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THE
DEBATES AND PROCEEDINGS
OF THE
HOUSE OF ASSEMBLY,
DURING THE
FIRST SESSION OF THE TWENTY-THIRD PARLIAMENT
OF THE
Province of Nova Scotia.
1864.

JOHN GEORGE BOURINOT,
REPORTER OF HOUSE OF ASSEMBLY.

HALIFAX, N. S.:
PRINTED BY CROSSKILL & BOURINOT, HALIFAX REPORTER OFFICE.
1864.

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DEBATES AND PROCEEDINGS
OF
THE HOUSE OF ASSEMBLY
OF
NOVA SCOTIA.

1864.

THURSDAY, 4th February, 1864.

In conformity with the Proclamation of His Excellency the Administrator of the Government, the members elect of the House of Assembly met together in the Legislative Chamber, at twelve o'clock, when the usual oaths were administered by the Commissioners appointed for the purpose, viz.: Hon. M. B. Almon, Hon. J. H. Anderson, and Hon. A. Keith.

On the conclusion of these proceedings, the members adjourned, and re-assembled at two o'clock, when a Message was received from the Legislative Council from His Excellency the Administrator of the Government, requesting their attendance. On presenting themselves before His Excellency, they were directed to return to their Chamber and choose a Speaker.

ELECTION OF SPEAKER.

Hon. **ATTY. GENERAL** proposed that J. C. Wade, Esq. be the Speaker of the House. He alluded to the long service of that honorable gentleman in the Assembly, and his claims on the party that supported the Government.

Hon. **SOL. GENERAL** seconded the nomination with some remarks of a similar purport.

There being no opposition offered, Mr. Wade was unanimously elected Speaker.

The House then presented themselves before His Excellency in the Council Chamber, who approved of their choice as Speaker, and then opened the Session with the following

SPEECH.

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

Mr. Speaker and Gentlemen of the House of Assembly:

It affords me great pleasure to meet you in Parliament, where, I feel assured, your exertions will be unceasing to maintain the honor and advance the interests of this highly favored Province.

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

The Public Accounts will be submitted for your inspection, without delay.

The Estimates for the ensuing year will be prepared with the utmost regard to economy, consistent with due provision for the public necessities.

You will be glad to find that our Exports during the past year have very much exceeded those of 1862, and that although a material reduction was made in the ad valorem duties, the revenue of 1863 largely exceeds that of the preceding or any former year, leaving a considerable surplus in the Treasury after meeting the demands of the public service.

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

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

I gladly avail myself of this opportunity of congratulating you and the people whom you represent, upon the signal success which has attended the efforts made to place this Province in a creditable condition in connection with the local defence of the country.

The patriotic manner in which the great body of the people have responded to the call upon them for Militia drill, and the remarkable progress made in acquiring a knowledge of Military movements, affords the most conclusive evidence that this Colony fully appreciates the advantages of British connection, and is both willing and able to raise an effective arm in its own defence, in any emergency which may arise.

I have no reason to doubt that you will make such provision for this important branch of the Public Service as will enable your Volunteers and Militia to maintain that prominent position among the British American Provinces, which, in this respect, they now occupy.

The importance of consolidating the influence and advancing the common progress of the three Maritime Provinces, whose interests are so closely identified, has for some time attracted a large share of public attention, and I propose to submit, for your consideration, a proposition, in which the co-operation of the Governments of New Brunswick and Prince Edward Island will be invited, with a view to the union of the three Provinces under one Government and Legislature.

The correspondence and negotiations in which the Government have been engaged during the recess, in reference to a proposed survey for the Intercolonial Railway, will be laid before you.

The traffic on our Railway has steadily increased during the past year, and committed as we now are to these public improvements, I

hope to be able to submit, at an early day, a proposal for such an extension of the existing lines as may render them more generally useful and still more productive.

You will be called upon to consider the propriety of providing an improved mode of transit between St. Peter's Bay and the Bras D'Or, demanded by the increasing business of that section of the Province.

The time, I think, has arrived when increased provision should be made and improved Legislation adopted for the wider diffusion of Education among all classes of the people, and your attention will shortly be invited to a measure having that object in view.

You will be gratified to learn that great activity has been exhibited throughout the year just closed, in mining enterprises, a large number of new leases for coal mines having been taken out, and the yield of gold being nearly double that of the previous year. Amendments in the laws relating to these valuable public resources, suggested by increased experience, will be brought under your notice. In connection with this subject and closely allied to it, you will be asked to consider the propriety of authorizing a Geographical Survey of the Province.

Under the Legislation of last Session, Agricultural Exhibitions were held in the Eastern and Western Districts of the County, and I am happy to be able to state, with highly satisfactory results. Some alterations, however, in the existing Enactments on that subject will be proposed for your consideration, in the hope that still greater stimulus may be given to the culture of the soil, the improvement of the stock, and the advancement of the textile manufactures of the Province.

A Bill to provide for the proper Registration of Births, Marriages, and Deaths, a subject of very great importance, will be brought under your notice.

Proposed alterations and amendments in the laws connected with the Post-office and Revenue Departments will be brought under your notice.

The correspondence between the Imperial Government and this Colony, respecting the due investigation of Ship wrecks taking place on the coasts of this Province, will be laid before you with a measure providing for marine Courts of Enquiry.

Our grateful thanks are due to Almighty God for the continued peace and prosperity we have enjoyed during the past year, marked as it has been by an abundant harvest, a successful fishery, an expanding trade, and the increased development of our great mineral resources.

On returning to the House, the SPEAKER said: "I have deferred until now making my acknowledgments to the House for the honour it has conferred upon me in electing me to the high and responsible situation of Speaker. It now becomes my duty to offer you my most grateful thanks for the distinguished honor you have done me, after a service of thirteen years in the Assembly as the people's representative. I can assure you that my best energies will be devoted to discharge the duties of this office—to advance the public business with regularity and

despatch, and with the strictest impartiality.—In maintaining the order and dignity of the House, I shall require your assistance, and I have no doubt that I shall receive it on all occasions.

ELECTION OF OFFICERS.

The HON. ATTY. GENERAL proposed H. C. D. Twining, Esq., as First Clerk, which was seconded by the Hon. Solicitor General, and passed unanimously.

The HON. ATTY. GENERAL then proposed J. G. Tobin, Esq., for the office of Second Clerk. A. G. Archibald, Esq., moved in amendment, that A. James, Esq., be elected Second Clerk. The original motion was carried 37 to 14.

HON. ATTY. GENERAL moved, and Hon. Sol. General seconded, the nomination of Edward A. Pike for the situation of Sergeant-at-Arms.

Mr. JOHN LOCKE nominated Mr. Joyce, the late officer, which was seconded by Mr. Robertson.

The result of the balloting showed 35 votes for Mr. Pike and 16 for Mr. Joyce.

Mr. Richardson Harris was proposed by the Atty. General for the office of Assistant Sergeant-at-Arms, and there being no other candidate named, Mr. Harris obtained the office.

ATTY. GENERAL then moved that the Rev. J. C. Cochran be Chaplain of the House, which was seconded by A. G. Archibald, Esq. Both the mover and seconder referred in terms of commendation to Mr. Cochran's former term of chaplaincy. The motion was unanimously carried.

John Fitzgerald, on motion of the Atty. General, seconded by A. G. Archibald, Esq., was re-appointed messenger.

Mr. KAULBACK, of Lunenburg, introduced, *pro forma*, a bill to amend Chap. 46 of the revised statutes, of County Assessments.

ANSWER TO THE ADDRESS MOVED.

Mr. S. MACDONNELL then moved the answer to the Address. In the commencement of his remarks he expressed his pleasure in being able to refer in flattering terms to the prosperous condition of the country, and the state of the revenue. Notwithstanding that at the last session of the Legislation the *ad valorem* duties were reduced from 12½ to 10 per cent., there was a large increase in the amount of duties collected during the year over the preceding one, contrary to the anticipations of the late Financial Secretary, who in his estimate for the past year allowed for a falling off in the revenue, owing to such reduction. As a further index to the advancing prosperity of the country, the public would learn with pleasure that the amount of exports for the past year exceeds that of the previous one by about a million dollars. In reference to the Militia Mr. Macdonnell stated that in connection with this laudable and necessary movement, it was satisfactory to know that nearly 40,000 men have undergone military training during the year just past; while the militia returns show the number of acting and commanding officers to be at present no less than 2,000.

As to the Union of the Maritime Colonies, contemplated in the speech, Mr. Macdonnell contended that a uniformity in the tariffs, which, if effected, must necessarily conduce to the mu-

tual benefit of those Colonies, could never be accomplished until such union took place. In speaking of the Railroad he said that the increasing productiveness of the road strongly recommended its extension to Pictou; that the country would be glad to learn that the proceeds of the road for the last year exceed those of the previous by \$10,000, and those of the first year the road was in operation to Windsor and Truro, by \$41,000. Mr. Macdonnell stated that the time had arrived when the question of the extension of the road to Pictou should be disposed of, and he hoped that the whole House would lend its cordial support to a bill for the immediate construction of the road.

On the subject of education he said he was glad to find this important subject mentioned in His Excellency's address. He charged the Legislature of the country with an omission of duty in failing for many years past to make a sufficient or additional provision for the better advancement of Education, and hoped that before the close of the present session something would be done to ameliorate the educational system of the Province. While all other subjects received increased legislative and provisional attention and aid, our educational system had remained for years intact, and the school grant, notwithstanding the rapid and large increase in our population, had for a long time remained stationary—thus proving that the facilities for educating the people instead of improving, tend to the opposite direction.

He expressed his gratification at the fact that the amount of gold raised from our gold fields during the year just ended had more than doubled the amount raised within the preceding year, as well as the revenue derived from this source; also, that within the year ended no fewer than one hundred applications were made for gold mining leases. Mr. Macdonnell spoke of the necessity of passing a law providing for the Registration of Births, as much hardship and litigation arise from the want of such records. In conclusion Mr. Macdonnell repeated his expressions of gratification at the satisfactory condition of the Province, and read the following

ADDRESS.

To His Excellency Major-General C. HASTINGS
 DOYLE Administrator of the Government, and
 Commander-in-Chief in and over Her Majesty's
 Province of Nova Scotia, and its Dependencies,
 &c., &c., &c.

May it please Your Excellency.—We Her Majesty's Commons thank your Excellency for the Speech with which your Excellency has been pleased to open this Session of Parliament, and assure your Excellency that we shall endeavour, to the utmost of our ability, to maintain the power and advance the interests of the Province.

We shall be glad to receive the Public Accounts, and are gratified to learn that the Estimate for the public service will be prepared with due regard to economy.

The increase of our exports and revenue for the past year affords us much satisfaction as an indication of the continued improvement in the financial affairs of the Province.

We are gratified to learn that the patriotic response of the people to the demand upon them for Militia drill, and their attention to that duty, has been such as to merit the approval of your Excellency, and we will not fail to make such provision for self defence as the occasion may seem to demand.

Any proposition calculated to increase the influence and advance the interests of the three maritime Colonies will receive our best consideration.

The correspondence touching a proposed Survey for the Intercolonial Railway will receive our attention.

The increase in the traffic in our Railway is very gratifying, and we will carefully consider any proposal to extend the existing lines for the purpose of increasing their productiveness and rendering them more generally useful.

The propriety of providing an improved mode of transit between the Bras D'Or and St. Peter's Bay will be duly considered.

We are much pleased to learn that it is proposed to increase the provision for extending the blessings of Education among all classes of the people, and any measure intended to improve the existing laws relating to that important subject will not fail to obtain our thoughtful consideration.

The increased activity exhibited in developing our mineral resources is a source of much satisfaction, and we will be most happy to aid in effecting such amendments in the existing laws as may be required to facilitate such operations, and will readily consider the propriety of authorizing a Geological Survey of the Province.

It is a satisfaction to know that the efforts to advance the Agriculture of the country by means of Exhibitions, were attended with advantage, and we will be glad to co-operate in any means taken to advance a branch of industry upon which the prosperity of all classes so largely depend.

Any measure providing for the proper registration of births, marriages and deaths, will meet with the attention so important a question deserves.

The proposed alteration in the laws relating to Revenue Department and the Post Office will secure due consideration.

The correspondence between the Imperial Government and Colony upon the subject of shipwrecks with the means providing for Maritime Courts of Enquiry will be duly considered.

We desire to thank Almighty God for the blessings of continued peace we have enjoyed during the past year, and the success which has crowned alike the labors of the husbandmen, of the fishermen, and of those engaged in developing the great mineral resources of the Province.

Mr. HILL said that it was with much pleasure that he arose to second the address in reply to the speech of His Excellency, which had been so ably handled by the gentleman who had just sat down. It was not, however, his intention to enter into a minute review of the speech, but merely to take a cursory glance at the leading propositions, which we had a right to believe would be the principal subjects of the Session. In looking over the address, he found there

were four most important proposals for the consideration of the Legislature, and which were so intimately blended one with the other, that the passing of one measure, founded upon good and safe principles, as a matter of necessity lead to the others. The first of these was the extension of railways, and he had no doubt that if any measure should be laid before the House that would be of general benefit to the Province, it would meet with that serious attention which the subject justly demanded. The extension of Railways naturally led to immigration, which is so desirable to the Province, standing, as she does, almost unrivalled in her mineral resources, and second to none in her Agricultural and Horticultural productions. With a large increase in her population, arising from immigration, the mind naturally turned to the educational system, which is a disgrace to the Province. Let the masses have education, and you break down those petty local prejudices which, for want of learning, they cling to with a pertinacity that no persuasive powers can remove. The next leading question was the union of the three maritime provinces, New Brunswick, Prince Edward's Island, and Nova Scotia. If that could be consummated, he thought it would in a great measure do away with a great deal of that party spirit which prevails, and more particularly that spirit of retaliation which manifests itself by the removal of subordinates from office. There was no doubt, he thought, that the Government would meet with opposition, but he trusted that it would be able, with that unanimity of spirit which he thought prevailed in the House, to maintain the honor and advance the general interests of the country.

The House then adjourned until two o'clock next day.

FRIDAY, 5th Feby.

THE ANSWER TO THE ADDRESS.

The House met at 2 p. m., and the Address in answer to the Speech was immediately taken up, read clause by clause, and finally passed without any opposition.

Mr. ARCHIBALD, who was not in the House when the Address was being disposed of, arrived just after it passed, and expressed surprise that it had been pressed through in so hurried a manner. He had no idea that it would be taken up before 3 o'clock.

PROVINCIAL SECRETARY said he did not anticipate any opposition to it.

Mr. ARCHIBALD said that it was not his intention to have opposed it, but he contemplated making some observations upon certain clauses of it when the same were read. It seldom happened that the Governor of this Province had an opportunity to offer congratulations upon so many evidences of prosperity as presented themselves at the present time—His Excellency had spoken of the increase in the Revenue in 1863, compared with 1862, and had referred to the traffic on the railway, and the swelled receipts in the same period, and had made mention of the great activity that had been exhibited throughout the past year in mining enterprises. He had referred to the large yield of gold and the increased development of the coal mines.—

The latter was an important interest, compared with which the gold mines, as rich and extensive as they were, sunk into utter insignificance. The indications of prosperity pointed to in the Speech certainly afforded good cause for congratulation, and he was glad that the government had an opportunity of introducing such into the Speech. He could not, however, help referring to the contrast between the condition of the country at the present time and in 1860. When the Government in that year framed the Speech, they were constrained by the position of affairs to speak of the extraordinary burthens that the country was bearing, the deficiencies in the revenue, and the necessity that existed for strict observance of the principle of economy. This picture was drawn by the same hands that painted the one exhibited in the Speech that had only yesterday been delivered to the house. The men that drew the dismal picture of the condition of the country in 1860 were the same that drew the bright and cheering one that has just been presented. He might point to the state of affairs in 1860, to show the condition of the revenue when the late Government came into power, and to that of the present, as indicating a different state of things when the present Executive took possession of the reins of administration. He felt bound to congratulate the country upon its present condition and future prospects, and if credit were due in any quarter for this consummation, a large, a very large share ought in justice, be awarded to the men who had overcome the peculiar difficulties that beset the country for the past four years, paid all demands, and were enabled to hand over a large surplus revenue to their successors.

Mr. Archibald then went on to refer to the several subjects contained in the Speech, and to express his hopes that they would be dealt with energetically and consistently with the public interests. He was pleased to discover that the government had in contemplation to introduce some few measures which, if presented in a practical form, would recommend themselves to this house and the country, and to such the opposition would give an honest and candid support. There never was a time in the history of this country more favorable for dealing with the important subject of education than the present, and it was a matter in which the province was deeply concerned, as the last census returns showed that there were a large number of the population that could neither read nor write.

He could not, however, express his approval of the very indefinite manner in which the subject of Railway Extension was referred to in the Speech. He did not think it was possible to understand from the terms of the Speech in what direction the Railway was to be extended—whether North, East, or West. He could not think that this was the proper mode in which this important question should be treated by gentlemen who were sustained by a large majority, and had about nine months in which to deliberate and mature plans. They ought either to have told the house they were not prepared to proceed with the construction of railways, or given something definite on the subject. The manner in which it which it was introduced looked like speculating, with a view of discovering

what kind of a measure could be carried through the house. Being called to take the helm of affairs under the circumstances they were, having the confidence of the country and the support of nearly two-thirds of the house, and having since June last to deliberate, the government ought surely to have matured a clear and unhesitating railway policy.

He was glad to find that the question of a Union of the Maritime Provinces was alluded to in the speech. It was a subject of moment and had never yet received the attention of the house. The question had sprung upon the country with rapidity, and he was pleased that a measure was promised relating to it.

He hoped, in conclusion, that the gentlemen present would approach the consideration of public questions without personal animosity, and never forget, whenever they differed with one another, those proper courtesies which best became the dignity of debate. Whatever difference might be felt, it should be a difference in respect to principles only.

HON. PROV. SECRETARY said that he would be doing injustice not only to his own feelings but to those of the Government of which he was a member if he refrained from tendering his thanks to the hon. leader of the Opposition for the very handsome and frank terms in which he had expressed himself in respect to the public business. The remarks of that hon. gentleman were a greater guarantee of the spirit in which the legislation of the House would be conducted than any numerical majority that might be possessed by the Government. The present Opposition, composed as it was of gentlemen of recognized ability, had it fully within their power if they chose to exert it, to retard the public business in a manner most detrimental to the public interests.

Having said this much with respect to the frank manner in which the leader of the Opposition had expressed himself, he (Dr. T.) would, for a single moment, refer to a criticism which that hon. gentleman had made with respect to the terms in which the subject of Railway Extension was referred to in the speech. If reference was made to the parliamentary history, not only of this Province but of the mother country as well, it would be found that the language used in respect to the several subjects was as definite as is customary. It should be the duty of any gentleman charged with the preparation of a speech, to use, as far as possible, such terms as might commend themselves to the general sentiments of all parties composing the Legislature, and not to adopt too confident or determinate a tone. He was glad to have under his hand a precedent which the hon. leader of the opposition must respect, for it was his own. It was well known that the late Government had a clear and definite policy with regard to the Intercolonial Railway; that they sent several delegations to forward it, and adopted certain principles and views with respect to this great national as well as colonial project. Now if reference was made to the Speech in which the proposed legislation was referred to by the late Government, it would be found framed in a similar style to the paragraph alluded to by the hon. member for Colchester.

The hon. gentleman then read the clause respecting the Intercolonial Railway from the Speech delivered in 1862, and concluded by reiterating his satisfaction at the promises held out by a gentleman of the ability and industry of the hon. leader of the Opposition.

MR. ARCHIBALD asked whether the Government contemplated the Railway to Pictou, or that to Canada.

HON. PROV. SEC. answered the hon. gentleman that they would not withhold their policy till the 18th April, as did the late Government.

Some explanations took place in respect to an omission of a paragraph in the printed copy of the Governor's Speech; it had been inadvertently omitted in the manuscript copy sent to the Queen's Printer.

At half-past 3 o'clock, p. m., the members proceeded to Government House to present the answer to His Excellency's Speech.

On their return a committee was appointed to select the standing committees. A petition from Mr. Lewis Smith against the return of Mr. Allison, was presented. The House then adjourned till next day.

— SATURDAY, February 6. —

The House met at 8 o'clock.

THE HON. PROVINCIAL SECRETARY laid on the table a despatch from the Duke of Newcastle, containing the news of the birth of a Prince.

A committee was appointed to join a committee of the Legislative Council to prepare an address to Her Majesty on that subject.

Voluminous correspondence in reference to the tenure of office, which had passed between Lord Normanby, the Duke of Newcastle, and the Provincial Government, was laid on the table and afterwards read.

The following list of Standing Committees was reported up by the Revising Committee:—

Committee of Privileges—Attorney General, Archibald, Solicitor General, S. Campbell, McFarlane, Locke, Pryor.

Public Accounts—Jost, McLelan, Longley, G. S. Brown, E. L. Brown.

Education—Prov. Secy., Archibald, Shannon S. Campbell, Dr. Brown, Caldwell, Jas. McDonald.

Agriculture—McFarlane, Blackwood, McKinnon, Parker Hill, Hamilton, Smyth.

Fisheries—Financial Secy., Ross, Killam, Robertson, Slocomb, Balcom, Robichau.

Post office—Sol. General, Coffin, Hatfield, Hefernan, Bourinot, Blanchard, Hamilton, Annand, Colin Campbell.

Mines and Minerals—Bourinot, S. Campbell, McFarlane, Miller, Slocomb, Ross, Tobin.

Navigation Securities—Robichau, Locke, C. J. Campbell, McLelan, Whitman, Moore, McKay.

Trade and Manufactures—Tobin, Annand, Financial Secretary, Coffin, Cowie, James Fraser, Bill.

Railways—Killam, Locke, Tobin, Blanchard, D. Fraser, Archibald, Kaulback.

Law Amendments—Archibald, Shannon, S. Campbell, S. McDonnell, Miller, Kaulback, J. McDonald.

Humane Institutions—McLelan, Dr. Slocomb, Allison, Coffin, Lawrence, King, James Fraser.

Private Bills—Shannon, Jno. Campbell, Lawrence, Blackwood, Donkin, S. McDonnell, Pryor.

Penitentiary—Hill, Heffernan, Cowie, Parker, Churchill, McKay, Allison.

City of Halifax Bills—Pryor, Blanchard, Donkin, Annand, Miller.

Indian Affairs—McKinnon, Ross, Bill, Robertson, Smyth, C. J. Campbell, D. Fraser.

Land Damages—G. S. Brown, Whitman, Balcom, Churchill, King.

Contingencies—Financial Secretary, Parker, Hatfield.

Crown Lands—S. McDonnell, Blanchard, Whitman, Miller, Moore, G. S. Brown, J. Campbell.

Reporting and Printing—Sol. Genl, Longley, Provincial Secretary, Locke, Tobin, Annand, Caldwell.

Militia—Pryor, Parker, Jost, Heffernan, Sol. General, Blanchard, Colin Campbell, Bourinot.

Mr. CALDWELL proposed that Mr. C. J. Campbell be put on the Committee of Mines and Minerals.

Some discussion ensued as to the propriety of appointing gentlemen engaged in mining operations to the committee. The majority seemed to think that it was preferable that no one should be appointed who was interested in such operations. The committee was accordingly left as it was reported up.

The SOL. GEN'L submitted a copy of the joint address to Her Majesty.

The PROV. SEC'Y laid on the table a lengthy correspondence on the subject of the Intercolonial Railway, the reading of which occupied about an hour.

Mr. TOBIN and other gentlemen advocated the printing of this correspondence.

Hon. PROV. SEC, in answer to an enquiry, stated that this correspondence contained all the information in the possession of the Government respecting the railway.

He then laid on the table the Provincial Statutes as revised by the Commission appointed last year. He expressed his satisfaction at being able to present the Statutes in such a shape as the House could at once take them up and deal with them.

A Committee was appointed to revise the rules of the House, namely—Provincial Secretary, Mr. Archibald, Solicitor General, Mr. Blanchard, Mr. Tobin, Mr. Stewart Campbell, and Mr. Bourinot.

The House then adjourned until 3 o'clock, on Monday.

MONDAY, 8th February, 1864.

The House met at three o'clock.

Mr. BLANCHARD asked for certain returns of articles imported into this Province, free of duty, for the army and navy.

On motion of Hon. ATTY. GEN'L the bill for the consolidation of the Statutes was read a second time.

The House then went into Committee on the bill. Some desultory discussion took place on the wording of several clauses, and a few amendments were made.

THE REVISED STATUTES.

Dr. HAMILTON thought there must have been a good many errors in the last Revised Statutes, or they would not again require a revision. The Index to the first edition was a very bad one, in the second edition is was better, but there was still great room for improvement. Legal gentlemen were not, in his opinion, the best persons to revise Statutes. A lawyer would occupy two or three sheets with what a layman would state in half a sheet. The House had an instance of that the other day. The Sheriff of Shelburne returned a man in five words, another Sheriff, who happened to be a lawyer occupied two or three pages in doing the same thing. Speaking of legal gentlemen, he was reminded of an anecdote he had once heard. A man had cut down an oak tree, and an action for damages was brought against him. The lawyer made out the declaration charging him with clandestinely, wilfully, and maliciously cutting away the tree, and finally charged him with cutting and carrying away twenty thousand spruce trees, twenty thousand maple trees, twenty thousand hemlock trees, twenty thousand pine trees, and twenty thousand other trees. When the declaration was served on the man, he said, "I cut one great big oak tree, sartin." (Laughter.)

Mr. BLANCHARD thought that any gentleman who tried to make the Statutes so plain that every farmer in the land could understand them, would find that he had assumed a Herculean task. If the hon. member for the North Riding of Kings would recollect that every amendment of the Revised Statutes was an amendment of the laws, as all the Statute Law was embodied in them, he would not be surprised that they were so often amended. The duty of the Commissioners for Revising the Statutes was not so much to *simplify* as to *consolidate* the Statutes—He invited any gentleman in the House, whether of the legal profession or not, to offer any suggestions or amendments. Any suggestion from the hon. member from the North Riding of Kings would receive attention.

Dr. HAMILTON observed that very few of the Members had examined the statutes carefully. They were read over pretty rapidly by the clerk, and it was impossible for any one carefully to consider their purport while they were being read. Some of them contained a hundred clauses and upwards, and how was it possible for him or any one else to give them careful consideration while being hurriedly read over. The best way was to tie all the Statutes up in a bundle, and say the House passed them.

Hon. PROV. SECRETARY remarked that perhaps he should have explained to the hon. member for the North Riding of Kings, that the present revision was rendered necessary in consequence of a large number of the last edition being destroyed by fire. He knew not where a single copy of the Revised Statutes could now be obtained. It was very important that not only legal gentlemen, but lay gentlemen who had legal minds adapted to perceive where valuable amendments and improvement could be made should aid in the revision of the statutes. He took this opportunity of apologizing for not

having furnished each Member with a copy of the last edition of the Revised Statutes. He would have done so, but he knew not where to obtain them.

HON. SOL. GEN.—Nova Scotia was the first Colony under the Crown to revise the Statutes.

When a copy of the first edition was handed to the Lord High Chancellor of England he spoke very highly of it. So far from being filled with verbiage, it was highly and creditably spoken of in the British Parliament. In England they have been endeavouring for half a century to revise their laws, but have not succeeded yet—so difficult has the task been found. Although misunderstandings did occur in the construction of our Revised Statutes, that did not prove that the work was not well done. That volume with which all laws should correspond was read by learned gentlemen who were capable of appreciating and knowing the value of language, and yet so differently was it construed that there were fifty or sixty different religions in the word, all taking their opinions from the one book. Punch said that every man is supposed to know the law except the twelve judges at Westminster. It is a fiction of law that every man is supposed to know the law. Who reduced our laws to a system? The lawyers themselves. Now we have a volume easily accessible and quite intelligible. We find that even in the science of medicine there are great improvements. Large doses of medicine are not so frequently given as formerly. Homœopathy is now in a great measure in vogue. It is found now that a vial of medicine can be poured into a stream, and that water can be taken from the stream five miles away and make a very good dose. (Laughter.)

MR. S. CAMPBELL.—These remarks as to lawyers come with a very bad grace from the medical profession. Prescriptions are not always written in good plain English, and often can hardly be said to be in good Latin. I have seen prescriptions the hieroglyphics attending which are enough to frighten a sick man into the grave. (Laughter.) The hon. member from the North Riding of Kings has referred to the old language of the declarations. The length of them has been considerably changed by the action of lawyers in this house, and who have been in it, and their fees have been considerably diminished in consequence.

MR. ARCHIBALD.—Any thing that can be done to make the law more clear should be adopted. At the same time there is an inconvenience in making a law too brief. What you gain in space you are apt to lose in precision. We have had the honor of presenting a model which the Imperial Parliament themselves are desirous to follow.

FRANCHISE BILL.

MR. JOST made a few remarks which were almost inaudible in the gallery, but seemed to refer to the Franchise Bill of last Session, of which he was understood to express his disapproval.

HON. PROV. SEC'Y.—I suppose it will be considered incumbent on the Government to give some expression of opinion with regard to this Bill. I can easily understand why there should

be an anxiety on the part of new members to know the opinion of the Government with regard to it. The Bill is not one which is to go into operation to-morrow. Under ordinary circumstances, it will be four years before a general election is held under it. In the meantime, the people themselves will have an opportunity of seeing the working of the proposed machinery. I need not tell the House of the strenuous opposition which I gave this Bill. The objections which I made to this measure are familiar to the House and to the country. It is very well known that while a portion of the Bill—that portion which we chiefly objected to, and which provided that the Bill should go into immediate operation—was defeated in the upper branch of the Legislature, a very decided majority of that Branch gave their firm and unqualified adhesion to the law as it is now on the Statute Book. The Government cannot, if they would, shut out that fact from their consideration. It has occurred to the Government that it would be better to let the law go to the country as it is, and let the objections to it develop themselves. If the objections are such as that the law should be repealed, the House will hear it, and hear it no measured tones.

DR. HAMILTON was not in favour of the machinery proposed for the Bill. He had seen too much of it.

MR. JOST was not disposed to give his assent to the measure.

MR. ARCHIBALD.—The hon. Prov. Sec'y says that he expects that there will be difficulties in working the law. I do not think that the position of the hon. and learned gentleman on this question is just that which he should take. I take it that the policy of the Government should be either to repeal the law and return to universal suffrage, or else to introduce another measure. The difficulties to which he alludes are those with which he should cope. If the machinery is not what it should be, let him provide other machinery. He is hardly dealing with the law as he should deal with it. He is not in the habit of speaking with bated breath of the policy he intends to pursue. I therefore hope that I may draw the inference that it is not the serious intention of the Government to repeal the Bill. I am glad that the first gentleman who has risen to speak on this subject has said that he is not pledged to universal suffrage. If the government or any gentlemen think that they can improve the machinery of the Bill, I will cordially aid them in doing so. If the Government are desirous of still further elevating the franchise, they will find no difficulty on this side of the House.

MR. CHURCHILL.—I hope that a large majority of the House, as well as a large majority in the country, are of one mind with regard to this Bill, that to continue it on the Statute Book would be one of the most unpopular acts that could be done. As far as my knowledge extends it is a gutter bill, and the sound of it echoes from one end of the Province to the other. It is a Bill which every man feels ought not to have been framed as it was. It was framed for a motive, not to elevate the franchise, but for another motive. But, sir, it did not answer the motive, but it answered another purpose. And now are

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gentlemen so blind as to continue the law,— have they not heard enough on the subject? The country feels deeply on the matter, and is waiting to know what the Legislature will do. I for one am ready to repeal this law. There are many gentlemen who, having attained to some position in society, do not like to see others enjoy the same privileges with themselves. But what gentleman is there here who would not gladly receive a vote from the meanest of Her Majesty's subjects?

Mr. C. J. CAMPBELL wished to know what was the position of the Government on the matter.

Hon. PROV. SEC. stated that he thought he had already explained as clearly as possible the views of the Government. He thought, under all the circumstances, it would be wrong to take up two or three weeks in putting a new act on the Statute book. It was preferable to allow the country to have a full opportunity of considering the act, and testing its provisions. He denied that we ever had Universal Suffrage, in the real sense of the term, in this country; it was a suffrage qualified by a long residence, and thoroughly guarded by certain useful restrictions. He pointed to the class of men returned to the Legislature as an evidence that the extended franchise had not acted prejudicially to the public interests.

Mr. A. ARCHIBALD contended that the men who were best qualified to govern were those who had a real interest in the country where they lived. The men who were now in the Legislature had many more difficulties to contend against under the system of Universal Suffrage, than if they had run their elections under the law passed last session. He pointed out that a similar bill in New Brunswick worked most satisfactorily.

Hon. SOL. GEN. said that the present discussion was premature. It was merely the object to revise the statutes, and not to discuss the provisions of the Acts. There could be plenty of opportunity for amending the Act in question in all particulars that might be considered requisite.— He mentioned that he understood there would be an application from the Sessions and Grand Jury of his own County against a portion of the bill, in consequence of the expense connected with it. He was not, therefore, prepared to say that he would be willing to leave the bill on the statute-book in its present shape.

A clause, requiring a 40s. freehold qualification, was struck out, on the ground that it did not operate as a useful guard.

The Committee then rose and reported progress.

The House then adjourned.

TUESDAY February 9.

Hon. PROV. SECRETARY, by command of His Excellency the Administrator of the Government, laid before the House copies of Despatches relative to the appointment of the Hon. Samuel Chipman to the Legislative Council.

REPORTING ETC.

Hon. SOL. GENERAL, as Chairman of the Committee on reporting and publishing the Debates

and Proceedings of this House reported recommending Mr. J. G. Bourinot's proposal to the favorable consideration of the House. Mr. Bourinot's proposal is to publish the Reports in the "British Colonist," "Morning Chronicle," and "Halifax Reporter" at the rate of five columns in each issue, and to bring them up to date at the end of each week. He states that particular attention will be paid to the reporting of those local matters in which Members are particularly interested. He undertakes to furnish 150 copies of the Debates in Pamphlet form, the pamphlet to contain an Index of all the subjects discussed. The cost of the service is to be the same as heretofore \$2200.

Mr. BLANCHARD asked whether any steps had been taken with regard to the printing of the Journals. The Contract expired on the first day of the Session of 1864.

Hon. SOL. GENERAL.—The Committee considered the reporting of the debates of the House a matter of immediate importance, and therefore reported on it at once, leaving other matters to be considered hereafter.

Hon. PROV. SEC.—Being necessary to make provision for the printing of the Journals, a proposition was made by the same parties who discharged that duty last year to renew it on the same terms, and that proposition was accepted by the Government.

Mr. ARCHIBALD.—The previous contract, if my recollection serves me, was made by tender. If put up to tender, the work might be done at less expense.

Hon. SOL. GEN'L moved that the Report of the Committee be adopted. The Report was then received and adopted by the House.

INTERCOLONIAL RAILWAY.

Mr. ARCHIBALD stated that in the correspondence and papers on this subject a Minute of the Executive Council of Canada of the 25th February 1863, was constantly referred to. While he (Mr. A.) was in the Government this minute had not been communicated to the Executive of this Province. He enquired of the members of the present Government if it had been communicated to them.

Hon. PROV. SECRETARY replied that he had seen the minute, and thought it had been brought down among the other papers. He would lay it on the table as soon as possible.

TENURE OF OFFICE.

Mr. ARCHIBALD stated that with a view to contrast the action of the *past* with the action of the *present* Government, he would ask the Provincial Secretary to lay on the table a return, with the names and dates of all appointments to office made since the formation of the present Government, including as well those that do not, as those that usually do appear in the "Royal Gazette."

Also, a return of all dismissals from office within the same period, with a statement in each case of the grounds of dismissal.

Also, a return of the names of all persons dismissed from office between February, 1860, and June 1863, with the dates of dismissal.

SITE OF NEW JAIL.

Hon. ATTY. GENERAL asked leave to introduce a Bill to vest certain property in the Board of

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Works. The hon. gentleman explained the object of the Bill to be to vest for the use of the Government a piece of land in rear of the present Court House lot, which it was believed might be very conveniently appropriated for the site of the new jail for a drill ground, and for agricultural or other exhibitions.

After some conversation as to the title of the lot, in which Mr. Tobin, Hon. Attorney General, Hon. Prov. Secretary, Messrs. Archibald and Pryor took part, leave was granted to bring in the Bill, which was then read a first time.

PETITIONS, ETC.

Mr. J. McDONALD asked leave to present a petition from Patrick Hennessey, an aged teacher, asking for a grant of Crown Lands. Leave was granted and the Petition was referred to the Committee on Education.

Mr. S. CAMPBELL presented a similar petition from an aged teacher at the Gut of Canso, which was similarly dealt with.

Mr. P. SMYTH presented a similar petition from an aged teacher which was also similarly treated.

Mr. DONKIN presented a petition from Cyrus D. Cannon, of Parrishboro', asking aid for a sailing packet between Parrishboro', Wierdoo and Horton.

Mr. BLANCHARD presented a petition from a number of inhabitants of West Bay, Inverness, asking for additional mail communication.

Considerable discussion took place on the presentation of these petitions, in which Messrs. Donkin, Locke, McDonald, Hon. Prov. Sec'y., Hon. Speaker, Messrs. Pryor, Tobin, Archibald, McFarlane, Blanchard, Annand, Dr. Hamilton, Messrs. S. Campbell, Killam, and Hon. Attorney General took part.

Mr. J. McDonald, Hon. Provincial Secretary, Messrs. Archibald, McFarlane, Annand, Locke, S. Campbell, and Hon. Attorney General were in favor of a strict adherence to the rule regarding the initiation of money votes by the Government, refusing the right of the presentation of such petitions in the House.

Mr. DONKIN stated that his object in presenting the petition was that there might be some uniformity in regard to the matter. There was no uniformity last Session. Members had been in the habit of presenting such petitions, in order that the fact might be reported in the newspapers.

Mr. BLANCHARD stated that in presenting the petition from West Bay he had only followed the practice of the House for several years,—at the same time he was willing to abide by any rule the House might adopt.

Mr. ANNAND thought that his hon. friend from Inverness was mistaken.

Dr. HAMILTON thought that the time was not far distant when the country would say that the principle of initiation of money votes by the Government was unsound.

Mr. LOCKE observed that the principle was settled now.

Mr. KILLAM said that it was true that the initiation of money votes had been placed in the hands of the Government, but still he thought that petitions should be inquired into, and he would like to see them all go before a Committee of the Assembly.

Hon. ATTY. GENERAL remarked that his hon. friend forgot that if a petition went to a committee, the House must then say whether they adopted the report of the committee or not. If the House passed on it, the responsibility of dealing with it was that of the House, and not of the Government, and thereby the rule that the initiation of money votes should be with the Government was subverted. It might be inconvenient but no one could doubt that it was a very wholesome rule.

Mr. TOBIN thought that members ought to know in some reasonable time the decision of the Government in regard to petitions they presented. He would, therefore, move the following resolution:—**RESOLVED**, That all petitions for grants of money presented to the Government under the rule for the initiation of money votes, be reported upon by the Government within 21 days after the meeting of the House.

Hon. ATTY. GENERAL would like that the resolution should lie on the table for the present.—He considered the rule with regard to the initiation of money votes established. It did not shut out members from enquiring what had been done with their petitions. Any gentleman interested in an application of this kind, who felt desirous of ascertaining how it had been treated, could obtain his object by inquiring in the House whether such petition had been presented to the Government, and what act on had been taken on it.

Mr. ANNAND entirely agreed with the Attorney General. He should be sorry to see the proposed resolution on the Journals. There was no such Resolution on the Journals of the British House of Commons. It was a reflection on the Government of the day,—he cared not which party was in power. The rule was that any gentleman feeling himself aggrieved at the manner in which any petition be presented had been treated, might petition the Lieut. Governor with regard to it.

Mr. TOBIN would like to know from the ex-Financial Secretary how members were to become acquainted with the decision of the Government on their petitions. He (Mr. T.) had in a former Session presented petitions from the City of Halifax, and he never knew what had been done with them until the Budget came down.

Hon. SPEAKER suggested that the resolution should lie on the table for the present as notice. He was in the direction of the House, but thought some definite rule should be adopted with regard to the reception or non-reception of these petitions by the House, and strictly adhered to.

Mr. ARCHIBALD said that the Government should afford every facility to hon. gentlemen when they wished to know the fate of the petitions entrusted to it under the system of initiation of money votes. He did not see that any inconvenience could arise from the resolution of the hon. member for Halifax. The petitions were placed in the hands of the Government, which could surely decide as to their disposition within 21 days. It could tell whether it could grant the money or not. He therefore did not see any objection to the resolution in question.

The SPEAKER called the attention of the House to the fact that the present discussion was premature, the hon. member for Inverness having withdrawn his petition. (The resolution was allowed to lie on the table as notice.)

REVISION OF THE STATUTES.

The House then went into Committee on Bills, and took up the bill for consolidating and revising the Statutes of the Province.

A good deal of desultory conversation occurred in reference to various points in the Revision. Several suggestions were made and adopted.

The committee, after a session of an hour, rose and reported progress.

The House then adjourned until three o'clock the next day.

WEDNESDAY, Feb. 10.

The House met at 3 o'clock.

On motion of Hon. PROV. SECRETARY, the late first clerk, A. James, Esq., was admitted during the debates, to the body of the House.

Hon. PROV. SECRETARY laid on the table a copy of a despatch from the Duke of Newcastle, acknowledging the receipt of the address of the Legislature to the Queen.

Also, despatches relating to the resignation of the late, and the formation of the present, Government.

A message was received from the Legislative Council, naming a committee to join one from the House.

Hon. PROV. SECRETARY laid on the table a Minute from the Executive Council of Canada, relating to the Intercolonial Railroad, dated 25th February, 1863.

Also, the annual report of the Superintendent of the Hospital for the Insane.

Hon. SOL. GENERAL laid on the table a circular relating to the transmission of trade patents by post, accompanied by a report of the Postmaster General on the subject.

Mr. TOBIN presented a petition from a large number of Merchants in Halifax relative to drawbacks. It appears that at present drawbacks cannot be obtained unless the first cost of the goods amount to \$250. In New Brunswick the cost of the goods may be less than half that amount. The petitioners pray that the practice in the latter Province be allowed.

The petition was referred to the Committee on Trade and Manufactures.

Mr. BLACKWOOD presented a petition asking for a change in the distribution of school monies.

Mr. BOURINOT expressed his surprise that any petition asking for a larger sum of money for education should come from a County so rich as Colchester.

The petition was referred to the Committee on Education.

