bench consisting of a Chief Justice and four Puisne Judges. The distinction is a mere nominal one. They have to perform the same duties, exercise the same functions. There is, therefore, no reason why one of those judges, who has not to perform more work than the others, but generally less, should receive a larger salary, and be distinguished by a superior seat, at the whim of the government for the time being. It is the duty of the Legislature to appropriate pay according to work—and if Mr. Justice Bliss can and does perform as much work as any Chief Justice, why should the latter receive £500 more? The hon. Member for Halifax (Mr. Wier) sometimes talks to us of antiquated notions and figures; I think it is an antiquated notion that one of the Judges should receive £500 more than the others, and do no more work. It would, therefore, be for the benefit of the country if the Judges were equal. The law provides that the Chief Justice shall receive £1000 stg. a year, and any future Chief Justice £800 cy., while the Puisne Judges receive but £700. Another reason why I propose this resolution is, because all legal preferment now takes place through this house, and if a vacancy were to occur in the Chief Justiceship under Responsible Government following the example of England (which we resemble as much as a mosquito resembles an elephant—laughter) we should see our little Attorney General vaulting into the vacant seat. And, sir, it is very easy to suppose a man of 5 or 6 years standing—without either learning or integrity—might by political intrigue find his way into this house; and by the favor of a corrupt majority might obtain the office of Attorney General, and at the death or retirement of a Chief Justice; this individual would be placed on the bench, above older and more worthy Judges; and it is obvious that in such an event the latter would not submit to the disgrace of holding seats under so unfit a person, and the public would lose the services of able and upright judges, and the administration of justice would fall into the hands of the greatest knaves in the Province. And thus we would be afflicted with the greatest curse that can befall a people, a foul and corrupt administration of justice.

As the house is the arena in which, under the new system of Responsible Government, professional men are to fight their way to the bench, it is above all things desirable that as each Judge went on the bench fresh from politics he should take his seat at the foot, and not at the head of the bench; and that priority should be awarded to that Judge who had served the public the longest, and was better acquainted with the duties of the judicial office. It would not be right that a young, ambitious lawyer should be taken from the bar and put over the heads of Judges who had grown grey in the service; and it would be above all things wrong to pay this young aspirant a larger salary than the others, while he performed precisely the same duties, and no other nor greater than them. These, sir,

are peculiarly the days of progress, and where we find abuses we should correct them. The equalization of the Judges would be a public benefit, and the country would gain by the difference in salary. I therefore, sir, move this resolution, that the people may see we are not inclined to throw away their money with both hands, but are anxious to use one to get some of it back again. Mr. Wilkins read the resolution as follows:—

“Whereas the Judges of the Supreme Court are equal to authority, and exercise the same functions, and the title of Chief Justice is nothing more than a nominal and honorary distinction, which, under certain circumstances is calculated to become invidious and offensive, and on that account should be abolished.

“And Whereas there is no reason why, of five public servants, each performing the same duties one of them should receive a much larger salary than the others, and seven hundred pounds currency is, in the opinion of the house, a sufficient remuneration for the services of a Judge of the Supreme Court:

Resolved therefore, that when a vacancy shall occur on the bench by the death or retirement of the venerable Brenton Halliburton, the title and distinction of Chief Justice shall cease, and the person who shall be appointed to fill the vacant seat on the bench shall receive a salary of seven hundred pounds currency a year, and no more, and for the future the Judges of the Supreme Court shall take rank and precedence according to the date of their respective commissions, and the Judge whose commissions is the oldest shall be designated first or senior Judge of the Supreme Court.”

Mr. Wilkins—There—that is the resolution. I hope nobody will oppose it, as it does not deserve any opposition. (Laughter.)

Mr. Doyle—If you did not want opposition, you should have drawn it somewhat differently. It has a personal reference throughout.

Mr. Marshall—I rise, sir, to second the resolution of my hon. and learned friend, because on its adoption, under the present system of the appointment of Judges, depends the security of the subject, and the purity and respectability of our Supreme Court Bench. As usual, sir, the resolution has affected the lungs of the hon. Attorney General. I listened with pleasure to his desperate cough during the able speech of the hon. introducer of the resolution. I am almost induced to send him a bottle of pulmonary balsam. He fears the resolution, if carried, will affect his chest. If the doses I administer daily does his honor no other service, I think if I live to continue them I will ultimately cure his ambition.

The resolution was laid on the table as a notice.

Registry of Ships

A long debate took place on an amendment of the Council to the bill providing for the registry of ships. The amendment provided that no new certificate should be given to replace one lost or destroyed, without application under oath to the Governor in Council.

Messrs. Killam, Johnston, Whitman and

others, opposed the amendment. It was ridiculous that every ship losing her register should be obliged to wait for one until the Governor and Council were consulted.

Hon. Attorney General descanted on the importance of a ship's register, and the fact that very often the title to a ship depended on her register. There was a strong opinion in the Upper House on the necessity of this restriction; but if the hon. member for Annapolis chose to take the responsibility of striking out the amendment he might do so.

Hon. Mr. Johnston—I feel quite satisfied to move to strike out "Governor and Council."

The motion passed and the house adjourned for an hour.

The Judges.

On resuming, Mr. Wade laid on the table the following, in amendment to Mr. Wilkins's resolution:

Whereas the existing distinction between the relative offices and dignities of Chief Justice and Assistant Justices of the Supreme Court has been recognised in this province from the earliest period, in acts of the legislature, and in the settlement of the civil list, whilst a corresponding distinction has long prevailed in the superior courts in England, and in those of the other British North American Colonies: And whereas there is no reason to apprehend that in the event of a vacancy occurring in the office of Chief Justice, an appointment thereto will be made that will not commend itself to the approval of the people of Nova Scotia: And whereas the salaries assigned to the officers referred to cannot be diminished otherwise than by an act specially assented to by the Crown—

Resolved, therefore, that the resolution just negatived, introduced without notice at the close of the session, when many members have returned to their homes; and contemplating a change in the mode of appointment to and in the emoluments of the bench, ought not to be entertained by this house.

Committee of Supply.

The house went into Committee of Supply, Mr. Dimmock in the chair.

A number of votes passed.

Pictou Academy.

On the vote to Pictou Academy, Mr. Holmes did not understand why this sum was moved when the petitioners did not ask for money.

Hon. Financial Secretary explained the state of the Academy. It was not exactly under any religious denomination, but it ought to have some support as well as other Academies.

Dr. Brown said he had recommended the money because other sects received aid from the legislature, and he presumed there were sects in and round Pictou that deserved some aid for education.

Mr. Holmes—The kirk of Scotland is stronger in Pictou than the presbyterian church of Nova Scotia; why should the latter receive aid and not the former? Why did it not enter into the generous minds of the Committee to vote a similar sum for the support of education for the kirk of Scotland?

Mr. Martin I. Wilkins—The kirk of Scotland is strongest, and is represented here, while the other party are not represented here. We therefore ought to protect them. We are the representatives of both—the minority as well as

the majority—therefore I reported this grant from Committee, and I hope it will pass, although I suppose those who receive it will oppose me, as they always have done before.

Hon. J. W. Johnston had always advocated grants to this Academy, however much he was opposed, politically, to the party who supported the Academy, because wherever he saw a body of men supporting, efficiently, the cause of education, he would give them the same aid as was granted to other such institutions. The instruction in the higher branches had the greatest effect on the broad population of the country; and although the kirk of Scotland were not in a position now to ask for such a grant as this, yet the moment it placed itself in that position he should be delighted, and would be one of the first to vote a similar grant for it. The hon. and learned member spoke at much greater length. The resolution was agreed to.

Sackville Academy.

On the moving of the vote to the Sackville Academy, some remarks having been made in a low tone,

Hon. Mr. Johnston supported the grant, and Hon. the Speaker was very glad to bear testimony to the usefulness of this institution—it had turned out a number of promising young men—he had one there himself, with whose progress he was perfectly satisfied; and there had lately been added to the institution a branch for the education of deaf and dumb.

Hon. Mr. Johnston—That is certainly an additional claim. The Academy I am interested in—that at Horton—once tried to establish such a branch, and found their means inadequate to it. The grant passed.

St. Mary's Seminary.

Mr. Esson presented a petition from St. Mary's Seminary, setting forth that that institution was as efficient a state as ever it was.

Hon. Mr. Johnston, Mr. Wier, Mr. Annand and others, would sustain a grant for this institution.

Hon. Financial Secretary stated that the only reason the Committee had for not reporting this grant was, that there had been no return from the institution, and consequently the Committee could not act on it.

Eastern Seminary.

A sum was moved for Arichat and Antigonish.

Hon. Sol. General, hon. J. W. Johnston, hon. Attorney General, supported the grant, and it passed.

Model School.

Mr. Zwicker moved that a sum of £50 be granted and paid to the trustees of the Model Training School in Halifax—that the Committee on education last year recommended a grant of £100, which the house rejected. He had lately visited the school, and found it in a most efficient condition, and hoped the house would be more generous this session.

Dr. Brown opposed the grant. Halifax had already enough of the public money.

Mr. Doyle—There is a school in this city at which 300 children of the poor are instructed; when they ask for a grant you refuse it; why should you give this?

Mr. Annand was glad to perceive the generous spirit with which the hon. gentleman from Lunenburg had moved the grant to a highly efficient and useful institution. He hoped the house would not reject it.

Mr. Doyle—Why should the trustees have applied to an hon. member *not* of the township or county of Halifax, to move the grant? Had they not confidence in them? He could offer no other reason. He was never opposed to grant money for education—could point to the journals in attestation of his disposition, but he thought the petition should have been, in courtesy, submitted to the members of the county first.

Mr. Zwicke explained.—He had been invited to visit the school, and finding it to be a most efficient institution had proffered his aid to obtain a grant without any solicitation from the Rev. Mr. Dunn, or any of the Masters, who had been discouraged by the refusal last year from renewing their application.

Mr. Wjer did not entertain the same views as the hon. and learned member for the township of Halifax (Mr. Doyle.) He was glad to see the evidence of a more generous spirit on the part of the hon. member for Lunenburg, as contradistinguished from the narrow, contracted, and ungenerous views and policy of the hon. member for Horton, Dr. Brown, who opposed all and every grant from which the city of Halifax would derive any benefit.

Mr. McLellan opposed the grant.

After some further conversation the motion was put and carried by a very large majority.

Treasury Advances.