On motion of Hon. Attorney General, the bill to vest certain public property in the Board of Works, was read a second time.

The House then went into Committee on Bills, and took up and passed the bill just named.

The bill for the Revision of the Statutes was next taken up.

Several amendments were made in the Licensing Law at the suggestion of Mr. Longley and Dr. Hamilton.

Mr. LONGLEY thought that it would be well to make it incumbent upon Clerks of License to visit the different houses of entertainment at stated periods, and report upon their condition.

Mr. MACFARLANE considered that it would be useless to make such a provision unless the Clerks of License were recompe-ed. It would be preferable in his opinion, to make the Justices of peace look after the houses within their reach.

Hon. SOL. GENL. said that many magistrates know far more about such places than was proper for them.

Mr. LONGLEY said that he had heard of cases where magistrates went on the bench and fell off through drinkiness.

Mr. TOBIN had also heard of lecturers giving an address on the benefits of temperance, and going on a binge afterwards. (Laughter)

After some further discussion in which Messrs. Tobin, Longley, Dr. Hamilton, and Mr. Stocomb took part the 32nd clause of the Chapter was amended by inserting at the end of the clause the words "to some person named in the Summons" between the words "liquors" and "contrary."

(The object of this amendment is to require the name of the person to whom the liquor is sold to be inserted in the Summons.)

The 33rd clause was read, and passed without amendment.

The 34th clause was taken up, and the Hon. Atty. General proposed an amendment requiring that any person imprisoned for a breach of the provisions of the chapter shall pay the full amount of the penalty imposed upon him and costs, before he can obtain his release, even after the period of imprisonment mentioned in the clause.

Considerable discussion took place on this amendment, in which Messrs. Blanchard Archibald, Solicitor General, Mr. Longley, Hon. Pro. Secy, Hon. Atty. General, and Mr. J. McDonald took part—

Hon. SOL. GENERAL opposing it

The Committee adjourned without coming to any decision on the proposed amendment.

The Bill to ascertain the property of the Board of Works was reported upon, and progress was reported on the Bill for the consolidation of the Statutes.

COLCHESTER ELECTION.

Mr. KAULBACK asked leave to present a petition from John D. Ashard and Samuel Beate against the return of Adams G. Archibald and Francis Parker Esquires. Leave was granted and the Petition read.

(Petitioners state that at the last general election for the Southern District of Colchester, Adams G. Archibald and Francis Parker and petitioners were candidates, that the said Adams G. Archibald and Francis Parker, the sitting Members by themselves, their agents, partizans, and others were guilty of bribery and corruption, and bribed and corrupted the electors of the said Southern District of Colchester, and did by many gifts and promises procure persons to vote for them, and others to forbear their votes, and so procured their election by means of bribery and other corrupt and illegal practices, whereby said election is rendered void. Petitioners therefore pray the House to consider the election as void.)

Mr. ARCHIBALD.—There is only one course that can be pursued with regard to this Petition.

and perhaps I ought not to say one word. I am not sorry after what has been said outside that this petition has come here. If the Petitioners have been speculating on their numerical majority in this House, and think that they have in consequence a chance of success, I think they are speculating on what is not likely to be realized. I have no fear at all of the most strict and rigid investigation. There is not a shadow of a foundation for the charge contained in the Petition. More I need not say, and less I could scarcely have said.

On motion of Mr. Kaulback, Wednesday the 17th instant at 2 P. M. was sat down as the time for taking the Petition into consideration.

House then adjourned until 3 P. M. to-morrow.

THURSDAY, Feb. 11.

The House met at 3 P. M.

The bill to vest certain public property in the Board of Works was read a third time, and sent to the Council.

Hon. PROV. SECRETARY laid on the table certain despatches relative to the sale of unwholesome spirituous liquors to the men of the fleet stationed on the British North American station. Sir A. Milne recommends the passage of a law inflicting severe penalties upon those who sell noxious and adulterated liquors to men of her Majesty's navy.

He also presented a document from Mr. J. Lithgow, of this city, referring to a certain unsettled claim connected with the Enginehouse at Richmond. As usual with such matters, the papers were referred to the Railway committee.

INITIATION OF MONEY VOTES.

Mr. KILLAM presented a money petition which he wished referred to the Committee of Trade and Navigation. He expressed his disapproval of the system of initiation of money votes, which prevented the presentation of such petitions to the House.

Hon. PROV. SECRETARY said that the hon. gentleman evidently wished to do away with the system of initiation of money votes, and return to the old practice which had been found to work so prejudicially to the public interests. This system had long prevailed in the Imperial Parliament, and had been gradually adopted in Canada and other colonies. The object was to throw the whole responsibility of the public expenditure upon the government, and thus avoid the danger of extravagance with the public funds that arose from the system that had been in vogue for years. By such means alone could the country have the security that the public funds would be judiciously expended and the public credit sustained. It would be in the recollection of many old members, that, before the initiation of money votes was entrusted to the government, there was no guarantee that the expenditure would not exceed the revenue. No injury to any one could arise. If any gentleman thought the government did wrong in not acceding to the prayer of any petition, he might bring it before the House without difficulty; and

if his claim was a just one, it would probably be sanctioned by a majority.

Mr. KILLAM reiterated his opinion that the system was opposed to the public interests. His desire was to see both sides of the House placed in an equal position in all matters. Under the rule in practice, it was in the power of the Government to overlook entirely the claims of those who were politically opposed to it.

Mr. ARCHIBALD said that he considered it absolutely necessary, in any country enjoying responsible government, that the Executive should have the power of initiating all money votes. He pointed out examples of injudicious expenditure before the system in question was put in practice in this Province.

Mr. KILLAM said that he was as anxious as any gentleman present to maintain the public credit, but he did not consider that it would be endangered by the principle he advocated.

Mr. BOURINOT said that he had opposed the practice when it was first introduced, believing that it gave too great power to the Government. He had carefully observed its working, and was no more convinced of its utility than he had been at the outset. He felt, as did many other gentlemen, that it withdrew a great deal of the privilege that fairly appertained to a member of the Assembly.

Hon. Mr. McFARLANE referred to the fact that the rule had worked admirably in New Brunswick, where it was most rigidly carried out.

Hon. SOL GENERAL said that the whole discussion was premature. Whilst the rule was in practice, the question could not be brought before the House legitimately except under a resolution.

DALHOUSIE COLLEGE.

Mr. CHURCHILL presented a petition from the inhabitants of Windsor, relative to the bill that passed last Session, for the establishment of Dalhousie College.

(The petitioners set forth that they consider with regret and alarm the act in question; that it can be used for sectarian purposes; that it is inconsistent with the equal claims of other denominations for legislative aid. In conclusion, they pray that the act be amended so as to do no injustice to any other religious body, and that the debt now owing the Province be differently appropriated.)

Mr. LOCKE suggested that the petition was for money and could not be received.

Hon. PROV. SECRETARY did not think that the hon. gentleman was correct. Under any circumstance it would be well to give every facility to those who wished the question ventilated.

Mr. BLANCHARD believed that the petition clearly asked for money.

Mr. JAMES McDONALD did not wish there should be shown any disposition to prevent the question being fully investigated.

Mr. ARCHIBALD said that the petition did not ask for any additional charge upon the revenue, but only for a different appropriation. He was desirous of having the whole matter fully enquired into.

The petition was allowed to lie on the table for the present.

ACT OF INCORPORATION.

Mr. JAMES McDONALD asked leave to introduce an act to incorporate the Pictou Steam Ferry Boat Company.

Hon. Mr. MCFARLANE enquired if the resolution of the House, requiring that all private bills should pay \$0 each, had been complied with.

Mr. McDONALD doubted if the bill was of a private character; it alluded to a great public work.

The bill was not received.

POSTAL MATTERS.

Hon. PROV. SEC'Y. laid on the table the Report of the Postmaster General, along with other papers of the Postal department.

He read a statement from which it appears that the number of post offices remain the same as in 1863, namely, 73; way offices have increased by 20, the number being 240; no post or way office in existence in 1862 was closed in 1863. Six rides have been added, and seven have been extended, the whole number being 212. The cost of carriage of mails has been \$39,802 40; the number of miles travelled, 971,638, exhibiting an increase of travel of 11,544; 19,304 registered letters have been received, of which 9 have been missing; number of newspapers carried, 3,644,322, showing an increase of 93,656; letters transmitted, 1,467,720, whilst those in 1862 only amounted to 1,386,773; revenue from stamps, \$43,344 36, exceeding the number sold in 1862 by \$5,538 31. The gross revenue from all sources is 56,508 23; after deducting dead letters and other services, the net revenue is \$48,174 71, being an increase of \$3,074 for the year. The total disbursements amount to \$70,389 80, being an increase of \$2,033 36. In consequence, however, of the increase of revenue, this deficiency is about \$1000 less than in 1862. The increase in the disbursements was caused mainly by carrying out the instructions of the Post Office Committee report of last year, and some additional expenditure in connection with clerks.

Two clerks, it appears, had been obliged during the year to leave in consequence of their eye-sight being seriously impaired, which circumstance was connected with some increase of expenditure. The number of dead letters was 14,600. Seven additional money-order offices had been established, in compliance with the order of the Post Office Committee. The money order system had been extended to Canada and Great Britain, and was found to work satisfactorily. The commissions on money orders amounted to \$364 74. The report is up to the end of September, 1863.

The papers were referred to the Post Office Committee.

ENQUIRY.

In answer to an enquiry of Mr. Locke, Hon. Prov. Sec'y stated that it was represented to the Government that by an expenditure of £5, and a change in the situation of a certain way-office in Shelburne county, a very great convenience would be conferred upon the inhabitants in that section. The matter was referred to the Postmaster General, and subsequently adopted.

Mr. LOCKE was understood to complain that the whole matter had been done without the knowledge of the members of the county.

Hon. PROV. SEC'Y. said that he could point to many cases where the late government had acted without consulting the Post Office Committee or anybody else. He could bring to the House the evidence that the leader of the late government had gone into a certain County and put on a new route without any consultation with the members.

Mr. ARCHIBALD said that it made no difference what was the amount, if the principle was wrong.

Hon. PROV. SEC said that he was quite ready to bring down all the papers which would show that the Government was justified in taking the course it did.

Mr. LONGLEY said that he knew by experience what must be the feelings of the members for Shelburne. Although the circumstances might be such as to vindicate the course of the Government, yet he could not but believe that the present case was analogous to some which he had heard the hon. Provincial Secretary himself condemn.

GOVERNOR'S SECRETARY.

Hon. PROV. SEC., by command of His Excellency the Administrator of the Government, laid before the House a Despatch Dated 10th, Decr., 1863, from the Administrator of the Government to the Colonial Secretary enclosing a minute of the Executive Council relative to the salary of the Private Secretary of the Lieut. Governor — also the Colonial Secretary's reply thereto, dated 9th January, 1864.

(His Excellency states that it has been decided by the members of Government to withdraw the salary of the Private Secretary of the Lieut. Governor from the Estimates, though he does not see how the Lieut. Governor can perform his duties without such Secretary. The Executive Council in their minute state that the salary of the Lieut. Governor is fixed by the Civil List at £3000 sterling, that the public rooms at Government House are furnished from the revenues of the Colony, and that a vote of £200 additional is generally passed every year to defray the expenses of fuel and light. They also state that the further appropriation by special vote of £200 sterling for the salary of the Private Secretary of the Lieut. Governor is always the subject of acrimonious discussion in the Assembly, and they do not propose to submit it in the estimates after the term of office of the present Lieut. Governor has expired. The Colonial Secretary in his despatch of 9th Jan'y, 1864, regrets that the Executive Council have taken a course which will either deprive the Lieut. Governor of a Private Secretary, or else effect a diminution in his salary. He thinks, however, that they may have been led to do this by a misapprehension, supposing that a Secretary was merely required by the Lt. Governor for private purposes, whereas he is necessary to him from his public position.)

MR. CREED'S CLAIM.

Hon. PROV. SEC'Y by like command laid on the table an application from Mr. Creed to the

Government for compensation for work done on his contract on the Railway,—also the papers and documents connected with his claim.

POORS' ASYLUM.

Hon. PROV. SEC'Y by like command laid before the House the Accounts of the Poors' Asylum for the past year, which were referred to the Committee on Humane Institutions.

INDIAN AFFAIRS.

Hon. PROV. SEC'Y by like command laid before the House the Report of the Indian Committee, which was referred to the Committee on Indian affairs.

BIRTH OF A PRINCE.

Hon. SOL. GEN'L as Chairman of the Committee of this House, appointed to join a Committee of the Legislative Council in preparation of addresses of congratulation to Her Majesty and the Prince and Princess of Wales on this auspicious event reported the following draft addresses which he read in his place.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The Humble Address of the Legislative Council and House of Assembly of the Province of Nova Scotia :

MAY IT PLEASE YOUR MAJESTY :—

We, Your Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Nova Scotia in Parliament assembled, approach Your Majesty with renewed sentiments of loyalty and affection.

Representing the people of this country, we feel privileged to be permitted to assure Your Majesty of the unbounded satisfaction, with which the inhabitants of Nova Scotia have learnt that Her Royal Highness the Princess of Wales was happily delivered of a Prince, to the great joy of the nation and of the Royal Family ; and we beg to offer the most cordial and sincere congratulations of all classes of the people on an event so highly calculated to contribute to the happiness of Your Majesty, and to the interest and welfare of the nation.

We rejoice in the prospects presented by so auspicious an event, and fervently pray that the Grandson of Your Majesty, and of Prince Albert the Great and Good, may long be spared, and, emulating the bright example before him, may prove a blessing alike to your Majesty, his Royal parents, and the Nation.

TO THEIR ROYAL HIGHNESSES THE PRINCE AND PRINCESS OF WALES.

The humble address of the Legislative Council and House of Assembly of the Province of Nova Scotia :

We, the Legislative Council and House of Assembly of Nova Scotia, now in Parliament assembled, unite in expressing the sentiments of universal satisfaction and heartfelt joy with which the people of this Province received the intelligence that a Prince was happily born to your Royal Highness, and that your Royal Highness the Prince of Wales and the infant Prince, through Divine mercy, had continued to do well.

For ourselves and the people whom we represent, we most respectfully tender to your Royal

Highnesses the most cordial congratulations on an event so deeply interesting and auspicious, and we most fervently pray that the infant Prince may, under Providence, mature in years, and prove the source of much joy and happiness to Her Royal Highness and family, and to the nation at large,

To His Excellency Major General CHARLES HASTINGS DOYLE, Administrator of the Government of the Province of Nova Scotia and its Dependencies, &c,

May it please your Excellency,—

The Legislative Council and House of Assembly have passed the accompanying Addresses to Her Most Gracious Majesty the Queen, and to their Royal Highnesses the Prince and Princess of Wales respectively, congratulating them that Her Royal Highness the Princess of Wales was happily delivered of a Prince, and they respectfully request Your Excellency to forward their Addresses to their respective destinations with Your Excellency's assurance of the undeviating loyalty and affection of the people of this Province to Her Majesty, the Prince and Princess of Wales, and to the Royal Family.

GRANTS TO AGED TEACHERS.

Hon. SOL. GENERAL presented a petition from an aged teacher at Antigonish, asking for a grant of land.

Considerable discussion ensued as to the policy of such grants

Hon. PROV. SEC. stated that it was in accordance with the practice to accede to the prayer of such petitions, but he thought that in nine cases out of ten the grants were not of the slightest use to the teachers. There was generally a struggle between some man that had a judgment and another that had a sale, or something of that kind, and the teacher received no benefit whatever from the grant.

Mr. TOBIN thought that if the granting of 100 acres of land tended to bring any portion of it into cultivation it was a good thing. He did not see any use in keeping wilderness lands locked up—the sooner they were disposed of the better, even if given away.

Hon. SOL. GEN. said that in many cases such grants did lead to cultivation and settlement.

Mr. J. McDONALD would ask the attention of the House to the report of the Educational Committee on this subject. It provided that no such grant should pass to any teacher unless he could show that he had been actually engaged in teaching for so many years, and should produce a certificate of good moral character approved of by a clergyman of the denomination to which he belongs, and a member of his county. He would like to know what objection there could be to a grant passed under such a safeguard.

Hon. Mr. SHANNON had been on the Educational Committee for several years. It was time that the practice of passing these grants to aged teachers was stopped, and he was very glad that the Prov. Secretary had spoken on the subject. When a man was unfit for anything else he betook himself to teaching. The Grant, besides, did no good to the teacher, for the very moment it was obtained, the land was passed over to

some one else. Generally speaking the matter was all arranged before hand. How could an old man go into the woods and clear up wilderness land?

HON. SOL. GENERAL.—The hon. gentleman asked how can an old man go into the woods. Did he never know of an old man having children? His children could go and clear up the land for him. I am astonished to hear hon. gentleman residing in Halifax undertake to tell us what is going on all over the country from Cape North to Cape Sable. I have known several cases in which aged teachers who have obtained such grants have been enabled by means of their children to settle on them.

Messrs. BLACKWOOD and ARCHIBALD concurred in the views expressed by the Solicitor General.

The Petition was then referred to the Committee on Education.

LICENSE LAW.

House resolved itself into Committee on Bills and Chapter 22 of the Revised Statutes (the License Law) was again taken up.

The thirty-fourth clause was read, when Mr. Blanchard moved an amendment thereto similar to that proposed yesterday by the Hon. Attorney General.

HON. SOL. GENERAL said that he had submitted yesterday an amendment providing that the execution issued upon any judgment for a breach of this law, should have the same effect as an execution in any other case that was to enable the Sheriff to take the goods and chattels of the Defendant. He thought that if this amendment was made, the object desired would be obtained, and the amendment issued by the hon. member from Inverness would be unnecessary.

Mr. TOBIN entirely a reed with the hon. gentlemen who had just sat down.

Some discussion ensued on Mr. Blanchard's amendment. Mr. Blanchard and Hon. Attorney General arguing in favor of it, and Hon. Sol. General against it.

Mr. TOBIN would have no objection to the passage of the clause, if that portion of it which required the person imprisoned to take the benefit of the Insolvent Debtors' Act before he could obtain his release was struck out. He thought that three months' imprisonment was sufficient punishment.

HON. PROV. SEC. moved that the words, "until he take the benefit of the act for the relief of Insolvent Debtors," be struck out.

Mr. McDONALD thought that there were very few publicans who would not prefer going to jail to paying eighty dollars.

Mr. MILLER thought it was contrary to the principle of fair play to imprison a man first, and then make him pay the penalty afterwards.

Mr. LONGLEY was in favour of the clause with the amendment proposed by the hon. and learned member from Inverness, but he did not regard that amendment as so essential as some gentlemen considered it.

In division, Mr. Blanchard's amendment was carried. The claim as so amended, then passed.

The thirty-fourth and thirty-sixth clauses were then read and passed without amendment.

The act of 1863 amending the License Laws,

which act will hereafter form part of Chap. 22 R. S. was next taken up.

A short discussion ensued on some clauses of this act, in which Mr. Slocomb, Dr. Hamilton, Mr. S. Campbell, Hon. Prov. Secretary, Messrs. Longley, and Blanchard, Dr. Brown and Mr. Miller took part.

An amendment to the second clause of the act adding the words "assessed on property" after the words "rate payers" in the fifth line was negatived.

An amendment was made to the fourth clause at the suggestion of Mr. Slocomb, providing that agents for the sale of alcoholic liquors for medicinal, mechanical, and manufacturing purposes may be appointed in Counties, where licenses are, as well as where they are not granted. An amendment was also made striking out the words which provide that such agents shall reside not less than ten miles apart.

With these amendments the Act passed.

The Committee adjourned, and House resumed, when the whole chapter was reported up, and ordered to be engrossed.

The House then adjourned until 11 a. m. tomorrow.

FRIDAY, Feb. 12.

MORNING SESSION.

The House met at 11 o'clock, and went into Committee on Bills, and took up the Revised Statutes. Several amendments were made in the Revenue Law.

Some remarks were made as to the salary of the Collector of Yarmouth. It was proposed to reduce it from \$1000 to \$800, as in Pictou.

HON. PRO. SECRETARY said that the officer's salary had been formerly \$800, and had been raised by the action of the late Government.

Mr. KILLAM contended that a distinction should be made between officers in the country and those in the city. He also stated that the increase had been made in consequence of the representations of the collector that his expenses had considerably increased.

HON. PRO. SECRETARY pointed out that no comparison could be fairly drawn between the expenses of officers living in the country and those of officers residing in the city. He also stated that the Government had reduced the salary of the collector at Guysboro' (the brother of the late Financial Secretary), as it was thought the revenue of that port did not warrant any large expenditure.

A desultory discussion ensued on this matter.

Mr. BLANCHARD opposed any reduction in the salary of country officers—particularly those of Pictou and Yarmouth.

Mr. MILLER did not think that there were many officers in the country overpaid. He presumed the object was to give a foretaste of a system of retrenchment, but he could not think this was the proper way to begin. These officers in the country were just as competent men as those who were in a higher position and pocketed four or five times the salary.

Mr. ARCHIBALD said that he would touch those who had a little to do rather than those who went through a large amount of labor, and had established a high character as collec-

tors, as was the case with the gentlemen in Yarmouth and Pictou.

Hon. PROV. SECRETARY pointed out that the officers at Yarmouth and Pictou had assistants, whilst others, like the one at Amherst, had none at all, but were obliged to perform all the duties. For instance in Pictou, Mr. Hattie might be said to perform all the duties, and the collector could be out whenever he pleased. The Government was of opinion that the salary given to the collectors of Yarmouth and Pictou was quite sufficient to obtain the services of thoroughly competent men.

Hon. FIN. SECRETARY said that the labor at the smaller ports was often quite as large as in the larger ones.

Mr. LOCKE considered it unfair to touch the salaries of country officers, whilst those of men residing in the city were untouched.

Mr. ARCHIBALD pointed out the responsibility that rested upon officers like those of Yarmouth and Pictou, who had annually to handle such large sums of money. Under such circumstances they should be paid sufficiently.

Mr. MCKAY believed the salary given to the collector at Pictou was quite sufficient.

Mr. BLANCHARD asked if the hon. gentleman was thoroughly conversant with the duties of that office.

Hon. PROV. SEC. was surprised at any hon. member putting such a question to any other gentleman.

Mr. MCKAY said that he had just as much right to vindicate the claims of the people of Pictou as the hon. member those of the people of Inverness.

The FIN. SECRETARY pressed the amendment which was lost on a division. The clause therefore remained as before.

Several other amendments were made in the law. One is that no man who is also a clerk in a mercantile establishment can be engaged in the collection of duties.

The committee then rose and reported, and the house adjourned.

AFTERNOON SESSION.

The house resumed at three o'clock, and several chapters in the Revised Statutes that had been passed in committee were read a third time.

Hon. PROV. SEC. laid on the table a return of all the post office ridings in the Province. He mentioned that in Canada the Postal service was remunerative, whilst in this Province it was a heavy burthen. It was his desire that the post-office committee should take this return into their serious consideration, and see whether any of the rides were not unnecessary. They should pay particular attention to those cases where the expenditure was altogether disproportionate to the advantages conferred upon the people.

Mr. BOURNOR said that he had been a member of the post-office committee for years, and did not believe any new riding had been established unless it was absolutely necessary. He believed that it should be the object to increase rather than decrease the postal facilities of the people. He hoped that the island of Cape Breton would soon have a daily mail, as is the case with Pictou and Antigonish.

The return, on the suggestion of Mr. McLellan, was ordered to be printed.

The following petitions were presented.

By Mr. Longley, from inhabitants of Annapolis, asking for an amendment in the act concerning Dalhousie College.

By Mr. Slocomb on the same subject.

By Mr. Kaulback from an aged teacher, for a free grant of land.

By Mr. Blanchard, from John Munro of Margaree, on the same subject.

By Mr. Robicheau, relative to Dalhousie College from Westport.

By Mr. Robicheau, from an Indian, relative to certain land.

By Solicitor General, from M'Lauchlan (an aged school-master,) asking for a free grant of land.

By Solicitor General, from the inhabitants of Guysboro', asking for increased mail accommodation.

By McLellan, from Wellington Grimes, against return of the hon. member for North Queens.

By Solicitor General, from an aged school-master, for a free grant of land.

By Mr. Lawrence, from inhabitants of Five Mile River, in reference to some difficulty connected with a road.

A petition presented by hon. Solicitor General from a contractor in reference to a claim connected with the building of a bridge, was referred to a special committee composed of Messrs. Donkin, Annand, and James Fraser.

On the presentation of the petitions for free grants of land from aged teachers, it was suggested by Mr. Archibald that a return be presented, showing the numbers of persons who had received such grants of late years.

Mr. BOURNOR hoped that if this was done, the counties to which such grants were given, would be named.

Mr. MILLER considered the teachers of this country poorly remunerated, and hoped the House would not overlook their claims to consideration. He thought these grants of land were but a small acknowledgment to these men.

Mr. LOCKE called the attention of the Government to the fact that Nova Scotia vessels had been boarded on the Labrador coast, and forced to pay duties, by an officer of a Newfoundland cutter. He understood that a petition was in course of signature on the subject, and would come up in due form.

Hon. PROV. SEC. was not aware if any despatches on the subject had been received by the late Government. It would be preferable to have the petition when it came up, referred to a committee which could enquire into the whole subject.

Messrs. PRYOR, MILLER, and JOST, mentioned that their attention had been called to the subject.

The House then went into committee, and took up the bill for the revision of the statutes.

The revenue law was again taken up, and several amendments passed.

SUPPLIES FOR THE ARMY AND NAVY.

Considerable discussion ensued as to furnishing the army and navy with certain articles, including spirituous liquors, free of duty.

The following is the section of the act out of which the discussion grew :

14. All wines and distilled liquors and brown sugar, flour, bread, cheese, oatmeal, peas, &c., imported for the army or navy, or naval yard, or any commissary or government contractor, and all prize goods purchased for their use, and all spirituous liquors distilled in the province and supplied for their use, shall be exempted from duties, but they shall be warehoused. And when they are intended to be delivered from the warehouse the entry shall be made as for home use, and shall state that they are solely for the use of the army or navy, or naval yard; and a bond, with two sureties, and in double the duties, shall be given to deliver them to the persons authorized to receive them for such use, or otherwise account for them to the satisfaction of the board.

Mr. BLANCHARD said—It will be remembered that on the first day of the session I asked for a return of all articles admitted duty free for the use of the army, and I regret that it has not yet been forwarded me. I may, however, bring to the notice of the House that up to 1857, in the appropriation act of every year, the sum of £300 was voted as a drawback upon officers' wine. In 1858 that was thrown out by the House, and since that period the Legislature has steadily refused to grant to the officers their wines duty free. But under the section of the law before me the principle sanctioned by the House, it appears, may be evaded. Any officers of the army can go to a warehouse and obtain any of the articles here specified and by giving bonds and filing a certain affidavit that they have been consumed by the army they are admitted duty free. Therefore under this statute the consistent action of the House is completely set aside. Not only does it enable officers to get their wine free, but a short time ago a contractor in this city, through it, obtained great advantages as I shall show. Until very recently the contractors paid duty on their groceries, but this year the contract was taken by a person who got all his supplies, under this statute, free of duty. I contend the articles in the warehouse were not imported for the express supply of the army and navy—as it should be, if they are to be duty free—but by private merchants. It will be recollected that at the time of the *Trent* difficulty coffee and other articles were imported expressly for the army, and put into the warehouses, and after the difficulty was over it was sought to put this article free of duty into the market; but it was not allowed by the Government of the day. Up to the last six months you cannot find an instance of articles entered free of duty unless expressly imported for the use of the army and navy. A sergeant can go to the warehouse and get a cask of rum free of duty, and at this moment a glass of liquor is sold at the barracks for half the sum it costs in the city. Now I wish to have this matter made quite clear—not to allow any chance of imposition by any contractor or any one else.

Hon. PRO SEC.—There is no doubt if it is the policy of this House to tax the articles enumerated in this clause, when intended for the use of the troops, the law will require to be al-

tered. The practice has been correctly stated by the hon. gentleman who has just sat down, but when the matter was brought under the notice of the Board of Revenue they were of opinion that, under the law as it now stands, the Government had no power to tax such articles. I entertain the opinion that the law is right as it is now. I believe it should not be altered because it has been the policy of Great Britain and of all her colonies to give to the persons comprising Her Majesty's army and navy such advantages as this law embraces; and if there is a part of the British dominions in which these restrictions should not be imposed it is this city. Those who reflect upon the immense advantages conferred by the army and navy—upon the benefit they are to trade—upon the immense sum of money they put in circulation annually, must be convinced that it would be most unjust to refuse them all the privileges in our power to grant. It would be neither just nor politic to take any step that would be looked upon as indicating that the Legislature did not appreciate these advantages to the fullest extent. Successive Colonial Secretaries have written out to this province, making the strongest possible representations concerning the imposition of taxes upon Her Majesty's army and navy, and urging the propriety of doing away with them at the first opportunity. I know that the question may be differently viewed by some gentlemen, but I feel it is my duty to express what I am convinced is the proper policy of this Legislature.

Mr. TOBIN—If the trade imports these goods, and they are bought by contractors, and supplied to the army and navy, the mercantile community is clearly benefitted. The Contractor, in the present instance, appears to have been sharper than some others who of course feel aggrieved. He found out that this law offered him a great advantage, and he availed himself of it as he had a perfect right to do. I have always advocated the principle that the officers' wines should be admitted duty free, and I sincerely regretted when the former practice was destroyed by the action of a combination in the Legislature. I believe that the law is as it should be, and that it should be retained on the statute book. I believe that the army and navy should have all necessary articles free of duty, as some slight return for the great benefits their presence confers upon us.

Mr. McFARLANE briefly expressed himself in favour of making all proper concessions to the army and navy.

Mr. ARCHIBALD said: It is very extraordinary that the hon. gentlemen never discovered until now that the officers of the army and navy had a right, under the existing law, to receive such articles free of duty. Without dwelling, however, on this point, I may state that I do not agree with the hon. member for Halifax (Mr. Tobin) as to the manner in which the old practice was done away with. It was not considered as a question of administration but invariably as an open question. The reason why the £300 was struck off was because a great number of gentlemen believed that it was only giving a bounty for the distribution of spirituous liquors. If I recollect aright it was struck off when the

hon. member for Annapolis was himself at the head of the government.

Beyond the law I may state that Her Majesty has the right to introduce into this or any other colony any articles for the use of the army or navy. Her Majesty pays no duty upon the property used for her purposes. If it is intended that officers and soldiers of the army should get all these articles in question free of duty let it be made clear.

Hon. SOL. GEN.—We have a right to look at the troops differently from the inhabitants of this country. They come here for a special object. They are not taxed for the improvement of this country, for they are only here temporarily. It would be manifestly unfair to impose any burthens upon them from which they are free in the mother-country. In England, these duties are not paid. The only thing to guard against is the coming of these wines into general consumption. The policy is to allow the troops to have a glass of wine at their mess free of duty. The law, as it now stands, is clear enough. The process under which the parties interested have to act is clear and simple. They go through a certain form, and after satisfactory evidence has been afforded that the articles wanted are required for the use of the army, they can be admitted free of duty.

Hon. FIN. SEC. pointed out that the wording of the act bore on its very face the evidence that the intention was not only to allow goods imported directly for the use of the army and navy to enter free of duty, but also to allow them to be taken out of the warehouse under the same condition.

Mr. S. McDONNELL believed that the time of the House was unnecessarily wasted in discussing a matter on which there could be little dispute. He suggested an amendment which he considered would make the clause quite clear.

Mr. BLANCHARD—I may state that the British Government does not issue a single glass of liquor as rations to their troops, and I would like to see the authority which states that the British troops get their liquors free of duty. They get their rations and clothing, free, and that is all. The officers may get their wine free, but it is not so with the spirits of the soldiers. Now, here, every gallon of rum or brandy that goes to the barracks pays no duty. There a man can get brandy, gin, or any other liquor at half the price he has to pay in any shop in this city.

Mr. PRYOR—Can any individual go into the barracks and buy in that way?

Mr. BLANCHARD—I mean that the troops can buy it, though I have no doubt that I can go to a sergeant and buy a bottle of brandy from him for half of what I would have to pay at a regular dealer. I ask should it be the policy of this House to offer the soldiers such inducements to drink. Can the British Government wish us to pursue a policy which must make the soldier more unmanageable? I ask the House to consider whether they are willing to depart from the policy of 1858, and offer such incentives to intoxication.

Hon. ATT. GENERAL contended on behalf of the policy of allowing the army and navy obtaining all the articles they required free of duty. As regard the construction of the law, he

observed that it was obviously intended that the troops should receive all the articles therein enumerated free of duty. The only question that existed in the minds of some gentlemen was to the mode in which they should be got out. As to the proper policy, there could be but little doubt. He felt that situated as we are, defended by the parent state at a vast expense of which we had not to bear a single farthing, it was but proper that we should make all proper concessions to the army and navy.

(Mr. ARCHIBALD, Provincial Secretary, and Mr. Tobin made a few observations in support of their position on this matter.)

The Pro. Sec., in the course of his remarks, stated that both Sir Gaspard Le Marchant and Sir E. Bulwer Lytton stated in despatches that it was not usual in England to tax officer's wine. He also stated that if it was found on enquiry that the soldier was receiving a vantage here which were not allowed in Great Britain, he would be ready to alter the law at once. He was not anxious to do anything that was not sanctioned by the Imperial Parliament.)

Mr. LONGLEY followed and said—Though I do not pretend to understand this question thoroughly, yet I feel I am called upon to make a few observations. As I understand the matter, it is mentioned in the contract that the contractor will furnish, in connection with other articles, spirituous liquors of all kinds. Is it not, then, clearly for the interest of the contractor that he should furnish more liquor than is necessary? Is there not a great deal of danger that large quantities will find their way into the barracks, and out again? I do not believe that the British Government will be very much obliged to us for taking such especial pains to make the soldiers drunk. In proportion as you cheapen the price of the article, you increase its consumption. I do not think we are doing right to the soldier by affording the facilities open to him under this law. I wish to know whether in the case of a prohibitory law being passed—and that may occur sooner than many imagine—we could consistently allow liquors to be imported free of duty for the soldiery. I contend it would be most improper to do so after having passed such an enactment. In conclusion, I will state without any hesitancy, that I will give my vote against what I believe will be accompanied with the most baneful results.

On the suggestion of the Hon. Solicitor Genl., the matter was allowed to lie over for the present, that further information might be obtained.

GUYSBORO' ELECTION.

Mr. JAMES McDONALD presented the petition of J. J. Marshall, Esq. against the return of S. Campbell, Esq., one of the sitting members for Guysbor.

Mr. CAMPBELL, after the petition had been read, said—If this were a matter only affecting my own position, I would not offer a single remark, but as it touches other interests I cannot refrain from making a few observations. This petition is of a most extraordinary character. Its aim is to call into question the legislation of last winter. Its aim is to do an act which when

I look around these benches and consider the character and position of the gentlemen sitting upon them, I feel, cannot be perpetrated. It would be indeed a long time, I believe, before this House could come to the conclusion of disfranchising any portion of the loyal people of this province. I shall say nothing further. I shall await with confidence the result of the deliberations of any Committee that can be struck. I feel assured that its judgment will sustain the position which I hold in this house as the representative of a majority of the electors of the County of Guysboro'.

Hon. PROV. SEC. questioned the propriety of gentlemen making remarks on the presentation of such petitions as that just read.

Mr. CAMPBELL said that it was always a privilege of a gentleman to make a few remarks when his position or character was assailed.

It was decided that Friday next, 19th inst., at three o'clock, be the day for taking the petition into consideration.

The House then adjourned until half past one the next day.

SATURDAY, 13th Feb 1864.

PRELIMINARY BUSINESS.

The House met at three o'clock.

Hon. Mr. MCFARLANE presented a petition from James Ferguson, an aged teacher, asking for a grant of land.

A few remarks were made relative to such petitions. Hon. Attorney General mentioned that in former years the teacher had to serve 40 years before any such privilege was accorded him. Mr. BILL was understood to be opposed to the giving of these grants, so frequently, for he believed that many get them undeservedly. Mr. KAULBACK expressed himself in favour of the policy of giving these grants to deserving teachers, as some slight compensation for their arduous and poorly remunerated services.

Mr. BILL presented a petition from a number of the inhabitants of Aylesford in reference to Dalhousie College.

Mr. LAWRENCE presented a petition from the inhabitants of Rockville, asking for a change in a way office.

In reply to a question of the Provincial Secretary, the Speaker stated that it was the duty of the Chairman of the Committee to which an election petition was referred to move for the production of the poll books and other papers connected with the case.

PETITION AGAINST MR. ALLISON, &c.

At two o'clock, the hour named on a previous day, the petition of Mr. Smith against the return of Mr. Allison, the sitting member for North Queens, was taken up.

The petitioner was represented at the Bar of the House by Alexander James, Esq., Barrister.

The following names were drawn by the Clerk: Messrs. Locke, Robertson, Blackwood, D. Fraser, James Fraser, King, McKay, Robicbeau, Lawrence, Provincial Secretary, Financial Secretary, Hon. Mr. McKinnon, Hon. Mr. Shannon, Hon. Mr. McFarlane.

The Committee struck to try the petition is as follows: Hon. Financial Secretary, Hon. Mr. McKinnon, King, Robicbeau, McKay, Whitman, D. Fraser.

Hon. Mr. SHANNON presented a petition from the House Joiners of Halifax, praying for an act of incorporation, and introduced a bill in accordance with the prayer thereof.

The hon. gentleman mentioned that some remarks of his on a previous day, relative to petitions from aged teachers for free grants of land, had been misunderstood by the reporters. He was made to say that when people were fit for nothing else they took to teaching school. Now, he believed our school teachers to be among the most useful and hardworked men in the community, and he was most desirous to see them attain that status to which they are entitled. He was not surprised, however, that he had been misunderstood on the occasion referred to, inasmuch as he had spoken exceedingly low.

Mr. PRYOR expressed his satisfaction that the hon. gentleman had explained the matter as he had done. He saw why, by frequent conversation with his hon. friend, that he entertained altogether different to those opinions attributed to him in the report.

Mr. BLANCHARD corrected a statement in the reports attributing to him an amendment referring to a clause in the license law touching insolvent debtors. He stated that he did not move the amendment, and that it was not carried but lost.

Mr. PRYOR said that if any error occurred in the reports, the fault was chiefly with the House itself. He was frequently obliged to bring to the notice of the House whilst in Committee the fact that gentlemen sitting on the lower end of the benches were unable to hear what was transpiring at the table. He felt convinced that the discussion was so low and conversational, at times, the reporters could not catch the meaning of the speakers or the character of the amendments.

Hon. PROV. SECRETARY explained that he did not wish to convey the meaning in his remarks on a previous day, that Mr. Hattie did all the duties of the collector at Pictou. What he said was, that the collector having an assistant, could go out whenever he pleased. He did not pretend to say that the officer did not pay every attention to his duties.

After a few remarks from Mr. Blanchard, the subject dropped.

[It is impossible for the reporters in their present position to catch with any degree of correctness what is transpiring when the House is in committee. The debates are of so conversational a character, and carried on in so low a tone, that the nature of the amendments and meaning of the respective speakers cannot, as a general rule, be understood in the confined and unsuitable place set apart for the Press.—J. G. P.]

PETITIONS.

Hon. Mr. SHANNON presented a petition, asking for a post ride to Hammond's Plains.

Mr. KAULBACK presented two petitions from certain inhabitants of Lunenburg, praying for the repeal of chap 52 Revised Statutes, relative to the township of Chester.

ENQUIRY.

Mr. BLANCHARD asked the government how it was that the people of Pictou were given information respecting the proposed school bill before

the Legislature. He observed that the last Colonial Standard had full details of that measure.

Hon. PROV. SECRETARY replied that he had run his eye over the article in question, and whilst some features were similar to those in the proposed school bill, others were entirely dissimilar; he supposed the article was the production of some gentleman who had carefully studied the question.

Mr. JAMES McDONALD said that the hon. member for Inverness was in too great a hurry at jumping at conclusions. The fact was that the provisions of the measure proposed by the Standard only resembled in a few points the bill intended to be introduced by the government. It was the production of a very intelligent friend of his in the town of Picou, who felt much interested in the advancement of education. When the hon. gentleman undertook to insinuate charges against members of the House, he should be careful what grounds he had for making them.

Mr. BLANCHARD said that he did not see what right the hon. gentleman (Mr. McD.) had to lecture him, because he asked for information on the subject. He had himself no means of knowing whether the measure alluded to was or was not that intended to be laid before the Legislature. Any one reading the article would very naturally infer that it was the same bill.

Hon. PRO. SECRETARY said that the hon. member for Inverness was not to blame for calling attention to the subject. It would not be hardly respectful for the government to publish the measure before submitting it to the Legislature.

The hon. gentleman also stated that it was proposed to bring down the School bill on Monday next.

DUTIES ON OFFICERS' WINES.

The House then went into Committee on Bill, and took up the Bill for the consolidation of the Statutes.

The discussion that occurred on the previous evening on allowing supplies for the army and navy, to pay no duties, was ren w.d.

Mr. BLANCHARD said, I drew the attention of the House last evening to this matter, which every one must feel should, in future, be placed in a more satisfactory position. I have since learned that the contractor who has been spoken of does not contract to furnish the army with spirituous liquors. He only contracts to furnish the hospital with spirituous liquors; but it will be found that outside of the contractor, under this statute, since the first January, spirituous liquors have been obtained by officers of the army, and put in charge of the Sergeant-Major. The liquor goes to the barracks, and when a certificate is brought down that it has been consumed by the army, the duties are remitted. I was under the impression that the liquors went through the hands of the contractor, but I find I was wrong, and that he only engages to supply the hospital. Now it is well known that three-fourths of these sergeants do not live in barracks, but in rented houses, and they can obtain any amount of liquor they please. If they can consume it in their own houses, they can easily supply it to their friends. I notice by the return that has been furnished me by the Financial Secretary that

there are but few entries until December, during which month they are numerous—equivalent to an entry every day. So assuming that the increase is in the same ratio, I have no doubt that the month of January will exhibit a very large amount. Now let me turn your attention to another fact. It would be thought that the Board of Revenue would confine the remission of duties to those articles expressly mentioned in the law, but I find that the second and third largest articles mentioned in this return are not in the Statute at all. For instance, there are 2643 lbs of coffee, of which the duty is 4 cents a lb—an article not alluded to in the section. The next article is tea, which is also not mentioned.