The advances from the Treasury being taken up, the advance for five months to Mr. Rushworth, as Private Secretary to the Lieutenant Governor created a good deal of discussion, out of which we have had very hard work to get at the substance here stated: Mr. Rushworth came with Sir Gaspard LeMarchant in August, 1852, and in 1853 and 1854 the house voted the salary of £250. Mr. Rushworth served until the end of 1854, leaving 5 months unprovided for by law. On the vote being taken the Committee stood 17 to 17.

Mr. M. I. Wilkins—I vote for this sum because I think the Governor's Private Secretary ought to be paid; but I condemn the illegal payment and the manner in which the whole business and accounts on this matter have been conducted.

Mr. Marshall—I vote against reimbursing the Government for this expenditure, because, although I have always been in favor of the Governor's Private Secretary being paid, and have voted for it, I entirely disapprove of the bungling manner in which these accounts have been kept, and the ridiculous manner in which we have been kept here for an hour listening to childish explanations about which we have hardly been able to make head or tail.

Discussion then arose as to how the question had been decided.

Hon. Attorney General—The chairman votes in its favor.

Mr. Marshall—Surely not! he is bound to vote against a money grant.

Hon. Attorney General referred to a precedent in favor of the practice just pursued.

Mr. Marshall—Oh—yes! where there is anything to be carried you will always find 10th precedent and policy for it.

Hon. Attorney General—Then the matter is settled:

Mr. Comeau—I have always voted against the grant. I voted against it in 1853, in 1854, and I now vote against it in 1855. If I had voted in favor of it before I should do so now.

The vote to Private Secretary for this year was agreed to, 19 to 17.

Increase of Salaries.

The question on allowing the Government to advance salaries of certain clerks was negatived 19 to 17, but afterwards put and carried.

Deep Sea Fisheries.

The vote of £4,000 to the deep sea fisheries was then taken up, and after some discussion the question was taken and decided in the negative by the casting vote of the chairman.

Agriculture.

On the resolutions in favor of agriculture being taken up,

Mr. Smith rose to say that if the vote of £4,000 to the fisheries had passed, he would have moved every vote from the Committee on agriculture, to the amount of some thousands of pounds; but as that vote had been lost, he would not move all. He hoped the house would however, grant the usual votes of £50 to each county, and he also hoped they would give £2,000 for other 9 horses, so that each county might have one.

Mr. Marshall—The fifties will be all right—not the £2,000.

Two hundred pounds passed to the Central Board of Agriculture.

Fifty pounds was proposed to enable the Board to manufacture bone manure.

Mr. Marshall—Oh, no!

Mr. Murray—If the hon. member knew the value of that manure he would not say a word against it.

Mr. Marshall—if you search the whole Gulf shore from one end to the other, you cannot find enough bones to make a bushel of it.

Mr. Locke—Let every farmer import his machine to grind his own bones, and not be boning us. (Laughter.)

Mr. Smith would abandon the mares, but hoped the horses would be imported—he had no more interest in the matter than any man in the house.

Hon. Financial Secretary and hon. Attorney General said the house could not afford this expenditure this season.

Mr. Smith—I move the vote for horses.

Hon. Mr. Johnston was astonished that the vote for horses should be moved by the hon. Chairman in preference to that for sheep.

Several gentlemen explained that sheep could be easily procured by individuals and Societies—horses were too expensive.

Hon. Mr. Johnston—I beg my hon. friend's pardon. I am sure I never travel along the road to Annapolis without seeing every barn-door covered with placards containing huge pictures of these horses—(Laughter.)

Mr. Marshall—I don't know what you are going to do about the sheep, but the scabby ones that have been imported have infected every flock in the country.

The vote for horses was negatived.

Mr. Marshall—What! do you vote for the horses?

Hon. Mr. Johnston—Oh, yes! for the fish, horses, and sheep.—(Laughter.)

The other votes, except for Mares, passed.

Milford Haven Bridge.

His honor the Speaker said—Mr. Chairman—The application I am now about to make is one which I feel convinced will commend itself to the sense of Justice of this Committee. The

circumstances upon which it is based I will briefly state. It had long been considered a measure of public advantage that a bridge should be erected over Milford Haven River, in the county of Guysborough; and accordingly arrangements of a financial character were made for that purpose. Advertisements were issued in the fall of 1853, and some seven or eight persons tendered for the execution of the work. The highest of these tenders was about £1,500. the lowest that of John H. Tory, for about £900.—The intermediate offers were considerably beyond the latter sum. To John H. Tory, then, the construction of this work was entrusted, and, I am happy to say, he completed his contract to the satisfaction of the Commissioners and the magistracy of the county, as these certificates, appended to his petition, testify; and also, I may add, to the satisfaction of the public. But while this contractor has thus performed a work of such great public advantage, and of such a meritorious character as regards himself, I am sorry to say that he has thereby sustained a most serious pecuniary loss. This loss was sustained in consequence of the fact, which is known to every gentleman who hears me, that after the period at which he entered into his contract, a very great and unexpected rise occurred in the price of the materials employed in the work. Iron, wages, and provisions became suddenly advanced in price, and thus the calculations based upon rates existing at the time of his tender were completely deranged. His loss, in consequence, according to the details furnished in the papers accompanying the petition, exceeds £300. Now, sir, this is a large sum, a very large sum for an individual just entering upon the active business of life to lose. It is one which I do not think the public for whom he worked, requires that he should lose. Were it at all like the other cases which were before the Committee to whom these claims were referred, and involved a loss of £10 or £20, or £30, I could not ask the sympathies or interposition of this Committee. But, sir, when a loss like this, involving possibly the future prospects of this young man, is brought to our notice, we may fairly distinguish it from the cases to which I have referred, and deal with it upon other and more liberal terms. I know that it may be objected that when a man takes a contract of this sort, he takes it subject to all the contingencies of profit or loss. I do not intend to disregard this objection. It is my purpose, then, in the sum I am about to ask, to place upon him one half of the loss, and the other half of the burthen to the public. I think this is a fair compromise, and as I seek justice, I am disposed to do justice. I therefore move that the sum of £150 be granted and paid to J. H. Tory, in the terms of the resolution now before the Committee.

Dr. Brown and Mr. McLellen opposed the grant.

Mr. Marshall earnestly supported it, and said that the Bridge completed the communication to the main Eastern road, and was a very substantial structure.

Hon. Attorney General and Mr. Archibald supported it.

The motion passed by a large majority.

Mr. Martin's Trial.

A vote of 224 passed to the Solicitor General, for defraying his expenses of prosecuting Mr. Martin, in Sydney.

Colored People.

Mr. Chipman moved £10, for education of colored children in Cornwallis, and to aid in finishing their School House—carried.

Jordan River.

Mr. Locke moved £10 for a Ferry over Jordan River—passed.

Cornwallis River, etc.

Dr. Brown moved one third of a sufficient grant to replace the Cornwallis River Bridge—another third to be paid out of the County Road Vots—and another out of the pockets of the people—and the Bridge to be free.

Mr. Esson, Mr. Thomas Coffin and other gentlemen opposed the vote; in fact, almost every member spoke against it, on the ground that they had similar applications.

Mr. Comeau moved a sum for one of his constituents, to remunerate him for expenses incurred in a law suit.

Mr. Whitman—That ought to be paid. The vote passed.

Clare River.

Mr. Comeau also moved for a vote to provide for a survey of Clare river, with a view to bridging it.

Agreed to.

Mails from Digby.

Mr. Wade moved £100 additional, to the £400 already voted for carrying the Mails across the Bay of Fundy—as the New Brunswick legislature voted £500, and made its appropriation contingent on our voting the same sum.

The resolution passed on division.

The Committee then rose finally, and the House adjourned.

SATURDAY, March 31, 1855.

The House went into Committee of Supply, and passed a large number of resolutions.

The 45th resolution, for granting £897 16s 3d, to repay certain advances made from the Provincial Treasury, being read a second time—

Mr. Brown moved that so much of the resolution as relates to the payment of £75 2s 6d to E. Rushworth, Private Secretary to the Lieutenant Governor, be struck out; which being seconded and put, and the House dividing thereon, there appeared for the motion, 15; against it, 18.

For the Motion.

- Zwicker,
- Murray,
- Thorne,
- Mosher,
- Whitman,
- B. Smith,
- Comeau,
- Johnstod,
- John Campbell,
- Beckwith,
- Jost,
- Brown,
- Holmes,
- Ryder,
- Young.—15.

Against the Motion.

- Wilkins,
- Martell,
- McKinnon,
- McLellen,
- Wade,
- Wier,
- Locke,
- Chipman,
- Anand,
- Hon. Sol. General,
- Pro-Secretary,
- Attorney General,
- Fin. Secretary,
- Fulton,
- Dimock,
- Fuller,
- Esston,
- Archibald.—18.

So it passed in the negative.

The resolution was then put, and agreed to by the House.

The 46th resolution, for granting \$250, here Aug. for a Private Secretary to the Lieutenant

Governor, being read a second time, and the usual question being propounded, that such resolution be agreed to.

The hon. Mr. Johnston moved that the House do come to the following resolution, by way of amendment—

Whereas—The annual application to the legislature for a grant of money in which the Lieutenant Governor, for the time being, is in any degree interested is undesirable; and *whereas* the form in which the vote for a salary for the Lieutenant Governor's Private Secretary is now presented to the House, makes it necessary to determine the policy of the Legislature on this subject, because it contains an implied assurance that if the situation now vacant be filled, the Legislature will continue to provide the salary, and *whereas*, many reasons exist against making permanent provision for a Private Secretary for the Lieutenant Governor:

Resolved therefore, That the vote reported from Committee for paying the Lieutenant Governor's Private Secretary a salary of £250 sterling, from the time such an appointment shall take place, be not received.

Which being seconded and put, and the House dividing thereon, there appeared for the amendment, 15; against it, 16.

For.
Thorne,
Zwicker,
Holmes,
Mosher,
Whitman,
McLellan,
Dimock,
Johnston,
John Campbell,
Murray,
Jost,
Brown,
Locke,
B. Smith,
Young—15.

Against.
Wilkins,
Wade,
McKinnon,
Wier,
Annand,
Esson,
Chipman,
Archibald,
Comeau,
Martel,
Fuller,
Sol. General,
Atty. General,
Pro. Secretary,
Fin. Secretary,
Fulton—16.

So it passed in the negative.