Thus we see that a considerable amount of duty has been remitted entirely without the authority of law. This may be only an oversight, but certainly it is a very strange one. I may also state that to a pound of green coffee ever goes to the barracks; it must be roasted and ground. Before it is thus made fit to be received, room for no little imposition is allowed. Who can tell what may be done with it before it reaches the barracks in the condition required. It is very curious that the very first entry was by J. Cochran & Son, of 4 chests black tea and 1343 lb. coffee. How is it that the head of the Excise Department should have allowed, at the first application, an article to go out duty free, which is not mentioned in the list. The fact is that the department has assumed that the army and navy must have everything they want free from duty. There does not appear to be any amount of rum, but I believe it will be found that the rum to which I have referred and other articles, have been actually taken in the month of January. I know one house in this city from which rum casks of gin, wine, brandy, etc. have been sent out. I submit to the House whether, under such circumstances, they are prepared to endorse this law, and give everything that is required by the army and navy, free of duty. Those articles, which are got by the contractor, are not only consumed in the barracks, but outside as well. An officer residing out of barracks can obtain from the mesman his tea, coffee, sugar and other articles. I believe the present system opens a wide door to smuggling, and is in every way eminently unsatisfactory.

(The hon. gentleman, in conclusion, pointed out that he was not astray when he stated on a previous day, that owing to the remission of duties, a bottle of rum, gin, &c. might be sold at half the price it could be purchased at ordinary dealers.)

Hon. SOL GENERAL—The hon. gentleman, I am glad to find, has corrected the statements he made last night. I recollect him distinctly making the assertion that the troops could go to the sergeants' mess and buy their liquors at half the price they could outside. He even said that he could go to the sergeant and buy a bottle of brandy himself.

Mr. BLANCHARD—What I said was that I believed that I could obtain a bottle of brandy out of these goods at half the price.

Hon. SOL GENERAL—I expressed, at the time, my astonishment that the regulations by which Her Majesty's service is guided, would permit any officer commissioned or not,

to be the medium for the sale of spirituous liquors. I have endeavored since to obtain all the information possible on this question, and I believe I understand it now pretty well. But before going into an explanation of the position which the troops occupy in this province, let me first make the statement that in England the sum of £25 sterling is allowed to every company in the service to enable them to pay duty on their wines. I will go further and state that if they import their own wines they are allowed to get them in duty free. In that country the sum I have mentioned would go much further than in this province. I may also state that there is no allowance to the sergeants' mess for spirits. There are, however, canteens which are provided with a house and a number of perquisites at the expense of the Government in order to enable the troops to provide themselves with liquor at a moderate price. But I would ask the hon. member for Inverness to turn to the list he has and see where there is any wrong dealing. I may state that two puncheons of rum have only been purchased up to the present time, and they which are likely to last a long time have been purchased exclusively for the use of the sergeants' mess. When the hon. gentleman undertook to say that any common soldier could get this liquor he made a statement which was calculated grievously to mislead the House; it is confined exclusively to the use of the sergeants' mess. The sergeant-major is charged with the care of a certain quantity of these spirits which he deals out. The non-resident sergeants can only obtain a limited supply for their own use. As to the contractor he can withdraw no liquor except for the use of the hospital, as I intimated when the question first came up.

Now I have submitted evidence to show that there is no foundation in fact for such general assertions as were made yesterday. They were calculated to mislead the House, and create a wrong impression as to the actual practice Messrs. Esson & Co. have only withdrawn two puncheons of rum for the use of the two regiments. It cannot be shown that any of these supplies have been used for any other purposes than the law requires they should be. No rum that has been sold in the canteens has been free from duty. To the statement of the hon. and learned member that the practice in this case offered inducements to excesses, I can answer that I find since the liquor was admitted duty free the men have been actually less drunk than before. The sergeants of the artillery mess have had no rum at all, as it is too small.

Hon. Prov. Sec.—I think no fault can be found with the hon. member for Inverness for bringing this matter to the notice of the House. There are two questions before us for consideration. One is, what is the proper construction of the Act? The other, what should be the proper policy of this Legislature? When the attention of the government was called to the matter—when it was claimed by the contractor that under the express terms of this act he had a right to exemption from duty, we felt he was correct.—The Government, therefore, gave such a construction to the Act as they believed its express terms would permit. I am not disposed to bear too strongly upon any inaccuracy in the state-

ments of the hon. member. The discussion that ensued yesterday brought out the fact that there was a great want of information on the subject on all sides. I entertain the opinion that it would not be wise for this Province to adopt a policy contrary to that which is in force in other colonies, giving certain privileges to Her Majesty's army and navy. I am, however, entirely prepared to go with the House not to extend these exemptions one jot or tittle beyond those allowed elsewhere; and if rum is not given in rations in Great Britain to the soldiery, I see no reason why the troops here should obtain that article free from duty. If you place rum at half its ordinary price, without restriction as to the quantity, at the disposal of the soldier, you expose him to additional temptation. I think the same privileges which are granted to the troops in Great Britain, and other colonies, should only be accorded here. As to the mode in which they should be granted, it is for the House to decide.

HON. FINANCIAL SECRETARY proposed to exclude rum from the list of exemptions to the clause in question.

Mr. BLANCHARD—I am gratified to find that though I may have fallen into one or two inaccuracies yesterday, the facts I have brought to the notice of the House have induced the Government to strike out the articles which are considered most objectionable. The hon. Solicitor General has alluded to the sum of £25 allowed in England as a large one. It is true that duties on wines have been considerably reduced in that country of late years, but still they are much higher than in this Province; and therefore it is obvious that £25 per company would not relieve as much wine as the £300 to the whole garrison here would. The contractor, it is said, withdraws no liquor except for the use of the hospital. Now at this moment the present contractor for the hospital pays his duties on his liquors, and has not got the advantage which it is said he has. In conclusion, I will but add that I would prefer striking out wines as well as other liquors. If officers are to get their wines duty free, let it be done as formerly.

Mr. JAMES MACDONALD said that there were two messes in the army—one, the officers', and the other, the sergeants'. The rum was as great a necessity to the latter as the wine to the former, and he was unwilling to make a distinction between the two.

Mr. TOBIN was disposed to leave the matter in the hands of the government as it was one connected with excise regulations. He thought, under all the circumstances, there was no necessity for altering the law.

Mr. LONGLEY did not approve of the policy of including any spirituous liquors whatever in the list.

At Mr. BLANCHARD'S suggestion, it was finally agreed that the clause should be amended so as to allow the goods mentioned in the list with the addition of tea and coffee, to be entered and delivered from warehouse, free from duty when imported for the use of the army and navy, by Commissariat or Admiralty departments.

The rest of the clauses in the act then passed.

POST OFFICE.

The Post Office act was next taken up, and several amendments were made on motion of the

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Solicitor General; but it was utterly impossible to learn their nature, with any degree of correctness, in the gallery.

In the course of the conversation that occurred, the Prov. Sec. took an opportunity of correcting some statements that had been made on a previous day by hon. gentlemen in connection with a postal matter in Shelburne. He said—Some hon. members have evidently received a wrong impression as to my views expressed on former occasions. The very last year the late government were in power, they spent hundreds of pounds in extending postal rides without a word of criticism on my part. I assumed that they had acted as the public service required; in other words with a regard to the necessities which arise continually during the recesses of parliament. I think the circumstance which has made so strong an impression on both sides refers to a very different situation of things. In referring to the act of the leader of the government in my own country, I stated that he had acted in contravention of a decision of the Post Office Committee which was in force, that before any new ride could be established a certain amount should be contributed by the people—which report having been adopted by the House had the force of law. What I said was this—and I may state that I read from the pamphlet containing the official report of Legislative proceedings in 1861, page 4:—“He (Mr. Howe) even went farther. He violated the resolution of the House in reference to Post Offices. This House found that under the old system of establishing postal rides, the Post Office Department became a great expense; and accordingly the committee reported that no new rides should be appointed unless the people in the district where the ride was wanted, gave bonds that they would indemnify the government for one-half the deficiency. That report became law for the House adopted it. The President of the Council, anxious to show that he could soar above the law, went into a back district and established a new post office rule, and put the whole thing into operation.”

I felt some hesitancy about referring to the matter the other day, without refreshing my memory. I felt that occasionally gentlemen sitting on the opposition benches or in other parts of the House, may not be so guarded at times as is desirable. In the matter in question, however, I have not acted inconsistently with my former expressed views. It struck me as a novel doctrine that members opposing the Government are the legitimate sources of patronage in their own counties, and I could not believe that I ever laid that down as a proper constitutional principle. By reference to the extract I have just quoted, it will be seen there is no such doctrine urged. It has been established as a general principle, though not always respected by the late Government, that the distribution of road money, except on the great roads, belongs to the members of the county; but I was rather surprised to find that the Government must look for advice on such matters as postal communication to persons whose political object would be to mislead them.

The Committee, after passing the Post Office Act, adjourned and reported.

The House then adjourned.

The House met at three o'clock.

The following petitions were presented:

By Mr. McKay, from West River, relative to a postal matter.

By Mr. Bourinot, from the inhabitants of Mire and Cow Bay, relative to Dalhousie College.

By Mr. S. Campbell, from Guysboro, for increased mail accommodation.

By Mr. Locke, from merchants and others of Halifax, relative to the duties levied on Nova Scotia fishermen, on the coast of Newfoundland.

By Mr. Longley, from the trustees and governors of Acadia college, in reference to Dalhousie college.

By Mr. Miller, from Morris Kavanagh, in reference to the Militia.

By Mr. Killam, from Wakefield Patch, an aged teacher, praying for a free grant of land.

By Mr. Blanchard, from the inhabitants of Plaister Cove, for a money order office.

By Mr. Jost, from the inhabitants of New Germany, relative to Dalhousie college.

Hon. Prov. Sec. laid on the table a return of the aged teachers presented with free grants of land.

Hon. Sol. Gen. laid on the table despatches from the Duke of Newcastle relative to the defence of the harbour and coal mines of Sydney.

Mr. PARKER presented a petition of S. Cameron and others against the return of Mr. Allison, the member for North Queens.

The propriety of receiving such petitions after the Committee had been struck was called into question, and the petition in question was allowed to lie on the table for the present.

Mr. DONKIN asked for a return connected with the salary of the Private Secretary of the Governor.

Mr. JOST also presented a petition from a number of Inhabitants of Halifax in reference to certain duties levied upon Labrador Fishermen.

Mr. PRYOR presented a petition of the Sessions of the County of Halifax, on the subject of taxation of the county for the support of the Insane, and praying that it may be made a Provincial charge.

The petition was read after some objection to its reception on account of the prayer relating to a money grant.

Mr. PRYOR introduced a Bill in accordance with the prayer thereof.—To amend the act to provide for the erection of a Court House in Halifax. Also—a Bill to provide for the reconstruction of the Board of Commissioners for the erection of the new county jail.

Hon. Mr. SHANNON presented the petition of the shipwrights and caulkers of Halifax, asking for an act of Incorporation. He also introduced a Bill in accordance therewith.

The third reading of the chapters of the Revised Statutes already passed in Committee was had.

THE REVENUE LAWS.

In reference to the chapter relating to Collectors of Customs, Mr. Miller proposed to alter the form of oath administered to these officers, on taking office, so that they would be obliged

to swear not only that they were not then openly engaged in mercantile pursuits—but were not indirectly engaged in any way in trade. The hon. gentleman also proposed an alteration in the amendment introduced into the law by the Hon. Finl. Secretary, which made it necessary for the masters of vessels to make an affidavit of all goods contained in their vessels. The importers are already obliged to make such oath, which he considered was quite sufficient. In his opinion, a declaration by the master was all that should be required.

Hon. FINL. SEC'Y explained that he was introducing no alteration in the law. This practice had been in operation since 1860 by the regulations of the Board of Revenue, and he was therefore simply embodying the rule laid down by the Board of Revenue into the present law. If the restrictions imposed by this amendment, which the experience of the past had found necessary, were done away with they might just as well abolish the Revenue Laws altogether.

Mr. MILLER did not understand the remark of the Financial Secretary. He had no wish to relax the restrictions imposed by the Revenue laws; all he wished to do was to substitute a declaration for the oath required from the master. In his opinion, the practice of obliging a master of a vessel every time he entered a port to take an oath as to the contents of his cargo, led to very demoralizing practices. A person would naturally become so habituated to the practice as to look upon it in time as a mere matter of form. He was aware that the oath was a regulation of the Revenue Board since 1860, but it should be abolished instead of incorporated in the laws as done by the Financial Secretary. In the port of Arichat alone one thousand oaths would be unnecessarily taken under the bill as it now stands. He was informed these oaths were not administered previous to the Fin. Secretary's coming into office. His object in this matter was a good one, and he did not think it would lessen the revenue.

Hon. FINANCIAL SECRETARY pointed out the difficulty in which the Collector might be placed in case the master omitted to return the name of Importers. The restriction imposed by the former oath required from the master had been found necessary for the protection of the Revenue.

Hon. PROV. SEC'Y was at a loss to understand the arguments of the hon. member for Arichat (Mr. Miller). He professed to be anxious to protect the revenue, and yet he proposed to do away with one of the safe-guards which experience had recommended. As regards the moral aspect of the question he could not see much advantage in substituting a declaration for an oath. The object of an oath was to elicit the truth and there could be nothing wrong in taking the oath unless the truth was evaded. He could see no reason why the master should be relieved from the necessity of taking the oath any more than the Importer. He had no doubt that this motion would increase the popularity of the hon. member amongst the Shipmasters, and he would suggest to him to include Importers also, by way of making it more popular. Seriously this was a matter of some importance

and he hoped the hon. member would withdraw his motion as it might tend to embarrass the operation of the Revenue Law.

MR. ARCHIBALD was sure that the hon. member had no wish to interfere with a policy that the experience of the last three years had proved to be sound. The object of the oath was to establish a check from the master, who was a disinterested party upon the importers. As to the immorality which was stated to have resulted from the practice, he was inclined to think that the man who would solemnly declare what was false, would not pay much greater regard to the sanctity of an oath.

Mr. MILLER disclaimed any interested motives in proposing this amendment. All he wished to do was to abolish what he considered was a demoralizing practice of obliging a master of a vessel everytime he entered a port to make an oath, which, from the frequency of its repetition he might be inclined to look upon as a mere matter of form. He much doubted whether such a practice was required by the Revenue System of Great Britain. He believed it was the policy of the Imperial Government to discountenance the taking of oaths, and even in solemn instruments, in many cases, they had been abolished and declarations substituted therefor. He did not think the Provincial Secretary fairly met his remarks, but he was not surprised that the hon. gentleman should come to the rescue of his colleague. He would not press his motion as the majority was against him. He, however, protested against the oath now made law by the Financial Secretary. He said, moreover, that he had moved on Committee that collectors of Excise should not be allowed to act as Commission Merchants, Auctioneers or Agents in dutiable goods, which had been agreed to. He thought that these officers in many instances were collusively interested in trade carried on by other parties, generally their own relatives. This was a dangerous and dishonest practice, and should if possible be prevented. With that view he moved the following Amendment to the Act relating to "Officers of the Customs." If the oath was good for masters of vessels, it might be well applied to others.

Every person now appointed as collector, or engaged in the collection of the Revenue, shall, within 90 days after the passing of this act, and any collector or person, as aforesaid, to be hereafter appointed or engaged in the collection of the Revenue, shall, on his appointment or engagement make the following oath:

I, A B, do swear that while holding the office of collector, or engaged in the collection of the Revenue, I will not act as a merchant or dealer in dutiable goods, or as auctioneer or commission merchant, or clerk of general dealer, or merchant, or have any interest directly or indirectly, as partner in the business of such merchant or dealer.

The FIN. SEC'Y. offered no objection to the amendment proposed, and it passed nem: con:

Mr. JAMES McDONALD was of opinion that provision should be made to prevent collectors from receiving any fee or reward from Importers, as Brokers or otherwise and he therefore moved the following clause by way of Rider to the Bill:

No Custom House office clerk or other person engaged in the collection of the revenue, shall take or receive any fee, reward, or remuneration for any services performed by him or them as broker, or otherwise for or on account of any master, or shipmaster, entering or clearing from the Custom House, in which such person shall be employed.

After a few remarks from Mr. Coffin and Mr. Blanchard the clause was passed 25 to 20 and the Bill as amended was read a third time.

THE EDUCATION BILL.

Hon. PROV. SEC., in introducing a bill entitled, "An Act for the better encouragement of Education," said—When on the opposition benches, two years ago, I called the attention of the Legislature to the highly important facts disclosed by the census which had then been compiled. I pointed out that the returns disclosed a very large amount of ignorance in this country, and I took the opportunity of stating that I considered the question of Education of such importance and interest to all classes that gentlemen of all parties in this House should unite with the common purpose of improving it. Those views commended themselves to the candid consideration and judgment of this house and of this country, and it is now my intention, first reminding the house of the evidence we have of the necessity of dealing with the question, to state the outlines of the bill which I now have the honor of introducing.

It is many years since any improvement has been made in the educational system of the country. It is well known that since the Legislature first dealt with this question, the population and revenue of the country have very largely increased. It therefore requires no argument to prove to intelligent men the propriety of taking measures for the amendment of our law, and give increased facilities to such an important public service as that of Education.

I am quite aware that the bill which I have the honour now to introduce will probably disappoint many members of the House, and many people in this country who are sincerely desirous that something important should be done to advance our educational status, and to cause a wider diffusion of knowledge among all classes of the people. I know that the public mind has been directed very much to one especial means—that of compulsory assessment for the support of common schools. This bill does not purpose, however, to take that course. I confess that my views have undergone no change on this subject since the first session I had the honour of a seat in this House, when I voted for a resolution approving of a system of compulsory assessment for the support of the common schools of this Province. But after a careful examination of the whole subject, looking at it with a sincere desire to come to such conclusions as would best advance the wide diffusion of education among the people, I have come to the belief that in the present condition of this country, it would not be either wise or politic to carry immediately into effect a system of compulsory assessment. Whilst I have thus hesitated to provide for compulsory taxation, the bill which I now introduce is framed with a

view to render that system as gradually acceptable to the people as it is possible. Whenever there is a disposition to introduce the system, greater facilities than heretofore are offered, and in addition to that it provides inducements to all such sections of our country as shall establish schools open to all. It also provides for the construction of school-houses where it may be found necessary by that system, and that without being adopted by any vote of the inhabitants. The system will therefore be introduced in such a way as to render it as acceptable as is possible. At present, there are some sections of this country where compulsory assessment could be introduced without difficulty, but there are also many sections where, in consequence of want of markets, and the absence of a circulating medium, and facilities for travel, etc., it would be found difficult to work out the system satisfactorily.

The first thing proposed in this Bill is the establishment of a Council of Public Instruction. Every one who is familiar with educational matters knows that cases arise, very frequently, when it is exceedingly desirable that there should be some body which is authoritatively clothed with power to act on all matters referred to them—to publish such regulations as may from time to time be found necessary, in order to introduce uniformity into the system of schools and provide for exigencies that will always arise in carrying out any system of education in this country. A good deal of difficulty arose as to who should form the Council. I considered it to be necessary that it should have the confidence of the country, and that it should be directly responsible to the Legislature. It was therefore thought advisable that the members of the Executive Council, for the time being, should form that Committee of Public Instruction. It is also known that in order to perfect the system of education there should be a Superintendent qualified to discharge the important duties of examining and reporting upon the educational state of every locality in this province, and to gain such information in these examinations as will enable him to suggest, from time to time, valuable improvements. I am aware we have long had such an officer, but everybody knows that he has been charged not only with the duties of Superintendent, but combines with these the laborious superintendence of the Normal School. With such a demand upon his time and talents, it is impossible that he can devote that amount of consideration to the superintendence of education that is absolutely necessary he should. I therefore propose, to separate the duties of Superintendent from those connected with the Normal School, and to appoint him Secretary to the "Council of Public Instruction."

In order to give that efficiency to this question, which its importance demands, I have felt that it is absolutely necessary that the country should have the benefit of frequent visits from an accomplished Superintendent of Education, whose business it will be to examine the country, and report upon its condition, in connection with educational matters, from one end to the other. Looking, however, at the impossibility of any one individual being able by his sole personal exertions, to accomplish all that is desirable for

the success of this measure, a provision has been introduced for the establishment of county inspection. Connected with every Board of Commissioners throughout the province there is to be an educated, thoroughly qualified man acting in concert with the general Superintendent of Education. His duty will be to attend to the thorough inspection of all the schools embraced within each district in the province; and in order to provide efficient men for this purpose, it is necessary that they should be paid. This bill therefore proposes that this Inspector shall act as a clerk to the School Board, for which he shall receive 5 per cent on the actual disbursements; and in addition thereto, a certain sum for each half yearly visit to each of the schools in his district.

It is also proposed that a different arrangement of the school sections shall be made. This is a matter of no novelty to the House since the Superintendent of Education has, again and again, called the attention of the Legislature to the fact that the country has entirely outgrown the original dimensions of the school districts. This bill proposes the construction of an independent Board of persons, whose duty it shall be to survey and re-arrange all the school districts, adapting them to the present condition of the country. It is also proposed to provide examiners for each district one of whom shall be the Inspector, to examine all applicants for license to teach. By this means it is hoped to raise the status of the teachers very materially. It is also proposed to pay a moderate amount of pay to these examiners, in order to interest them more in their duties. It is also provided that one of the trustees who shall be charged with the essential business of management of the school minutes shall be paid a commission on the moneys collected by him, as remuneration for his services.

I have already stated that the bill provides greater facilities than heretofore for the carrying out of the principle of assessment. A premium of 25 per cent is offered to every school founded on the assessment principle and declared free. In order also to meet the necessities of the poorer districts, the bill provides that one fifth of the entire amount placed at the disposal of each Board of Commissioners shall be set apart in the first instance, for the purpose of supporting Schools in the sparsely settled districts, and that, too, in addition to the amount they would be otherwise entitled to under the law. I am aware that a similar provision existed in the former act, but the Commissioners, in many instances, appear to have been uncertain as to its proper construction. It is also proposed with a view to elevate that important body of individuals in this country who are charged with the dissemination of education through the country—in order that they may be stimulated to obtain the highest possible amount of cultivation, by due preparation for the discharge of their duties,—it is proposed to alter the system under which school-teachers are paid. At present, in the distribution of the public money the advantages are entirely in favour of the richer and more highly sections. Now a teacher is not paid so much according to his qualifications. Henceforth, however, all the

teachers, in the province are to be classified. It is the duty of the Council of Public Instruction to prepare a scale for the classification of teachers; those only who attain a certain educational standard can be classed as first class men. They will thus receive that status to which their qualifications entitle them, without reference to the wealth and population of the district in which they are located. This classification is intended to give additional stimulus to teachers to attain a high order of education.

I have thus glanced at the leading outlines of the measure which I am now offering to the House, and which I think will be found upon examination to contain, (if it is not as perfect as it might be,) a great many improvements upon the existing law. I believe it is a measure which, if adopted by the House, will result in giving an impetus to the common school education of the country. I have stated before that whilst the population and revenue of this country have increased, no corresponding increase has been made in the sum appropriated for education. It is therefore proposed to increase the grant very materially, in the way which I shall here show. It is not intended to interfere at all with the system of educational colleges and academies of this province which, after a careful and thorough trial, have been found to aid so much in advancing the education of the country. A happy emulation in education has been excited among all classes, and a large amount of money has been drawn from the private coffers of denominations and individuals throughout the province, by means of these institutions. It is not intended to interfere with them, but the Government hope that the measure which is now introduced will have the effect of enabling each of the counties to get, to some extent at least, the same advantages which are now enjoyed by those counties where these colleges exist. On a former occasion the system of County Academies was tried, but after a while was abandoned; but I believe, since then, the advance in intelligence, and in wealth has been so great as to ensure their success if they are adopted once more. It is proposed whilst largely increasing the sum for common schools, that the large amount previously given to grammar schools shall be left to the support of superior schools.

It is proposed to give every county the advantage still of their Superior Schools. In addition to that, it is proposed that each county that does not enjoy the colleges alluded to shall have an academy sustained by the grant of \$600 each. The effect of that will be that there will be 13 County academies with grants amounting in all to \$7800. In 18 counties there will be \$400 granted for each of the superior schools which are provided for in the Act, and in addition to that it is proposed to raise the amount for the support of common schools to \$58,880, independently of the superior schools and county academies. That will give an addition of over \$13,000. The amount required for the academies, and payment of local inspectors will increase the sum necessary for educational purposes something like £6000 during the present year.

I now beg leave to introduce the bill, the pro-

visions of which I have cursorily run over. I have little doubt that it will be the desire of all parties in this House to give such a stimulus to the education of Nova Scotia as that when the decennial period comes round again, for taking an account of our condition, the returns will not cause a blush of shame to mantle in the faces of every intelligent man as was the case when the late census revealed the deplorable amount of ignorance that existed in this province.

(The Prov. Sec. also stated, subsequently, that it was intended to distribute the educational grant to the common schools, among the several counties, more in accordance with their population.)

Mr. ARCHIBALD.—I have listened with a great deal of interest to the observations which have fallen from the hon. Provincial Secretary on the introduction of the bill. I presume that this is the measure which has been promised to the country in the Speech. I may say, at the outset, that there are many things in it, to which I give my most cordial support. There are also some things in it which I have no doubt will be subject to some modification, when it comes up legitimately for discussion. But I cannot help saying, and I feel it my duty to say, that I participated in the disappointment which the hon. gentleman suggested some might feel on considering the bill. I think that the present Government stand in a position that no Government has ever stood in this country—that no Government may be expected to occupy hereafter—to deal with this question in a vigorous manner. I am of opinion that the provisions of the proposed bill do not differ very materially from those of the statute already in existence. Its improvements are not of the importance that the House and the country had a right to expect. The Provincial Secretary congratulates the country that the Educational grant has been increased from \$45,880 to \$58,880, independently of the sum that he intends to provide for the grammar schools and academies. Let us look at the position of the country when the former sum was granted. Then we had a revenue of only £115,000, whilst last year, we had nearly double that sum. It must therefore strike every one that the increase in the educational service is not as great as the country, considering its revenue, had a right to expect. I think the Provincial Secretary at one time, raised the grant by \$12,000, though it only lasted for two or three years, and was withdrawn. So after all he cannot boast that the present increase is so remarkable.

I cannot think this question is being dealt with, in as vigorous a manner as the necessities of the country require and the position of the Government warrants. Looking at the deplorable facts exhibited in the census,—at the large number who can neither read nor write—I cannot help thinking that the grant should be more largely increased than is promised. I do not mean, however, to say that the steps taken in this bill are not in the right direction. I only regret that the difficulties which the Provincial Secretary has suggested have made him recreant to his own convictions as expressed in this House—that, in order to found a suitable system of education, something more is necessary than merely making additional grants. I am afraid

also that the encouragement for assessment which the Provincial Secretary says is at the basis of this bill, will prove delusive. We have had this system of giving the power of assessment to the people for a long period. Looking at the earliest legislation on the subject, as far back as 1811, we find that it was allowed that any school that was supported either by assessment or subscription should receive a very considerable grant, and the power was afforded to the inhabitants to assess themselves just as it is in this bill. To give the power to the people to assess themselves if they think proper will never work well; the result will be just as in the case of the Municipal Incorporation measure.

There is one feature of this bill to which I feel bound to give my warm approbation—that part which provides for county inspection. Anybody who is acquainted with the common schools of this country knows that that interest which should be taken in them is by no means general. The teacher does not get the support and encouragement to which he is entitled. The proposed inspection will give a stimulus to the teachers and to the scholars, and in my own mind will have more effect in promoting the cause of education than any other clause in the bill.

HON. SOLICITOR GENERAL.—The hon. gentleman has expressed his regret that the government have not gone further in the direction of assessment. Now, compulsory taxation is a subject of great importance, which has been before the country for years, but I believe since 1843 there has not been a vote taken in the Legislature which would warrant any Government introducing a bill adopting the principle in its entirety. Looking, however, at the position of the hon. gentleman, we could not expect him to express less than he has done. He very naturally has reasons to desire that the Government should go further than they have done. But the honorable gentleman also remarked that this measure differs but little from the bill which is now to be found on our statute book. But on this point, I feel, he cannot find many to agree with him. The present measure propose many useful improvements, whilst in the bill now in force there is no system at all. The hon. gentleman also conveniently forgets that the late government, during all the time they were in power, made no attempt to alter the law at all. They went to the country last year without attempting to touch the question, notwithstanding the large revenue they had.

The hon. gentleman refers us to the time when the present grant was first made, and argues that it has not been increased in proportion to the augmentation of the revenue. But he forgets that then we had no railways, to bring a heavy expense upon the exchequer. Under these circumstances then I think that the addition to the grant is a very great step in advance. As to the provisions of the proposed bill, I think they only require careful consideration to commend themselves to the commendation of every intelligent man in the House and in the country. Any one who is at all acquainted with the working of the present system must feel that it is eminently unsatisfactory.

After some remarks from Mr. Archibald and the hon. Solicitor General, the House adjourned.

TUESDAY, Feb. 16, 1864.

MORNING SESSION.

The House met at 11 o'clock, a. m., and resumed the consideration of the Revised Statutes.

PROV. PENITENTIARY.

Chapter 22 "of the Provincial Penitentiary" was read section after section, and agreed to without debate, or any material amendment being made.

PUBLIC WORKS.

On Chapter 23 "of Public Works" being taken up, the Attorney General suggested an alteration, so as to invest in the Board of Works the management of the contemplated Provincial Building, as well as all other Provincial property that may be placed under the care of that department; also the control of public property on Sable, Seal, St. Paul's, and Mad Islands, which was adopted.

The ATTY. GENL. moved that there be a clause inserted, providing for a Clerk of Works.

Mr. LOCKE—I would like to hear an explanation from the learned Attorney General regarding the necessity that exists for such an officer, and respecting the exigencies of the service that demanded such an appointment. When I heard last summer that the Government had created a new office and appointed a Clerk of Works, I was at a loss to conceive what his duties were to be. My opinion is that the superintendent ought to be competent to discharge all the duties pertaining to the business of the department, under the direction and control of the Board itself.

ATTY. GEN.—The object was to obtain the services of a man qualified to oversee, and take general charge of the construction and repairs of public works. Such an officer I deem absolutely necessary in connection with the proper discharge of the duties of the department. By his immediate supervision he will be enabled to effect large savings in the expense of maintaining the public property. His services are required in many instances, and already he has been enabled to effect considerable savings in the cost of repairs, and he was satisfied that in course of a year the amount saved through the instrumentality of that officer would be large. The Clerk of Works will always be on hand to superintend all works constructed under the management of the Works, and thus secure the faithful performance of such service by the person who undertakes it. The Province was now about to erect an extensive building, and it was highly desirable to have such an officer to oversee that, because while contractors were able to do good work, they were also competent to execute it in an inferior manner.

Mr. LOCKE.—The Superintendent of the Board of Works ought to be a man competent to superintend the erection of public buildings, and be acquainted with the character of such works. Only a portion of his time would be occupied with light house duties, and the remainder he could devote to other services of the department.

ATTORNEY GENERAL.—It would be impossible to unite the duties of Superintendent and Clerk of Works with any degree of satisfaction. Take the case of the new Provincial Building for instance. The construction of that will occupy three summers, and in the seasons that the work

will be most actively progressing, the Superintendent will be absent attending to Light House duties.

Hon. Mr. McFARLANE—There exists an absolute necessity for such an officer. The Province lost heavily by not securing an inspection of the work of building the Lunatic Asylum when the same was in progress.

Hon. PROV. SEC.—It will be the duty of the Clerk of Works to examine all material for the erection or repairs of government work, and see that the construction goes on in a proper manner.

Mr. BLANCHARD—The usual mode in building is this: The architect submits his plans of the work to the builder for his guidance and gets a percentage for superintending the work and securing an adherence to the design and specification, and upon certificates of the architect all payments are made. In case of the Provincial Building he would ask if it was contemplated to give the architect a percentage, and have the Clerk of Works to superintend besides? The subject then dropped and the clause and chapter were agreed to.

HUMANE INSTITUTIONS.

Chapter 24 "Humane Institutions" was then taken up and passed with trifling amendments.

Upon suggestion of Mr. Blanchard, St. Paul's Island was embraced in the regulations applying to the management of Sable Island.

The Committee then adjourned.

TUESDAY, Feby. 16, 1864.

AFTERNOON SESSION.

House resumed at 3 o'clock.

The following petitions were presented:—

By Mr. COWIE, from William Henry Henderson, asking leave to change his name.

(The hon. gentleman also introduced a bill in accordance therewith.)

By Mr. WHITMAN, from J. S. Potter, relating to a claim for a grant of land:

Also, from James W. Spurr and other inhabitants of Annapolis, praying for a separate Polling District.

By Mr. KING, from the inhabitants of Kempt, in reference to the management of Dalhousie College.

By Mr. BILL, from inhabitants of Kings' Cy., praying for a lease of a Gold Mine:

Also, two petitions handed to Fin. Secretary, asking for Money Grants.

By Hon. ATTY. GEN., from William H. Gowdie, and others, of Beaver River, County of Yarmouth, praying for alteration in law relating to Dalhousie College. Also, a similar petition from William L. Bents, and others, of Digby. Also, from James Balcom, and others, of Londonderry, County of Colechester. Also, from Inhabitants of Ragged Islands—all on the same subject.

Hon. ATTY. GEN. moved that the House go into Committee on Bills upon the Revised Statutes.

Several Chapters were passed over for the present.

Chapter 32 "of the Naturalization of Aliens," was taken up, and passed. Also, Chapter 33, "of the Census."

Chapter 37, "of the salaries of certain public officers," and several others without discussion.

SHERIFFS.

On the reading of the clause of the Bill "of County officers" relating to the appointment of Sheriffs—which vests the power in the hands of a Joint Committee composed of two of the Executive Council and the Chief Justice and another Judge of the Supreme Court;—and in the case of a disagreement, in a majority of the Judges.—

Dr. HAMILTON moved that the appointment of these officers be vested in the Governor and Council,—as is usual with officers of a similar character.

Mr. FAVOR would be sorry to see any such alteration made. There surely could be none more competent than the Judges to decide, who should be the proper officers of their Courts.

Hon. PROV. SEC. admitted that the mode of appointing sheriffs was somewhat anomalous, as compared with other appointments of a similar character. Formerly the Judges had practically the power of nomination, and it was then proposed by gentlemen opposite to transfer this power into the hands of the executive. This was opposed by the party now in power on the ground that the office of sheriff partook more of a judicial than an executive nature, and was therefore more peculiarly within the Province of the Judges of the Supreme Court.

It was true that the present system was attended with considerable embarrassment to the Government. For instance the recent appointment of sheriffs was made without any executive action. The law provides that two members of the Executive Council should meet two of the Judges in order to prick the list of Sheriffs. Accordingly two members of the Government met the Chief Justice and Judge DesBarres, and stated the grounds which in their opinion were sufficient to warrant a change in certain sheriffs. The Judges differed with the members of the Executive and the latter withdrew as the law provides in case of disagreement, leaving the whole responsibility of the appointment with the judges. Notwithstanding the embarrassment which thus resulted from the present practice, he doubted much the propriety of making the appointment an executive one.

Mr. ARCHIBALD—would be sorry to have any alteration in the law. The Sheriff was only an executive officer for certain purposes. He was peculiarly a Judicial officer, and it was of the utmost importance that he should possess the confidence of the Judges, and should be removed from the operation of political influences. He was not aware of the cases to which the Prov. Sec. referred, but presumed they bore but a small proportion to the appointments made.

Hon. PROV. SEC. said it was but right to say that in the cases he referred to the Judges stated that they were prepared to remove any Sheriff for personal misconduct, and that they considered political partizanship a sufficient ground for removal. The difference of opinion arose as to the sufficiency of the grounds alleged.

Dr. HAMILTON said his reason for bringing the subject forward was because he could see no reason for making this appointment different from any others. Again he did not understand

what was meant by a majority unless the Chief Justice had a double vote.

Mr. Archibald and Mr. Blanchard explained that the majority referred to the whole bench of Judges.

Dr. HAMILTON would not press his motion as there did not seem to be a disposition to entertain it.

He would however propose that the bench of Judges should nominate the list, from which the executive should make the selection.

Hon. ATTY. GENL. was not disposed to sacrifice what he considered was a sound principle of legislation for the purpose of remedying a temporary evil that may exist in the present system. Referring to the origin of this system he remarked that formerly the power of appointment was in the hands of the Judges.

Afterwards the executive influence was introduced, but no provision was made in the law, in case of the absence of a majority, or in other words in case of the two members of the executive and the two Judges being equally divided in opinion. Gentlemen opposite who were then in power proposed that in this case the executive should make the appointment. This he opposed, and proposed by way of amendment that in case of such difficulty arising, the question should be left with the Judges to decide. That amendment, if he was not mistaken, was originally lost in the House, but adopted by the Legislative Council and subsequently accepted in the House.

The hon. gentleman went on to remark that he had great reason to find fault with the late Government for evading the spirit of the law while they professed to obey its letter, instead of submitting to the inconvenience which the system occasionally imposes. The main reason why he wished to maintain the law as it stands, was to preserve the office of Sheriff from political influence, and he was much afraid that if the proposed alterations were made, the office of Sheriff would speedily become a political one.—He agreed with his hon. friend from Kings (Dr. Hamilton), that the higher functions of a sheriff were not so much to attend upon the Courts as to preside at the Electoral Courts every four years, and therefore it was the more necessary that his office should be preserved from political influence. For these reasons he was inclined rather to submit to present inconvenience than to disturb a system which he believed was founded upon sound legislation.

Dr. HAMILTON reiterated his opinion that the appointment of these officers should be vested solely in the Executive Government.

Mr. KAULBACK suggested an amendment to the following effect: That the appointment of Sheriff, in all cases, should be in accordance with section of Chapter under consideration. He said that he believed that in making up the list of three persons, as the law now stands, attention was mainly given to the ability and qualifications of the person first named on the list—he being the person intended to be appointed. He was confirmed in the views he entertained from remarks which had fallen from several gentlemen during this debate. He considered Sheriffs possessed both executive and judicial powers, and therefore it would be well for the Judges and Government, in all cases, to

have the appointment. He was very desirous that Sheriffs should not be political officers, and therefore, could not endorse the views and amendment proposed by his friend from Kings—which would make them entirely within the power of the Government—subject to political changes, which he wished to avoid.

Hon. ATTY. GEN. said he thought the law as at present required no amendment, and that it would be wise to allow it to remain unaltered. As it now stood, it required the judges to annually nominate three persons in each county for the office of Sheriff, and in case the first on the list failed to furnish the specified security, then it was competent for the Government to select the second or third, but it was regarded that the person whose name stood at the head of such list was the nominee of the judges, and should receive the appointment.

DR. BROWN would be sorry to see any change made in the present law relating to the appointment of Sheriffs. In that particular he could not concur with his hon. friend from North Kings (Dr. Hamilton.)

He recollected hearing the same question discussed at great length in this House several years ago, and he paid particular attention to the subject then, and made up his mind that the present mode of selecting sheriffs was the only one that was likely to keep these officers aloof from party politics.

Mr. ARCHIBALD referred to the law upon the subject. The law, he said, directed the Chief Justice to select and name three competent persons from each county, who would be likely to act in the capacity of sheriff, if selected; and the object of this provision was to get three men, either of whom would be acceptable to the Government of the day, and also to the Judges, from whom the Executive were to choose a sheriff. Under the provisions of the statute, the Government had the power and privilege to select either of the persons nominated. He never interpreted the law to require the Government to appoint the person whose name headed the list. It had been the custom to appoint the first one, but there had been exceptions to that course. The scope and spirit of the law pointed to any one or either of the three nominated as proper to select. He did not apprehend any difficulty would arise from the operation of the existing law upon the subject, because there would always be three competent men proposed for the Government to choose from, and if there were no good reason to the contrary, no doubt the person who held the office the preceding year would be continued as usual; and in case of a vacancy, from death or any other cause, occurring, then either of the other two were eligible for appointment.

Hon. PROV. SEC. said that in case of a vacancy occurring he had no objection to leaving the appointment of a successor solely with the Government, but in case of annual selection he thought it was incumbent on the Administration to choose the man placed first on the list by the judges.

Mr. ARCHIBALD said, if that were so, why did the law require the names of three qualified persons to be submitted? Was it a mere matter of form without any meaning? He held that the law did not make it compulsory on the

Government to appoint the first on the list, and him only.

Hon. ATTY. GEN. said that an instance occurred, three years ago, of a sheriff in office being placed at the head of the list, and although he ought to have been selected yet he was not, but was passed over and a favorite of the Government of the day appointed. This act he held to be an evasion of the law.

Mr. S. CAMPBELL said the existing law had worked well, and to amend it as suggested would be introducing the possibility of making political appointments which ought to be strictly guarded against.

Mr. S. McDONNELL remarked that while the Sheriffs are appointed by the Government, the appointments must certainly partake of something of a political character. All men had certain political leanings, and in the present state of things he did not believe it possible to select a man for the office of Sheriff who was without political proclivities. Therefore it was that appointments by the Judges could not be entirely free from the influence of party politics. The duties of Sheriffs in court were not of an important character; and if they act improperly while there, they are immediately amenable to the Executive through the Judge. The fact was that, as a general rule, Sheriffs did take an active part in politics, and did not hesitate to admit the fact, and in his opinion the only effectual way to neutralize their action was to vest their appointment solely in the Government. With respect to elections, the Sheriffs possessed large powers, and the only mode of securing neutrality on their part was to place their tenure of office in the hands of the Executive.

Dr. HAMILTON said he observed that legal gentlemen differed somewhat on this question, and a little airing of the subject might possibly effect some good. At present the appointment of Sheriffs was a joint matter between the Judges and the Government, but he would prefer to leave it entirely with the Government, or solely with the Judges, and let either bear the whole responsibility of the selection.

Hon. SOL. GENERAL observed that if the House was going into the whole question respecting the most proper mode of selecting Sheriffs, and the subject of term of office, the discussion would occupy some time. He saw no good reason why the appointment of Sheriff should not be vested in the Government as well as that of the selection of Prothonotary. In fact, the reasons for the former were stronger than the latter, as the Sheriffs were more immediately identified with government duties. The question of making the Sheriff a permanent officer, during good behaviour, was worthy of consideration. This was virtually the case now as the practice was almost invariably to reappoint the old one, and why the necessity of going through this repetition every year? In some counties in this Province Sheriffs had held the office for an unbroken period of thirty years or more. In England the system was different. There the office of Sheriff was not one of emolument; it was an annual appointment, and was forced upon the object of choice, and the fees went to his deputy. The Legislature of England imposed a heavy penalty for the refusal to accept

the office of sheriff; here the case was different, and he did not conceive annual appointment necessary.