The original question being then put, and the house dividing thereon, there appeared for agreeing to the resolution, fifteen; against it, thirteen.

For.
Wilkins,
Wade,
McKinnon,
Annand,
Esson,
Archibald,
Chipman,
Fulton,
Martell,
Wier,
Fuller,
Solicitor General,
Provincial Secretary,
Attorney General,
Fin. Secretary.—15.

Against.
Thorne,
John Campbell,
Holmes,
Brown,
Whitman,
McLellan,
Johnston,
Comeau,
Murray,
Jost,
Mosher,
Locke,
Young,—13.

So it passed in the affirmative.

The committee then finally adjourned.

On motion of Mr. B. Smith, it was resolved that persons should be appointed to inquire how far the Avon and Cornwallis rivers are obstructed by the Bridges thereon.

Hon. Attorney General moved that the House do resolve itself into Committee on Bills.

Mr. Wilkins moved in amendment the resolution relating to the office of Chief Justice, which

he laid on the table the previous day.

On division there appeared for the amendment, 17; against it, 19.

For.
Ryder,
Beck with,
Zwicker,
Marshall,
Cowie,
Mosher,
Wilkins,
Thorne,
Johnston,
Josiah Coffin,
Young,
Whitman,
Jost,
Murray,
Holmes,
Brown,
B. Smith—17.

AGAINST.
Esson,
McKinnon,
McLellan,
Archibald,
Shaw,
Dimmock,
Wade,
Annand,
Martel,
Thomas Coffin,
Doyle,
Wier,
Solicitor General,
Finan. Secretary,
Pro. Secretary,
Attorney General,
Fulton,
Chipman,
Comeau—19.

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

Whereas, the existing distinction between the relative offices and dignities of Chief Justice and Assistant Justice of the Supreme Court has been recognized in this Province from the earliest period, in Acts of the Legislature, and in the settlement of the Civil List, whilst a corresponding distinction has long prevailed in the Superior Courts in England, and in those of the other British North American Colonies; and *whereas*, there is no reason to apprehend that, in the event of a vacancy occurring in the office of Chief Justice, an appointment thereto will be made that will not commend itself to the approval of the people of Nova Scotia; and *whereas*, the salaries assigned to the officers referred to cannot be diminished otherwise than by an Act specially assented to by the Crown:

Resolved therefore, That the resolution just negatived, introduced without notice, at the close of the Session, when many members have returned to their homes, and contemplating a change in the mode of appointment to, and in the emoluments of, the Bench, ought not to be entertained by this House.

Which being seconded,

The hon. Mr. Johnston moved that the debate on such proposed amendment be adjourned; which being seconded and put, and the House dividing thereon, there appeared for the motion, 13; against it, 19.

For.
Young,
Murray,
Ryder,
Jest,
B. Smith,
Whitman,
Johnston,
Josiah Coffin,
John Campbell,
Cowie,
Mosher,
Thorne,
Brown.—13.

AGAINST.
Martell,
Esson,
Ryder,
Thomas Coffin,
McLellan,
Wade,
Dimock,
Shaw,
Annand,
Archibald,
Chipman,
Zwicker,
Comeau,
Wier,
McKinnon,
Atty. General,
Pro. Secretary,
Sol. General,
Fin. Secretary,
Fulton.—19.

So it passed in the negative.

The question being then put, that the proposed amendment be agreed to, there appeared for the motion, 18; against it, 14.

FOR.

- Esson,
- Martell,
- Wier,
- Dimock,
- McLellan,
- Annand,
- Chipman,
- Attorney General,
- Fin. Secretary,
- Wade,
- McKinnon,
- Comeau,
- Shaw,
- Locke,
- Archibald,
- Fulton,
- Sol. General,
- Pro. Secretary — 18.

AGAINST.

- Zwicker,
- Murray,
- Thorne,
- Beekwith,
- Jost,
- Whitman,
- Brown,
- Josiah Coffin,
- Ryder,
- Young,
- Cowie,
- Mesher,
- B. Smith,
- Johnston. — 14.

So it passed in the affirmative. Then the House adjourned till Monday next, at half-past 11 o'clock.

MONDAY, April 2, 1855.

Delap Case.

A long argument occurred on a Bill for referring certain claims of Mr. Delap, gainst the Trustees of the poor of Granville, to arbitration — Mr. Johnston, Mr. Whitman and others opposing the Bill — Mr. Wade, Hon. Pro. Secretary and others, supporting it.

The second clause passed by a narrow division — the remaining clauses were agreed to, and the Bill passed.

Port Hood Harbor.

The Bill for improving the Harbor of Port Hood, was taken up and passed.

Work on Roads.

Mr. Chipman moved his Bill for paying laborers on roads be 5s. instead of 4s. per day.

Mr. Thomas Coffin supported the Bill. Labor could not be got at the present rate.

Mr. Marshal — The work ought to be let out by tender and contract.

Mr. McLellan — Strike out the 4s. altogether, and leave it to the Overseer.

Mr. Marshal — Yes; and make the Commissioners get the labor at the lowest rate under oath.

Hon. Attorney General — The Bill makes it obligatory to renounce the 4s. and pay the 5s.

Mr. Beekwith — I have no doubt that, under the bill, the full sum of 5s. will be paid; but, in our County, we cannot get good men to work for less; and it will be a saving to give the higher sum, because you get men able to do the work.

Mr. Ryder — Last year our difficulty was, that there was great activity in the shipyards, and we could not get the best men — I do not think the same cause will prevail this year.

Mr. Holmick was willing to go as far as 4s.

Mr. Comeau advocated the higher sum. On a division it was decided to retain the wages at their usual rate; which negated the Bill.

House adjourned for an hour.

Goose Bill.

On resuming, The House went into Committee on Bills; and the Bill for restraining geese, sheep, and other

animals from going at large, was taken up, and passed —

Mr. Martin I. Wilkins remarking that no man had a right to shut out such animals; but the party owning them had a right to keep them inside of their own fences.

Gazette, vs. Local Papers.

A Bill for amending the Probate Law, (as we understood), was taken up, in charge of Hon. Sol. General, who moved a clause.

Hon. Mr. Johnston — What is that clause?

Hon. Sol. General explained that, in consequence of the expense, it was thought unnecessary to have property advertised in the local papers. The clause only provided for insertion in the Gazette, and or the posting up of handbills in the County where the sale was to take place.

Hon. Mr. Johnston — You had better leave out the Gazette, and put in the local paper.

Mr. M. I. Wilkins — Publication in the Gazette is nothing; in the local paper it is everything; there the people see and read such notices, not in the Gazette — and handbills are torn down.

Mr. Ryder — We don't get more than one or two copies of the Gazette in the whole County of Yarmouth.

Hon. Attorney General — I should be sorry to see the Gazette excluded, it is the only paper filed by the profession — our only legal record.

Mr. Johnston's amendment was negated.

Mr. Archibald — Now, I move the clause be struck out — to leave the law as it is.

This was also negated.

The Bill passed.

Yarmouth Harbor.

Mr. Shaw moved that the fees for Registering shipping in Yarmouth, be applied to improving and protecting the Harbor of Yarmouth.

Supreme Court.

The Legislative Council sent down a Bill to postpone the sitting of the Supreme Court.

Mr. Dimmock — I suppose that will keep us here another week.

The Delap Case.

Mr. Thorne moved a resolution against the Bill for referring Mr. Delap's claim to arbitration, on which the House divided as follows:

For.

- John Campbell,
- Beekwith,
- Wilkins,
- Ryder,
- Murray,
- Cowie,
- Jost,
- Holmes,
- Johnston,
- Thorne,
- Whitman,
- B. Smith — 12.

Against.

- Comeau,
- Doyle,
- Martelle,
- McKinnon,
- Fuller,
- McLellan,
- Dimmock,
- Provincial Secretary,
- Attorney General,
- Solicitor General,
- Chipman,
- Wier,
- F. Secretary,
- Wade,
- Annand,
- Shaw,
- Archibald,
- Esson — 18.

Case of the Creole.

Hon. Provincial Secretary moved that the Report of the Committee on the claims of Commander Campbell, for reimbursement for expenses in prosecuting the Creole, be read. He remarked that that officer had acted energetically in the discharge of his duty; and, if he succeeded, one

half of the proceeds would have gone into the Province Chest.

Hon. Mr. Johnston—I would have no objection to the present claim, if the Committee had considered and granted Mr. Elliott's claim, for defending the vessel. It is true that the Committee did not report against that petition; but they referred the complainant to the British Government, which, while it was tantamount to a recognition of the rights of the petitioner, did not extend to him the same relief that was granted to Captain Campbell. The question arising at the trial was, whether this vessel, the Creole, was owned by British subjects. I proved that she was so owned, although the British subjects resided in the United States. Equal justice ought to be done. I do not know how Captain Campbell had to pay costs, this being a Crown case; but I do know that Mr. Elliott has suffered severely.

Hon. Attorney General never looked at Mr. Elliott's claim in the same light as Commander Campbell's. The former gentleman was a good deal to blame for the suspicious manner in which his vessel was fitted out.

Hon. Mr. Johnston said the remarks just made were absurd. There was nothing suspicious about the vessel. She had been a British vessel had been duly registered—was wrecked—purchased by Mr. Elliott, and sent to fish as a British vessel. She cleared out as British, and sailed under British colors. The only ground on which she might have been suspected was that, coming from an American port, she might have claimed her share of the American fishing Bounty; but this was precluded by the fact that she cleared out as British.

Hon. Attorney General—I do not complain of Mr. Elliott purchasing a British vessel, or of his sending her down to fish. What I do complain of is, that he purchased her under circumstances that were not fully set forth, but were concealed. It was not set forth that she was purchased by agency; and she sailed without having a new Register, while she had the old name on her stern. All these circumstances led to suspicions—under which she was seized and detained; and the fault lies at Mr. Elliott's own door. I must, have more proof, therefore, to satisfy my mind before I vote for £150 or £200 to pay these law licenses; because such irregularities have happened in more instances than one.

Hon. Solicitor General—I ought to explain to the House that I was on board the vessels at the time of seizure; and the suspicious circumstances were such as to induce me to recommend Captain Campbell to detain the Creole. Mr. Elliott did not seem to have anything to do with her. Mr. Wheelock's name was among her papers.

Hon. Mr. Johnston—The arrangement was that Mr. Wheelock was to bring the vessel to Halifax first, and get a new Register; but he was forced to alter his plans. All this was in evidence.