Mr. MILLER did not agree with the learned Solicitor General. The office of Sheriff was one of the most important in the Province, and it was highly advisable to obtain good and competent persons to discharge the duties of that responsible situation. He did not think any better means could be devised to secure good and honest Sheriffs than those at present existing. He did not agree with the Solicitor General that the offices of Sheriff and Prothonotary were in any respect similar. Upon some occasions the duties of Sheriff were of a judicial character; he held his courts, and was vested with powers that the Prothonotary was not. The Sheriff conducted elections, and in the discharge of this duty might exercise his power and influence for good or harm. It was in his opinion right and proper that the Judges should have some voice in the appointment of these officers, but in order to prevent them abusing their privileges, it was well for the Government to retain control over them. He was opposed to any departure from the existing mode.

Mr. S. McDONNELL said that his hon. friend from Richmond (Mr. Miller) was disposed to allow the Judges some voice in the selection of sheriffs, but he would tell him that at present the Judges had all the voice in the selection of these officials. The Judges are appointed by the Government, and if they are competent to choose sheriffs, why, he would ask, were not the Government equally so? The fact that so many dismissals had been made of late years in the Shrievalties showed that these officers did take a part in politics. As respects, however, the Sheriff in his own county, he found no fault; that officer, during last election, as far as he (Mr. McD.) knew had acted most unpartially.

The committee then rose and reported progress.

The House then adjourned.

WEDNESDAY, 17th Feb., 1854.

The House met at half-past one o'clock.

A petition of M. J. Wilkins, Esq., of Pictou, asking for remuneration for services connected with the revision of the Statutes, was referred to a special committee, composed of Messrs Blanchard, Miller, Longley, Killam and hon. Mr. McFarlane.

COLOCHESTER ELECTION.

Mr. KAULBACK presented two petitions from certain electors of the South district of Colchester, against the return of Messrs Archibald and Parker, the sitting members.

At two o'clock, the hour named for the drawing of a committee to consider the petition against the gentlemen named, J. W. Ritchie, Esq., Q. C. appeared at the bar on behalf of the petitioner, J. D. Nash, Esq.

The following names were first drawn: Colin Campbell, Coffin, Blackwood, McKay, More, McLellan, Locke, Miller, James Fraser, Cowie, McDonnell, Tobin, Donald Fraser, Annand, Hatfield and Jost.

Subsequently the committee was struck as follows: Colin Campbell, Blackwood, S. McDonnell, Hatfield, Coffin, Cowie, More.

PETITIONS.

Mr. Bourinot introduced a bill to increase the representation of the county of Cape Breton.

The following petitions were presented:

By Mr. More, from the inhabitants of Gaspe, in reference to Dalhousie College.

By hon. Atty. Gen. from Sable River, Shelburne, on the same subject.

By Mr. McKinnon, from Antigonishe, on the same subject.

By Mr. Locke, from Shelburne, praying for a change in a mail route.

By Mr. BLANCHARD from the Mason Gold Mining Company in Inverness, in reference to certain claims.

Mr. KAULBACK presented a petition from inhabitants of New Ross, praying to reimburse George Turner for liabilities incurred as Road Commissioner. Mr. Kaulback pressed on the consideration of the House the peculiar hardship of this case, and asked leave to be allowed to read the petition, which being read, Mr. Locke objected to the petition being received, and the Speaker decided that the petition could not be received.

CROWN LANDS.

HON. PROV. SECRETARY laid on the table the Report of the Commissioner of Crown Lands.—He said that it exhibits the gratifying results that the settlement of the country was increasing; that the receipts at the Treasury from this source are considerably in excess of 1862; and that the net revenue is \$396 over that of 1862.

(A Message was received from the Legislative Council, stating that they had agreed to certain portions of the Revised Statutes.)

COAL MINES, ETC.

HON. PROV. SECR. laid on the table the Report on Mines and Minerals. It states that in consequence of the increased activity in the new mines, the total quantity of coal exported in 1863 was 37 000 tons in excess of 1862. As an evidence of the attention that our coal mines are attracting, it mentions that 115 new applications for rights of search have been made, upon which \$2690 have been paid. The shipments, however, of large coal from Albion and Sydney Mines are less than in 1862, chiefly on account of the competition of the new mine.

A few remarks were made by several gentlemen with regard to the inspection of mines, and the privileges granted to persons who take out rights of search.

Mr. BOURINOT considered that it would be absolutely necessary that some arrangement should be made to get a competent inspector to direct the working of the mines in this Province. If such was not done soon, many of the mines might fall through, in consequence of the unsatisfactory way they were worked.

Mr. CHAS. J. CAMPBELL (who was nearly inaudible in the gallery) was understood to doubt the advantages that would accrue from the appointment of such an Inspector as was proposed. It was preferable, in his opinion, to leave mining operations as untrammelled as possible. The freer things were left, the better for the country. It was clearly in the interest of every man carrying on mines to work them efficiently. He also pointed to the fact that a man who will

not work his mines within a certain period forfeits them. In this way all the guard necessary was afforded that the public interests would not be jeopardized. It was better, he added, to leave well enough alone.

HON. ATTORNEY GENERAL agreed with the hon. member for Cape Breton (Mr. Bourinot) in favour of scientific skill being directed to the inspection of coal mines.

Mr. ARCHIBALD was not opposed to the principle of scientific inspection. He was afraid, however, that if it should be ever carried out again, the same unsatisfactory results would ensue as heretofore. He also pointed out the danger of monopoly that arose from the privileges granted to persons who obtained rights of search. A person who came forward and paid a hundred pounds might monopolize the most valuable portion of the mineral territory of Cape Breton.

HON. PROV. SEC. pointed out the difficulties that presented themselves to the mind of every one who considered the subject just referred to by the hon. member for Colchester. It was obviously proper that the individual taking out a right to search should have full time allowed him for explorations which were going, perhaps, to involve all his means. At the same time, however, it was equally necessary that the time should not be prolonged so as to be detrimental to the public interests. He acknowledged that there was danger of monopoly as alluded to, but he could not see how it was to be entirely avoided by any regulations that could be framed. He believed that the best check upon such a contingency was the subsequent steps which had to be taken by a person wishing to engage in mining operations. Under the regulations, such a person is obliged to come in at the end of a year and pay fifty dollars for a license to work, which covers two years, and that upon a square mile. He may receive more if not inconsistent with the public interests. It is also required that no lease can be obtained unless the mine is efficiently worked. Therefore although a company, by paying in a hundred pounds, might monopolize a large amount of land, yet they were not likely to hold that monopoly long, since the regulations would compel them to do that which they could not do without acting in a manner inconsistent with their own interests.

Mr. CALDWELL said he was pleased to observe by the Report from the Crown Land Commissioner, just read, that he had recommended to the Government the appointment of a competent officer to superintend the Mining operations of this country. No one acquainted with the working of those mines, at present, but must deplore their inefficiency. Any gentleman in this House who would take the trouble of stepping down stairs to the office of the Commissioner would find at a glance that some of the mines were very unskillfully worked, and, if not better protected, would certainly tumble down, sometime or other, causing danger to life, and loss to the Province. The subject then dropped.

HON. PROV. SEC. by command laid on the table a copy of the Bond of Sheriff Cape Breton, asked for by member for South Colchester.

The following petitions were presented—

By Mr. KILLAM, from inhabitants of Barrington, asking for change in a mail route.

By Mr. STEWART CAMPBELL, from an aged teacher, for a free grant of land.

By Mr. CHAS. CAMPBELL, from inhabitants of Baddeck, asking for change of a mail route.—Also several petitions for money grants.

By Hon. PROV. SECY., from Gilbert Seaman, on the subject of loss of postage stamps caused by the destruction of a way office by fire.

Mr. PRYOR introduced a bill concerning the City of Halifax.

By Mr. LAWRENCE from inhabitants of Walton.

By Mr. WHITMAN, from inhabitants of Annapolis, praying for an Act appointing supervisors of weirs.

By Hon. PROV. SECY., from James Robertson, praying for the investigation of a railway claim.

Mr. JAS. McDONALD said this was one of several claims he had decided against as Chairman of the Railway Board. He had no objection to its being investigated by the Railway Committee.

Objections were raised to the reception of the petition, on the ground of its coming within the rule relating to the initiation of money votes and after considerable discussion the Speaker decided to receive the petition, as it related to a claim under a contract with a subordinate officer of the Government. The petition was referred to the Railway Committee.

Dr. SLOCOMB presented a petition from inhabitants of La Have River, praying for change in a Post ride.

Mr. PRYOR presented a memorial from the City Council relative to the amendment of the law for the support of Insane Paupers. The memorial was read, and leave was given to introduce a bill on the subject.

THE CHESAPEAKE.

Mr. BOURINOT said he was desirous to bring to the notice of the House a matter of considerable importance. He alluded to the capture of the Chesapeake, and he wished it to be distinctly understood that he had no desire to cast any reflection upon the judgment which had been recently delivered by Judge Stewart whose character stood high in this Province for ability and experience in matters of international law. It appeared that the decision was based upon the idea that the parties concerned in the capture were pirates, and no opportunity was afforded the captors to prove their authority for acting as they did. He was informed that a messenger had been dispatched to Richmond to obtain the necessary information, but sufficient time had not elapsed for his return when the decree was given. It was not his intention to go into any details of the circumstances connected with this vessel, as they were quite fresh in the memory of every one. He could not, however, refrain from expressing what was the general feeling that His Excellency, the Administrator of the Government, had throughout acted in a manner that became his position. All that he desired was that the House and the country should thoroughly understand the connection of the Provincial Government with the whole affair. He would therefore move a resolution requesting the government to lay upon the table all papers and correspondence connected with the capture of this vessel.

HON. ATTY. GENL. said that it was obvious that this matter did not come within the jurisdic-

diction of this House. It had been under the consideration of a Court of competent authority which had pronounced upon it, and he could not see how the question could again be brought up. It was not for him to express any opinion, the subject having been before the government, but he would merely mention that in the view taken by the learned judge it mattered little whether the original capture was legal or illegal, inasmuch as the subsequent conduct of the captors was such as to preclude them for having any standing in the Court. The British government had proclaimed very strict neutrality laws, and had enforced them under circumstances of very great difficulty. One of the rules laid down was that no prize taken by either of the belligerents should be carried within the Territories of Great Britain. The captors of the Chesapeake, in the opinion of the learned Judge, not only violated the neutrality laws of Great Britain by taking the vessel into several ports of Nova Scotia, but also violated our Revenue laws by disposing of portions of her cargo without paying duty. She could not therefore be treated as a prize and confiscated to the crown, or the provincial government, and the only alternative was to hand her over to the original owners. This was the view taken by the Judge of the Admiralty Court who had given great attention to the circumstances of the case, and who had large experience in questions of International law. Under these circumstances it was useless to detain the vessel any longer, and the time limited by the rules of the Court for putting in claims had expired.

Hon. PROV. SEC regretted that under the circumstances it would be impossible to lay the correspondence asked for upon the table. The Government having taken a prominent part in this important matter, he would be glad to comply with the request of the member for Cape Breton and afford to the House and country all the information in his possession, but as the despatches from the British Government were of a strictly confidential character, it would be impossible to make them public at present. It would be quite competent for any member of the House of Commons to move for all the papers to be brought before Parliament. If that was done, no objection could then apply to bringing them before the House.

REVISED STATUTES.

The House then went into Committee on the Revised Statutes.

Mr. ARCHIBALD, in course of some observations, expressed his opinion that the hasty manner in which the Statutes were being passed through the Committee was calculated to lead to confusion in the laws. They were adopting important amendments and agreeing to fundamental changes without due deliberation. This he declared to be an indiscreet course, because they were making laws that would not be law were the subjects presented as carefully considered, as distinct bills were when brought here and conducted through the various stages prescribed by the rules of the House. He warned the House that confusion and vexatious difficulty would result from the course they were now pursuing. He was of opinion that any material alterations or additions to the existing laws would receive

more attention if submitted in the form of distinct bills. The present Statutes were the result of 106 years legislation, and in that period had been twice revised, and as they now stand they contained the wisdom of that long period of experience. It was all well enough to codify the laws but essential amendments ought not to be agreed to without the most minute inspection by the House, and this could only be effected by means of a bill in the usual form. The system they were now pursuing was different from that adopted in any other country.

Hon. PROV. SEC did not assume that it required any amount of prophetic vision to assure the House that in the event of any considerable legislation being effected, it would, upon subsequent revision, be found somewhat faulty, no matter how much care and attention had been bestowed upon it. It was then safe to predict that the Acts they were now passing would in time be found somewhat faulty. He did not expect the volume would be found perfect in all respects when published. In his opinion, if any fundamental changes were required the present was the proper time to make them, as he believed they would receive just as much attention as if specially introduced by Bill.

Mr. ARCHIBALD observed that he felt it due to the House and the country to direct attention to the fact that material and very important amendments and additions were being made in the laws of the land with but apparently little deliberation. He was anxious that the subject should be dealt with in a manner becoming its importance. So far as he was individually concerned he had endeavored to aid in improving the Statutes, and had suggested amendments where he thought such were required to further perfect the law, but he felt that fundamental changes ought to be dealt with separate and distinct from the work of codification.

Hon. ATTY GENERAL remarked in effect, that as they were now engaged in the work of consolidating the laws, he was of opinion that it was desirable contemplated changes should be discussed as the work progressed, and interwoven in the present volume. He failed to see any advantage to be gained in having detached laws, but just the opposite, because in that case we would have a volume professing to be the Revised Statutes when in reality they were not. He considered that it was appropriate to the subject to proceed in the manner they were now progressing. And he was not apprehensive that any danger was involved in such a course. It might be that some minor alterations would pass without necessary consideration, but changes involving subjects of moment would, he had no doubt, receive due attention. With a view to securing attention ordinary bills were required to go through several stages, yet notwithstanding all these guards, ill advised legislation frequently resulted.

Hon. SOL. GENERAL said the amendments and alterations under consideration passed through every stage that ordinary Bills do. No clause passed without being read in the usual manner, and nothing of a wrong nature could possibly pass, if hon. members would only pay attention to the subject. It would be far more convenient to have all the laws in one book, and were the system suggested by the hon. member for

Colchester, Mr. Archibald, carried out and adopted, confusion would most certainly ensue, be the consequence. The course they were pursuing was the wisest one, and if they persevered there would be no difficulty in perfecting the necessary legislation on the subject this session.

The Committee then rose.

Some discussion took place upon a motion made by Mr. Kaulback to present a petition against the return of Mr. Archibald. It was alleged by Mr. Blanchard that at this stage of the proceedings the petition was not admissible, but it was finally decided to receive it.

Mr. KAULBACK took occasion to state, the discussion having arisen upon his motion, that the petitions did not contain any allegations materially differing from the petition first presented; he did not consider recognizances necessary to be entered into. He also took the opportunity to remark to the gentlemen petitioned against, that in bringing the petitions before the House and making the necessary motions, he had performed a very unpleasant duty. The right to petition and to have the petition presented to the House, was the privilege of every man. When called upon to attend to these petitions, he had very reluctantly consented. He hoped therefore the learned leader of the opposition would not consider his conduct discourteous. He entertained no feelings other than those of respect with regard to that hon. gentleman, and to the position he held in the House.

The House adjourned.

THURSDAY, Feby. 18.

MORNING SESSION.

House met at 11 o'clock.

Several chapters of the Revised Statutes, passed in Committee, were read a third time, and ordered to be engrossed.

On motion of Mr. Pryor, the City of Halifax Bill was read a second time, and referred to the Committee on that subject.

The following petitions were presented by Mr. Heffernan—

From Rev. A. F. Porter and others, on the subject of Dalhousie College

By Dr. SLOCUMB, from inhabitants of Bridgewater, praying for an alteration of the Act passed in 1857, relative to the sale of school lands in that locality.

By Dr. HAMILTON, from inhabitants of Cornwallis, praying alteration in a mail route.

By Mr. HILL, from inhabitants of Hants Cy., on the subject of Dalhousie College.

By Mr. DONALD FRASER, from R. H. Narraway and others, praying for an alteration in the License Law.

By Mr. BILL, from inhabitants of Lower Aylesford, praying for additional postage accommodation.

By Mr. LONGLEY, from inhabitants of Bridgetown and Annapolis, on the subject of Dalhousie College.

By Mr. COLIN CAMPBELL, asking for a grant to Beaver River Bridge—handed to Finl. Secty.

By Mr. MORE, from inhabitants of Aylesford, to grant proposed alteration in a mail route.

By Mr. LONGLEY from John Whitman, of Annapolis, in reference to Crown Lands. The

hon. gentleman said that the impression prevailed in the country that to induce the settlement of Crown Land, the law allowed settlers to obtain grants of land and pay for them by their labor. Petitioners prayed for legislation on the subject.

Hon. ATTY. GENL said that the subject would receive consideration.

Mr. BOURINOT spoke of the desirability of affording encouragement to settlers on Crown Lands, where there were no roads.

Hon. PROV. SEC intimated that in a Bill to be submitted to the House the whole subject would be brought up.

Mr. ARCHIBALD pointed out the great expense and delay which arose under the present system of surveying Crown Lands, and suggested the propriety of having plans in the Crown Land Office, with the land laid off in blocks from which selection could be made.

Hon. FINCL. SECY. also referred to the hardships of the present system. In a portion of his county where the people are settled upon small lots, they had to pay as much for a grant, as for a hundred acre lot.

After some further remarks, the petition was referred to the Crown Land Committee.

The House went into Committee on Bills, and resumed the consideration of the Revised Statutes.

Mr. SAMUEL McDONNELL moved the reconsideration of the first clause of the Bill relating to the appointment of Sheriffs, and moved that the following clause be substituted.

The Governor in Council shall hereafter appoint a Sheriff for each county in the Province, who shall, during office, reside in his county, and who, upon giving security by bond as hereinafter mentioned, shall receive his commission and be invested with the full honours of his office.

The hon. gentleman said that it would be unnecessary for him to detain the House at any length, as the subject had already been pretty well exhausted. He would only say that he could not see any reason why this office should be placed upon a different footing from any other. The Sheriff, it was true, was an officer whose duty it was to attend the Courts, but the more important part of his duties had reference to the public at large, who were interested in the appointment of a fit and proper person, and therefore he considered that the Executive Government for the time being, who were responsible to the people were the proper persons to make the appointment.

Even as the law now stood, there were three cases in which the power of appointment devolved upon the Executive. First when the person whose name had been picked from the list failed to give the required security—secondly when the securities were desirous of being relieved of their responsibility—and thirdly in case of the death or absence of the Sheriff. As the principle of executive interference was thus practically allowed in certain cases he thought it had better be adopted in all.

Mr. CHURCHILL was also in favor of the amendment.

Hon. PROV. SECY. said that the suggestion thrown out by his hon. friend the Solicitor Ge-

neral on a previous day that there was no reason why the mode of appointing Sheriffs should be different from the case of a Prothonotary, or any other officer holding office during the pleasure of the Crown had taken him by surprise, as it had never been previously mooted in the House. Since then he had considered the subject, and he could see no material reason why the same rule should not apply to both cases. His confidence in the present system had also been considerably shaken by what had since fallen from the hon. leader of the opposition who had shewn how the spirit of the law could be evaded. That hon. gentleman had not hesitated to say that it was perfectly constitutional, when two of the executive had met two of the Judges, and agreed upon the person who was to be picked at the head of the list, after charges had been brought against him, and deemed frivolous by the Judges, for the Governor in Council to appoint another person the second on the list to the office and thus openly to set the decision of the Judges at naught. That had been done, and the leader of the opposition has avowed his conviction that it was perfectly legitimate and constitutional. Finding then that no matter how scrupulously the party now in power, might adhere to the constitutional course of selecting the person at the head of the list, gentlemen opposite entertained a different opinion, and would when the opportunity afforded adopt a different course, the law, as it now stands, presented itself to him in a still more objectionable light.

The Judges of the land occupied a high and exalted position—what could be more unseemly then, than for the executive Government of the day to be brought into direct and deliberate antagonism with them? Such, however, was the result which might occur under the present law, and such a state of things actually did occur in 1861, when the late Government proposed to remove a certain Sheriff, and brought charges against him which were examined into by two Judges and pronounced insufficient. Here was a case of the Judges and the executive directly at issue. The Government apparently concurred in the decision of the Judges and signed the list with the name of the person to whom they had objected at the head. What followed? Did they submit as the present Government did in a similar case; and put up with the temporary inconvenience that the law imposed? He was sorry to say they did not, but on the contrary they, pricked off the name of another person altogether, and thus openly set the decision of the Judges at defiance. Surely, rather than such a state of things as this should exist, it were better to place the appointment altogether in the hands of the Executive Government, who would be responsible to the people for the selections they made.

Mr. ARCHIBALD had listened with some curiosity to hear what arguments would be used in favor of this amendment. He was not much surprised that the hon. member for Inverness, who was a young member, and therefore not pledged to any policy, but to hear the Hon. Provincial Secretary get up and advocate principles which, when in opposition, he and his learned leader had, over and over again, denounced in

indignant terms, was one of those marvels of political consistency which might almost be put down as miraculous. He would ask what did the member for Inverness want? Did he want to have the office of Sheriff dependent upon every change of Government? Did he want to have the man who had perhaps earned and retained his position by years of faithful service, turned out every time that those opposed to him in politics came into power? He should hope that no one would desire such a state of things as that. If there is anything in the argument of the Hon. Prov. Secretary as to the antagonism which may result under the present law between the Judges and the Executive, surely it applied with equal force in 1859, when the hon. Atty. General so strongly advocated the system which his colleague now denounces. It will be necessary for the Prov. Sec'y to show that circumstances have occurred since then to justify him in the course he was now pursuing.

The hon. gentleman, referring to the case mentioned by the Provincial Secretary of the disagreement between the Judges and the Executive, said that although it was correct that the two members of the Executive had signed the list with three names upon it, they did not lead the Judges to believe (as the Prov. Secretary would wish the House now to believe) that they would select the name at the head of the list, but on the contrary it was understood that the Government would exercise the discretion which the law allowed them.

In the case referred to, the Sheriff had incarcerated a man under circumstances of gross inhumanity, and a petition largely signed in the locality where he lived not by persons politically opposed to him alone (but very generally throughout the community) was presented to the Government for his removal. The Government considered the grounds sufficient, and brought them before the Judges, who, however, differed from them in opinion, and the executive then used the power which the Constitution gave them. It will be seen therefore that his Sheriff was dismissed irrespective altogether of political reasons, and on account of the very general feeling which prevailed against him in the community, a fact which was further proved by the dissatisfactions which was manifested at his recent re-appointment. He had had occasion on a previous day to move for the return of the securities which this officer had filed on the occasion of his reappointment with a view of showing that they were utterly worthless. He would not refer further at present to this subject than to say that here was a public officer acting in a responsible office, whose bondsmen were men of straw.

Referring to the subject more immediately before the House, he would implore gentlemen to pause before they adopted a policy of so dangerous a character as that propounded in the amendment. He would ask them what would become of their freedom of elections when the Government of the day could direct their Sheriffs to return whom they pleased, upon pain of being dismissed. It seemed to him that all the conservatism which gentlemen opposite boasted that they possessed, had departed from them.

and was to be found on his side of the House. There was hardly a principle which the hon. leader of the Government had advocated when in opposition that he was not now prepared to recant. Suppose for a moment that this proposal had been made by the late Government when in power. Would it have received the advocacy of those who now so strenuously support it? He thought not. He therefore most earnestly besought gentlemen opposite to pause before they hastily adopted a principle which would be injurious not only in its present application, but for all time to come.

Hon. PROV. SECY said: I cannot for a single moment allow the statement just made by the leader of the opposition, that the conservative party had abandoned their principles to pass by unanswered. If he means that because this side of the House is called Conservative, I am to be debarred from dealing with any subject that comes up in that broad and comprehensive spirit which its importance demands, I differ from him, and I challenge him to put his finger upon a single act of mine which is inconsistent with the broad principles of Liberalism.

I for one have never been ambitious to be called a Tory, nor did I ever entertain the foolish idea, that everything must be all right that came to us surrounded by the halo of antiquity.

But I would ask the learned leader of the opposition who has become so suddenly conservative, how it was that he lent himself to change the principle upon which in England from time immemorial Sheriffs had been appointed. Why did he give his energies, not to maintain the Conservative element, but to withdraw the judicial influence altogether! If the Judges agreed with the executive, it was all right, but if not, then according to his idea they must be swept out of the question altogether. Don't let him talk of conservatism after that. He contended then for the very principle which is now proposed—that the executive should have the control. The Legislature, however, decided against him and retained the judicial element. What did he do then? When a case of disagreement arose between the executive and the Judges, did he yield and leave the appointment in the hands of the Judge as the law directs? No sir; and it is that which makes me feel the necessity for some change in the law. The leader of the opposition does not hesitate to tell us that in such a case it is perfectly legitimate and proper for the executive to sign a list with the name of the person whom the Judges approve of, at the head, and who, it is understood, is to be appointed, and then to select somebody else, and thus violate the spirit and essence and even the letter of the law. I defy the leader of the Opposition to point out any change in our principles on the question. In 1861 we said—better strike out the names of the Judges altogether—better leave them out than to go through the solemn farce of consulting them, and then treat their judgment with contempt. I am told by gentlemen opposite that although the law says that in case of disagreement the Judges, and not the Executive, shall decide—yet, notwithstanding this, we will resort to this same subterfuge we did before, and

appoint the man we want. If in practice they thus adopt the principle of this amendment why not openly avow it, and throw aside the shield the Judges afford them—and take the responsibility of the appointment upon themselves?

The hon. gentlemen concluded by expressing his belief that there was no other way of preventing the unseemly spectacle of the Bench and the Executive at variance, than by abolishing the present law, and leaving the power of appointment in the hands of the Governor in Council.

Hon. ARTY. GEN. said—The hon. and learned leader of the Opposition has told us of the marvels he has witnessed in political life, and has informed us that he actually *blushed* at the want of consistency exhibited by gentlemen on this side of the House. That sir, if correct, would indeed be one of the greatest marvels I have ever heard of.

But sir, I have arisen principally to answer that portion of the hon. gentleman's speech which refers to what he is pleased to term the change of opinions exhibited by this side of the House. There have been changes no doubt, and when I look back over my long political life, and mark the changes that my own feelings have undergone, I find that the cause for those changes exists in the conduct of the gentlemen opposite, who led the great Liberal party in Nova Scotia. I shall have occasion to talk of this subject more at large at some future time, when no doubt we shall be favored by gentlemen opposite with a disquisition on the subject of tenure of office, and I shall then point out the history of these changes as connected with the whole policy of the Liberal party.

The hon. gentleman asks what has become of Conservatism. I will tell him what it is that makes Conservatism a banner under which I am proud to serve. The fundamental principle of Conservatism is honesty—political integrity—and it is that which constitutes the difference between it and the shifting vacillating policy of gentlemen opposite, which is founded upon political expediency.

Take the present case—What is the position the leader of the Opposition occupies on this position? It is this—We propounded the principle that the Sheriffs should be kept free from Government influence, and be preserved in their office so long as they faithfully discharged their duties—that in point of fact their tenure of office though nominally annual, in reality should be perpetual. Mark the difference of the course pursued by the hon. gentleman opposite. His *theory* was that the Judges must agree before a Sheriff could be removed. What was his practice? To meet the Judges, apparently agree with them, and then quietly appoint somebody else.

And yet he says to us, retain the law as it is—act faithfully up to its spirit and its letter—rise superior to the considerations of party—appoint no one whom the Judges do not approve of—but wait till we get into power, and we will pluck different fruits from the same tree. And in this is to be seen the difference between conservatism and the policy of gentlemen opposite. We did not dare to violate the principles we had contended for. We told the Judges we wished to remove a certain Sheriff for certain

PABLIAMENTARY DEBATES.

reasons. The two Judges did not agree with us, and we then, instead of violating the principles as expediency might have dictated, bowed to the decision of the Judges. I confess that when this subject was before the House a day or two ago, I had not turned my attention to the suggestion of the Hon. Sol. Genl., that there was no reason why this office should not be as others are, during good behaviour; but now that I have considered the subject, I can see no reason why such should not be the case. I can see no dangerous consequences that would result from such a system, for any government that would abuse the power placed in their hands, and use the office of Sheriff to attain their own purposes would soon receive condign punishment at the hands of the people.

Mr. ARCHIBALD would only offer a single remark as it was near the dinner hour. If the hon. gentleman opposite was sincere in his desire to retain the controlling power of the Bench and was only altering the law because it was liable to be evaded, he could accomplish his object by altering a single line and making it compulsory to select the name first on the list. This he could do instead of rushing to the opposite extreme.

The House adjourned until 3 o'clock in the afternoon.

AFTERNOON SESSION.

The House resumed at three.

The following petitions were presented:

By Mr. J. McDONALD, in reference to Dalhousie College.

By Mr. BOURINOT, from A. T. Cameron, an aged teacher, asking for a free grant of and

By Mr. KILLAM, from Lake George, in reference to Dalhousie College.

By Mr. MORE, from Wolfville, on the same subject.

By Mr. KAULBACK, from Bridgewater, on the same subject.

By Mr. PARKER, from Jas. Glass and others, concerning a gold claim.

FINANCIAL STATEMENT.

The Hon. FINCL. SECRETARY laid on the table the Annual Trade Returns, etc. In his opening remarks he congratulated the House on the satisfactory condition of the country, and then went on to give a

Synopsis of Trade Returns for 1863.

Looking at the Trade Returns, we find first a detailed account of the quantity and value of articles imported into the various ports of the Province, during the year ending 30th September, 1863, and from what countries imported, showing the quantity and value at each port separately.

We next come to an abstract under the head of each port, of the value of importations into each port, and indicating from what country imported. The total value of imports is \$10,201,391, of which—

\$3,875,693	are from Great Britain,
1,216,621	“ B. N. America,
286,280	“ B. W. Indies,
3,857,765	“ U. States.
965,032	“ other countries.

Making a total of \$10,201,391

We have next a statement, under the head of each article, showing the quantity and value of such articles imported into each port, and from what country imported.

We have fourthly an abstract of the quantity and value of each article imported into the Province, and indicating from what country imported.

We now come to a comparative statement of the value of merchandize imported into each port of the Province, during the year ended 30th September 1862 and 1863, showing the increase or decrease at each port, and the total increase throughout the Province—from which it appears that the total amount of imports for 1862 was \$8,445,042; for 1863, \$10,201,391, making an annual increase in the value of imports of \$1,756,349.

Then there is a comparative statement of the value of each article imported into the Province during the years 1862 and 1873, shewing the increase and decrease in each article of import.— There appears an actual increase on all articles except Burning Fluid, Bricks, Corn, Wheat, Dr. gs, etc., Rye Flour, Fruit, Hats and Caps, Herring, Hides and Skins, Lime and Plaster, Molasses, Potatoes and Vegetables, Rice, Rum, Scale Fish, and Wines, on which articles there appears a decrease of \$215,436, against an increase of \$1,971,785, making a total increase of \$1,756,349.

We have next a detailed account of the quantity and value of articles exported from each port in this Province, under the head of each port, and indicating to what countries exported.

We now come to an abstract of the value of the articles exported from each port in the Province, for the year ending 30th September, 1863, and indicating to what countries exported. From which it appears that the total value exported during the year was \$6,546,488, of which articles to the value of—

\$320,340	was exported to Great Britain.
1,854,643	“ B. N. America.
1,714,356	“ West Indies.
1,869,772	“ United States.
787,377	“ Other Countries.

* Making a total of \$6,546,488.

Further on we have a statement, under the head of each article, of the quantity and value of articles exported from each Port, and to what countries. It also contains an abstract of the quantity and value of each article exported from the Province of Nova Scotia, for the year ending 30th September, 1863, showing to what countries exported.

We have next a comparative statement of the value of Merchandize exported from each port for the years ended 30th Sept., 1862 and 1863, shewing the increase or decrease at each port, and the total increase throughout the Province, by which it appeared that the total amount exported for 1862 was \$5,646,961, and for 1863 \$6,546,488, thus exhibiting an increase of exports from the Province for 1863 above 1862 of \$899,527. The succeeding portions contain, first, a comparative statement of each article exported from the Province during the years 1862 and 1863, shewing the increase and decrease on each article of export; and, secondly, an account of the number and tonnage of vessels entered inwards from each country, under

the head of country, in each port in the Province, with number of men; and showing whether with cargoes or in ballast, and distinguishing British from Foreign ships.

Next we have an account, with abstract, of the number and tonnage of vessels cleared outwards at each port—distinguishing vessels with cargoes from those in ballast, and British from foreign ships, and indicating to what countries cleared. And so an account, with abstract, of vessels belonging to ports in the Province, on the 30th Sept., 1863, showing the number, tons, and value belonging to each Port on the 30th Sept. 1862,—the number, tons, and value of those struck off in 1863—the number, tons, and value added in each port; and the total number of vessels and tons registered belonging to each port on the 30th Sept. 1863, with their estimated value. In conclusion, we have an account, with abstract, of all new vessels registered in each port in the Province during the year, ending 30th Sept. 1863 showing the name, rig, tonnage, where built, builders name and estimated value in dollars currency. These returns show the total number of vessels registered on 30th Sept. 1863, to be 3539, tonnage, 309,554, and estimated value \$8,965,929. And the total number of vessels built, during the same period, 207, tonnage 46,862, and estimated value, \$1,952,814, which is more than a hundred per cent. than in 1860.

The Returns of Expenditure and Revenue shew—

First—A general statement of warrants drawn on Receiver General on account of different public services during the year ended 31st Dec., 1863.

Secondly—A general abstract of articles imported into and manufactured in this Province, on which duty was collected in 1863, shewing a total amount of duties collected, including Excise duty on beer and tobacco, of \$861,989 41.

Thirdly—A general abstract of the returns of Excise duty collected at the different ports of this Province during the year.

Fourthly—A comparative statement of the amount of Excise duties collected on articles imported into and manufactured in this Province in the years 1862 and 1863, shewing an increase over 1862 of \$31,862 84.

Fifthly—A comparative statement of the quantities of articles subject to duty, imported into and manufactured in this Province for the years 1862 and 1863.

Sixthly—A comparative statement of the gross amount of Light Duty collected at the different ports of this Province for the years 1862 and 1863, shewing a total amount collected in 1863 of \$32,343 80 against 31,164 50 collected in 1862, making an increase of \$1149 30.

And lastly—The Receiver General's account current with the Province, from the 1st Jan'y. to the 31st Dec'r., 1863, shewing a balance in hand of \$100,745 67.

The Gold Fields—Receipts, \$19,247, and disbursements \$25,950.

The increase on Excise duties was	\$81,862 84
Light Duty,	1,149 30
Casual Revenue,	1,962 89

Making a total of	\$84,976 03
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From the figures I have given, continued the Hon. Fin. Secy., it will be seen that the total amount of imports for the year was \$10,201,391, whilst the exports realized \$6,546,488. Adding to the latter sum the value of new vessels, \$1,952,814, as well as that of the gold exported, \$280,000, we have a total amount of \$8,789,302.

At first sight it might be naturally imagined that there is a balance of trade against the Province; but before coming to the conclusion we must take into consideration several very material facts. We should remember the peculiar advantages this Province possesses for maritime pursuits, and the large extent to which these advantages are made use of by the people. Already this Province owns an amount of tonnage which is equal to about a ton for every inhabitant.—These vessels are manned by a very large number of men who are not as ordinary seamen—who have no settled homes and squander their wages indiscriminately—but most of them have wives and families here, to whom they regularly transmit their wages. We may safely consider that our seamen, at the moderate computation of four men per hundred tons, and estimating their wages at \$16 per month, earn in 12 months \$2,304,000.

In England, a short time before the emancipation of the slaves, the question was raised that the United Kingdom, instead of deriving a benefit from the sugar Colonies, was actually a loser, because the custom-house returns showed a much larger amount of goods imported therefrom to the United Kingdom than the amount of exports to such colonies, and some would-be political economists argued from this that the balance of trade was against the United Kingdom. But it was found upon examination that as most of the owners of Estates in these colonies resided in England, and the great bulk of the produce of their Estates was sent to them, and as many of the exporters of goods from England were not interested in Estates in these Colonies, but procured remittances for amount of their invoices in Bills of Exchange in gold and silver, the balance of trade was largely in favor of Great Britain.

This Province is situated about in the same position as England was at the time in question. We have a large amount of tonnage owned by Nova Scotians which have been making handsome returns for their owners, and have been restoring to us, (if not actually in the shape of gold or silver,) what will help to pay for the large amount of importations. I believe every man in the country is actually richer, and that the balance of trade is considerably in our favour. As I shall have a full opportunity of entering into financial matters when the estimates are brought up, I shall not dwell further on this subject. I may point with satisfaction, however, to the fact that the duties collected on the ad-valorem goods which were reduced last year exhibit a very handsome increase, instead of a reduction of \$90,000 as was estimated last year. I may also state, in conclusion, that the disbursements for the gold fields may appear large, but they are chiefly accounted for by the fact that a large sum had to be expended in paying certain land claims at the "Ovens."

PETITIONS, ETC.

Mr. PILL presented a petition from a number of the inhabitants of West Cornwallis, praying that alterations be made in the law regulating Dalhousie College.

By Mr. COLIN CAMPBELL, from the county of Digby, to the same effect.

By Mr. LAWRENCE, from Lower Horton, of similar purport.

Mr. MULLER presented the petition of Berj-Wier and others asking for an act of incorporation for the Sea Cove Bay Mining Company, and also introduced a bill in accordance with the prayer of the petition.

Hon. PRV. SEC. submitted the report of the Chairman of the Railway Board for 1863, and also Mr. Perley's report of his inspection of the New Scotia Railways.

Mr. PRYOR sought to introduce a bill to amend the act to incorporate the Halifax Marine Insurance Company, but the House decided that the bill was of a private or local nature and therefore came within the rule requiring the payment of \$20 before reception; it was withdrawn for the present.

Hon. Mr. SHANNON presented the petition of Thomas Bower relating to a mining lease. It was referred to the Committee on Mines and Minerals.

Mr. TOBIN introduced a bill to amend the Act incorporating the Halifax Fire Insurance Company, and also a bill relating to Fire Insurance Companies doing business in this city, but not incorporated within the limits of this Province. The object of this measure is to compel such Companies to invest an amount of money in the Province as a guarantee for the payment of any losses on risks they may sustain in this country.

Mr. SHANNON introduced a bill relating to the appointment of commissioners without the Province.

Hon. ATTY. GEN. presented a petition from a number of residents at Cape North, complaining of injustice done them by the passage, last Session, of a bill to incorporate the Presbyterian congregation of that place.

APPOINTMENT OF SHERIFFS.

The House then went into Committee on Bills and resumed the consideration of the Revised Statutes.

Mr. ARCHIBALD said that to-day the hon. Atty. General had treated the Committee to a vigorous speech, in which he waxed exceedingly warm, and the nature of his address was calculated to remind one of some of the events of last session. It had been remarked that the present House was a dull one, but then the exhibition of the learned Attorney General showed that there really was some life in it yet. The Attorney General got excited so soon as he was reminded that he had changed his opinions. But a day or two ago an hon. member for Kings had proposed an amendment to the law relating to the appointment of Sheriffs, and on that occasion the learned Attorney General rose and opposed the proposition saying that if he were disposed to be governed by motives of expediency alone, he might support the motion; but as he was not he felt bound to oppose it, and said he thought it wiser to submit to slight inconveniences, than to disturb

a system which he believed was founded upon sound legislation. But they to-day found that same hon. and learned gentleman rising to second a motion of the same nature as the one he condemned on a previous day. The hon. member for Lunenburg (Mr. Kaulback) had also expressed disapprobation of the amendment moved by the hon. member for Kings to vest the appointment of Sheriffs in the Governor and Council, and he (Mr. Archibald) was curious to know whether that hon. gentleman intended to follow the example of the Attorney General and change his opinion too. He had heard an hon. member for Halifax (Mr. Pryor) say that he would be very sorry to see any change made in the present mode of appointing Sheriffs, and was he also expected to vote contrary to his expressed convictions? The learned Attorney General had said that he never changed his opinions unless a necessity to do so was forced upon him by the conduct of the opposition, and he would in all seriousness ask, what the opposition had done to necessitate such a change? But he would say to hon. gentlemen, consider well how the case stands. Up to the year 1859 the Sheriffs were appointed by the Judges and the Government conjointly. The system was, that two Judges and two Executive Councillors met to arrange the list of Sheriffs, and the Judges had the power to secure the appointment of the then incumbent if they pressed it. In 1859 the present Attorney General introduced a bill to enlarge the power of the Judges in this respect, and he succeeded in carrying the measure through the House, and that law gave the Judges the selection of the officer, in case the Government and the Judges could not agree upon an appointment. That bill was now law, and yet they found the learned Attorney General seeking to repeal that measure which he was instrumental in placing on the statute book of this country.

If the hon. Gentleman was of opinion that the provisions of the law, of his own making, was a Conservative power the Judges ought to possess, why not give it to them finally? If he (Atty. Gen.) thought the late Government misinterpreted the law, it was a simple matter to guard against a repetition of the same, if such it was, by adding a sentence to the act, providing that the person whose name was placed at the head of the list by the Judge shall be selected by the Executive. He would ask the house if it was prepared to give power to the Government to brush away the Sheriffs on the eve of an election in the Counties, the representation of which was likely to be hotly contested, and supply their places with active political partisans? The system now in operation had been the practice in other countries from earliest history, and under this rule Sheriffs have in this Province held office for very long periods, but this would not be the case were the power to make the appointment of these officers vested solely in the Government of the day. It was well known to many hon. members in the House that very frequently pressure is brought to bear upon the Executive to endeavor to induce them to use their influence to secure the removal of Sheriffs, and did the Executive possess unequalled authority to dismiss and appoint these officials, in some cases they would be compelled, by force of circumstances, to suc-

comb. The result of the working of such a law as proposed by the amendment under consideration, would be, that no Sheriff could retain his situation unless he were an active supporter of the administration of the time. This was certainly a state of things not to be wished for. He was sorry to observe that a disposition were evinced to sweep away the old foundations upon which tenure of office rested. At the present day the office of Sheriff was about the only one that remained left around by any protective principle and he would be sorry to see these wholesome guards removed. The hon. member closed by imploring the House to pause before giving their assent to a measure fraught with danger, and calculated to lead to evil consequences.