Hon. Solicitor General—There was another fact stated to me at the time I was on board; and that was, that a letter had been found, desiring certain articles she had on board to be landed free of duty.

Hon. Mr. Johnston—The very contrary was the fact. The letter told the captain to be very particular not to land anything without paying the duty.

Hon. Pro. Secretary—I take it for granted that it is the duty of the House to indemnify the

officer for his costs, agreeably to the Report of the Committee.

The Report was adopted, and the Resolution in favor of Captain Campbell passed without division.

Hon. Mr. Johnston moved the Governor in Council also have power to pay Mr. Elliott such costs as they might deem reasonable, for defending the prosecution against the Creole.

Hon. Provincial Secretary thought there would be a difficulty in assenting to this; because, although the Committee had not reported against the claim, they had referred it to another tribunal—the Home Government. If it could be shown that there were no suspicious circumstances attached to the vessel, then, there might be some claim—at present there were difficulties surrounding it.

Mr. Marshal—Just those difficulties with which lawyers surround every question, in order to promote litigation. I have voted in favor of the sum to Captain Campbell—how can I, in honesty, vote against this? If this vessel had been condemned, money would have gone into the Province Treasury; as she was liberated, the Province ought to pay the costs.

Mr. Whitman—What Commission had Captain Campbell?

Hon. Attorney General—He had an Imperial Commission in the first place, and another from the Provincial Government.

Mr. Whitman argued that the Province had nothing to do with either claim. The Devastation did more harm than good to Provincial vessels. She blockaded scores of them in Port Hood, until the run of fish was over. He would vote against both grants.

Hon. Mr. Johnston said that the Solicitor General was wrong as regards the Register of the vessel—it had been endorsed to Mr. Wheelock; and, as to the other matters which were thought suspicious, they were altogether obliterated by the investigation that took place. Now, as regards the liability of the British Government, the Report of the Committee had entirely dissipated that idea.

Hon. P. Secretary—There is certainly no doubt that, if Mr. Elliott's case ought to be referred to, the British Government, Captain Campbell's ought also be so referred; but the Committee, considering that Captain Campbell had acted in good faith, for the protection of our property, has assumed the payment of his costs.

Mr. Johnston's resolution was negatived—8 to 15, whereupon he asked leave to withdraw it as he would not like this division to stand against a future claim. He was accordingly allowed to withdraw it, by unanimous consent.

The Eastern Mails.

Mr. Marshal moved a Resolution to the effect that, in case Mr. Hyde was superseded in his contract for conveying Mails eastward, next year, the party coming in after him should take his stock off his hands at a value to be stated by two appraisers, with 15 per cent. added, in consideration of the stock being on hand, and the new Contractor coming into a business already made.

After considerable conversation on this Resolution, it was agreed to, and the House adjourned.

TUESDAY, April 3, 1855.

Bills.

Ten Bills were read a third time and sent to the Legislative Council.

Late George Dill.

On motion of Mr. Archibald,

Resolved, That the Government be authorized to inquire into the circumstances connected with the debt due to the Province by the Estate of the late George Dill, being the balance of Registry fees, and to make such settlement and compromise of the same as they shall deem best for the interests of the Province; with powers, in case such debt or any part thereof cannot be collected without distressing the orphan family of the deceased, to give a discharge of the same.

Routine.

The usual resolutions for advances for Public Printing; reception of petitions only within 14 days of the beginning of next session; for distributing the Journals; and for Post Office expenses—passed.

Post Office Fines.

Hon. Solicitor General moved the following resolution, which passed:—

Resolved, That his Excellency the Lieutenant Governor be respectfully requested to advance from the Provincial Treasury the sum of £165—£135 thereof to H. Hyde, £30 to King & Brothers, and £4 to Archibald & Stevenson, being amount of fines recommended to be remitted by the Post Office Committee in 1853, and also by the Committee this Session in a report adopted by this House and passed in the Committee of Supply and included in a resolution for a Grant for the general support of the Post Office and the money order system; and this House will provide for the same at the next session.

Money Order System.

On motion of Hon. Solicitor General,

Resolved, That his Excellency the Lieutenant Governor be respectfully requested to advance from the Provincial Treasury such sums as will be sufficient to defray the expense of the introducing and putting into operation, in this Province, of the money order system, pursuant to the Report of the Committee on the Post Office, and included in a resolution of this House with other sums passed in Committee of Supply in support of the Post Office Department, and this House will provide for the same at the next Session.

British Colonial Agent in the United States.

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

Resolved, That in view of the greatly increasing trade and intercourse between the British North American possessions and the United States, consequent upon the operation of the Reciprocity Treaty lately concluded, it is, in the opinion of this House, highly desirable and expedient that some competent person should be appointed specially, to represent and protect British Colonial interests in the United States; and that his Excellency the Lieutenant Governor be respectfully requested to bring this resolution to the notice of the Imperial Government:

Which being seconded and put, and the House dividing thereon, there appeared for the motion, 18; against it, 9.

FOR.
Jost,

AGAINST.
Young,

Essex,
Marshall,
Cowie,
Doyle,
Wier,
Ryder,
McKinnon,
Archibald,
Fuller,
Thos. Coffin,
Martell,
Annand,
Wilkins,
Johnston,
Atty. Gen.
Sol. Gen.
Fin. Sec.—18.