Hon. SOL. GEN. said that in England the Sheriffs were not appointed by the Judges, and the system there was entirely different from that pursued in this country. He saw no good reason why the Sheriffs of this Province should not be appointed by Government as well as the Prothonotaries. The hon. gentleman then explained the system of selecting Sheriffs as it existed in England. There the nomination was made by the Lord Lieutenant who submitted the names of three persons to the Government, and the latter made the appointment, and therefore virtually had absolute power in the case, and the Judges had no voice in the matter at all. He did not think it would be wise to introduce in Nova Scotia the mode and practice followed in England, and he read from the law of New Brunswick to show that in that Province the appointment of Sheriffs was vested solely in the executive Government. In New Brunswick the Governor and Council had more power, in respect to this matter than it was proposed to confer upon this Province by the amendment under consideration. The present mode was calculated to bring the Executive and the Judges into collision, and in some instances he believed it had had that effect, and therefore it was well that the existing practice should cease. It was a most unsatisfactory mode. In 1861 it appeared that two members of the then Executive pressed for the removal of a Sheriff, but the Judges refused to accede to their wishes, and placed the incumbent at the head of the list with the view of securing his appointment, but instead of the Government selecting that person they passed him over and took the second, thus practically ignoring the authority of the Judges, and by this act the late administration violated the spirit of the law. If the Government had the right to select other than the one placed at the head of the list, then the Judges were virtually without power in such cases. The mode proposed would be a more satisfactory one than the present, and prevent collision between the Executive and the Judiciary. He had heard debates in that House of a nature calculated to bring the Judges in disrepute by mixing them up with political party transactions, and make them a scape goat for either one party or the other. The recurrence of such unseemly proceedings would be effectually prevented by the proposed change. This year when the Judges were left free to act in the matter of appointing the Sheriffs, they reinstated the man whom the late Government removed, and thus

adhered to their opinions of 1861. He contended it would be judicious to keep the Judges clear of the matter of appointment of Sheriffs, and throw the whole responsibility on the Government, who were answerable to the House and the country. He was in favor of making the office of Sheriff a permanent one, during good behaviour, and would be disposed to impose heavy penalties on them in case they departed from their line or duty, and if they acted improperly, bring them before a judicial tribunal and try them for the alleged offence, and if found guilty enforce the law exacting the penalty, and dismiss the offender from office. He would prohibit Sheriffs under penalty from interfering with the franchise or meddling in elections beyond their line of duty. The hon. leader of the opposition had said that there seemed to exist a tendency to establish a system of dismissals from office. If such were the case, and the system was to be deplored, as the hon. member had said, that hon. gentleman was not in a position to throw the first stone. The question of dismissals from office was an important one, and when the subject was brought before the House, no doubt it would be duly considered. With regard to what had been said about pressure being brought to bear on the government to induce them to remove Sheriffs, it would not operate with any more force with respect to these officers than any others under the control of the Governor and Council. He thought the reference to political Sheriffs came with exceedingly bad grace from the leader of the opposition, seeing that he had a few years ago sent two political Sheriffs to conduct an election in the County of Victoria, completely ignoring the regularly appointed Sheriff of that county. In vesting the appointment of Sheriffs in the Government they would only be following the example set them by England and the neighboring Province of New Brunswick. The system had worked well in England, or centuries, and could not fail to work equally satisfactorily in Nova Scotia.

Mr. STEWART CAMPBELL remarked that the hon. Solicitor General had referred to the practice in England and New Brunswick, but the reference was an unfortunate one for the principle advocated by the learned member. The amendment now before the Committee was to place the appointment of Sheriffs absolutely on the Government. Now in England, according to the showing of the hon. Solicitor General, three persons were nominated by the Lord Lieutenant from whom the Crown made a selection. In New Brunswick the appointment of Sheriff was an usual therefore the main ground taken by the hon. member in support of the proposition actually weighed against his arguments. He opposed the amendment because it was intended to increase the power of the Government with respect to the appointment and removal of these officers, and it was the duty of the House to prevent the extension of such power. As parties now stood it might be very satisfactory to the Government to have the authority the amendment would give them, but he would ask what would be the feelings of these gentlemen if power were to pass to the opposition side of the House. Suppose the late Government had last session suggested such an alteration in the law, would the present Attorney General

have assented to it? No he would not, but would have denounced the proposition. The learned Solicitor General had said that the present system had excited much dissatisfaction. If such were the case why had not that hon. member introduced a bill to place the mode of appointment on more satisfactory grounds, or why did he not now bring it in as a Government measure? In the course of a very short time, some hon. members had apparently changed their opinions. Upon reference to the debates, he observed that a few days ago the Provincial Secretary had expressed a doubt of the propriety of making the appointment of Sheriff an Executive one; and the learned Attorney General on the same day declared that he would rather submit to present inconvenience than disturb a system he believed was based on sound legislation. Another hon. member (Dr. Brown) had said that the existing mode was the only one likely to keep the Sheriff's aloof from party politics, and the hon. member for Lunenburg, Mr. Knuback had declared he was desirous that Sheriffs should not be political officers and therefore could not endorse the proposition to place their appointment solely in the Government. Would those hon. members now vote for a measure they but a few days ago condemned as dangerous? He thought some misapprehension existed respecting the mode prescribed by law for the appointment of Sheriffs. The law said the nomination should be made by the Judges and the executive conjointly, but in case of a disagreement the Judges were to prevail. It directed the Chief Justice and the other Judges to decide on three persons not unlikely to accept the office, and submit their names to the Government for the latter to select one from, but there was nothing in the law making it compulsory on the Government to choose the person whose name stood at the head of the list. The law did not convey the meaning that some hon. members assumed it did. It was competent for the Government to select either of the three persons nominated by the Judges. It had, it was true, been the general practice to select the first on the list, but then practice could not defeat the meaning of the law. The three nominated stood equally entitled to appointment. It was important that this subject should be considered irrespective of the past. It was not discreet to bandy words about what this or that Government had done, but it was their duty to discuss the question on its merits, and in deciding do justice to the public. The office of Sheriff was intimately connected with judicial functions, he executed the processes issued out of the Court, and the Judges were therefore best qualified to decide respecting the capacity and fitness of the Sheriff. To make the Sheriff's mere creatures of the executive would be opening a door that it would be found difficult to close hereafter, and would be very apt to engender political feelings on the part of these officials. The Sheriff performed duties under the eye of the Judges, and therefore he conceived that the appointment of that officer was justly vested in the Judges conjointly with the Government, and if they changed the system by legislation they would not be doing their duty to the country. He must protest against the proposal to change the present mode. He had resided twelve years in a county

in which in that time persons on both sides of politics had held the office of Sheriff, and he never saw any disposition on the part of these officials to depart from their path of legitimate duty.

Mr. BLANCHARD said he recollected how suddenly the hon. member for Halifax (Mr. Fryer) interrupted the hon. member for Kings the other day when the latter proposed to amend the law relating to the selection of Sheriffs, and in fact when a change was first mooted all the Government voted it. On that occasion the learned Attorney General had taken pains to point out the distinction between Sheriffs and other officers, and strenuously argued against vesting the appointment in the Administration. He found on reference to the Revised Statutes that between 1851 and 1858 no legislation had been had on this subject, and in the latter year the Statutes were consolidated. But in 1859 the present Attorney General introduced a bill to amend the law relating to the appointment of Sheriffs which passed the House without a division. That law increased the power of the Judges by giving them absolute authority in case of a tie between them and a like number of the Executive in reference to the nomination. If there were any doubt about the requirements of the law with respect to the first on the list that difficulty could be removed by providing that the Judges and Executive appoint one Sheriff instead of nominating three as was the practice at present. If the law really required the appointment of the first on the list, as assumed by the Attorney General and Provincial Secretary, then it was little more than a matter of form to name three. The hon. Solicitor General had said that in order to prevent the Sheriff from acting indiscreetly he would impose penalties for deviation from his line of duty. Now the fact was that they already had a Statute full of penalties, and at present an action was pending against a Sheriff for alleged violation of the law. With respect to the reference that had been made to Sheriffs being sent to Victoria at the election time, he would merely say that at the time in question it was apprehensive that a riot would occur, and two Sheriffs, one a liberal and the other a conservative, were sent to keep the peace and assist the Sheriff of the County to manage the election as the law directed. No person had ever ventured to affirm that these two Sheriffs had improperly interfered in the affairs of that election, but on the contrary they were publicly thanked by the defeated Candidate for the services they had rendered in maintaining order and keeping the peace. He was astonished when he heard the Solicitor General read from a little book, the title of which he had not announced, that in England the Sheriff was nominated by the Lord Lieutenant. Now he held in his hand Stephens' Commentaries on the laws of England, a standard work of acknowledged authority, and in that he found a different doctrine laid down. He found it there stated that the law of England directs that the Judges shall meet on a given day, and nominate three persons for the office of Sheriff, from which one is to be chosen by the Crown. Therefore the law of this Province, as it originally stood, was a copy of the English act so far as it was applicable to the case of this Province. He had sought in the library for a copy

of the Revised Statutes of Canada to learn the law of that Province on the subject, and upon enquiring he ascertained that the volume had been obtained by the Solicitor General, and as that hon. gentleman had made no reference to the law of Canada, he assumed that in respect to Sheriff it was the same there as here. It had been alleged that in most respects the offices of Sheriff and Prothonotary were very similar, and therefore as the appointment of the latter was in the Government, the former might also be with safety vested in the Executive. Now the fact was that the functions of the two officers were widely distinct. A year or two ago Prothonotaries were mere instruments for signing papers, and the duties of the office could be discharged by any ordinary clerk, but in the case of a Sheriff it was entirely different. He occupied a higher position, and was by far a more responsible officer. His duties perook of an executive and somewhat judicial character, and if he failed to execute processes placed in his hands by the Court he was liable to severe penalties. He was an officer immediately concerned in the Courts, and therefore the Judges were in a position to judge of the fitness of the officer. The Atty. General had said practically the office of Sheriff was a permanent one. He was aware of some instances where a Sheriff had been for many years retained in office, and mentioned the County of Lunenburg in illustration, where father and son had long enjoyed the situation. But if the proposed change was made a different state of things would soon be inaugurated. No Government would be many days in power until they were pressed to make changes. He would be extremely sorry to see any departure from the existing mode.

Mr. C. J. CAMPBELL spoke in favor of the amendment. As the Government had the appointment of the Judges he thought they should also have the selection of the Sheriffs. (The hon. gentleman's remarks were hardly heard.)

The amendment was put and passed by a large majority.

The Committee then rose.

Mr. ROBICHEAU introduced a bill to add an electoral district in the county of Digby.

The House then adjourned.

FRIDAY, Feb. 19.

MORNING SESSION.

The House met at 10 o'clock.

Mr. PRYOR introduced a bill to amend the act to incorporate the Nova Scotia Marine Insurance Company.

Also a bill relative to the new county jail at Halifax. The object is to enable the sessions to appoint a Governor for the jail and give them authority to make regulations for its guidance.

He also introduced a bill in amendment of the act to provide for the erection of a Court House in Halifax.

The House then went into Committee and took up the Revised Statutes.

The chap. relative to Coroners was taken up, and some conversation took place as to the propriety of paying medical men for giving testimony at Coroner's Inquests. Prov. Secretary, the Solicitor General, Mr. McFarlane, and other

gentlemen pointed out the necessity of offering inducements to medical men especially in the country, to make *post mortem* examinations. By this means, a very necessary protection would be thrown around the lives of the people. On the other hand, Mr. Archibald, Mr. McLellan, Mr. S. Campbell, Mr. Miller, and Mr. Locke doubted the advisability of the principle. It would open the door, it was asserted, to other professions, engineers for instance, to come in and ask for additional remuneration, according to the value they might put upon their time.

Hon. PROV. SEC. proposed the following resolution, as an addition to the fifth clause of the Bill. In cases where a medical practitioner shall be called upon by a majority of the Coroner's Jury to give a professional opinion, he shall be entitled to a fee of \$5 for such evidence. It was proposed, he added, to leave the matter of travelling expenses, as at present, to the discretion of the Sessions.

The Provincial Secretary subsequently withdrew his amendment in favor of one moved by the Sol. General to the following purport:

Medical men, when called upon by the Coroner, at the direction of a jury sworn to hold an inquest, shall be forced to attend, and when required shall make any necessary *post-mortem* examination, and give evidence to such a Coroner's jury; and on account being duly attested and certified by the Coroner, according to the provisions of this section, the medical man shall be entitled to receive from the county the sum of \$5, and travelling expenses at the rate of 3d. a mile, going and returning.

On a division, the amendment was lost.

The Committee then rose, and the House adjourned.

AFTERNOON SESSION.

The House resumed at half-past two o'clock.

Mr. KILLAM presented a petition from a number of the inhabitants of Yarmouth, on a matter connected with education. Referred to Committee on Education.

At three o'clock, the Committee to enquire into the petition of J. J. Marshall against the return of Mr. S. Campbell, one of the members for Guysboro, was drawn. Forty eight members were present. Mr. Marshall appeared at the bar of the House.

The following names were drawn: Mr. Caldwell, Hon. Mr. McKinnon, McLellan, James McDonald, Hon. Mr. Shannon, Killam, More, Slocumb, Solicitor General, Donkin, Blackwood, C. J. Campbell, Jas. Fraser, Blanchard, Ross.

Subsequently the Committee was struck, as follows: Hon. Mr. McKinnon, Hon. Mr. Shannon, Messrs. Killam, Slocumb, More, Caldwell, and Donkin.

Mr. PRYOR introduced a bill to amend the chap. relative to lunatic paupers in the county of Halifax, in accordance with the prayer of a petition he presented a few days ago on behalf of the Sessions.

Mr. TOBIN introduced a bill to incorporate the "Peoples' Bank of Halifax."

Mr. BLANCHARD asked the Government to lay on the table a list of the names laid before the Judges, last Michaelmas Term, for the ap-

pointments of Sheriffs, and all the documents connected therewith.

A message was received from the Legislative Council that that House had passed several chaps. in the R. S. bill, some with, and others without amendments.

The House then went into committee and took up the Bill for the R. S.

On reading of the chapter relating to Sessions of the Peace in the different counties, Mr. Donkin stated that he did not see why in Halifax the Sessions had the right to send criminals to the Penitentiary instead of the County Jail where there would be a county charge as in other counties.

Mr. BLANCHARD explained that the reason was that there was a petit jury in Halifax before the Sessions which was not the case in the country.

Mr. MILLER thought that instead of altering the law, the same power should be extended to other counties.

After some discussion Mr. Donkin moved that the clause be amended by striking out penitentiary and inserting County Jail; the motion was carried.

A number of chapters were passed without any discussion or amendment, and the Committee adjourned and reported progress.

Hon. Prov. Secy. stated that he would be prepared to lay on the table to-morrow the papers asked for relating to the dismissals from office.

Mr. TOBIN said the question in the country was more as to those the present government had not dismissed than those they had dismissed; while on this subject he could not help expressing the hope that some policy should be settled on this subject of dismissal from office.

The House adjourned until 11 o'clock to-morrow.

SATURDAY, Feb. 20.

MORNING SESSION.

The House met at 11 o'clock.

The following petitions were presented:

By Mr. McKAY, from James McDonald, in reference to water lot connected with the Marine Railway at Picou.

By Hon. FINL Secy., from the Grand Jury and Sessions of Richmond, praying an alteration in the Jury Law.

The amendments of the Legislative Council to Chapter one, Revised Statutes, relating to the definition of the term "highways," was read, and on motion of the hon. Sol. General, was not agreed to. Several other amendments were agreed to.

The House went into Committee on Bills, and resumed the consideration of the Revised Statutes, and passed chapter 59 of Indian affairs.

Some discussion took place on the reading of an amendment to the Sheriffs' Bill, as to the propriety of putting "it in the power of a majority, or of two-thirds of the Justices" at the Sessions to petition the Government for the removal of a Sheriff. It was finally settled that the power should be vested in two thirds of the Sessions, provided that one half of the Justices of the County be present. After several amend-

ments, agreed to without opposition, the Bill finally passed through Committee.

After passing several clauses of a Bill relating to the laying out of certain great roads, the Committee adjourned.

Mr. COLIN CAMPBELL, Chairman of the Committee to try the petition against the sitting member for South Colchester, requested leave to adjourn until Wednesday next.

Mr. McKAY, by special leave, presented a petition from Hugh Carman, relating to Crown Lands.

Mr. KAULBACK, from the inhabitants of New Ross, Township of Chester, praying for the repeal of Chap 52, Revised Statutes.

Mr. CAMPBELL, from the inhabitants of Liverpool, and another from inhabitants of Milton, on the subject of Dalhousie College.

The House adjourned until 3 o'clock.

AFTERNOON SESSION.

The FINL SECRETARY laid upon the table the railway accounts for the year 1863, from the Receiver General's office.

The House then went into Committee on the Revised Statutes.

A desultory discussion arose upon the clause defining the duties of commissioners of highway, with reference to the mode of expending public grants of money for making and repairing the same. Mr. Coffin, Mr. Archibald, and Mr. Allison thought the commissioners ought to have discretionary authority in respect to making public or private contracts for the repairs of highways and byroads, as circumstances might seem to favor as being the most economical method. Mr. Blanchard thought the difficulty of selling roadwork by contract was more imaginary than real. It was, however, of the greatest importance that the money granted should be placed in capable hands for expenditure. By the system of day labor a great deal of money was wasted, and it was time that mode was abolished.

Mr. DONKIN was in favor of the contract mode wherever practicable, but he thought that with reference to bye roads there ought to be discretionary power in respect to making repairs.

Mr. MILLER was of opinion that much of the money granted for the improvement of roads was in a manner frittered away by the commissioners, and a considerable portion of the grant went to pay expenses and commissions. He thought it would be well to appoint a Committee to take into consideration the whole subject with the view of improving the present system of expending road money.

Mr. PARKER expressed himself in favor of small grants being laid out by private contract. The clause passed without amendment.

There was some conversation upon the clause fixing the amount per day to be allowed for a team working out stipulated statute labor on roads.

Mr. LOCKE and Mr. ALLISON were of opinion that the allowance for teams ought in justice be increased, as the amount at present bore no proportion to the sum allowed for manual labor.

Mr. KAULBACK thought it would be advisable to have a sliding scale adapted to the various

circumstances of different districts and localities throughout the country.

Mr. LONGLEY was in favor of fixing a definite sum for the use per day of a plough. He thought 60 or 70 cents would be a proper allowance.

Mr. ALLISON said 50 cents would be enough, as a man ought to be worth more per day than a plough.

Mr. BILL would say that the rate for a plough ought to be fixed at 70 cents per day at least.

Mr. ARCHIBALD thought it would be better to leave the rate a matter of discretion with the Road Commissioners.

Mr. LONGLEY would agree to fix the rate at 40 cents per diem for a plough.

Mr. DONKIN said they had better not fix any sum.

Mr. McFARLANE then moved that the rate per day for a plough used in performing statute labor be fixed at 40 cents, which motion passed.

Upon another clause of the chapter being read, Mr. BLANCHARD said that it would be judicious to fix a time in which road money should be expended in each year. He would say not later than the 21st of August, unless circumstances rendered operations necessary later than that period, and he moved that a clause to this effect be incorporated in the Act.

Mr. LONGLEY said it was desirable the work should be done in the month of June, but in order to give the farmers as much latitude as possible, he would be willing to extend the time for completing the work to the 1st September.

Mr. BLANCHARD's amendment was agreed to. The chapter then passed. Committee then adjourned and the House resumed.

The PROV. SECRETARY laid upon the table a list of the officers dismissed and appointed from 1859 to 1863, together with a list of the same since the formation of the present government. Also the petition of J. B. Coffin, and others, acting Committee of the Teachers Association in favor of the principle of compulsory taxation for the support of Schools. Also the petition of Rev. Dr. Clark and Rev. Mr. Townsend, of Cumberland County, on the subject of river fisheries, asking that the same be protected.

The House adjourned.

MONDAY, Feb. 22, 1863.

MORNING SESSION.

The House met at 11 o'clock.

The PROV. SECRETARY laid on the table an order of the Imperial Council amending the passenger act. It revokes the act of 1856, and re-enacts the same with sundry amendments and additions.

Mr. BLACKWOOD presented a petition from a number of the inhabitants of New Annan, in the County of Colchester, praying that no grant of money be made to open a new road between Tatamagouche and Cox's School House, as asked for in a petition already presented to the Assembly. The petitioners allege that there are already two roads in the vicinity, and were one half the money expended in repairs on these lines that would be requisite to make the new road in question, the public would be much more benefited than by opening a new route.

REPORT OF BOARD OF WORKS.

The PROV. SECRETARY laid on the table the report of the Chairman of the Board of Works for the year 1863, and upon doing so stated that during a previous session of the Legislature he had expressed the opinion that a large saving might be effected in the annual expenses of this department, and he was glad to observe that the document he had just introduced afforded evidence that a considerable sum could be saved. During the past year a large saving had been effected in the expenditure of the Board compared with previous years. It would be seen by the report that a saving had been effected with respect to the expenses of Government House.

PETITIONS.

Mr. LONGLEY presented the petition of the Atlantic Gold Company and of the New York and Nova Scotia Gold Mining Company, both operating at Tangier in the County of Halifax, praying that no alteration be made in the present license law so far as it relates to the gold districts. The petitioners state that they have suffered in their business to some extent owing to the illicit sale of ardent spirits in some houses in the district, to which their miners obtained access and became intoxicated. They state that the existing law is sufficiently stringent to prevent illicit trade in liquor if the same was enforced.

RAILWAY SALOONS.

Mr. LONGLEY asked what had been the action of the Government and the Chief Commissioner of Railways with reference to preventing the illegal sale of spirits along the line. The law gave the Railway Commissioners power to enter suspected places within certain defined districts, to ascertain if liquors were really disposed of, and if they were sold there, such Commissioners had authority to prevent a recurrence of the practice. He believed that there were saloons along the line in which liquors were retailed, and he would like to have furnished a list of the number of such places on the road, and would also ask the Chief Commissioner to state his intentions respecting the mode of dealing with persons who retailed intoxicating drinks along the route.

CHIEF COMMISSIONER of Railways replied that he could furnish a list of the saloons on the line, but he was not prepared to say how many of them sold liquors. He had notified the keepers of saloons on land belonging to the Railway Department, forbidding them to sell liquor, and had instructed the officers of the road to report any one who transgressed the rules or violated the law. He had taken steps to prevent the sale, but he was of opinion that in some cases the law was yet violated, and in fact it would be while saloons were permitted on the line, but so soon as he could obtain sufficient evidence of a violation of the regulation in any case, he would strictly enforce the law relating thereto.

Mr. PARKER said saloons for supplying refreshments of a proper nature were necessary on the road, but it was the duty of the Chief Commissioner to visit these places and see that liquor was not dispensed therein. He believed it was a fact that rum was sold in every saloon on the Railway between Truro and Halifax. If the

Chief Commissioner visited some of those places on certain occasions, he would find the employes of the road drinking there.

CHIEF COMMISSIONER.—“Is the state of affairs in this respect any worse than it was before I assumed the duties of my present office?”

Mr. PARKER was not prepared to say whether it was or not, but that mattered little, because two wrongs did not make a right. He believed that the Saloon keeper at Elmsdale was once fined for violating the law, and yet at the present time that establishment was in full blast.

CHIEF COMMISSIONER said that when he took office he found a number of Saloons, the occupiers of which were tenants of the department, but there had been no addition to their number since. In his opinion Saloons of no description were required along the Railway—he could not conceive that they were at all requisite. While Saloons of any nature were tolerated along the road it would be impossible to prevent illicit traffic in liquor, and the only way to stop it was to shut up such places entirely. And even were these saloons closed it might not remove the evil complained of, because it was very probable that in such cases the former occupants of the Saloons, or others would erect shanties on land contiguous to the line, and over which the Railway department had no legal jurisdiction.

Mr. ARCHIBALD had frequently observed unseemly brawls at the railway stations, which were occasioned by the use of rum. He felt that the Act passed last Session ought to be enforced. In most other countries there were refreshment saloons along the lines of railway, but it was desirable that such should be of a proper description. By the law of last session the Chief Commissioner had despotic powers in dealing with persons keeping saloons along the line, and he ought to see that none of them were of an exceptional character. Amongst the saloons along the lines heretofore there was one kept by Mr. McMullan where liquors were never vendid, but the keeper was recently driven away from there by the railway authorities, and thus the only really good saloon on the route was broken up. He was sorry to see employes on the road visit these saloons, and such a practice ought to be prohibited by the Chief Commissioner, and none of those engaged on the trains allowed to frequent them.

CHIEF COMMISSIONER said he had established a rule to the effect that any employe who takes liquor in the hours he is on duty shall be at once dismissed from the service, and had on more than one occasion carried that rule into effect.

Mr. ARCHIBALD said he was glad to hear that such a rule existed and would be strictly enforced.

Mr. BLACKWOOD remarked that he frequently travelled over the line of railway, and from observations made he did not think that saloons were increasing, but he was of opinion that some of them were of an injurious character. It was in his opinion necessary to have good saloons on the line in which proper refreshments could be procured, but such should be kept free from spirituous liquors, and the law relating to this subject ought to be rigorously

enforced. He instanced a case where a fellow traveller quitted the train at a station in order to obtain a drink, and upon returning just as the cars started, met with a mishap, and would in all probability have been killed were it not for his (Mr. Blackwood's) individual exertions to save him.

Hon. PROV. SEC. said it was the duty of the Government and the Railway Authorities to stop the sale of liquor along the line, if it were possible so to do. The trouble was that the property along the line belonging to the Government was narrow, and if saloons of all descriptions were prohibited within these limits, they had no guarantee that persons would not open shanties outside, but near the railway, on ground over which the Department had no control.

CHIEF COMMISSIONER observed that there were several difficulties in the way of enforcing the law. It was not easy to prove the fact in all cases that liquor was really disposed of. Perhaps it would be the wisest and most discreet mode to prohibit the keeping of saloons at the intermediate stations. He should endeavor to carry out the spirit and letter of the law in respect to the sale of liquor along the lines, and perhaps ultimately he might succeed in closing all the saloons along the railway.

Mr. PARKER thought there ought to be a few good saloons along the route, where a traveller could obtain tea or coffee, or substantial food, but he did not approve of allowing them to sell liquor. He thought that in view of the fact that the law was very stringent, and the Chief Commissioner was possessed of almost despotic powers, it would not be difficult to detect and punish transgressors. There was a good and proper saloon kept at Shubenacadie. It was opened when the train arrived, and promptly closed as soon as the cars departed, and if all the others were like this there would not be so much cause to complain as there existed at present in respect to other places.

Mr. MCKAY was in favor of sweeping off all the saloons that were along the line between Halifax and Truro.

Mr. LONGLEY said all that was requisite was to vigorously apply the provisions of the law. The Chief Commissioner should not depend on subordinates to carry the regulations into effect, but ought to apply himself personally to the task. All the improper saloons ought to be promptly shut up, and the territorial limits of the Commissioner's jurisdiction extended.

Mr. S. CAMPBELL was glad to hear that the Chief Commissioner declared his intention to discharge every employe who drank liquor at stations while on duty. The subject then dropped.

RETURNS, ETC.

Mr. ARCHIBALD asked for a return showing the quantities of coal raised in the Province, the number of mines opened, and the number of persons employed annually in the work of coal mining, since the formation of the General Mining Association down to the end of 1863, and designating the ports to which coals have been shipped. They had such a return on the Journals down to 1859, but in calling for the above return his object was to obtain the statement in a collective form, so that when placed upon the

Journals it would exhibit a complete history of the growth and progress of the trade.

The House then went into Committee on the Revised Statutes and passed chapters 74 "of bridges and public highways," 75 "of Ferries," 76 "of Sewers," 77 "of Commons," 78 "of Common Fields," 79 "of Shipping and Seamen," and 83 "of Partnerships," without discussion or amendment.

The House adjourned until 8 o'clock.

AFTERNOON SESSION.

House resumed at 3 o'clock.

Mr. BILL presented a petition from inhabitants of Canning, Cornwallis, relating to Dalhousie College.

Mr. LONGLEY asked for a return of all property held by the Governors of Dalhousie College, with a statement of the annual income. Also, a statement of the terms of matriculation, with the names and ages of the students who have already matriculated, and the denomination to which they belonged. He would also like to be informed what guarantee the Governors had as to the payment of the Professors' salaries.

The House went into Committee on Bills, and the Sheriffs' Bill was read a second time.

The Committee adjourned, and the House resumed, for the purpose of Journalizing upon this Bill.

A call of the House was had.

The Legislative Council by message informed the House that they had agreed to Chapters 22-24, 26 and 27 Rev. Statutes without amendment, also to Chapters 2, 3, 6, 7, and 20 as amended.

On the third reading of the Sheriffs' Bill, Mr. ARCHIBALD moved that the bill be re-committed, for the purpose of substituting the original clause.

On division, there appeared—for the motion, 13; against it, 24.

For the motion—Dr. Brown, Parker, Miller, Blackwood, Locke, Blanchard, Archibald, Robertson, Coffin, Heffernan, Annand, Balcom, Ross.

Against—John Campbell, McKay, Hatfield, Allison, D. Fraser, Pryor, King, Bill, McDonnell, Longley, Hill, Bourinot, Jost, Prov. Sec'y, McFarlane, Finl. Sec'y, Atty. General, Robicheau, Chas Campbell, Jas. McDonald, Cowie, Colin Campbell, P. Smith, Solicitor General.

The Bill was then read a third time and sent to the Council for concurrence.

Hon. PROV. SEC'Y stated that he had just received intelligence from the Lunatic Asylum of an accident which had happened to one of the patients, who while engaged in work near the steam engine, had his arm entangled and severed from his body.

PILOTAGE.

The House went into Committee on Bills and took up the chapter on Pilotage.

Mr. BLANCHARD called attention to the fact that in Halifax and Sydney Pilots had to pay four dollars for their certificates, being double what was paid in other ports. He did not know what the reason was.

Mr. PRYOR and Mr. BOURINOT could not see any reason for the difference, and on motion of the former, the rate was made the same all over the Province, viz: two dollars.

On the reading of the clause—imposing half pilotage in case of pilots speaking a vessel where their services are not required, discussion ensued.

Mr. CHAS. CAMPBELL considered it unreasonable that vessels should have to pay half pilotage where their services were not required.

Mr. TOBIN spoke in favor of the law as it is. It was all very well to refuse a pilot in fine weather, but some encouragement should be given to these men who went out in all weathers to tender their services. The subject had often been considered in the House and the policy of allowing speaking money had been adopted after serious consideration.

Mr. J. McDONALD expressed his strong opinion in favor of extending every fair encouragement to this most useful class of men, and he thought instead of reducing their remuneration it should be the policy of the House to increase it.

Mr. CHAS. CAMPBELL thought it a very severe tax on trade.

Hon. FINL. SEC'Y said the member for Pictou had only given one side of the picture. He would ask the House to look at the other. A large number of vessels in this Province were commanded by good shipmasters who are good pilots themselves, and yet they are compelled eight or nine times a year to pay these pilots whose services they do not require, a large sum of money just for shewing them their flags.

He thought it was a crying evil which ought to be remedied. He was glad to understand his colleague was about moving in the matter.

Hon. Mr. MACFARLANE said no doubt the remarks of the Financial Secretary were correct as regards the ability of the shipmasters of Arichat to act as their own pilots, but we must look at the Foreign Shipmasters, and remember that they were not in a similar position. If sufficient encouragement was not afforded to these pilots, the better class would be driven out of the trade altogether.

Mr. MILLER said that as this was a question of considerable importance to his constituents, it was his intention to move an amendment to the present law, which would exempt coasting vessels from entering the port of Pictou from paying pilotage. He had no doubt that the pilots of this country, where necessary, were a most useful and deserving class of men and deserved every encouragement. However, where not necessary, but forced upon people who did not require them, they were only an unjust and irritating imposition upon industry. The principle was unsound to make any class pay to sustain another because they could not live without this protection. The tax referred to operated most injuriously upon another industrious class whose interests deserved consideration at the hands of the House. He referred to the coasters engaged in the coal trade, and he would state that out of the port of Arichat there were no less than 200 coal vessels trading constantly with Pictou—some of the masters of which had been in that trade for 30 or 40 years, and yet these men who knew every pebble on the beach, had every time they entered the harbor to pay half pilotage for the services they did not require. The hon. gentleman instanced what had come under his own knowledge during the last

summer. He entered the port of Pictou in a brig accompanied by six or seven others, a small skiff pushed off, and asked if they wanted a pilot—being answered in the negative they passed to each vessel in succession receiving the same answer—and the next morning the pilot came round and received his half pilotage for doing nothing at all. This was a most serious tax, and operated most harshly upon an enterprising and industrious class who contributed largely to the trade of Pictou, and the general prosperity of the Province. Not only were the services of these pilots not required, but he was informed that they did not possess the class of boats fit to go any distance to sea.

Mr. JAS. McDONALD denied this.

Mr. MILLER had then been misinformed, but he did not believe he was. At all events they never did venture out beyond the mouth of the harbor. He thought it was quite true that the number of these men who lived upon the toil of others should be restricted. The hon. gentleman then moved the following amendment—

The master or mate of any vessel owned in this Province, or at any time go before the Commissioners of Pilots at any ports in this Province, except Halifax, for examination as in the case of any applicant for the situation of Pilot, and such commissioners shall examine any such person whenever so offering, and if found competent to pilot his vessel into any such Port, shall on payment of the usual fees, grant him a certificate for that purpose, which certificate shall entitle the holder to take any such vessel under his command into and out of the Port therein named free from all charge for Pilotage imposed by this Chapter.

Mr. TOBIN said that in reality this was no tax upon the Shipmaster at all. Before he goes upon a voyage he counts the cost—he calculates the port charges amongst others, the pilotage, and he regulates the freight accordingly—so that the charterer, and not the shipmaster or owner, pays the tax. He hoped that gentlemen engaged in trade would pause before they deprived the hardy pilots of our coast of the remuneration their services deserved.

Mr. COFFIN said that the present system of pilotage in the harbor of Halifax was a scandal to the place. There were about 80 licensed pilots: many of them, no doubt, efficient men,—none of them had boats fit for the purpose. In summer they answered very well, but in stormy winter weather,—when they are most wanted—the open boats they used were not fit to go to sea. He would approve of all due encouragement to a proper style of pilot boats, such as they have in the United States.

Mr. BOURNOR approved of the amendment proposed, as he was convinced that the captains of these coasting vessels were just as competent to pilot their own vessels as the licensed pilots.

Mr. BLACKWOOD would be the last one to deprive the pilot of his just remuneration, and he would propose, by way of compromise, that in case the pilot actually proceeded to sea, and offered his services, he should receive half pilotage, but in no other cases.

Hon. FIN. SEC. said that the West India vessels did not make half the number of voyages as these coasters did, and yet the law allowed

them during certain seasons to escape with one third pilotage. On the same principle vessels that go into the port of Pictou 8 or 9 times a year, ought not to pay any pilotage at all.

Mr. KILLAM thought the pilotage law should be a general one, and no difference should be made between different ports. Although he approved of the amendment it did not go far enough, and he would rather that it included the provisions of the Imperial law, which provided that pilot licenses should be granted to the mates as well as to the masters of coasting vessels after passing a proper examination.

Mr. JAMES McDONALD was sure that the hon. member for Richmond had no intention to mislead the House, but the statements he had made as to the number of the Pictou pilots—their incompetency, and the insufficiency of their boats—were utterly unfounded. There were only some ten or twelve pilots, and this in a port where twelve or fifteen hundred vessels entered in the course of a year; they not only had boats for fine weather, but covered boats fit to go out into the Gulf of St. Lawrence, as they often did in the roughest weather—and as to their efficiency, some of them were licensed pilots before the member for Richmond was born, and he might state as evidence of their skill, that he did not remember a single case of a vessel having been lost when in charge of a Pictou pilot.

If the pilotage was taken off these vessels, it would also have to be taken off the Pictou shipmasters engaged in the same business, who it was to be presumed were just as competent to pilot their own vessels, and the result would be that you would take away five-sixths of the fees of the Pictou pilots; and having ruined the occupation of these men, one of the most important ports of the Province would be left without the safeguard which an efficient system of pilotage always affords to navigation.

Mr. MILLER did not wish to occupy the time of the House at much length, but in reply to the remarks of the member for Halifax, that this tax was paid by the freighter and not by the master, he would say that although that was true in most cases, it was not in this. The price of coal freights was regulated in the American market by circumstances over which the coaster has control. The pilotage charge was therefore never taken into consideration, but falls upon the owner of the vessel, and if remitted would go into his pocket. He was not much surprised to find the member for Halifax, and the member for Pictou agreeing upon this subject, for their interests were identical—Halifax and Pictou, on this question, might be said to be in the same boat. The member for Pictou had alluded to mistatements he had made in reference to the number of pilots in Pictou. He had obtained his information from those engaged in the trade—upon whom he could depend—and as that hon. member had brought forward no proof to substantiate the statements he made, it was just as likely that one was as correct as the other—at all event he had made no intentional mistatements. But it mattered not if there were only one half the number he had stated, it was quite time the system was altered, and the number reduced to so many as the exigencies of trade

required. You should not support any class in idleness merely to prey upon their industrious neighbours. There was no fear of the port of Pictou being left without a sufficient number of Pilots. The foreign vessels alone would keep them employed.

He was sorry that the member for Halifax was opposed to the amendment. He thought it was sound policy to afford every encouragement to the hardy and industrious class of men who were engaged in the coasting trade of the Province, and whose lives were spent in hardship and toil. He was pleased to find that the proposal he had made had met with the approval of the member for Yarmouth (Mr. Killam), whose judgment he highly valued, and he had adopted his suggestion to conform his amendment to the provisions of the Imperial law—so as to grant Pilotage Licenses to Mates as well as Masters of coasting vessels. He thought that even the advocates of the Pilotage law as it now stands should perceive the great injustice inflicted on our coasters engaged in the coal trade, and make the case of these men an exception to the general rule. A class that contributed so much to the material wealth of the country should not be taxed to maintain men whom he could not consider better than sharks; who were content to live upon the earnings of others without giving anything in return. If his amendment passed, its only effect would be to reduce the number of pilots to the absolute requirements of commerce. It would send all whom the trade of any port would not support, into some more creditable and useful branch of industry. The annoyance of this tax was equal to its unfairness—for it was looked upon as an imposition that ought not to be tolerated. Pictou had become wealthy and prosperous by the resort to that place of our coasters, and the hon. and learned member from that county should not oppose so strenuously his motion.

Mr. J. McDONALD would give a few facts to show what this grievous tax amounted to. Take a ship of 300 tons at a freight of \$8 a ton of which one half would be clear earnings. In six voyages she would earn \$2,700 and would pay for pilotage \$15. And this was the grievous imposition, the member for Richmond had so eloquently descanted upon.

Mr. MILLER said the hon. gentleman was mistaken in his calculation. In the case he had supposed the pilotage fees inward alone would amount to \$30—just double what the learned member stated, and although this might be a very small amount to him, it was not such a trifling matter to some of our Coasters. He knew many of them had become wealthy in spite of all taxes, but this was no argument against his amendment. The hon. member had called in question some of his statements without adducing anything to prove them incorrect, and now was clearly shown in a simple calculation to be himself in error. Who then was more likely to be right in other particulars? He would advise the hon. member for Pictou to be more accurate in his statements in future, especially when attempting to impeach the statements of another. The hon. member's last argument required no answer, and only showed how hard pressed he must be to sustain a weak cause.

Mr. KILLAM had ascertained that there were about 80 licensed pilots in Halifax. Almost every fishing boat was licensed. He would ask if there was any more harm to license masters and mates of vessels than the owners of fishing boats.

Mr. BLANCHARD, in the course of a few remarks, suggested that the amendment should apply to the whole Province. He did not approve of the policy of making any distinction.

Hon. SOL. GENL. thought there was some reason for a difference in the port of Halifax—vessels and steamers very often arrived off Halifax in a fog requiring a pilot—there should, therefore be some inducement held out for a pilot to go out to sea to render his services to vessels in distress.

Mr. LOCKE considered the tax an unjust one. If the masters were competent to navigate their vessels into the ports of the Province without pilots, they should be allowed to do so.

Mr. D. FRASER said that the pilots of Pictou were most competent. There was not a port in the province that had such capital boats and skillful men as Pictou. He thought, under such circumstances, it would be an act of injustice, to carry out the resolution proposed.

Mr. ARCHIBALD thought it advisable to confine the resolution to the coast ports. Mr. Henry and Mr. Annand thought it should apply to all ports except Halifax. The resolution was amended in accordance with the latter suggestion.

On a division Mr. Miller's amendment was carried by a very large majority.

Mr. JAMES McDONALD thought the principle should be applied to Halifax as well. It was not fair that coasters coming from Pictou and other ports, should be obliged to pay the heavy harbor dues at Halifax. He suggested an amendment to carry out his views.

Mr. TOBIN alluded to the fact of the heavy fog so frequent off the harbor of Halifax, as necessitating pilotage. He hoped the hon. gentleman (McD.) would not press any resolution to carry out his views, as it would be injurious to the trade of Halifax.

Mr. FRYOR agreed with his hon. colleague. Mr. McDONALD did not press the resolution he proposed but substituted one requiring all those masters etc., to pay \$5 for license obtained from the Pilot Commissioners, which was lost on division.

Mr. FRYOR said he thought the House would soon require a pilot to enable them to see their way out of the Revised Statutes.

The Committee rose and reported progress. The House then adjourned until three o'clock to-morrow.

TUESDAY, Feby. 23, 1864.

AFTERNOON SESSION.

The House met at 3 p. m.

PETITIONS, &c.

Dr. BROWN presented a petition from the Halifax Teachers Association relative to educational matters.

Mr. BOURINOR presented a memorial from a number of the inhabitants of Sydney, C. B., asking for increased postal accommodation.

Mr. BOURNOR upon introducing the memorial said the people of Cape Breton had not received a fair share of the public money granted for purposes of internal improvement. While in other parts of the Province railways had been built, mail routes extended, and other travelling facilities secured, no additional post accommodation had been of late years extended to Cape Breton. At present the people complained of the irregularity with which the mails were conveyed, and they had just cause for dissatisfaction in this respect, and he hoped means would be applied to improve the present system which improvement might be effected by establishing daily mails in some places, and compelling contractors to fulfill the terms and conditions of their engagements. At present, as a general rule the drives, or stages on the routes were too long, and the vehicles used too heavy, and the contractors carried too many passengers in the mail conveyance, all of which tended to retard speed and cause delay in the transmission of mail matter.

Mr. BOURNOR also presented a memorial from Sydney signed by Mr. Uniacke, the Rectory of the Parish, the managers of the Coal Mines, and several others, on the subject of education, &c.

Mr. BOURNOR observed that in respect to the distribution and apportioning of school money, he wanted the County of Cape Breton to be as favorably dealt with as other counties in Nova Scotia. With regard to grants for schools, roads and bridges, Cape Breton, in proportion to extent and population, was the lowest on the scale of all other counties in the Province, and he demanded as a right that justice be done the County be had the honor to represent. Many of the roads were in a very bad state, and some of the bridges were becoming dilapidated, and so far as the schools were concerned, they had not been sufficiently encouraged or fairly dealt with. He trusted the Government would without unnecessary delay take steps to remedy the grievances the people so loudly complained of. He added, however, that the Education Bill which had just been introduced would do away with one of the grievances alluded to.

The House by Message, was informed that the Legislative Council had agreed to Chapters 35, 39, and 40, of the Revised Statutes, without any amendment.

Mr. BOURNOR asked the Government to lay on the table of the House a catalogue of all the books in the Provincial Library up to Jan., 1863, together with a list of all the books added to the same since last session, together with their titles and cost of the same.

The following petitions were presented:—

By Dr. HAMILTON, from a number of inhabitants of East Cornwallis.

By Mr. MORE, from residents of Kentville.

By Mr. MORE, from inhabitants of South Aylesford.

By Mrs. GEN from Nictaux.

By Mr. LONGLEY from Milton—all on the subject of Dalhousie College.

Mr. PRYOR, from the Committee on City Bills, reported up the bill respecting the new County Jail, and the bill to amend the act relating to the County Court House, without any amendment.

The House, on motion of Hon. Atty. General, went into Committee on Bills, and took up the Revised Statutes.

The chapter relating to pilots, barbers, and barbot-masters, was entered into. Upon the clause specifying the rates of pilotage payable by British and Foreign Vessels being read, a discussion took place.

Mr. BLANCHARD, Mr. TOBIN, and Mr. KILLAM argued that there ought to be no distinction in respect to pilotage rates, between British and Foreign Shipping, and upon motion by the latter, section 9 was struck out, and the act so amended as to remove such distinction and place all vessels regardless of nationality in the same position in the respect named.

Mr. MILLER moved to strike out the 13th section, which compels a captain or master of a vessel on going out of a port to employ the same pilot that brought his vessel in.

Hon. FINLAYSON, and Hon. Mr. McFARLANE thought the section imposed an unjust and improper restriction on masters of vessels, and were in favor of removing it by striking out the section as proposed. They were of opinion that any captain would in most cases engage the man who piloted his vessel in port to take the same out again, did such pilot appear to be competent but the law as it now stood, virtually compelled the Master to employ the pilot that brought him in, whether he was capable or not.

Mr. JAMES McDONALD thought it but right that the pilot in the first place ought to have the preference.

Mr. COFFIN thought the restriction was one that ought not to be imposed on any ship-masters.

At this stage of the proceedings some discussion took place concerning the propriety of dealing with the Statutes in the mode they were pursuing.

Mr. ARCHIBALD repeated the opinion he expressed some days ago, that the manner in which the laws were being dealt with was calculated to impair them, and such had been the nature of the amendments additions and alterations made, that he was confident the volume they had already printed would not hang together. He compared the Statutes to a building from which a brace was taken out here, a plank removed there, and a prop put up in one place and a support in another. A structure so tinkered up could not be stable and secure. He felt that any amendment involving a fundamental alteration in the Statutes ought to be dealt with in the form of a distinct and separate bill.

The PROV. SECRETARY, Hon. Attorney General, and Hon. Solicitor General, were of opinion that the system they were pursuing was as safe as any that could be adopted, and the course they were following involved no difficulty or danger. They invited the attention of hon. members to every clause and section read, and if such were carefully examined, and any amendments introduced made consistent with the general law, the revision could be as safely effected by the present course, as by the mode suggested by Mr. Archibald.

Mr. BLANCHARD said that if the 12th and 13th sections were struck out, no master of a vessel

won'd under any circumstances be compelled to employ a pilot at all. He proposed that the House should by vote affirm a certain principle with respect to the subject of pilotage, and then return the charter to the commissioners, in order that they might reconstruct the same, and make it consistent throughout. This proposition was agreed to by general consent. In conformity with this arrangement, Mr. Coffin moved that the law be so amended that no sailing-master be compelled to take a pilot upon quitting a port.

Mr. C. J. CAMPBELL was in favor of such motion, because he felt it was an imposition to compel a captain to employ a pilot when he did not require one.

Mr. COFFIN'S motion, upon being put, was carried.

Mr. BOUENOR then suggested an amendment, the object of which was to relieve vessels putting into Sydney Cove Bay, Lingan, destined to Bridgeport, Glouce Bay, on account of stress of weather, from payment of Harbor Master's fees. The motion was adopted.

It was agreed to pass the chapter over for the present, in order to afford the Commissioners an opportunity to remodel it and embody the amendments desired by the House.

The Committee then proceeded to the consideration of Chapter 70. "Of Railways."

On motion of Mr. JAS. McDONALD the section giving the Railway Comm'rs powers authority to enter upon lands to procure gravel for building railways, was amended by adding the words "or repairing."

Dr. HAMILTON asked what it was proposed to do respecting the alleged indebtedness of the City of Halifax to the Province on account of the Railway. He did not believe the city could be compelled by law to pay the amount it was alleged it owed.

Mr. BLANCHARD said that a suit for the recovery of the money was now pending, and if the Government did its duty, would be pressed.

Mr. THOMSON thought they had better strike that arrangement with the city off the Statute Book. A note of hand for which no value had been received could not be collected, and with regard to this railway concern, the city of Halifax got no value, and was under no obligation to pay the money—it did not owe the debt.

Hon. Privy Secy. said they better not alter the law relating to this subject while the matter was an object of litigation.

Hon. ATTORNEY GEN. observed that no doubt the city expected to make a fortune when it entered into the bargain, and he would not therefore countenance the engagement and debar it from a chance of realizing such expectations. (Laughter.)

Mr. KILLAM said the city of Halifax had been the means of putting the Province under the liability now upon it, on account of railway construction.

Mr. C. J. CAMPBELL was understood to say that the railways were a disgrace to all who had anything to do with projecting and constructing them.

Mr. LOCKE was of opinion that the Government ought to collect the money owed by the city, but this was not the proper time to discuss the subject.

On the reading of the chapter on "Interest"

which fixes the legal rate at six per cent. Dr. Tupper inquired whether it was the intention of the House to pass the law as it stands. It was a very important subject and required the serious consideration of the House.

After a few remarks from Hon. Mr. Shannon, Atty. General, and Mr. Archibald, it was decided to pass the chapter over for the present.

The Committee adjourned (in) the House resumed and reported progress.

GOLD MINES' REPORT.

Hon. PROV. SECY by command laid on the table of the House the Report of the late and present Gold Commissioner for the past year, and in doing so he congratulated the House and country upon the encouraging state of affairs which this report exhibited. The amount of gold raised in 1863 was 14 001 ounces, 14 dwts., 17 grs., and in 1862 7,275 ounces; being nearly double the amount raised in the previous year.

The value of the gold raised last year amounted to \$259,032. The receipts from the gold fields during the same year amounted to \$18,760, while the expenditure reached \$28,708. This at the first blush would show an adverse balance of about \$4,608, but he would remind the House that a large portion of this expenditure (11,666) was for lands appropriated in the previous year—and when to this was added the amount paid for returns rents or the same year, (\$880) it would be seen that the operations of the past year largely exceeded those of the previous. Another noteworthy feature which the report exhibited was that while the returns of gold raised nearly doubled that of the previous year, the number of men employed was only \$77, about one-half of these employed in 1862, so that the individual gain was also greater. The honorable gentleman intimated that the Government proposed to submit some important alterations in the present law, to which the particular attention of members was directed in the Report.

DESPATCHES RELATING TO PROVINCIAL APPOINTMENTS.

The Hon. PROV. SECY. also laid on the table a copy of the list from which the Sheriffs for the last year were appointed. Also, copies of Despatches relating to provincial appointments. He did not intend to imitate the example which had been set elsewhere, of taking exception to public documents because a clerk in a public office had omitted to dot his i's, or cross his t's; but he could not avoid bringing to the notice of the House that there were despatches of a most important character—changing the mode of appointment to the highest offices in the country—such as Legislative Councillors and Judges of the Supreme Court, which had not been laid on the table of the House by the late Government, nor was any record to be found of them in the Journals of the House—while they had been submitted to the Upper House in a garbled form. He would not say that this had been intentionally done, but such was the case.

Mr. ARCHIBALD doubted whether such references to the proceedings of the Upper House were calculated to increase that harmony which should subsist between the two branches of the Legislature.

As regard the despatches referred to, it was quite possible that in the number received from the Colonial Office, these were not submitted to the House not having been specially asked for, but there could be no disposition to withhold them as they contained nothing more, than to give to the provincial Government the power to make certain appointments absolutely instead of conditionally.

The despatches were read by the clerk.

These despatches consist—first of a despatch dated 22nd July, 1862 from the Duke of Newcastle to the Lieut. Governor which refers to a former despatch informing the Lieut. Governor that the practice of appointing public officers by warrant under the sign manual was generally inapplicable to appointments made by a Governor in conformity with the recommendation of his responsible advisers, and enquiring whether there are any officers in Nova Scotia for which the sign manual is required by law, or any reason why the present form should be adhered to.

No. 2 Despatch, dated Aug. 15th, 1862 from the Earl of Mulgrave to the Colonial Secretary, stating that he was advised by the Crown Officers that there were no cases of Colonial appointments in which the Royal warrant was required—(except the officers of the Admiralty Court)—and that consequently there was no reason why the present system should be continued.

No. 3 Despatch, dated 27th Decr., 1862 from the Duke of Newcastle to Earl Mulgrave—directing that in future the practice of appointing public officers under the Royal sign manual should be discontinued—but that all appointments which under the existing system would be made under Warrant should be notified to the Colonial Office.

Hon. PROV. SEC. was not disposed to admit the soundness of the doctrine laid down by the leader of the opposition that it was unconstitutional to refer to the proceedings of the other Branch of the Legislature. He had high authority for his position. Any one in the habit of reading the Debates in the Times, would see constant reference made in the House of Commons to the proceedings in the Lords, and he could see nothing unparliamentary in the practice.

Mr. ANCHUTLAND thought it would be an unseemly spectacle for a member of one branch of the Legislature to be constantly making attacks upon a member of the other House.

In reference to the despatches just read, he explained that although the appointment to the offices referred to did not take effect until after the Queen's pleasure was known, in reality they were final when made by the Provincial Government—so that referring them for the confirmation of the Crown was a mere matter of form. In view of this state of things, the Colonial Secretary expressed his opinion that the present system of referring these appointments to the Home Government, in order to obtain the Royal Warrant, should be discontinued.

After some further remarks the subject dropped, and the House adjourned until 3 o'clock the next day.

WEDNESDAY, Feb. 24, 1864.

The House met at 3 p. m.

The following petitions were presented.

By Mr. BLACKWOOD, from a number of the

inhabitants of Tatamagouche asking for increased mail accommodation.

By Mr. HERRNANZ from residents of Guysboro', praying for increased postal accommodation between Guysboro' and Cape Canso.

By Mr. BOURNOR from Archibald McNevin, an aged teacher, in the county of Cape Breton, for a free grant of government land.

By Dr. STODOLM from a number of the inhabitants of L'Etete, Lunenburg, relative to the Labrador fisheries.

By Mr. JOHN CAMPBELL from John H. Franchville, an aged teacher, for a free grant of land.

By Mr. KILLAM from a number of residents of Yarmouth interested in shipping, on the subject of granting certificates to shipmasters.

Mr. KILLAM observed that agreeably to an act of the Legislature, Boards of examination had been established in certain ports of this Province. Among them Yarmouth, and the board at the latter port had granted certificates by virtue of the power vested in it, yet such certificates had not been acknowledged by the Board of Trade in England, and he wished the subject brought under the notice of the British Government.

Mr. BOURNOR introduced a bill to incorporate the Cheticamp Copper Mining Company—also, a bill to incorporate the Boston and Bridgeport Coal Mining Company.

Hon. ATTY. GENERAL laid on the table certain despatches from the Colonial Office on the subject of maritime courts of enquiry, and advising the erection of such a tribunal in this Province, and he introduced a bill in accordance with the subject of such despatches.

Hon. ATTY. GEN. explained the nature and object of the measure. The title is "A Bill to establish Marine Courts of Enquiry." He said there was nothing original in it, as it was compiled mainly from the Mercantile Shipping Act. The chief object of such Courts would be to enquire into the circumstances connected with the wreck of vessels on the coast, the conduct of the officers, loss of property, etc, and forward the same to the Board of Trade in Great Britain. It authorizes the Government to appoint persons to constitute such courts, the proceedings of it to be assimilated as far as possible to other courts of justice, and possesses the requisite machinery to carry out the objects of the bill.

Mr. BLANCHARD remarked that a few days ago he asked for a return of the list of persons recommended by the Government to the Judges for appointment to the office of Sheriff in the different counties in the Province. He did not know whether the Provincial Secretary had misunderstood him or not, but the list laid on the table did not contain the information he sought to obtain. The list presented was not the one recommended, but the one decided upon, and he would ask for an explanation.

Hon. PROV. SEC. replied it was true that certain changes had been recommended, but had not been made, and therefore he did not under the circumstances think it desirable to make the recommendation public, but he would place the papers asked for confidentially in the hands of the hon. member (Mr. Blanchard) for perusal.

Hon. PROV. SEC. laid on the table the report of the Commissioners appointed to hold the Agricultural Exhibitions of last year, which was read by the Clerk.

Mr. ARCHIBALD asked the Government for returns from the Clerks of the Peace for the various counties with respect to the requirements of the Franchise act of last session, regarding the revision of the electoral lists, and how far the provisions of the law had been complied with.

Hon. PROV. SEC. and Hon. ATTY. GENERAL pointed out what they conceived to be an incongruity in the Act.

Mr. ARCHIBALD contended that its directions were sufficiently distinct and quite unmistakable.

Mr. McFARLANE said the requirements of the law had not been acted upon in the County of Cumberland, owing to the expenses that would that would attend proceedings.

Mr. PRYOR stated, that in consequence of the Sessions not having learned the requirements of the law in time, no action had been taken upon it in Halifax, and he suggested that the time for making the specified electoral returns be extended.

Mr. KAULBACK presented the petition of a number of the ratepayers of Chester, praying for the repeal of Cap. 52 of the Act passed last session "Concerning the Township of Chester."

The House then went into Committee and took up the Revised Statutes, and a number of chapters passed without any discussion or material amendments.

The Commissioners to whom the chapter on Pilotage had been referred, reported up the bill amended in accordance with resolutions passed on Tuesday.

In the act respecting the inspection of pickled fish, Mr. Jost suggested an amendment reducing the length of No. 1 mackerel to 14 instead of 15 inches. He stated by this means our standard would be assimilated to that of the Americans. Mr. S. Campbell supported the amendment, which was adopted.

Mr. KAULBACK asked leave to introduce a bill to incorporate the Lutheran Congregation at Bridgewater

It was suggested that this was a private bill, and should therefore first pay \$20 in accordance with the rule. This was not, however, the general opinion, and the bill was accordingly read a first time.

Hon. PROV. SEC. presented a petition from R. A. Logan, and a number of other inhabitants of the Eastern District of Halifax, praying to be set off into a separate county.

The House adjourned until 3 o'clock the next day.

THURSDAY, Feb. 25.

The House met at 3 o'clock.

Dr. HAMILTON introduced a bill to alter and divide district No 5 in North Kings.

Mr. CHURCHILL presented a petition from the inhabitants of Hants County in reference to Dalhousie College.

Mr. COWIE presented a petition from the inhabitants of Queen's County praying for the amendment of the act relating to the deepening

of the Harbor of Liverpool. He also introduced a bill in accordance with the prayer thereof.

Dr. HAMILTON presented a petition praying for an alteration in a post ride.

Hon. PROV. SEC., by command, laid on the table the report of the Record Commissioner for the past year.

Mr. McFARLANE presented three petitions for change in mail accommodations.

Dr. BROWN presented a petition from Hants County on the subject of school lands.

Mr. PRYOR introduced a bill to improve the system of sewerage in the City of Halifax.

Mr. COLIN CAMPBELL presented a petition from Digby on the subject of Dalhousie College.

Mr. MORE presented a petition from Lower Aylesford on the same subject.

EDUCATION.

The Hon. PROV. SEC. moved the second reading of the bill for the better encouragement of Education, and in doing so, stated that he would not detain the House by any lengthened remarks, as he believed the leading features of the bill would be concurred in by gentlemen on both sides of the House. He presumed that any question that might arise would be more in reference to details, but if any gentlemen wished to address the House upon the principle of the bill, it would be the proper time to do so then, before he moved the House to go into committee.

A bill to establish Marine Courts of Enquiry was read a second time.

Hon. ATTY. GENL. introduced a bill to incorporate the Fruit Growers and International Show Society.

On the motion being made to go into committee on the Education bill,

Mr. MILLER did not wish to be understood as agreeing to the principle of the bill. The remarks he had to make, he presumed, could be made just as well in committee.

Hon. PROV. SEC. said that if the hon. gentleman objected to the principle of the bill that was the proper time for him to state his objections before going into committee.

Mr. MILLER had no intention of moving any amendment to the Bill. He simply wished to express his conviction that the principle enunciated in the Bill was not the sound principle upon which the Educational system of the country should rest. In his opinion the Denominational system was the only correct one,—yet he did not intend to move against this Bill, for he was inclined to think it was an improvement in the present law, and a step in the right direction, and perhaps, under the circumstances, the best measure that could at present be brought forward.

Mr. ARCHIBALD said:—If I were disposed to attack this bill, it would be upon different grounds, from those stated by the hon. member from Richmond. I take it for granted that this bill has been brought forward by the Government, after due consideration—first as to what kind of measure would be suited to the wants of the country, and secondly what measure would be likely to be carried in the House; for I presume that the Government would not bring forward a bill which they were not prepared to carry.

My objection to the Bill is that it does not go

far enough, and although I am aware of the difficulties that surround this question, I think the Government were in a position to have assumed the responsibility of going a step further.

There are one or two features in connection with this Bill which I consider it my duty to bring before the notice of the House, and I can assure the hon. introducer of this measure that in doing so, I am actuated by no hostile spirit or any desire to offer any factious opposition to the Bill. If there is one subject more than another which should be kept out of the arena of party politics it is the subject of Education, and I should be sorry indeed, if any remarks of mine should have the effect of preventing a free and impartial discussion of this question.

Any one who turns his attention to this subject will be alarmed at the state of Education in this country which the Census of 1861 presents. Out of a population of 300,000, over the age of five years there are 81,479 who cannot read—more than one fourth of the whole population. Out of 83,959 between the ages of five and fifteen there are 36,538 who cannot read. Of this same number of 83,959 there were attending school in 1863 only 31,000, so that there are 52,959 children in this country growing up in ignorance. I would ask the House if this is not a state of things which demands prompt and vigorous action?

While this is the lamentable state of education, let us glance for a moment at the material interests of the country. Nova Scotia possesses the elements of material prosperity in a greater variety than any other country under the sun. Her agriculture forms a very essential source of wealth. Yet her people are not entirely dependent upon it. It is important to remember in connection with this subject, that we are not favored as they are in Canada, with a large emigration and the introduction of foreign capital, and that, therefore, whatever progress may be found in this branch of industry is to be attributed to the gradual increase of the skill and labor of the inhabitants. Looking at the statistics, we find that in 1851, the quantity of oats raised was 1,384,437 bushels; and in 1861, 1,978,137, or an increase of 50 per cent. Of potatoes in 1851, 1,986,789 bushels; and in 1861, 3,824,864, or an increase of 100 per cent. Butter, in 1851, 3,613,890 lbs.; in 1861, 4,532,711, or an increase of 25 per cent. Upon turning to another most important branch of trade—the mining interest, we find that in 1833, we exported 24,000 tons of coal; and in 1843, after a period of 10 years, the quantity had increased to 50,000. In 1853 to 95,000, and in 1863 to 395,000 tons. When we consider the immense amount of industry and capital employed in developing this source of wealth, we may well contemplate with pride and satisfaction the large increase which the operations of the last few years exhibit. Then, again, our gold mines which have only been in operation for the last three years, exhibit most encouraging prospects; the yield, which in 1862 amounted to 7,000 ounces, last year increased to 14,000; and we may look forward to a still larger increase.

The Hon. Finl. Secy., in referring to the shipping interest the other day, told us with commendable pride, that we possessed a ton of shipping for every man, woman and child in the Province.

And so it will be seen that we have reason to congratulate ourselves upon our material prosperity. Nature has indeed showered upon us her richest blessings, and what return, I would ask, have we made for the advantages we enjoy. What is the use of all this prosperity, when the statistics disclose the lamentable fact that one-fourth of our entire population are unable to read! Therefore in view of this painful state of things it was the duty of the Government to introduce such an Educational measure as would meet the exigencies of the country—I am sorry to say that they have not met the difficulty as they ought, and as I think from their strength they were in a position to do. If it be urged that the people are not yet educated up to what I believe to be the only sound system of education, I would ask, when will they ever be? Surely they cannot be educated in ignorance, and therefore the longer it is left the worse it will be. I believe that if the system of compulsory taxation was once adopted the prejudices against it would speedily fade away, and it would soon recommend itself to the good sense of the people.

In making these observations, I can assure the Hon. Prov. Secretary I am acting in good faith; but there is one feature of the bill which I am afraid will be the means of introducing a dangerous principle. Hitherto, it has been the aim of all parties to keep this subject free from political influence; but I would ask the Prov. Secretary what surer mode could he adopt of accomplishing that which we have long striven to avoid, than to make the Executive Government a council of public instruction? I ask him to turn to the Canadian system, or to that of any other country, and see if he can find a single instance of a similar power being granted to the Executive as that contained in the first clause of the bill. Surely, in this large Province, he could find nine men of sufficient intelligence, education and standing, to form a Board of education without having to draw upon the Executive for his material. I ask the Government, then, if they do not consider this principle to be of vital importance to the bill to reconsider this first clause, and form such a Board as will command the confidence of the people.

The same objection will apply to the county inspectors. There will be 23 of these officers receiving a large sum of money, and all deriving their appointments directly from the Government. It would, therefore, be only natural to suppose that they would be more or less influenced by political feelings. In Canada, these officers were appointed by the municipal authorities, as was the case with the superintendent. I hope, therefore, that the hon. Prov. Secretary will accept these observations in the spirit in which they are offered, and will so amend his Bill in committee as to make it meet with the approbation of all.

I cannot say that I agree with the hon. introducer of this measure in his anticipations of the benefits which will result from the increase of the school grant. Experience shows that such bounties are not valuable unless you make the people contribute. Take the case of Connecticut, where a larger amount is applied for educational purposes than in any other country in the world. This amount is almost entirely derived from the

sale of wilderness land, and yet education in that State is at the lowest ebb. Just in proportion to the amount of exertion used by the people will education increase. I cannot close without referring to one feature of the bill which I approve of—that which affords assistance to those who are disposed to help themselves, and instead of giving them twenty-five per cent additional, I would be disposed to give them a still larger allowance.

Mr. MILLER said, after what had fallen from the hon. and learned member from Colchester, in favor of a compulsory system of education, founded on taxation, he would be recreant to the views he entertained in union with a large body of the people of the Province, if he failed to make a few observations on this subject. It was admitted, on all sides, that the great question of popular education, then before the House, was among the most important that claimed the attention of the Legislature. It was a question that should be approached, as he was happy to perceive it was approached, with an absence of party feeling, in a spirit of ingenuousness and sincerity, accompanied with an honest zeal for the public weal. It mattered not whether the cause of education was looked upon, simply as a question of political expediency or economy, or was viewed in connexion with higher moral consideration; the conclusions arrived at, in both aspects, were the same. There could be no difference among all parties on the importance and necessity of an educational system, based on sound principles. But on a question of so important a character, it was not strange that there should exist some diversity of opinion as to what were the soundest principles on which to rest our common school structure. This was always found to be the case in every country, divided by different interests and ideas into discordant elements. When every party viewed from its own stand-point, and in the light of its own peculiar opinions, a question having an influential bearing on all interests of society, social, religious and political, the conclusions of all were not likely to be marked with unanimity.

We therefore found the most opposite doctrines to prevail in reference to education.—Some have advocated the right of the state to enforce education by compulsory enactments, and if he was not mistaken this was the doctrine of the member for Colchester. On the other hand, the number was not small who contended, and justly as he believed, that the duty of a government was merely to assist and encourage by wise legislation and pecuniary support the voluntary efforts of individuals. It was worthy of remark that the advocates of the first doctrine always formed the majority, never the minority in the State; and wherever the same class was in the minority they repudiated as contrary to liberty and justice the right to which he alluded. He considered the usurpation of that right by the state, a gross violation of the natural rights of the parent, and an attempt under the cover of a broad principle to exercise the spirit of tyranny and intolerance.

He was in favor of grounding the common school system of the country on the denominational principle, as the wisest and most consistent that could be adopted. That principle had been recognized in the Collegiate Institutions of the

Province, had been carried into practice, and was allowed to have worked well. But he had been misunderstood by the hon. introducer of the bill in the few remarks he had just offered to the House. He had no intention to propose any amendment to the principle of his measure, for, with some exceptions which he could allude to in committee, he thought it was as free from objection as could be expected.

He feared that what he considered the best basis of our school system, would not be favorably received by a majority of the House, and he was therefore willing to accept what might be esteemed the second best. But, in doing so, he did not wish to be looked upon as according a preference to the hon. Provincial Secretary's bill, over views which he sincerely entertained.

The lower institutions of learning in this Province would never be really efficient and well sustained until their control and support were placed in the hands of the various denominations of the country. Emulation and sectarian pride would then exert themselves in a laudable channel and with gratifying results. He thought it but justice to himself to say this much on the principles of the bill under consideration, before it was sent to committee. As there was no desire to excite discussion on its second reading, he would confine himself to the few observations he had made. Instead of showing any hostility, he was disposed to support its leading features. The measure, if passed into law, would be a decided improvement on the act now on the statute book, and on the whole he believed the hon. gentleman who had originated it had done a service to the country. Many of its clauses were susceptible of improvement, and to some of these he would direct attention hereafter. Its worst features were its expense, and the dangerous machinery for political purposes it might create. With the spirit then pervading the House, it was fair to expect that their deliberations would secure to the people such an enactment as would stimulate the cause of education, and tend to diffuse more generally its advantages among all classes.

The House then went into committee, and took up the bill.

The first clause, constituting the Executive a Council of Public Instruction, was read.

Hon. PROV. SECRETARY said—I entirely accept the statements of the hon. leader of the Opposition that he approaches the subject with an earnest desire to improve the educational institutions of the country. I have no doubt that the hon. gentleman will show in the discussion of this measure and in the perfection of any clause that he is animated by a feeling to make it as useful and advantageous to the country as is possible; and I receive the exception which he takes to the character of this council of public instruction as originating not from a desire to embarrass the Government and obstruct this measure, but rather from a desire to improve it. As I understand the hon. gentleman, he has no objection to have our educational institutions brought under the supervision of a council of public instruction, his objection applies to its composition. I will say at the outset that there is no one feature in this bill that has given the Government the same amount of anxiety, as that connected with the for-

mation of this council. We only decided upon placing the management of public instruction in the hands of the Executive after a most careful deliberation. My colleagues and myself came to the conclusion that by this means we would obtain the best mode of carrying out the object in view. I have no hesitation in saying that if any gentleman on either side is enabled to show us any means better adapted to advance the ends of education than the one proposed, the Government will give it that full consideration to which it is entitled. I listened, however, to the hon. member for Colchester with interest to hear if he would be as successful in building up as in pulling down; for I take it that when he takes exception to the principle proposed, he should show the house a better one. He was obliged, at the commencement of his remarks, to admit that a body charged with duties so important and responsible, should possess the confidence of the country. Well, then, I answer him at once, that this bill provides this very requisite. As long as the principles of Responsible Government prevail in this country, as long as the Executive must possess a majority in the House and in the country, we have the guarantee that the council of public instruction, in the discharge of the important functions which will devolve upon it, will reflect the confidence of the people.

Now, I have no hesitation in saying that personally I ought to disapprove of the principle in question, for it devolves upon me, as a member of the Government, no inconsiderable amount of additional responsibility. We all felt, when the bill was under consideration, that it was going to impose upon the Executive a large amount of labor, which is most undesirable. But it was decided to place this responsibility upon the Government, because we were unable to find any other means which we believed would be satisfactory. The hon. member must himself feel that the parties charged with functions of so important a character should discharge them under the weight and influence of responsibility to the country. I believe that it is impossible for this Board, constituted as it is, to indulge their leanings, political, religious, or otherwise, in educational matters, in the face of an intelligent country. I feel that when the hon. member admitted that these functions are of an important character—that they should be discharged with fidelity to the country, by a body that possesses its confidence—he argued actually in favour of the principle we propose. I fail to see any other means that would give to the people the same guarantee that is given when the duties are entrusted to those who must act under that sense of immediate responsibility which the Government, for the time being, find always resting upon their shoulders. Now, the hon. gentleman did not say whether he would be satisfied if this Council of Public Instruction charged with such high functions, should be made up of men from the city of Halifax, and therefore become a strictly local affair. I am quite sure if he wished it to be so, he would not get many in this House to agree with him. No men in this Legislature would be willing to entrust to any men belonging solely to the city—however high their character or intelligence—the management of the entire educa-

tional institutions of this country. On the other hand, if he is going to draw from the different sections of the Province the men who are to compose this body, then he will involve this country in a very large expense. Therefore, according to him, the House would have to choose between one of two principles—either to make a local body composed of the citizens of Halifax, or one composed of gentlemen called from different districts, from day to day, from week to week, from month to month, at very considerable expense and inconvenience.

But I go further, I ask the hon. gentleman where is he to find the men to compose this body. If we look to the members of the Executive Council, we have the guarantee that they possess the confidence of the House and of the country. But says the hon. gentleman, you can surely get nine men that have no strong political leanings. I don't know where they are to be found. If I go through the length and breadth of Nova Scotia, I am unable to find a man possessed of such mental vigor and standing as would warrant him being appointed to discharge the duties allotted to this Council, who is not influenced by strong political feelings in one way or other. I repudiate at the outset the belief that there is any class of men in this country to whom the country looks with respect, that have withdrawn themselves from a deep interest in the political affairs of this country. You will find here and there a man who pretends he has withdrawn himself from public life; but show him to me, and I will show you a man who has been disappointed in the amount of influence which he hoped to exercise in the country. Show me a man who says he has nothing to do with public matters, and I will prove him to be either one who has been unable to achieve a public position, or one who has found that the estimate entertained by his fellow-men respecting him is not commensurate with that which he feels himself.

I ask the hon. member whether under our present system he would not in matters connected with his own county rather have men who are able to answer him face to face in this House, than have some irresponsible body who discharge their duties in some room in Halifax, totally indifferent whether the country or the Legislature approve of their conduct. I believe the more the hon. gentleman looks at the matter the more he will become satisfied that the present bill will give the people throughout the country a greater controlling influence over the educational institutions of the country than they have ever yet possessed. I may say, too, that whilst the system we propose rests the entire responsibility upon the Government, that advocated by the hon. gentleman would enable an Administration to stand up and say, whenever challenged with reference to this Council of Public Instruction, they were very sorry that complaint should be made, but they had no doubt the gentlemen who composed the body discharged their duties with a sense of what they conceived to be just and right. The Government could pretend they had no control in the matter, and thus avoid that responsibility which it is now proposed to devolve upon them.

I would ask any gentleman in the House who

ther he would rather have the Executive Council in the face of day to answer to them for the mode this bill was administered, or a partizan Board, prepared to carry out the wishes of the Executive, but free from the responsibility of that body. By this bill, the management of educational affairs in each county will, to a very large extent, be local. The School Commissioners will be the persons who will carry out the system. I will not, however dwell further on subject. It has been merely my object to notice the objection to this bill which has been raised by the hon. and learned leader of the opposition. I will but add that it will be the endeavor of the Government, in carrying out the provisions of this bill, to secure the services of the best educationalists, and otherwise advance the educational improvement of the country, rather than to subserve the purposes of any political party.

Mr. ARCHIBALD replied briefly. He said he had listened with a great deal of attention to the arguments of the hon. Provincial Secretary, but they had failed entirely to alter the opinion he had formed in reference to the character of the Council of Public Instruction. He did not believe with that hon. gentleman that the fact that the Executive was liable to be challenged for their acts by the House and by the country, was a sufficient guarantee that they would discharge their duties faithfully. Could it be pretended for a moment that the Government, in the different appointments they made, were guided solely by what they considered to be for the advancement of the public interests? Was it not well known that other reasons often influenced a Government—that political pressure was frequently brought to bear upon them—to the prejudice of the public welfare? He objected to the principle upheld by the Pro. Sec. *in toto*. What he desired to see was an independent Board, independent of the Executive, since there was a greater prospect of its acting impartially. He would be willing of course that the Government should have a majority of their friends on the Board, but at the same time, he was desirous that the views of the minority should be respected. He could put his hand on many gentlemen, who sympathized with the hon. Provincial Secretary, in political matters, to whom he would have no hesitation in entrusting the management of the Public Instruction of the country. Constitute this board with reference to the educational requirements and character, rather than to the political leanings of the men upon it, and the country would have much greater reasons for confidence in its management. He wished to adopt a rule that had been in force in Canada since 1847, and has always worked admirably. He did not oppose this clause because he felt any disposition to injure the measure, but because he was convinced it established a principle which would be found to work most injurious. He had hoped that his strong remonstrances might have been of some avail, and induced the Government to step before it was too late. He felt he had done his duty in warning the House against the engrafting of a most obnoxious and injurious feature upon the educational system of this country. This warning, at pre-

sent, he was afraid, was of no avail, but he felt the time would come when the country would feel that he was right.

Hon. SOL GENL.—If it were not for the observations of the hon. member who has just sat down, I would not say a word. He said he was not convinced by the arguments of the hon. Provincial Secretary in reference to the clause just read. But I may say to the hon. member that he has not answered one of the arguments of my hon. friend. He has been already informed by the Provincial Secretary that it is much easier to pull down than build up; and when the hon. member undertakes to warn the House and country against this clause, he fails most signally to recommend anything better. He tells us that he would have a Council composed of nine gentlemen, to be selected by the Government; but he does not say where they are to come from—whether they should be resident in Halifax and ignorant of what is going on in the country, and of its actual educational wants. He did not tell us from what districts they should come, or if he would select them from the country; nor how often they are to meet; nor how they are to be paid. I think then the hon. gentleman before he attacked this clause should be ready to propose something which is feasible. And when he warns us not to make this a political body, I would say to him that this is a thing which he should have thought of before. He should have considered and acted in regard to it long ere this, for it is well known that Boards have been changed in this country by the late Government—that that hon. gentleman himself was the first to introduce the strife of political parties into our school system. He introduced politics into the school Boards, and distributed the people's money unfairly among the different classes of this country. I have known a political aspect given to a school Board, that did not do justice to the different denominations in the county. Will the hon. gentleman then tell us, that party politics have not been mixed up with this question? The hon. gentleman also says, if you take this step now, you may not retrace it. But what is this experiment, of which he is so afraid? It is to have a Board, whose duty it will be to do that which is right to the country, and there is no government that understands its functions that will dare to violate the trust reposed in them. It is absurd to say that this is a power that the Government itself seeks. Who does not know that the more you give a Government to do, the more you endanger its stability. Place any party in power, and give it nothing to do—give it no patronage to distribute—allow it to come before this Legislature at certain periods, and perform certain limited functions, and you give it a tenure of power for life. I hold that the more responsibility you throw upon a Government, the worse it is for it, and therefore any Administration that assumes additional responsibility does so at very considerable risk. Accordingly, no Government should be very anxious to take upon itself additional functions. What led to the overthrow of the late Government? Its interference with the local government of the country, together with the making of improper appointments.

The hon. gentleman talks about Canada. There, he says, the system is different; but he forgets to tell us that the counties of that colony are incorporated; and under a system of taxation by representation, they are able to carry out a system which we have not the machinery here to do. The hon. member tells us that County Inspectors will be necessarily political officers appointed by the Government. But he should remember that these officers will be in a position similar to that now occupied by the School Clerks, who can be the object of political action at any moment. I know cases where School Boards have been changed for the purpose of changing the Clerks. Therefore it is evident that the Inspectors to be appointed by the Government are not likely to be more subject to change than officers under the present system.

Now what is this Council to be that he proposes. He says it is likely to be of a partisan character, that he could expect nothing else than that the Government should have a majority on it. My experience of this country induces me to come to the conclusion that if there is a majority of one set of political partizans, the arguments of the minority will be of little avail. It will too often happen as in the Legislature, that when a political question arises, it will be settled in consonance with the prejudices and sympathies of the majority rather than with reference to its real merits. The hon. member says the Board will not be intrinsically partisan when it is not all composed of one class of men. I say it is partisan to all intents and purposes when there is a majority of one set. This majority necessarily controls everything that comes up. Composed of partisans, it is certain to act in a partisan manner. It performs the bidding of the political party that it upholds. We knew now what is the practice under our present system. If a School Board acts in a manner antagonistic to the interests of a certain political party, it is certain to be reconstructed when that party is in power. I ask, then, is it not preferable that the Government should do what they do openly and be responsible to the Legislature. I ask if the country has not a better security that justice will be done under the principle proposed than if a Board were appointed of irresponsible persons. You do not increase the power of the Government in any way whatever. Now it can have whatever it wants done. The only difference is that you make the Government more immediately responsible for everything it does in connection with Education than hitherto has been the case.

I will not dwell much further on this subject. I will only ask the hon. gentleman would he be satisfied to have these nine gentlemen drawn from Halifax alone. Or would he expect to get them from the country without any great expense? I need not pause for a reply; I know what every gentleman in this House who is not awayed altogether by prejudice will reply. The system, for the most part, will be managed by the Inspectors and by the Commissioners in the country. The principal duty of the Government will be to make general rules applicable to different school districts in order to get a system organized, and prevent trustees acting on different principles, and in cases of disputes, to come

in as arbitrators and settle them. It therefore appears to me that the power of the Government will not be very much greater than it has been heretofore in respect to the management of Public Instruction.

Mr. BLANCHARD—There have been some arguments advanced to retain this clause in the bill which appear to me to be incongruous and contradictory, and I feel myself bound to call the attention of the House to the subject. We hear from both the Provincial Secretary and the Solicitor General that the Executive has shrunk from the great responsibility cast upon them, and in a moment after we are told that this Executive has hardly anything to do with the matter. The Commissioners and the Inspectors manage it, and the Executive Council will have nothing to do but frame rules and regulations in order to form a system. If that were all that the Government had to do, what would be the danger of entrusting the same power to an independent Board? They say they could do wrong more easily through such a Board; but who does not know it is a fact that a Government is subject to pressure—that it has often to resist the pressure brought to bear upon it by its supporters—that it is obliged, time and again, to do that which otherwise it would not. Constitute an independent Board, put men on it of good judgment and honesty, and it will be far less likely to perpetrate such things as any Government might be often forced to do. It is said you must have this Board, not entirely from Halifax, but from the country. I pray how is the country now represented in the Executive Council. Cumberland and Antigonish are well represented, I admit; but that the country has that representation to which it is entitled in a Government I deny. Why, the whole Island of Cape Breton may be said to have no representation. I look upon the Financial Secretary as resident in Halifax and therefore not in a position to properly represent Cape Breton interests as far as this Board is concerned. Therefore I contend you could get a Board in the city just as fairly representing the country as does the Executive Council.

The Solicitor General says that the minority on the Board will be powerless to effect anything, and therefore to all intents and purposes useless. But is it not better to give the minority a chance of having their views represented than to exclude them altogether? According to the principle now proposed, the arguments of the dissentients are never to be heard at all. The Board is to wear altogether one political aspect. I would ask how are other Boards now constituted? We know what is the fact with reference to the Agricultural Board. You might just as well make the Executive the Commissioners for the erection of the Provincial Building. I am against the introduction of such a dangerous element into our legislation—particularly in connection with such a vital interest as that of Public Instruction. In Canada the Executive Council are not the Board. In New Brunswick they are, but the Governor is the President. I must express my surprize that a similar feature is not introduced into the Bill. In such a case, the people, I think, would have a greater guar-

rantee that political partizanship would not be allowed to have such full sway.

Mr. STEWART CAMPBELL.—There is another view which may be taken of this matter. The Bill proposed by the Government provides for the appointment of a Council of Public Instruction consisting of the members of the Executive Council. It is urged by the hon. member for Colchester that that clause might be improved by forming such a Council irrespective of the Government. Now, I entertain an opinion different from the views expressed on both sides. I ask, where is the necessity for a Board at all. A subsequent clause in this act provides for the appointment of a Superintendent of Education, who is to be the Secretary of the Council. What is to be the duty of this body? The bill tells us first that "the Council of Public Instruction shall have the general superintendence of the Normal School." Cannot that be discharged by the Superintendent? "Shall prepare and publish regulations, &c." Cannot that duty be efficiently performed by the same officer? "Shall appoint Inspectors of Schools and prescribe their duties." Who so competent to perform that duty as the Superintendent of Education! "Shall appoint proper qualified persons to examine the students of the Normal School, &c." Cannot that be entrusted to the same officer? But here is a very irksome duty for the Council to perform—to "recommend suitable text books and apparatus for all schools, as well as proper books for school libraries." Certainly it will be amusing to see the Executive Council sitting down and solemnly determining this matter! I can easily imagine what a great bore it will be voted by the Solicitor General, and other gentlemen in the Council. (laughter.)