Jno. Campbell,
Thorne,
Holmes,
McLelan,
Dimock,
Wade,
Chipman,
Pro. Sec.—9.

Changes of Appropriation.

On motion of Mr. Chipman,

Resolved, That the sum of £5, granted in 1852, and a balance of 10s., granted in 1853, and undrawn, of road monies in the township of Cornwallis, be appropriated to the road passing Kidston's and Albert Chase's to Ferry Creek landing, in said township.

On motion of Mr. Fuller,

Resolved, That the sum of £12, undrawn from the last year's division of road money for the County of Richmond, be added to the sum granted for the road and bridge service for that county, and be appropriated in the road scale for the present year.

Printing.

The usual resolution passed for receiving tenders for printing for four years, after which the House adjourned.

WEDNESDAY, April 4, 1855.

Mines and Minerals.

Hon. Mr. Johnston then moved that such resolution be amended, by striking out the word "new" before the word "lease;" and also by striking out the word "or" after the word "minerals," and substituting the word "comprising" for such word "or," which proposed amendment being seconded and put, and the house dividing thereon, there appeared for the amendment, nine; against it, sixteen.

The question on the resolution as originally proposed being then put, and the house dividing thereon, there appeared for the motion, 16; against it, nine.

Hon. Attorney General moved that the House do come to the following resolution:

Resolved, That this House, having reference to the correspondence that has recently passed between the Executive Government on the one hand, and the British Government and General Mining Association on the other, and more especially to the agreement of 29th May, 1849, which was communicated to the Legislature for the first time in the session of 1854, feel it due to themselves and to the people of this Province, solemnly to protest against the granting of any new lease to the Association or to the representatives of the Duke of York, of our mines and minerals, or any alteration of the terms on which they were held in April, 1849, without the concurrence and sanction of the Legislature,

this House declaring that such new lease or alteration would be, in their view, a violation of the contract entered into by the act of 1849, for granting a Civil List, and an infringement of the inalienable and most valued rights of the people of Nova Scotia.

Which being seconded, the hon. Mr. Johnston moved that the resolution be amended by adding thereto the following words :

"But this House offers no objection to the completion of the document necessary for carrying into effect the agreements and arrangements subsisting, and by which the respective parties were bound at the time the casual revenues became vested in the Province."

Which proposed amendment being seconded and put, and the House dividing thereon, there appeared for the amendment, seven; against it, seventeen.

On motion of the hon. Attorney General,

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

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

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

Resolved therefore, That this House respectfully request his Excellency the Lieutenant Governor to order an examination of the way and manner of working the Coal Mines in Nova Scotia and Cape Breton, the mode of measurement, and all other conditions on which the Company hold their mines, and to take such further action in the matter as may appear just and right for the interest of the Province, and to fully secure the fulfilment of the company's agreement.

Which was agreed to by the House.

Crown Lands.

Mr. Archibald's report on the Crown Lands was adopted.

Post Office Fines.

On motion of the hon. Fin. Secretary,

Resolved, That his Excellency the Lieutenant Governor be respectfully requested to pay the mail couriers no larger sum, on account of remission of fines imposed on them by the Postmaster General, than that recommended by the Post Office Committee this year, notwithstanding any resolution of this House to the contrary.

Private Secretary.

Hon. Mr. Johnston moved against the grant to the Governor's Private Secretary; which on amendment of Hon. Attorney General, was negatived.

Prorogation.

At 4 o'clock, His Excellency the Lieutenant Governor came down and prorogued the session, with the following

SPEECH :

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

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

The business of the Session having been finally and satisfactorily closed, it affords me great pleasure to relieve you from further Legislative attendance.

Of the measures which have been matured this Session, there are two of prominent importance, and which will render it memorable in the history of the Province.

The Reciprocity Treaty with the United States, which your enlightened sense of the public weal led you to affirm by very large majorities, having been sanctioned by the Imperial Parliament, has opened up a vast and increasing market, and will afford the most animating and powerful stimulus to the industry of our people.

The abolition of the Chancery Court, and the blending, by a simple and comprehensive plan, of the principles of Equity with those of the Common Law, have effected an object long and ardently desired, and will be regarded, I trust, by Her Majesty's Government as a wise and valuable measure.

The introduction of the new principle of evidence and practice in the Supreme Court, will be hailed, also, as an improvement in our Provincial jurisprudence.

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

The liberality with which you have provided for all the branches of the public service, and the munificent sum set apart for the roads and bridges, demand my warmest acknowledgments.

Mr. President and Honorable Gentlemen of the Legislative Council :

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

In the ensuing Summer, I anticipate no difficulty in borrowing, on the credit of the Province, a sufficient sum to carry on the important public works in which we are embarked; and, by the end of next year, I confidently hope that the Railway, stretching from Halifax Harbor, will be extended east and west, till it reach, on the one hand, the waters of the Bay of Fundy, and on the other, those of the Shubenacadie River.

To yourselves, returning to your homes, at the termination of this present Parliament, it must be highly gratifying to mark the unexampled prosperity, and the rapid advance of this fine Province; and I am sure that you will everywhere indicate sentiments of mutual good will, freedom from party strife, and affectionate loyalty to our Queen and Constitution.