Therefore I have come to the conclusion that there is no necessity for such a Board at all. With regard to the political aspect of this body, I entertain a view which I think should be seriously considered by gentlemen on both sides of this House. How many members of the Executive already sit upon these benches? A very large proportion indeed, if we add the Commissioner of Railways, who is an important Executive officer. Therefore I conceive it is the duty of this House to check every attempt to increase the power of the Government. It is a question which this Legislature should reflect upon very seriously. We have already passed a bill which is to extend their power in a very great degree; I mean with reference to the appointment of 18 Sheriffs in this country. And now we are going to give the Executive the power of controlling the whole Educational system of Nova Scotia to a most dangerous extent. Consider, for a moment, that they have to appoint a superintendent, Inspectors, Commissioners—in all, fully 300 persons—and you will see at once the dangerous power you entrust to them. In conclusion, I may say I approach this question with a sincere desire to give it my most serious consideration. I have not hastily come to the conclusion that this is a most dangerous power. It is giving the question of education a character which it should not possess. This subject, of all others, should be kept entirely distinct from politics.

Mr. ARCHIBALD—I would like to know what is to be the construction of the County Boards.

Hon. PROV. SEC.—It is unnecessary for me, I think, to inform the hon. gentleman on this point. Our action is sufficient evidence of our wishes. Fully one half of the Commissioners are opposed to the Government.

Hon. SOL. GENERAL.—No doubt in the carrying out of this law some difficulties will present themselves, as is the case with almost every important act placed on the statute-book. This bill gives the Executive power to put the machinery of the measure in motion, and control its operation, which authority is absolutely requisite to ensure the success of the project.—With regard to what has been said respecting the expense attending the operation of the bill, the fact is, that if we want work done we must pay for it. At one time we had a Central Board of Agriculture, which organized and held fairs in different counties in the Province, but, in consequence of an insufficient remuneration for services rendered by the officers of the institution it became dissolved. The only practical method that can be adopted to ensure stability and harmonious action, in respect to a school system of this nature, is to place supreme control in the hands of the Government, and then if any portion of the people feel aggrieved with the action of the controllers, it is competent for them to appeal to the House, to which the Executive are ever responsible.

Hon. Mr. SHANNON.—I would ask the learned member for Guysboro (Mr. S. CAMPBELL), if the secretary of any company is not really the working man?—yet companies have a Board of Management, and hold such Board responsible. It appears to me that this country will approve of the provision of this measure which constitute the Executive Council the primary Board of Education, but as an Executive Councillor, I must confess that I shrink from the duties the bill in this particular devolves upon me, yet no effort shall be spared on my part to facilitate the operations of the act, and carry out its objects. The learned member for Colchester, (Mr. Archibald) has suggested the propriety of forming a controlling Board, of which members of the Government should not constitute a part, but I feel that it would not be possible to erect such with a prospect of satisfactory operation. I think the Executive is the most proper body to undertake the control of education, and I do not apprehend that any of the evils predicted by the leader of the opposition will ensue from the arrangement. The government are responsible to the people and do not come in the Legislature to exercise an injurious influence or arrogant control. We as an Executive do not control the House, but are immediately amenable to it, and have to render an account of our acts to it. Some of the hon. gentlemen of the opposition have declared that the measure is too closely allied with politics, and that it places in the Government power to exert undue political influence in the country, but there need be no fear of any such result. We know that a strong denominational feeling exists in this House and in this country, and will not these interests be continually watching the operations and proceedings of the Council of Instruction with a jealous eye? There is but little danger then of any improper influences being brought to bear in connection

with the discharge of the duties of the body. I would be glad, indeed, if the Executive Council could be relieved of the duty the measure imposes on it, but I do not see how it can. In regard to the expense of the machinery for carrying the provisions of the act into operation; I will only say what is fully apparent, that if we have work done we must pay for the same. I fully believe that this measure is a great improvement upon the present system, and under it the Government will not have any greater patronage than they have already under the existing school law, and I hope the Executive will, in discharging the important functions the bill clothes them with, be able to do justice to all, and give entire satisfaction to the country.

Mr. ARCHIBALD thought the suggestion of the hon. member for Inverness (Mr. Blanchard) to make the Governor one of the Council of Public Instruction, was a good one, and if the Government were not inclined to concede the whole ground asked for, they might adopt that proposition.

Hon. PROV. SEC. said he had no objection to the Lieutenant Governor being one of the Board, but no person knew better than the hon. and learned leader of the opposition himself that such an arrangement would have but little practical effect. In Canada a meeting of the Government and Governor General seldom took place. It was no disrespect to the Governor here to say that the responsibility of public matters rests almost solely on the Executive. He would be glad to make the concession asked for if he thought it would be the slightest safeguard, but he was fully persuaded that it would not. The learned member for Guysboro (Mr. Campbell) had intimated that the selection of school books was beneath the dignity of the Government, but in this respect he widely differed with the hon. gentleman. It was one of the highest duties of a parent to select the books that are to mould the mind of his children.

Mr. MCKAY said it was his opinion that the provision to constitute the Executive the Council of Public Instruction was a wise one. Under the system of Responsible Government the Executive are directly responsible through the Assembly to the people for all their public acts.—The opposition it appeared were not agreed in opinion upon the question of education. The leader says something ought to be done, and others of his followers say that the leader is wrong. The opponents of the bill were not united in sentiment, and a house divided against itself could not stand. He was of opinion that the proposed measure was a vast improvement upon the existing system, and perhaps as near perfect as could, under existing circumstances, be justly expected.

Mr. McLELLAN said the tendency of this bill is to extend and enlarge the sphere of Government patronage, which was already extended to a dangerous width. The Executive has secured the passage of an act that gives them unqualified authority to select and appoint all the Sheriffs in the Province, and the measure now under consideration purposes to give the Executive the appointment of some three or four hundred additional officers. The idea is fast gaining ground in the country that all officers appointed

by Government are too much controlled by Executive influence; and the larger the number of officials, the greater, as a necessary consequence is the influence of the Government. This bill places upwards of three hundred officers under Executive control, and these persons by virtue of their situations will be intimately concerned in managing one of the most important institutions of the country, that of public instruction. In defence of the principle of the measure, the Provincial Secretary has said that the Government are the proper authority to exercise prime control over the system, because they reflected the opinions of the people. From this doctrine I dissent, and may safely affirm that no Executive that has ever existed in this Province has reflected the entire sentiment of the country.—It has not in the past, and it is not at all likely that it will in the future. There is a large and powerful party in the country that differ with the Government of the day in sentiment, and it is only reasonable to assume that when the Executive takes charge and full control of the Education of the people's children, prejudices will be awakened and jealousy excited. The Government ought to pause before taking action, with respect to so important a subject as public instruction, calculated to arouse suspicion and excite prejudice; and I am persuaded that the proposition to make the Executive the Board of Public Instruction is looked upon with grave suspicion and distrust by a large body of the people of Nova Scotia.

Hon. Mr. McFARLANE said: The hon member who has just sat down overlooks entirely the fundamental object of this measure, which is not to increase the patronage of the Government, but to increase the means of diffusing the blessings of education. For years the march of education has been retarded by the insufficiency of the annual grants. For years has the amount of grants remained stationary, and the primary object of the Government in framing this bill was to increase the grant and provide for expending the same to the best advantage. It is idle to talk about the bill giving political facilities to the Government, because it is impossible to organize any body of persons in this province who are entirely devoid of political leanings. Under the existing system you have politics in every School Board that pervades the country, and scarcely a session passes, as hon members who had been any length of time in the House know full well, but complaints from persons who thought they had a grievance, came to the Assembly about school trustees or examiners acting from political motives. By means of the Council of Instruction we will be able to establish a general and uniform system of public instruction throughout the Province, and this is one of the principal objects of the measure. Will any person deny that such a consummation is not desirable? The talk about political patronage is in a measure idle, the Governments are responsible to the people for their acts, and were a change of Government to take place I have no doubt that our successors will do their duty and carry out the law. I would be ashamed of the Government I am connected with if they sought to give the operation of this bill a political bias, and I feel

there is no danger to be apprehended on this point, and in opposing the bill gentlemen opposite are only endeavoring to raise a bugbear to frighten some portion of the people. I believe that in time the members of the opposition will be compelled to admit that the measure now under discussion is the best that can at present be propounded.

Upon the 4th clause, which gives the Governor in Council power to appoint a Provincial Superintendent of Education, who shall "be wholly occupied with that duty," the Provincial Secretary moved to strike out the words quoted, and substitute the words "also be Secretary to the Council of Public Instruction," which was agreed to. The second section, which read as follows, was on motion of the Provincial Secretary, struck out. "The Superintendent of Education shall act as Secretary to the Council of Public Instruction." The third section, which places the superintendence of the Normal School in the hands of the Council of Public Instruction was made the second section, and the Provincial Secretary moved the following as a new section of the bill:

"The Governor in Council shall have power to appoint the principal of the Normal and Model School at a salary not to exceed \$1200 per annum, who shall appoint such an assistant, with the sanction of the Council of Public Instruction as may be found necessary."

With reference to the clause which vests the appointment of the Inspectors in the Executive Government, Mr. Locke suggested that it would be more satisfactory to place the selection of the Inspectors in the district Boards. The latter mode would, he thought, prevent conflict between the district Boards and the Inspectors.

Hon. PROV. SECRETARY said the object of placing the appointment of Inspectors unto the hands of the Council of Public Instruction was to attain what the local Board would not in all cases be able to attain, viz: persons competent to discharge the duties of the situation.

Mr. LOCKE was of opinion that the local Boards were better qualified to judge of the suitability of persons for the office of Inspectors than the Council of Instruction. The local Boards would be in a position to learn the requirements of the several districts while the Council would not.

Mr. ARCHIBALD thought it desirable that the Inspectors should derive their authority from the local Boards, as it was advisable that these officers should be kept as clear of politics and political influence as possible.

Mr. MILLER said that to give the Government authority to appoint the school inspectors in the different counties would be in effect to invest them with a dangerous power. It was well known that in many instances of government appointments the best men for the situation, whatever it might be, were not selected. He thought they would be more likely to get the right men in the right place by placing the appointment of inspectors with the local Boards. The position of these officers would enable them to exercise much influence, and be a powerful engine for good or evil. If the desire was to secure efficient officers, independent of political influences, they must be chosen in-

dependent of the Government. This was a feature in the bill to which he had a decided objection, because he felt that it would be dangerous to place the selection of school inspectors in the hands of the Executive Council.

Hon. ARTY. GEN. remarked that if the Executive Government were competent to exercise the functions of the position of Council of Public Instruction, surely they were capable to appoint district inspectors. The object of this feature of the measure was to introduce a class of men who would carry out the district system proposed, and guide and mould the schools into a satisfactory form, and to divide and split up the power of appointment with respect to the various officers the scheme embraced, would embarrass operations, and very likely defeat the object of the bill.

Hon. PROV. SEC. said they had now got to one of the most important principles in the bill, and as the hour at which they usually separated, had arrived, he thought they had better adjourn, and resume the discussion to-morrow.

The Committee then rose and reported progress.

The House adjourned.

FRIDAY, Feb. 26.

PETITIONS, ETC.

The House met at 3 p. m.

Mr. DONKIN presented the petition of Alex. McDonald, an aged teacher in the county of Cumberland, praying for a free grant of land.

Mr. JOY, one from an aged teacher in the county of Lunenburg, containing a similar request.

Mr. MILLER presented a petition from the Custos and a number of the magistrates of the county of Richmond.

Mr. SLOCUMB, a petition from a number of the residents of Broad Cove, Lunenburg, on the subject of the Labrador Fisheries; also, a petition from the same county, praying that the existing school law be not repealed.

Mr. TOBIN presented the petition of a number of the inhabitants of Tangier, praying that leave be granted to establish one or two licensed taverns in that district—the law of last session having prohibited taverns being located within four miles of any gold district.

Mr. BOURNOT drew the attention of the Government to an alleged tyrannical act of the Acting Commissioner of the month in depriving upon a frivolous pretext, the inmates of the Poor's Asylum of their customary allowance of tobacco. He hoped the Government would institute enquiry in the matter, and if wrong had been inflicted, apply the proper remedy.

Mr. BOURNOT also presented a memorial from a number of the inhabitants of the North West side of Grand Mira, C. B., asking for more favourable terms with respect to payment for Crown Lands.

Mr. LONGLEY presented a petition from a number of the inhabitants of the county of Annapolis, praying that the statute labor law be repealed.

ADJUTANT GENERAL'S REPORT.

Hon. SOL. GEN. laid upon the table the report of the Adjutant General for the year 1863, and

gave a highly interesting epitome of its contents. He said: In looking over the report I find that the first part of it refers to the previous want of militia organization. The Adjutant General suggests the desirability of continuing the system that has been recently inaugurated, and speaks of the difficulty that has been experienced in bring the organization into its present state of effectiveness. The old officers, once energetic and zealous, became superannuated and unused to service, but they never, it appears, became indifferent, and when the requisition was made to reorganize in 1860, such of them as survived promptly responded to the call, and performed the duty required of them. They collected the scattered, sparse remnants of the old organization, and framed them into the best returns they were able to make out. The Adjutant General estimates that when the militia are fully enrolled the Province will have 100 regiments of militia. The whole number of first class militia, between the ages of 18 and 45, enrolled in the Province is 48,674, of whom 34,873 attended drill last year, the number that did not attend being 12,899. Two regiments were not trained, the 13th Halifax which was not officered or enrolled, and the 7th Lunenburg, from which there were no returns. In round numbers, then, there are 50,000 first class militia men in the Province, officered by 51 substantial colonels, commissioned officers who have undergone training and examination, and 33 acting colonels, men who have been appointed, but have not passed examination; 74 commissioned majors, and 62 acting majors 292 commissioned captains and 340 acting captains. Of first lieutenants there are 188, and 365 acting lieutenants. I desire to draw attention to the fact that all the acting officers have applied for commissions, but as yet have not had an opportunity of training. When we take into consideration the fact that there are no less than about 2500 officers connected with the militia organization it is no wonder that a large number is set down as acting officers, or men who have not passed examination. There are of acting 2nd lieutenants 348, and 60 substantial paymasters 6, adjutants 22, acting adjutants 52, surgeons 60, assisting surgeons 80, quarter masters 71, sergeant majors 20, and sergeants 2079. There are 104 regiments in the Province, for the command of which 3160 officers are required, there yet being 1120 wanting.

With respect to the Volunteers, before referring to that portion of the Adjutant General's Report, touching this organization, I may here observe that when the movement was initiated large numbers of the people rushed into the ranks, and continued to perform duty well for a considerable period, but after a time the novelty of the thing worked off, and many gave up their arms and quitted the ranks. But notwithstanding this, I am happy to find that upon instituting a comparison between the state of the force in 1862 and 1863 there has not been any falling off. It appears from the report that in 1862 there were 54 volunteer corps and 2357 effective volunteers. In 1863 three corps were disbanded, with an aggregate of 42 effectives, and there were returned for that year 56 volunteer corps with 2364 effectives, so that it will be

seen there is an increase of seven effectives in 1863. I find that in 1862 the average number of men to a company was 42, in 1863 the average was 42. In January, 1864, there were 20 companies below regulation strength. The Adjutant General repeats the suggestion that the army regulations should be the framework of the organization, as the only means by which it can hereafter be satisfactorily cemented, they being the result of experience and wisdom. The Province is answerable to the British Government for rifles to the amount of \$86,025, which is a great responsibility, and every effort has been made to ensure their good condition, and with this view commanding officers were called upon to make a monthly inspection of arms. The militia Staff, which it has been found necessary to maintain for the more effectually carrying on the training and organization of the whole of the local force, consists of one Adjutant General, three inspecting officers, and seventeen non-commissioned staff, the Adjutant General also participating in the inspecting officers' duty. These officers have performed their duty well, and the non-commissioned officers had been sadly overworked and subjected to hardships of a discouraging nature. Of this class of officers the Adjutant General speaks very highly, their attention to duty having been exemplary, and their conduct good, with but one or two exceptions, in which the offenders had been discharged. The acknowledgments of the Government are due to the zeal and perseverance of the respective officers in command of regiments, and the commissioned and acting officers of all ranks, and to the loyal, ready, and even anxious manner in which the men have universally responded to the call to an unaccustomed duty. Their department has been, according to the report, characterized by a cheerfulness and sober regularity which reflects the highest credit on them and the Province.

Not long since, I was in conversation with a gentleman, who formerly belonged to the regular army, who witnessed the inspection of several companies of militia in this country, and he informed me that our militia men were nearly as far advanced in drill as some militia in England who had trained four years. He said the people of this country seemed eminently adapted for military duty, and that he saw squads go through evolutions in a style that would have been considered creditable to four years' volunteers in England. Col. Sinclair pays the same tribute to the skill and facility of the men, and says he was astonished to observe the duty so well performed.

The Adj't. General recommends a reasonable and more liberal support of rifle practice and annual rifle contest, as the least expensive, and best expedient for exciting a wholesome competitive rivalry, this to embrace regimental competition as well as general annual contests for prizes. The Volunteers and trained officers of Militia having now arms at their disposal, the Adjutant General suggests that it is time to turn attention to the non-commissioned officers of the Militia with a view to encourage musketry, and with the ultimate intention to extend the science and the practice downwards, which will lead to the arming of the whole force. It is ex-

pected that when the non-commissioned militia officers have received the requisite training they will be able to perform the drill duty now discharged by the staff. The Adjutant General refers to the contemplated change in the law to include youths from 16 to 18 in the organization, and not only highly approves of it, but strongly recommends it, and makes reference to the fact that military instruction has been introduced to a considerable extent in several Educational establishments in this Province, which principle also has his unqualified approbation, and he says that the system obtains very successfully in the Island of Jersey which has been from time immemorial distinguished for the excellence of its militia institutions. Instructors are always readily afforded from the Militia Headquarters of this Province on application from the principals of Educational establishments. The Adjutant General reverts to the subject of the non-commissioned staff of the Militia and submits statements respecting their pay. About this he says that in the regular army a first class staff sergeant receives \$439.20 including rations, per annum, while the pay of Provincial Staff Sergeants is but \$32 per month, or \$384.00 per annum.

With the present staff establishment there will be but one staff Instructor to every six Regiments which is quite insufficient, and the Adjutant General suggests that their strength must be increased or the men will soon be worn out. He also states in the Report that the army list of the Provincial forces is in a forward state of preparation, and will soon be published, and describes the accommodations of the new drill room which measures 109 x 60 feet, the armory of which is 60 x 40 feet and capable of containing all the rifles which are likely to be required by the city. Below the armory are spacious and commodious offices, a staff sergeant's quarters, and cellars which are sufficiently dry for stores. The whole was completed at a cost of \$5084.

PETITIONS.

Mr. KAULBACK presented a petition from an aged teacher, resident at Mahone Bay, asking for a free grant of land, and Hon. Atty. Genl. one from the County of Annapolis on the subject of Dalhousie College.

THE EDUCATION BILL.

The House then went into Committee on the Education Bill.

Mr. LOCKE moved that the words "shall appoint inspectors of schools," be struck out of the 4th section of the Bill.

Hon. PROV. SECY. said that to strike out that section would seriously interfere with the success of the measure, and defeat its primary object, which was to elevate the school by providing a thorough inspection.

Mr. LOCKE contended that the Commissioners of School Boards in the different counties were the best judges of the fitness of persons for the office of Inspector. If the appointment was vested in the Government, they would, in making the selection, be influenced by the wishes of the members supporting the Executive. He believed the feeling of the House was decidedly in favor of placing the appointment of the Inspectors with the local Boards.

Mr. MILLER said he approved of the clause

which constituted the Government the Council of Public Instruction, but he objected to the Executive having the appointment of the district inspectors, because he conceived that the political machinery in connection with it would lead to mischievous and dangerous results. He would not say that this or any other Government would abuse the power thus vested in them, but it was enough for him to know that it was liable to abuse, and therefore had better not exist. It would be a great curse to any county to impose on it a set of political officers in connection with any public duty, but more particularly so with respect to the matter of education. He opposed this clause on principle; he thought it gave the Government too great a power, and an influence that might operate injuriously to the public interests.

Mr. S. CAMPBELL coincided with the views expressed by the hon member for Richmond, (Mr. Miller.) He objected to the principle of giving the Government the right to constitute the Board of Education. Generally the members of an Executive in this country are not adapted for the position, they are not chosen for their competency in this respect, but selected for other qualifications. He would put it to the House in all seriousness, if nine men could not be found in the rural districts just as competent to discharge the duties appertaining to the Board of Education as the nine gentlemen that constituted the Executive Government. If he were to appeal to the members of the Government themselves, he did not think they would deny the affirmation. The Government were already entrusted with the exercise of too great a power, and to extend that any further, especially with regard to the schools, would be inconsistent with the liberties of the people, and dangerous to the interests of the country. In respect to the machinery of the school bill, he hoped the Government would consent to take away, at least, all semblance to a political character. As it stood it was of a political character and bias throughout. Education ought to be kept clear from the influence of politics. Where was the necessity for the increase of power sought to be obtained by this bill? Had not the Executive enough already? What was the state of the House? Their supporters occupied all one side of it—had besieged the Clerks' table, and gained possession of as large a share of the bench as the other side. Surely then there was no necessity for further monopoly. It was inimical to the interests of the rising generation to connect politics with education. He had hoped the day would come when the strife of party politics would abate—It would better comport with patriotism to avoid instilling in the minds of the youth of the day the poisoning political prejudices and passions that already so largely obtained; but means were now proposed whereby the same virus could be made to permeate the rising generation. He entirely concurred with the proposition to place the appointment of school inspectors with the local Boards. He hoped that the passage of the measure was not a foregone conclusion, and that the House would evince in dealing with the bill that need of independence it had exhibited on other occasions.

Hon. FIN. SECRETARY said his experience had taught him that, as a general rule, the Clerks of the local Boards were not chosen so much from considerations of ability and competency as with reference to their poverty.

Mr. BLANCHARD said that the more he considered the matter, the more firmly convinced was he that the appointment of Inspectors immediately by the Government was fraught with great danger. When he heard the arguments of hon. gentlemen opposite, he could not help recalling other days when they assumed a very different position. He remembered how, when the Gold bill was under discussion, they denounced some of its provisions as giving too dangerous a patronage to the government—so much so that the House was induced to exclude the Gold Commissioner and all his subordinates from any participation in politics. Yet now were the Government appointing any number of School Inspectors throughout Nova Scotia, who must exercise a most dangerous power. These men would go twice a year into the different districts, become familiar with the people, visit the schools, and have all the school-masters under their thumbs. Therefore it was evident they were possessed of facilities for exerting influence not surpassed by any class of men in the country. It was well known how they were to be appointed. The Government would naturally turn to the several members who supported them, and on their recommendation the men would be appointed. He was not so much afraid of the Government themselves, for he believed that nine gentlemen managing the public affairs would endeavor to do that which is right. What he really feared was the pressure and influence that are brought to bear continually upon all administrations and to which they are forced to yield, despite their convictions. He expressed his surprise at the hon. Financial Secretary declaring that in some counties the clerks of the School Boards were inefficient men and appointed because they were poor. He (Mr. B.) knew the same counties with which he supposed that hon. gentleman was perfectly familiar. Take the county of Richmond for instance. Was Mr. John Fuller appointed because he was poor?

Hon. FIN. SEC.—He is poor.

Mr. BLANCHARD.—Would the hon. gentleman say that Mr. Fuller, the old Sheriff, was selected because of his inefficiency and poverty? He had no hesitation in saying that a more respectable class of men than those who now discharged the duties of clerks could not be found. He instanced his own county, (Inverness) where one is the Prothonotary, and the other, Mr. Henry Taylor, the richest man in his end of the County. Could any men be appointed more thoroughly competent? He was positive there could not. When it was shown to the House that the Commissioners did not discharge their duties faithfully, it would be allowable to refuse them the right of electing their own clerks. He believed they were far more competent to select good men than the members of the County, for they were not so likely to be influenced by strong political feelings as the latter.

Hon. SOL. GEN. said he did not think that

the men named by the hon. member for Inverness, would be willing to undertake the serious responsibility of acting as Inspectors of Schools.

Mr. BLANCHARD.—I have no hesitation whatever in saying that Mr. James McDonnell is the fittest man to undertake the duties of Inspector of Schools in the County of Inverness.

Mr. HENRY continued:—Mr. James McDonnell was an intelligent and respectable man, but if he were asked if he was competent to examine an academy such as proposed he would be certain reply in the negative. He (Mr. Henry) contended that the Council of Public Instruction required officers in every county, apart from the Commissioners, to send in distinct reports. If the Inspector was made subordinate to the Board, his report would be naturally in accordance with their views; but under the system proposed the Government would have an officer immediately responsible to them. It was reasonable to suppose that if the Inspector were under the entire control of a partisan School Board, his reports would be coloured more or less according to the views of the majority. Under these circumstances he thought it wise that the Inspector should have increased responsibility. It was necessary to have a system that would work harmoniously—that would enable the Government to feel that they had a guarantee of educational matters being properly supervised in every county. He was, however, disposed to place these School Inspectors, as well as the Superintendent of Education, in the same category with the Gold Commissioners, and keep them from all participation in elections. He was desirous of keeping education entirely free from political influences, and he thought the suggestion he had made would remove the fears of the hon. members on the opposition benches. By this means he was persuaded the country would have the guarantee of having the services of a class of men who were known to be comparatively free from political prejudices, and who would not be liable to removal for political reasons.

Mr. LOCKE stated that he was fully convinced that the appointment of Inspectors by the Government was most injudicious. The clause giving this power had altogether too much of a political leaning in it. The Government seemed to evince a desire to grasp and devour all that was possibly within their reach. Again the Solicitor General had signified his willingness to make the Superintendent of Education a permanent officer. This was certainly a sweet proposition—very sweet indeed for the opposition.

Mr. BLANCHARD.—The hon. Solicitor General had said that the gentlemen he (Mr. B.) named were not competent to examine Academies such as are provided for by this measure. Now the fact was this bill did not contemplate that the Inspectors should examine Academies, as it especially directed that this duty should be performed by the Superintendent of Education.

Mr. STEWART CAMPBELL said that not many years ago the present Attorney General was strongly in favor of a different principle to that which it was proposed to carry out in the bill before the House.

Hon. PRO. SEC. said that if anything were wanting to convince him of the sound-

ness of the measure it was supplied by the fallacy of the arguments the opponents of it adduced. If the principle now under discussion was struck out, the effect would be to emasculate the measure. He did not see why the representatives of the people should not recommend those men they thought most fitted to occupy the several offices in their respective counties. Who were in a better position to be held responsible for the character of that officer than the men who possessed the confidence of the people and were sent into the Legislature to represent their interests? It was no novelty if, under this clause, the gentlemen representing the respective counties were to have the privilege in question. Every one, acquainted with the system of government in this province, was aware that they had this right now. Not long since the hon. member for Victoria represented to the Government that the School Board in that county did not fairly represent its different interests—that under the late Government it had been monopolized by their friends. He submitted the names of other gentlemen for that Board, and they were appointed and the School Clerk was changed. The hon. member was of course responsible for the competency of the men he recommended to the House and country. And this it would be remembered occurred under the law as it now stands. The hon. member for Inverness had alluded to the manner in which he had denounced the centralization of power which the Gold Bill was likely to give. At his suggestion the bill was changed, and the Commissioners were denuded of all political power. Now he had no objection whatever to apply the same principle to the case of these Inspectors, for he had every desire to keep them free from all political influences. Neither would he have any objection to the appointment of these officers by the Superintendent of Education, if it met the views of gentlemen on the opposition benches. All that he desired was to secure the services of thoroughly competent men to supervise the educational system in every county. It was necessary to have a man of education and character—who would devote his time and energies to secure the important objects that are desired under the bill. In order to obtain the services of such a man, it was necessary that he should receive adequate compensation; and the bill therefore provided that he shall be paid out of the treasury 7s. 6d. for every semi-annual inspection of each school, and that he shall also receive a certain amount of salary as clerk to the Commissioners.

Mr. ARCHIBALD said that he did not apprehend the same difficulties as suggested themselves to his hon. friends in respect to this clause under consideration. He believed that when the House passed the first section they gave the Government the entire control of the management of Education. He did not, therefore, attach the same importance to this clause, though he was willing to admit that it was not unlikely to give rise to unfair play at times. If the members supporting the Government had a right to recommend these Inspectors, the danger that political partisans would be appointed was considerable. He therefore was

glad to hear the hon. Provincial Secretary intimate that he had no objection to entrust the appointment of these Inspectors to the Superintendent of Education. Such a concession would be most gracious, and he hoped it would be made.

Hon. ATT. GEN.—It seems to me that we do not sufficiently consider the principle that should guide us in considering these subjects. The discussions both of yesterday and to-day are such as naturally, perhaps necessarily, result from a system of self-government in a small community such as Nova Scotia. Divided as a small community is, under our principles of government, the Administration must have of necessity a very large and powerful influence in the regulation of the affairs of the country. In many instances it is necessary that they should have this power for the useful exercise of those functions which they are called upon to perform. But the moment you come to bring the principle into operation you find yourselves met precisely by the objections which have been made to-day. Those who are in opposition dread the accumulation of power in the hands of the Government, and they pass by in the discussion of questions like this, what should be the primary considerations entirely. What ought to be the primary consideration here? How are you to get the most efficient Inspectors of Schools. But the investigation has gone off into a very different line. How are you to get such an arrangement as will give the least power to the government and do the least injury to the opposition in a political aspect. It is natural such an argument should be urged. The House, however, must exercise its own discretion and act contrary to all such considerations. No one can doubt for a moment that upon the efficient character of the Inspectors depends the benefit of the bill now to be passed. If you can obtain efficient Inspectors of Schools you have made an improvement in the Educational Institutions most largely in advance of anything that exists now. Now I put it to any gentleman that hears me if there can be the slightest hesitation in his judgment as to the parties most calculated to appoint efficient Inspectors—men having intelligence, education, manner, and energy. That is the kind of men we want. Now the School Boards, except in cases where you appoint clergymen—and I do not know to what extent this is done throughout the Province—are not likely to be so constituted as to make selections of the character I wish. Even if competent to do so, it is not likely they will be ready to sacrifice the several considerations that press upon them, in order to secure the best men. There will be so many influences brought to bear upon them that they will be in most instances led astray. In the appointment of Commissioners themselves there is felt a great deal of difficulty. You are obliged to make your selections with a view to various considerations that are secondary to the main point. You ought to appoint the best Commissioners, in respect to their capacity; but you cannot do it. You have to consider their political principles as well as religious tenets. Under all the circumstances, in fact, it is impossible to select the best men.—You are so fettered by various considerations

that it is extremely difficult to get suitable Boards, to whom you would be willing to entrust the appointment of such important officers as Inspectors.

I am not, however, prepared to go quite as far as my hon. friend the Provincial Secretary. Whilst ever ready to yield to the advice of the gentlemen supporting the Government, I think that in an appointment of this kind, it is the duty of the Government to pass by the earnest solicitations of one of their supporters, if they felt the appointment urged was inappropriate. If they acted otherwise, they would fail in the duty they owe to the country.

The remarks of the hon. member for Colchester show conclusively what must be the impression of every intelligent mind on this subject. It instinctively struck him that having conceded the first clause, making the Government the Council of Public Instruction, the objections in respect to the Inspectors, are not of so much weight as some hon. gentlemen seem to think they are. You cannot legitimately object to the Council exercising the natural and proper functions devolving upon them, because they are the Executive of Nova Scotia; as I have already said, you have settled that principle in the first clause. You are, in fact, arguing over again whether it is right to carry out a principle already adopted.

One word as regards the remark of the hon. member for Guysboro' with respect to the Municipal Incorporation Act. The answer is, the people rejected it. The hon. member says the framer of the bill communicated what his views were. That does not touch the present question. That bill gave to the people the selection of their Commissioners of Schools. Whether they would have wisely exercised that power, time alone could tell. If you want your bill to be efficient, you must take the risk of its being abused politically. I don't think it will be so. I consider the Government would be acting very unwisely if they selected men not thoroughly competent to undertake the duties of Inspector. By doing so, they would necessarily injure themselves in popular estimation, and eventually perhaps destroy a measure which is of their own formation. However, I am quite willing to remove these Inspectors from all political influences, and perhaps—for I do not like to express any opinion hastily—I would place Schoolmasters in a similar position.

Mr. LOCKE said that his amendment was intended to take the appointment out of the hands of the executive and give it to the local board.

Mr. TOBIN said that the principle running all through the bill was to place the responsibility of all the appointments contemplated in the bill in the hands of the executive, and it was for the house to decide whether this idea should be preserved throughout. Why was it, he would ask, that this power was given? Because the government represented the interests of the different denominations into which the Province was divided. And in a country like this, where so many sectarian jealousies prevailed, he thought that it was wise that the power should be so vested—and that the responsibility of the educational system of the country should rest

with the government, who would be answerable to the people.

Mr. MILLER, although he preferred to give the appointment of inspectors to the local Boards, would rather, if that could not be accomplished, leave it in the hands of the council of public instruction than with the superintendent.

Mr. CHAS. CAMPBELL expressed his disapproval of placing the appointment of inspectors in the hands of the superintendent of education.

Hon. PROV. SECY. did not anticipate any difficulty. It was of the utmost importance that perfect harmony should subsist between the superintendent and his subordinates, and it was not likely that he would select any except those best qualified for the office.

Mr. ARCHIBALD said it was of the utmost importance that the best mode of selecting these inspectors should be agreed upon. If there was a minister of public instruction there would be no difficulty. The main reason why he wished to have an educational board distinct from the executive was because he believed that the moment they were invested with their important functions they would rise superior to political considerations and in their choice of officers would be guided solely by the fitness of the person for the office. Although it was true that the superintendent of education under this bill would be the officer of the executive, subject to be removed at their pleasure, yet he conceived that whoever they might select would be the fittest person to appoint those who were to act under him as instructors of the public mind. Hence it was he hailed with pleasure the declaration of the Hon. Provincial Secretary that he had no objection to leave the appointment of the inspectors in the hands of the superintendent. And who he would ask was so competent to make the selection as the man who a duty it was to make himself acquainted with the educational wants of the people, and whose duties would necessarily place him in the best positions to judge of the qualifications of the men who were fitted for the situation! He would again repeat that his only object in making these observations was the desire he had to keep this subject free from political bias and in that spirit he accepted the concession made by the Prov. Secretary.

Hon. PROV. SEC. replied that it was his desire to select the best men for the office. The inspectors would be the aids and assistants of the superintendent and he was sure that even as the law stood no government would appoint any man to the office, who did not possess the confidence of that official.

Mr. LOCKE withdrew his amendment.

Mr. ARCHIBALD felt that the course pursued by the hon. Prov. Sec. in agreeing to the modification of the bill, entitled him to the thanks of the house.

The fifth clause of the bill then passed by a large majority.

Several other clauses passed.

On the reading of the eighth clause Mr. PRYOR thought that some provision should be made for the travelling expenses of the Commissioners.

Hon. PROV. SEC. said there was no doubt

that these gentlemen were entitled to remuneration for their services, but he was happy to say they had previously discharged their onerous duties without pay. He was afraid that if any provision was made, it would make the system too expensive.

Mr. PRYOR did not press his motion.

The tenth clause of the bill passed and the committee adjourned.

Hon. PROV. SEC. by command, laid on the table the election writ for North Queens, together with the evidence taken before the Sheriff.

Then the house adjourned until 3 o'clock the next day.

—
SATURDAY, Feb. 27

The House met at 3 o'clock.

PRELIMINARY.

Mr. COLIN CAMPBELL, Chairman of the South Colchester Election Committee, asked leave to adjourn until Tuesday.

Mr. ROBERTSON presented a petition from certain members of St. Paul's Lutheran church, Bridgewater, in opposition to a Bill introduced by the member for Lunenburg to incorporate the same.

Mr. PRYOR—from Lawrencetown and Cole Harbor, against the passage of a grant of a water lot to one John Robertson.

Dr. BROWN—a petition for a way office.

Mr. LONGLEY—from Lower Granville, on the subject of Dalhousie College.

Hon. Mr. McFARLANE, by command, laid on the table the Report of the Rev. Dr. Forrester on Agriculture.

Mr. COWIE—from inhabitants of Liverpool, asking for a change in a mail route.

Hon. FIN. SECY—from inhabitants of Arichat, to legalize certain assessment rolls. He also introduced a petition in accordance therewith.

Mr. JOHN CAMPBELL—from inhabitants of Milton, in relation to the practice of depositing saw dust in rivers and harbours, thereby impeding the navigation.

After a few remarks from Mr. Cowie, deprecating the practice, the Hon. Sol. General intimated that he intended to introduce a bill on the subject, and would see that the views of petitioners were carried out.

Hon. SOL. GENL. introduced a bill to legalize the Jury List for the County of Antigonishe.

Mr. PARKER presented a petition from Henry Schwartz on the subject of Railway Damages.

THE EDUCATION BILL.

The House went into Committee on Bills, and resumed the consideration of the Education Bill.

Hon. PROV. SECY. moved the 10th clause.

Mr. S. CAMPBELL said that the present law contained a provision to prevent the Clerks of School Commissioners from engaging in trade. He saw no such provision in the present Bill as to the Inspectors.

Mr. BLANCHARD said that the reason why the provision was found necessary was because these clerks were often engaged in trade, and pursued the practice of paying the school teachers in goods instead of money. He thought if

the necessity existed under the present law—much more would it be needed under this bill.

Mr. S. CAMPBELL called attention to the fact that bonds were also required by the existing law, and that no provision was contained in this bill for them.

Mr. LONGLEY saw no reason why these men should be excluded from engaging in trade.

After further remarks the hon. Provincial Secretary said it was a matter of indifference to him whether they inserted the provision or not.—There did not, however, seem to be the same necessity for it now as formerly. He agreed that bonds should be required from the Inspectors for the faithful performance of their duties.

The clause was amended so as to contain this last provision.

On the reading of the 12th clause Mr. MILLER called attention to the fact that there was no provision for female schools.

Hon. PROV. SEC. did not think it necessary to make any special provision for them. If in any district it was found necessary to establish them, the law as it stood would allow of such being done.

Dr. SLOCUMB thought the 14th clause of the Bill met the objection of the member for Richmond.

Mr. MILLER did not think so. In many districts of the Province, it was absolutely necessary to have good female schools, and his object was to have a clause inserted in the Bill to provide for their establishment when required.

Hon. PROV. SEC. was of opinion that the law as it stood gave the Council of Public Instruction ample power to meet the difficulty. The main object he had in view was to provide such a salary for the school teachers as would command the services of competent persons. The main reason why Education was in such a languishing state was because of the inadequacy of the pay they received for their services. In order to accomplish his object, it therefore became necessary to limit the number of schools, and he was afraid that if this amendment was passed it would seriously interfere with the efficiency of the Bill.

Mr. LOCKE thought that if the provision asked for was not given, the result would be that the female children would be shut out from any benefits under the bill.

Mr. S. CAMPBELL and Mr. BOURNOT both expressed themselves in favor of encouragement being given to the establishment of good female schools.

After a few other remarks Mr. Miller moved an amendment to give the people power to establish female schools in the various districts subject to the approval of Council of Public Instruction.

On division the amendment was lost by a considerable majority.

Mr. Archibald then moved the following amendment, which was agreed to without division:—

After the word "Instruction," in the 12th clause, "No more than one school shall be held in any school section unless in cases where upon the recommendation of the Inspector of schools for the district the, the Council of Public In-

struction shall permit separate schools for the different sexes."

The clauses from 14 to 24, both inclusive, were passed without discussion. On the 25th clause, which relates to the annual meeting of rate-payers to decide whether schools shall be supported by assessment or subscription, being read, Mr. Archibald moved to add the words, "that rate payers shall mean those whose names are included in the last county rate roll as assessed on property, and not for poll tax only," which was agreed to. The 26th clause was then read. Mr. Miller took objection to the following words in the section referring to annual meetings: "and the majority shall decide as to the manner in which such support (for schools) shall be received, whether by assessment or subscription." He thought the clause ought to be amended so as to prevent the majority, if disposed, from tyrannizing over the minority; he suggested that the words, "with the approval of the Council of Public Instruction" be added to the sentence above quoted.

Mr. BLANCHARD and Mr. Longley opposed the proposition, they contended that the majority ought to have the right to decide, and in all cases it was a correct principle that the minority accede to the demands of the majority. Mr. S. McDonnell agreed with Mr. Miller. Hon. Prov. Sec. opposed Mr. Miller's proposition. Mr. Blanchard said with regard to assessment the decision of that question ought to be left with the people.

The amendment was not pressed, and the clause then passed, also the 27th and 28th. The 29th clause was then read. It gives the Trustees power to contract with and employ a licensed teacher, or teachers for the section, and determine the amount of his or their salaries, which must be procured from the people by voluntary subscription or assessment, and not by fees per pupil, and provides that "in case the sum agreed upon fails to be realized the Trustees shall be empowered to raise the balance by assessing the inhabitants, such assessment being made for the whole amount required, and the subscription of those who have paid deducted from their assessment."

Mr. McLELLAN enquired what the above section meant, and asked if the intention was, in case of a deficiency, to assess the whole sum required in the first place, on the inhabitants indiscriminately?

Hon. PROV. SEC. said, yes. His object was to provide for the payment of the Teachers in all cases.

Mr. MILLER said the clause gave the Trustees an arbitrary and obnoxious power, as it authorized them to assess the people against their will.

Mr. COFFIN thought this one of the best clauses in the bill. The Trustees would be responsible for the payment of the Teacher's salary, and it was only right to give them the power of securing the means of payment.

Mr. MILLER said the effect of the bill as it stood would be to give the Trustees power to assess all the inhabitants of the district for the Teacher's salary, even if many of such inhabitants derived no benefit from the school.

Mr. McLELLAN said the clause in the Bill would apply justly were the system to be open

schools and general assessment, but it would not be just to apply it to close schools. He did not approve of the principle of assessing the people against their wishes.

Hon. PROV. SEC. said it would not be as unjust to assess the inhabitants of the district generally as it would be to compel the trustees to pay the teacher's salary out of their own pockets in case there was not enough subscribed, or to deprive the teacher of his pay.

Mr. BLANCHARD thought the law implied that every school supported by assessment shall be free. There was no section in the bill declaring that such schools shall not be free. He would ask the Attorney General to look carefully into the bill to see if he could discover any clause providing that they should not be free and open schools.

The Committee then rose and reported progress, and the House resumed, and immediately adjourned.

MONDAY, 29th Feb.

MORNING SESSION.

The house met at ten o'clock, and went into committee on bills, and took up the bill providing for the revision and consolidation of the Statutes.

A number of chapters were read and passed, all those likely to provoke any lengthened discussion being held over.

On the chapter referring to public exhibitions, Dr. Hamilton moved an amendment to raise the license paid by circuses travelling through the country, to \$20. Mr. Longley thought the tendency of such exhibitions was injurious and was desirous of obliging them to pay a considerably larger sum. Hon. Solicitor General did not consider a circus of itself, immoral,—no more so than any large exhibition that necessarily brings together a large concourse of people. Mr. Longley contended that a circus, unlike an agricultural or similar exhibition, had no useful effect upon the interests of the country; they were only held for the purpose of taking money out of the people's pockets, by persons whose character was questionable. On a division, the motion was lost.

The house adjourned at one, until three o'clock.

AFTERNOON SESSION.

House resumed at 3 o'clock.

Hon. PROV. SEC. by command laid on the table the educational report for 1863, together with reports of inspectors in Kings, Annapolis, Pictou and Colchester counties.

The reports were read by the clerk and referred to committee on education.

Hon. PROV. SEC., by like command, laid on the table the report upon emigration.

Hon. PROV. SEC., also laid on the table copies of correspondence with the department at Washington, on the subject of agriculture.

Mr. BLANCHARD asked special leave to present a petition from an aged school teacher of Inverness, (John Campbell,) praying for a free grant of land.

HIGHWAY LABOR.

The House went into committee on bills, on the revised statutes, and took up chap. 64, of highway labor.

Mr. STEWART CAMPBELL explained that the law now under consideration was the new law—from which certain counties were exempted at the time it passed.

Hon. PROV. SEC. called the particular attention of members to the consideration of this act as it was of great importance to this country.

The Hon. SPEAKER said that he would not again go over the grounds which had occasioned them to oppose the bill when it was first introduced. He believed that it was not adapted to the wants of the people, and he should content himself by moving that his own county (Digby,) be exempted from its operation.

Hon. PROV. SEC. thought that the motion should be that the old law be re-enacted.

Mr. S. CAMPBELL coincided in that opinion.

Mr. BLANCHARD thought it better to test the house upon the general question.

Hon. PROV. SEC. said that if the motion was made against the act altogether, then gentlemen representing these counties in which it had been tried, would have an opportunity of informing the house as to its practical working.

Mr. MILLER did not think the course proposed by the member for Guysborough was necessary. If certain counties desired the act, let them have it, and let those who did not wish it, be exempted from its operation.

Mr. KILLAM said that the law had been tried in his county, and he had not heard any complaints against it, and upon enquiry from the surveyors he could not find much difference in the quantity of work performed. He would object to going back to the old system. If the present law was defective let it be amended.

Hon. SPEAKER would only move to have the county of Digby exempted from the act. The law might be adapted to the peculiar circumstances of some counties, and he did not wish to shut out any from the benefits of the act who might desire it.

Mr. STEWART CAMPBELL said that it would be as well that the House should understand this question. In the first place there was the old law under the revised statutes. Then there was the new law passed in 1862, which was the law now before the Committee. This law did not come into operation till 1863. The counties of Cape Breton, Inverness, Victoria, and Digby were exempted from its operation, and in 1863 the county of Lunenburg was added to the list of exemptions. The proper course for those gentlemen who were adverse to the bill, was to move that in their counties the old law be substituted for the present.

Dr. BROWN said that the new statute labor law had been in operation in Kings during the past year. Like all new laws, it had proved distasteful to many, and if he was not mistaken, the feeling against it in South Kings predominated. There was no doubt that the new law was imperfect and required revision or improvement. The defect referred to by the learned speaker was the principal difficulty. It (the new law) increased the labor largely in the populous and wealthy districts, where it was less needed, and diminished it in the outlying districts, where it was more needed. This was a great fault, but one that might, he thought, be

corrected by the legislature. Another defect was, that it was not equitable. It taxed the proprietor of 10 or 20,000 dollars less in proportion than him who possessed 500. This was wrong, and ought to be corrected, and made like other taxes—an equal pound tax. He thought it would be unwise to retrace our steps and go back to the old law, which was clearly in favor of the rich and oppressive to the poor settler.—He was aware that it would be popular to go back to the old law, but it was evident, he thought, sooner or later, we must come to taxation to keep up our roads. He was unwilling, he said in conclusion, to relinquish the principle of the new Act.

Hon. SOL. GEN. thought that the best way would be to move that the Bill be deferred for three months, and then if a majority decided to retain the bill, a special motion could be made to exempt certain counties. He was personally in favor of the Bill, although it was objected to in the county he represented. He thought it better to retain the Bill and remedy whatever defects existed in it.

Hon. Mr. SHANNON said that the operation of the act, in the outlying districts of the County of Halifax, had not been successful. It was found not to work as well in the poorer districts as the old law, and the effect had been to reduce the amount of labor one third.

Mr. BILL said that in King's County the effect of the present law had been greatly to diminish the amount of statute labor performed. He thought that the old law was preferable, and he intended to move that King's County be exempted from the operation of present act.

Mr. JAMES FRASER (who was almost inaudible to the reporter) was understood to be favourable to the present law, with some modifications.

Mr. PARKER said it was almost impossible to understand in what position the question stood, as there were some three or four amendments before the committee. In Colchester the people were generally in favor of the existing law, with some improvements that might be made in it. The main reason why he approved of it was, because it bore less heavily on the poorer class than the old law did.

Mr. CHURCHILL thought that the present law might be improved by increasing the quantity of labor to be performed.

Hon. Mr. McFARLANE suggested that a simple way of meeting the difficulty would be to increase the number of hours' work required in each day from eight hours to ten. This would remedy a serious defect in the bill, the diminution of the quantity of labor performed in the outlying and thinly settled districts.

Mr. ALLISON coincided in the views just expressed.

Mr. BLACKWOOD thought that in making laws they should be as general as possible. The present had been tried in his country, and although in some instances it had not quite come up to what had been expected, yet still it had been generally approved of. He was opposed to the policy of imposing greater burthens upon the poorer class in the back districts.

Dr. HAMILTON said that the present law was not adapted to the circumstances of certain counties. In the counties of Kings and Annapolis for instance, which were partly composed of low lands and partly of mountainous, it was most inapplicable. A greater portion of labor was thrown into the level districts than was required, while the mountainous part, which required the most, was but inadequately supplied. He would prefer the old law with some amendments. One defect which he thought should be remedied was that a man who had three sons under age was obliged to perform six days labor for them, in addition to what he had himself to perform. Again he could not see why a man over sixty should be exempt from road tax any more than from his poor and county rates.

Mr. ARCHIBALD agreed with the member for Halifax (Mr. Shannon) that the great difficulty which resulted from the present law was the diminution of labor in the poorer districts. This he thought could be remedied by increasing the number of days' work from two to three days.

Mr. COFFIN thought that it would be unwise to do away with the present law—as far as it had been tried it had given general satisfaction. He thought it better to leave the poll tax as it was, and increase the number of days' labor required from men of property.

Mr. PRYOR approved of the general principle of the bill—it required some modification so as to increase the quantity of labor in the poorer districts.

Mr. DONALD FRASER said that although the result of this bill had been to decrease the quantity of labor performed in Pictou about one-third, he approved of its general features, and he desired to maintain it after it had been modified so as to increase the quantity of labor required.

Mr. LONGLEY said that it was evident this bill was very unpopular. In the populous districts they complain that there is too much labor performed, and in the scattered districts that there is not—and yet it was singular that there was only one petition against it, and that was presented by himself. He thought that this matter had better be referred to a select committee.

Mr. TOBIN said he would be quite willing to abolish the law, and let the counties assess themselves for the amount of work which is requisite. That he considered the fairest principle. A man who was hired to do a day's labor would do more than if acting under compulsion.

Mr. S. CAMPBELL thought it best to let the committee now sitting, dispose of this vexed subject. The question to decide was, should they adopt the new law or go back to the old one. He suggested a resolution to the effect that the committee recommend to the house to adopt as a law of the land the act of 1862. Gentlemen by voting for such a resolution would not pledge themselves to the details of such a measure; it would be quite competent for them to propose some amendment. His object was simply to test the opinions of the house.

Hon. PROV. SEC. said the house had been discussing whether they would retain the new law, or repeal it and go back to the old one. In the discussion of the subject, some hon. gentlemen contended that the law had worked well—that wherever it had been tried, they had reason to be satisfied. Others, again, asserted that the principle was good, but that the bill required some amendment, to provide more labor in the large settlements. On the other hand, it was stated that the law was most unsatisfactory, and that it should be entirely repealed. Now the best plan was to take the sense of the house as to the old and new laws. Any gentlemen, by voting for the new law, would not preclude himself from voting that his county should be excluded when the measure came to be discussed in detail.

Mr. TOBIN said that formerly there was a statute labor act in force in Halifax, just the same as in the country. It was very difficult for the citizens to give it up. The mind of man was continually running in grooves. It resembled a waggon travelling on an old road; the wheels constantly stuck in the ruts. It should be the endeavor of all intelligent men to free themselves from time-worn prejudices and notions, and take up those principles and ideas which are more consonance with the spirit of the age. The hon. gentleman then moved the following resolution:—

“Resolved—That in the opinion of this House the statute labor law should be abolished, and that the sessions should be empowered to assess their respective counties to the amount required for the repair of roads and bridges.”

This motion was lost by a very large majority.

Mr. ARCHIBALD then moved a resolution which, in effect, approved of the principle of the new law. On a division his motion was carried. He then moved the following resolution, which was also adopted:—Resolved that it be recommended to the house to refer this chapter to a select committee to make arrangements for the larger proportion of road labor for the poorer districts.

The committee rose and reported.

The following select committee were chosen to take into consideration the statute labor law:—Killam, E. L. Brown, James Fraser, Donkin, Backwood, Miller, Tobin, Locke, Blanchard, Allison, Joit, Dr. Hamilton.

Dr. BROWN presented a petition from Peter Shay, an aged teacher, asking for the usual grant of land.

The house then adjourned until three o'clock the next day.

TUESDAY, March 1.

The House met at 3 p. m.

MISCELLANEOUS.

Mr. BOURINOT, by special leave, presented the petition of a number of the inhabitants of Glace Bay, in the county of Cape Breton, in regard to wharf property and privileges. The petition affirms that owing to a monopoly exercised, with respect to wharf accommodation, by the Glace Bay Mining Company, trade is fettered and im-

provements prevented. On motion of Mr. Bourinot the petition was read, and referred to a select committee, consisting of Mr. Tobin, Mr. Bourinot, and Mr. Miller.

Mr. STEWART CAMPBELL presented a petition from a number of the inhabitants of Guysboro, against Dalhousie College, and in so doing remarked that, he reserved the right of either supporting or opposing the prayer of it.

Hon. Mr. MCKINNON presented a petition from a number of the residents of the county of Antigonish, concerning complaints about letters being lost on their transit from the place from whence directed.

Hon. PRO. SEC. laid on the table a reply to the question asked by Mr. Bourinot a few days ago concerning the alleged act of the acting Commissioner of the month in depriving the inmates of the Poor Asylum of their usual allowance of tobacco upon some trivial pretext, and observed that when the information was applied for, he (Pro. Sec.) had expressed the opinion that the matter would end in smoke and it appeared it had, as the tobacco had been restored. He read a note from one of the Commissioners which stated that at a meeting held on that day, Tuesday, it was, on motion of Hon. M. B. Almon, seconded by Hon. Edward Kenny, resolved that the privilege of using the customary quantity of tobacco be restored to the inmates of the Institution, the acting Commissioner to have authority to suspend the supply in certain cases for sufficient reasons.

Mr. BOURINOT observed that he was now glad that he had directed the attention of the House to the subject. The act in question was an exercise of arbitrary power that he was persuaded the House would not sanction or the people tolerate.

Mr. LONGLEY was surprised to see so much importance attached to what appeared to him to be but a matter of trifling moment. It would appear, judging from the amount of feeling that had been manifested in this case, that the highest crimes on the catalogue of offences were to stop a man's grog or tobacco. He never recollected of having observed so much sympathy arising from such an insignificant cause. The use of tobacco was almost as great an evil as the use of rum, and therefore the act of the Commissioner was one that ought to elicit commendation, rather than excite condemnation. Respecting the merits of the act in question, he differed from the hon. member from Cape Breton, (Mr. Bourinot) and all who sympathized with the person who was deprived of his tobacco—the man ought not to have learned to use the article.

Mr. SLOCUMB presented a petition from a number of the inhabitants of Chester, praying that the act passed last session which set off Chester from the rest of the County of Lunenburg, for municipal purposes, be not repealed.

THIRD READING OF BILLS.

Several chapters of the Revised Statutes passed a third reading, and were sent to the Council for concurrence.

SURVEY OF LUMBER.

Upon the chapter relating to the survey of lumber being read, as agreed to in Committee,

Dr. Slocumb observed that under the law contained in the chapter, the title of which had just been read, boards that did not contain ten superficial feet were declared "refuse," and brought but half the price of merchantable lumber in the market, to the great loss of the manufacturer. While lumbering in the woods, the axemen frequently found trees which were crooked or bent, about eight or nine feet from the stump, and as this part could not be manufactured into merchantable boards, it was consequently cut off and left to rot on the ground.—He wished the provision he complained of removed from the statutes, for he conceived it to bear unjustly upon manufacturers, and moved that the chapter be recommitted for the purpose of striking out the clause he complained of.

Mr. KILLAM said that boards not containing ten superficial feet each were of little value for exportation. He opposed the motion.

Mr. BLANCHARD remarked that if they struck out the clause objected to by the hon. member for Lunenburg, (Mr. Slocumb,) they would remove all designation of standard, and boards one foot long would then under the bill be merchantable.

Mr. LOCKE said that boards under ten feet long were almost valueless for shipping purposes, and it would not pay to transport such to the West India market. A board containing but ten feet was but a very small piece, and while such lumber might do for home consumption, it would not answer the purposes of general trade.

Hon. PRO. SEC. suggested that the hon. mover add a rider to the chapter to the effect that the provisions of the bill shall not apply to merchantable lumber for home consumption.

Mr. LOCKE was decidedly opposed to the proposition of the Hon. Pro. Sec. A person in Yarmouth might procure lumber from a manufacturer in Cumberland, and in such a case it would be a home transaction, but the buyer might want ultimately to ship the article to a foreign market.

Mr. TOBIN was opposed to any amendment in the existing law, and felt confident that a rider of the nature suggested by the Provincial Secretary would not operate satisfactorily, because lumber often passed through various hands in this country, each being the owner in turn, and was shipped by the last holder. If they reduced the standard of lumber, as a natural consequence the price would proportionably recede, and therefore he did not see that the manufacturer could possibly be benefitted in any way by the alteration sought to be obtained by the hon. member for Lunenburg.

Mr. SLOCUMB said it would prove of advantage to the manufacturer, because in case the desired amendment was made in the law he would be entitled to the price of merchantable lumber for pieces containing less than 10 ft. which were now classed "refuse," and according to usage charged only at half rates, although the quality of the small pieces was just as good as that of the larger. In consequence of the restriction he had mentioned, there was annually large quantities of excellent lumber left to decay in the woods, which, were the law altered, would

be hauled to the mills and sawn up. In his opinion, the quality of the article should be the criterion, as regards price, and not the quantity.

Mr. COFFIN would ask the hon. member how low he wanted to reduce the standard? Would he make pieces containing five or six feet merchantable? If the standard was reduced he felt sure such change would prove detrimental to the interests of trade. No person would purchase a large quantity of lumber if compelled to take many small pieces with the lot.

Mr. BLACKWOOD thought it would be more just to fix the standard by the length of the board rather than the quantity of contents. For instance, a board twelve feet long and only six inches wide, contained six superficial feet, yet for ordinary purposes was more valuable than one of greater width and less length, although of larger contents.

Mr. LAWRENCE thought the existing law had worked very well, and was opposed to any change being made at present.

Upon the question being taken upon Mr. Slocomb's motion, the same was lost by a vote of 28 to 13.

PETITION AND BILL.

Mr. JAS. McDONALD presented the petition of a number of the inhabitants of New Glasgow, in the county of Pictou, praying for the passage of an act to provide for the appointment of a stipendiary Magistrate for that town, and he introduced a bill in accordance with the prayer of the petition.

EDUCATION BILL.

The House then resolved itself into Committee and took up the Education Bill, and resumed the consideration of the second paragraph of the 29th section, which reads as follows:—"It shall be the duty of the Trustees to contract with and employ a licensed teacher, or teachers for the section, for a period of not less than five months, and to determine the amount of his or their salaries, which must be procured from the people by voluntary subscription or assessment, and not by fees per pupil. And in case the sum agreed upon for the support of the school at the annual meeting fails to be realized, the Trustees shall be empowered to raise the balance by assessing the inhabitants, such assessment being made for the whole amount required, and the subscription of those who have paid, deducted from their assessment."

Hon. PROV. SEC. said that when last before the Committee, it was suggested by some hon. members that this clause conflicted with other portions and provisions of the bill. He had since then minutely examined the clauses referred to, and had found that the objection the hon. member for Richmond, that persons might be compelled to pay towards the support of the schools who had derived no benefit therefrom was well founded. His only, or at least the primary object in introducing the provision objected to was to provide for the payment of the teacher's salary. The intention was to benefit the teachers, by elevating them from their present anomalous position and guaranteeing to them adequate pay for services given. It was impossible to enlist the services of capable and talented men in the cause of education, unless effectual provision

was made to remunerate them for their labor, and the clause in question was inserted to secure the realization of the conditions of the contracts entered into with teachers. Under such a law the teacher, when making an engagement with the Trustees, would have an assurance that his pay was safe and would be forthcoming at the proper season. It would not be fair to make the Trustees liable for the teacher's salary without providing means whereby they can obtain the money to fulfil the contract. In order to meet the views of the leader of the opposition, and remove some of the objections urged against the clause by the hon. member for Inverness, (Mr. Blanchard) and the hon. member for Richmond, (Mr. Miller) he proposed to add after the word "realized" the words "at the end of the first quarter," and after the word "assessment" at the end of the paragraph, the words, "and the school shall be declared free to the inhabitants of the entire section." The effect of this alteration would be to provide for an assessment at the expiration of the first quarter, provided the required sum was not paid previous to that date, and when such assessment had been levied to compel the Trustees to throw open the schools to the inhabitants of the entire district.

Mr. BLANCHARD said his objection went further than the premises covered in the alteration proposed by the hon. Provincial Secretary. He said on a previous day, and he repeated it now, that this bill provided for free schools. There was nothing in it to prevent such a construction being put upon it, but, on the contrary, the tenor of it favored such an interpretation. With respect to schools supported by subscription, it was not stated in any clause that persons who do not subscribe shall not send their children to such schools. But apart from this, he objected to the clause because it was sought to introduce the principle of compulsory assessment by a covert mode, and not in a straightforward way and manly manner. If it were the intention of the Provincial Secretary to inaugurate the system of compulsory assessment, why did he not put the principle boldly, in order that hon. members might deal with it openly in accordance with their views and convictions? He was of opinion that the system of compulsory assessment was the one best calculated to advance the cause of education, and he would say that he was in favor of that principle.

Mr. JAS. McDONALD did not anticipate that any serious difficulty would arise out of the operation of the clause proposed by the hon. Prov. Secretary. It was only in cases where the people failed to fulfil the conditions of a contract, entered into voluntarily at the Annual Meeting, that the Trustees would be empowered to levy an assessment. There could, however, be no reasonable objection to providing for compulsory assessment upon all those who come into the arrangement at the Annual Meeting, and thus make subscribers pay their quota. Such a provision would, he thought, be a fair and equitable one.

Mr. MILLER said he was not disposed to go for compulsory assessment, because he did not think the country was yet ripe for that principle. Before it was fastened upon the people, they should be allowed an opportunity of ex-

pressing their views respecting the manner of appropriating the money raised by that mode. To a bill involving compulsory taxation for the support of schools, there should be affixed carefully adjusted machinery to carry the same into operation, and provision made to apportion the revenue obtained in accordance with the wishes of the people. If the measure now before the House only compelled those who agreed to subscribe for the support of schools in any district, to pay the requisite amount, he would not object to it so far as that part of it was concerned, because if people voluntarily entered into an agreement to pay for schools, they could not complain if payment was exacted, but he contended that it was neither fair nor just to compel the minority to enter into an arrangement agreed to by the majority. He would confess that he believed the hon. Provincial Secretary in introducing this measure was actuated by the best of motives, but he felt assured that the expectations of the mover would not be realized. The clause under discussion empowered the Trustees, after the expiration of one quarter of the year, to compel the population of a district to pay the expenses of the school whether they approved of the establishment or management of such school or not. He was entirely opposed to the principle of compulsory assessment, and he could not look upon the clause they were discussing without feeling that it had one object in view, which was altogether repugnant to his feelings. He was sure such a law would create strife, turmoil, and discord amongst the people of this Province, and therefore it was that he gave it his most strenuous opposition. He felt inclined to favor the proposition of the hon. member for Pictou, (Mr. Jas. McDonald) provided the requisite machinery was attached to secure such a distribution of the money as would be acceptable to all classes of the community, but would not consent to place with the Trustees the power to assess people against their will.

Hon. PRO. SEC said that he had never disguised his motives and object in preparing the bill. He had on more than one occasion said, and he repeated it now, that he approved of the compulsory assessment principle for the support of common schools, and believed it to be the most efficacious and practical mode of establishing a proper basis of educational means in the country. He had been deterred from adopting it only because of the difficulties that lay in the way of carrying it into effect at the present time. He was aware that such a proposition would excite hostility and opposition, and array the wealth of the country against the measure, as it was the wealthy class that was more particularly opposed to assessment, and it was likely the antagonism that would be brought against a bill to provide for compulsory taxation would lead to its defeat. He held the doctrine that the state owed every child within its borders a common school education, and while he had not introduced the broad principle into the bill, he had supplied some inducements calculated to pave the way to the ultimate adoption of compulsory taxation for the support of schools. With respect to the clause of the bill they were considering the object of it was to provide a guarantee

for the payment of the teacher's salary. There was no lack of men of talent in the country whose services could be procured were means of payment provided, but under the existing school law there were no means of securing the teachers salary, and the effect of it was that competent men failing to obtain their hard earned pay had quitted the Educational fields of labor and engaged in some more certain profession or calling. He was desirous of placing upon the statute book a law by virtue of which the people would be compelled to fulfil their engagement with the teacher.

The bill before them proposed that the Trustees should engage the teacher and be directly responsible for the payment of his salary, and gave them the power to obtain the means of payment from the people. Now who were the Trustees? Were they a foreign agency? No, they were the representatives of the majority of the people, chosen by them at the annual meetings. The people of each district entrusted the management of school matters to three men of their choice, and one of the duties of the three men so selected was to engage a teacher, and the clause they were discussing provided that the people should pay the teacher so employed. After all it was a matter for the inhabitants of the different districts to decide. It was asked at the annual meeting: how do you propose to conduct your schools? and then it was for the majority of the rate-payers to say whether such shall be sustained by assessment or subscription. This bill offered 25 per cent., in addition to the amount to which they would otherwise be entitled, to all schools adopting the assessment principle. Again if the majority were not disposed to adopt that mode all they had to do was to say so at the meeting, and there was an end to the matter; but if they choose the assessment system then it would be for their own elected officers, the Trustees, to carry the arrangement into effect. The clause under debate was not open to the objection that had been taken to it. He would be paying but poor tribute to the intelligence and foresight of the men who sat around the benches were he to introduce a measure of a insidious nature and covert design. He was of opinion that, upon reflection, hon. members would arrive at the conclusion that the amended clause he now proposed contained nothing calculated to operate unjustly or unfair. The bill guarded against any possible exercise of tyranny, and if the provision guaranteeing the payment of the teacher's salary was struck out, the efficiency of the measure would be sadly impaired.

Mr. McLELLAN said that when he, before stated his objection he was not under the impression that the Hon. Prov. Secretary sought to introduce anything of a surreptitious character in the measure, and he had not charged him with having any such design or intention.— But with reference to the clause now before them, he felt bound to oppose the principle it involved. It gave the bare majority of the people of a district authority and power to assess the remaining portion, even were they to protest against assessment. In order to secure the harmonious working of any measure it must be so constructed so as to secure the hearty co-ope-

ration of the inhabitants; but the bill before the Committee was not of a nature calculated to attain that result. The clause, as amended, virtually provided for general compulsory assessment, by means that would be obnoxious to the people, and likely create dissension and dissatisfaction that would surely defeat its successful operation.

Now what would be the effect of the operation of this clause? Why, in case the sum agreed upon at the annual meeting for the support of the schools was not realized at the end of three months, during which time it would be a close school, then an assessment would be made upon the whole of the people in the district for the whole sum required for the year, thus making the people pay for the season it was a close school. This principle was neither fair nor just, and rather than enforce such a provision it would be infinitely preferable to declare all the schools free at once.

Hon. PROV. SEC. observed that the clause was not fairly open to the objection just urged, inasmuch as it was only in case the required amount failed to be realized at the end of three months that an assessment would be made.

Mr. MILLER said if the principal object of the clause was to insure the teacher's salary, that end could be secured by providing (in case the sum agreed upon at the annual meeting was not realized,) that an assessment be made upon those who at such annual meeting had agreed to the arrangement. In case of a deficit, he would give the trustees power to assess the balance upon those who had agreed to support the school.

Mr. McLELLAN remarked that in the present act there was nothing to prevent fifty rich persons in a district from subscribing the requisite amount to support a school, and making it a close establishment, and he believed he only way to get over the difficulty was to declare all schools free.

Mr. BLANCHARD said that according to this bill every man who subscribed anything at all, even as low as one shilling, at the Annual Meeting, had a right to send all the children he had, so after all it was in this respect a system of free schools.

Mr. ARCHIBALD observed that the people were fully aware when they adopted the system of subscription at the Annual Meeting that they were liable for the teacher's pay, and in such case it could be no great hardship to compel them to fulfil their engagement. He was in favor of a provision that all schools should be free, in case the requisite sum for maintenance was subscribed and paid before the end of the first quarter.

Mr. S. McDONNELL said the amendment proposed by the Hon. Prov. Secretary would virtually introduce the system of direct and compulsory taxation, to which he was wholly opposed. He did not conceive that assessment was necessary to secure the teacher's salary, because those who subscribed at the Annual Meeting were liable to be sued for the amount of their subscription, and by this means the money could very likely be collected.

Mr. TOBIN said he thought that after all it would be found that the English school system

was the best that could be adopted; but in this Province the Legislature had departed from that system and approached that of the State of Massachusetts, and was by degrees introducing it here. The English system was very simple, and highly satisfactory; there so soon as the people organized a school and engaged to sustain it, a certain amount of aid was granted it by the Government, and that was the principle he would like to see in operation in this Province.

Hon. PROV. SEC. said that the bill now before the House virtually amounted to the English system, of which the hon. member for Halifax had just spoken. This bill did not propose to grant aid until the people had first organized a school under certain conditions and such school was brought up to a certain standard of efficiency. The analogy between this measure and the English Educational law, was as close as the condition of the two countries was similar.

Mr. MILLER said the hon. Pro. Secretary had stated that his object was to assimilate the principle of the clause under discussion to that of the English system as referred to by the hon. member for Halifax. But neither the amendment proposed by that gentleman (Dr. Tupper) nor that offered by the learned member for Colchester would lead to this result. On the contrary the two systems under the compulsory sections of this bill would be as different from each other as light is from darkness. What was the principle pervading every feature of the English educational system? Was it not the sound and equitable principle which recognized the various denominational elements of the country? In Great Britain every sect had its own training school—its own inspectors—its own teachers—its separate grant from the public treasury in proportion to its numbers—the government conceding in its integrity the principle for which he contended. The example thus afforded was worthy of imitation, but surely it could not be called similar to the compulsory feature of the bill. The hon. introducer of this measure just now told them that he believed in state schools—that he held the opinion that the state owed to every child within its boundaries a common school education, to be provided if necessary by arbitrary laws even if hostile to the wishes of the people. It was well known that the views of the hon. gentleman from Colchester were of the same complexion, and he was therefore inclined to look with a double share of suspicion upon anything emanating from them in regard to compulsory assessment, but he did look for some consideration from professed friends. He would not charge a preconceived design upon any one, but as he had already said the effect of the clause as amended would be to force assessment of the most obnoxious character on the country. He did not believe the country was yet prepared for assessment, or would submit to it; neither did he think that compulsion would produce good results in connection with education. But his chief objection was the want of provision for a fair distribution of the funds raised among all classes. Was it the desire of the House that any body of men should be obliged to support schools in whose benefits they might not be able conscientiously to partici-

pate? This was the New England system with all its hardships, and this would be the practical result of the clause in question. In Lower Canada where schools are supported by assessment, the minority have their separate schools, although a like act of justice is denied to the minority in Upper Canada. It was no matter whether his conscientious scruples were sound or unsound it was the duty of the state to respect them. To attempt to pass judgment upon them was a tyrannical intrusion on the domain of conscience, permitted to no earthly power. The state did not enquire if one's religious views were true or false to accord to them the fullest recognition and protection. So should it be with the sincerely entertained opinions of any class on the subject of education. Wherever this doctrine was denied constitutional freedom was a mockery—religious toleration a farce. But what did we find in this bill? The schedule regulating the support of Academies recognized the separate school principle as applied to one locality, he alluded to Antigonish. That county had a college, and yet a distinction was made from Pictou, Hants, and other counties similarly situated. Why this inconsistency? Why apply one rule to a minority in Antigonish, and another to a minority in Hants or Kings? Why this partiality in one case, or injustice in the other? He would allow the people to draw their own conclusions on the facts alluded to, which no one could mistake. In conclusion, he reiterated his belief that the House was about to introduce strife and discord where there should be unity and peace.

Hon. ATTY. GEN. said that it was naturally difficult to make such an arrangement as would take care of the teachers, and, at the same time, do justice to every inhabitant of the district. He regretted exceedingly that such observations had fallen from the hon. member from Richmond. The principles of civil and religious liberty and the rights of conscience were very sacred, and it was a great pity to see them drawn unnecessarily into the discussion. It only tended to degrade and not to elevate the discussion, when such topics were wantonly introduced. Surely there could be no occasion for such an appeal as had been made in connection with the present subject! The arrangements to which the hon. member for Halifax had referred would commend themselves to the mind of every man, but they were not practicable in such a small community as Nova Scotia. Under such circumstances all that could be done was to arrange such a system as was practicable, and would do justice as far as possible to all classes in this Province. It was to the credit of Nova Scotians that our school system, with all its defects, had hitherto been kept free from working anything like positive hardship to any portion of the people of Nova Scotia, and he thought every man in the House should endeavour, in the passage of a measure of this important character, to avoid all irritating topics, and devote his sole energies to make it as perfect and consistent as possible.

Mr. TOWN said that he could easily understand the feelings of the hon. member for Richmond in this matter, for on looking at the subject closely it would be seen that there was con-

siderable force in his objections. That hon. member's objections appeared to him to be of this character: Suppose a school section was laid off, which the population consisted of Methodists, Presbyterians, and Baptists; the latter refused to send their children to the school, which was declared free. Now if the assessment had to be put in force, that portion of the people that had refused to have anything to do with the school would be assessed as well as the others. In his opinion this was a decided hardship, but it was difficult to see how the difficulty was remediable in a country like this with a sparse population. In conclusion, the hon. gentleman read a clause from a bill introduced by Earl Russell in the House of Commons which he thought was worthy of consideration in connection with the present subject.

Mr. KILLAM read the 24th clause which he thought gave protection to the minority to a considerable extent. He also saw the difficulty, which other gentlemen alluded to in discussing the clause under consideration.

Mr. STEWART CAMPBELL said there could be no doubt that it was most desirable to obtain sufficient remuneration for the teachers. In the bill it was proposed to obtain this compensation in one of two ways—either by subscription or by assessment. It should be, he thought, consistent in all its clauses. If assessment was the principle preferred, let it be made apparent. He could suppose a school-district opposed to assessment, which would agree to support a school by a subscription. If the subscription was not raised, was it just to force upon them a principle to which they were known to object? He therefore could not approve of the latter part of the clause as at present worded.

Mr CHAS. J. CAMPBELL said it was very unfair to force assessment upon people against their will. He believed that no one in this country was anxious to be assessed. He knew of sections where the principle had been tried years ago, and found to work great injustice to individuals. It had destroyed the schools, and kept them in litigation for years. In the county of Victoria, for instance, where it had been tried, it operated injuriously. He knew of one man who had to pay a most disproportionate sum as his share.

Hon. SOL. GEN. said that the hon. member was under a misapprehension. It was proposed to modify the clause to which he objected. He (Mr. H.) could not see any valid objection to the course that it was intended to pursue. If the rustees were answerable to the teacher for his salary, it was necessary to place them beyond the danger of loss. The clause merely gave them the power to assess any balance that might be wanting, in consequence of the failure of the people to make up their subscription. If parties did not choose to send their children to the school after it was declared open, they must run the risk of being called upon to aid in making up any deficiency that might occur. Under the existing law, a teacher occupied a most unenviable position as regards his remuneration. Under the bill he would have a guarantee of receiving his full pay, whilst the people at the same time would be made to see the necessity of paying up their subscriptions.

Mr. C. J. CAMPBELL reiterated his objections to the latter part of the clause, and moved that it be struck out.

On division the motion was lost by a very considerable majority.

Mr. MILLER then moved to add "who have agreed to support such schools," after the words "by assessing the inhabitants." This was also lost.

Hon. PROV. SEC. then moved the clause amended by striking out the latter part and substituting words to this effect: And the common schools shall be free to all the children residing in the section in which they are established and in case the sum agreed upon for the support of the school fails to be realized, the balance shall be raised by assessment, the subscription previously paid being taken into consideration.

Mr. LONGLEY moved as an amendment to add the words: Provided always that the Trustees shall be empowered to assess those who do not voluntarily contribute, if found necessary or expedient.

The hon. gentleman did not press his amendment. The clause as amended then passed, and the committee rose and reported progress.

BILLS, &C.

Hon. Mr. SHANNON Chairman of Committee of Private Bills, reported up bills on the following subjects:—

To incorporate the People's Bank at Halifax.
To incorporate Shipwrights' and Caulkers' Association in Dartmouth.

To amend the act to incorporate the Nova Scotia Marine Insurance Co. of Halifax.

To incorporate the House Joiners' Association of Halifax

Mr. ARCHIBALD.—What is the character of the last bill?

Mr. PRYOR.—There has been a public understanding between the masters and employes relative to this bill.

Mr. ARCHIBALD.—It has no tendency to create strife, I hope.

Mr. PRYOR.—On the contrary, it is of a charitable nature. It is designed to provide for their wives and children, and to make also such regulations as are indispensable for the proper prosecution of their calling.

Hon. Mr. SHANNON laid on the table a return asked by the hon. member for Cape Breton, (Mr. Bourinot) relative to the Legislative Library.

Hon. FIN. SEC. brought in a number of petitions on Post Office matters together with the report of the Postmaster General thereon—which were referred to the Post Office Committee.

The House then adjourned until three o'clock the next day.

WEDNESDAY March 2.

The House met 3 P. M.

PETITIONS.

Mr. WHITMAN presented a petition from a number of the inhabitants of the county of Annapolis, asking for increased postal accommodation in a certain locality. As it involved expen-

diture of money, it was handed to the Financial Secretary without being read.

Mr. KAULBACK presented a petition from a number of the residents of Upper and Lower Dublin, in the County of Lunenburg, on the subject of the Labrador Fishery.

DESPATCHES.

Hon. PROV. SEC. laid on the table certain correspondence between the Colonial Office and the Nova Scotia Government, on the subject of Immigration. The first document was a despatch from the Duke of Newcastle to Earl Mulgrave, dated April 11, 1863, requesting information respecting the adaptability of this country for affording employment to a number of Lancashire operatives then out of employment. The 2nd and 3rd are letters from Earl Mulgrave, in reply to the Duke of Newcastle's despatches, affording such information in answer to the enquiry contained therein as was at his command.

BILL REPORTED.

Hon. Mr. SHANNON, from the Committee on local and private bills, reported up the bill to incorporate the Cheticamp Copper Mining and Smelting Company, without any amendment.

Mr. BLANCHARD requested that a few days might be allowed to elapse before the bill was committed, because it conferred large powers upon the Company, and he wanted an opportunity to consult his constituents respecting it.

THE RAILWAY.

Mr. LOCKE asked the Government when they intended to lay on the table the Railway measure foreshadowed in His Excellency's speech at the opening of the Legislature. He observed that the question of railway extension was one of great importance, and a bill involving works of magnitude required earnest and attentive consideration. He hoped the Government would submit the measure for the inspection of the House without any further delay. He did not wish to press them unreasonably, but he thought it was time the promised scheme was forthcoming.

Hon. SOL. GEN. said it was usual in this House for hon. members interested in and favorable to contemplated works to urge the Government to fulfil the promises contained in the Governor's speech within reasonable time, and as an eastern member he would take this manifestation of interest and concern in the subject evinced by the hon. member for Shelburne, as an earnest that he would support the measure when the same was submitted. He would say, however, that he thought it would be better that the railway bill should be delayed until the House had made more progress with the revised statutes: He would say that if the hon. member wanted railway extension, he would find when the bill was brought down that it provided for as much as he probably desired in that respect.

Mr. LOCKE said that railway extension was promised in the Speech, and he was desirous of knowing early in the session in what direction it would be made, whether east, east, west, north, or south. They had now been nearly thirty days in session, and surely it was due to the House that at this stage of the public business hon. members should be made

acquainted with the nature of the measures the Executive had promised.

Hon. Prov. Sec. observed that the enquiry of the hon. member was a very natural one—he wished to be informed of the nature of the Government measures in order that he might the better prepare to oppose them.

Mr. McKAY hoped the hon. member for Shelburne would support the measure when introduced.

Mr. TOBIN said this was altogether to grave a subject to deal lightly with, and bandy jokes about. The extension of railway was a subject in which the people felt a very lively interest, and the country was now looking earnestly for the measure foreshadowed in the speech of His Excellency at the opening of the Legislature. He was not satisfied, but considerably disappointed, with the statement of the hon. Solicitor General in reply to the hon. member for Shelburne. It was but poor encouragement to the people to tell the House that the railway bill would be submitted so soon as the Revised Statutes were disposed of. A measure of the magnitude he had reason to hope the promised one was,—a measure probably involving the expenditure of upwards of half a million of pounds ought to be now on the tables of the House in order that hon. members might study it, and prepare themselves for discussing it when committed. It was due to the House and the country that the bill should be at once submitted, and he would say that although the House had been well nigh a month in session he had no knowledge what the nature of the measure was. The Government had foreshadowed a railway policy of some kind, and surely they had deliberated upon the subject, and decided upon the principle and details before this time, and he would again tell them they ought to lay it on the table. But at this time in the session the House was deliberately told that the bill would not be brought down until after the Revised Statutes were completed, and every hon. member was aware that after that all the necessary business of the country remained to be done. Now it was patent to every one in the House that after the first of April it would be almost impossible to get a quorum as hon. members were anxious to return to their homes about that time to attend to their own business. They had now been about thirty days in session and not one Government measure had been disposed of. Such a policy, on the part of the Government, was an unwise one, and one that they ought not to pursue. The hon. member for Shelburne, in his opinion, deserved the thanks of the House for referring to the subject, and his question was a very proper and reasonable one.

Mr. ARCHIBALD said the answer of the hon. Solicitor General to the question asked by the hon. member for Shelburne, was no answer at all. It was unjust to insinuate that that hon. member (Mr. Locke,) was not sincere in desiring the bill to be brought down, or that he was anxious to ascertain the nature of it in order the better to prepare to oppose it. There was no hon. gentlemen on these benches who had disregarded his own personal interests to the extent the hon. member for Shelburne had in supporting railway measures, and this fact was

well known to the hon. Solicitor General as well as other members of the Executive. He felt that the answer made by the Solicitor General was not such an answer as was due to the hon. member for Shelburne. The House should have been aware of the nature of the measure before this time, and as regarded what had been said about expected opposition to the bill, it would be a serious matter for the opposition to determine whether they should support or oppose, and in justice to them as well as to the whole house the bill should be on the table. It would no doubt receive that respect and consideration from the opposition that its merits entitled it to. He would ask the Government not to delay the introduction of the measure; the press of business was not so great at present as to preclude the consideration of the railway scheme, as they had already spent several days in discussing questions of tweedledum and tweedledee.

Hon. SOL. GENERAL said that last session the late Government delayed their railway policy to the very latest period of the session; they procrastinated from week to week, and about the last day of the session, got rid of their measure by a side wind. The proposition of the Government respecting railway extension would be so definite, simple, and devoid of intricacy, that any hon. member could make himself fully acquainted with it in fifteen minutes. The hon. member for Pictou, Mr. James McDonald, had been in a position that naturally excited anxiety on his part concerning the Government Railway policy; but his repeated enquiries of the late Government respecting their railway policy, met only with rebuffs. Procrastination was the policy of the late Executive from day to day, and it did not therefore come with good grace from any one of its members to complain if the measure did not come down as speedily as he wished. Had the question put by the hon. member or Shelburne come from any hon. gentleman who took an interest in the project of railway extension, his answer would have been different.

Mr. LOCKE wanted to understand whether the Government entirely ignored the right of a member of the Opposition to question the Executive respecting their intentions with reference to public matters, or whether they held the doctrine that no member, who was opposed to railway construction in a certain direction had a right to concern himself in the policy of the Administration so far as that particular scheme was concerned? If that principle was to be laid down, it was time the country should know it. In making the enquiry he had, he expected a reply of a nature becoming the Government of the country. Was he to be told that because he asked a question concerning a certain policy of the Administration that he stood pledged to support that policy? He was in almost daily receipt of letters from his constituents making enquiries touching the nature of the promised railway measure, and he was anxious to obtain the information he had sought in order that he might convey it to his county. It appeared passing strange to him that a Government boasting of a majority of 21 members in this House, were not able to mature a measure which they had foreshadowed in the speech, and submit it within

thirty days from the opening of the session. Was it possible that they were afraid to bring down their measure?

Hon. ATTY. GEN. said the members of the Opposition had an undisputed right to question the Government respecting the promised measures. He did not see, however, how they could well manage to do three things at a time. They had now two very important subjects before them, one the education bill, which was a government measure of an important character, and one that required much consideration, and the other, the revised statutes, which also required strict attention. He had no doubt that in course of a few days the railway bill would be submitted, and although it was an important measure, it would not be involved in intricacies, but so plain and comprehensive that it could be easily understood. He would assure the house that the government would not involve the measure with some of the niceties that characterized the bill submitted last session, but would be of a nature not requiring any extraordinary mental effort to master its provisions or determine its objects. He was satisfied it would be a bill that would recommend itself to the views of the people of this country, and in a short time the government would be prepared to lay it upon the table for the inspection of the house.

Hon. SOL. GEN. said he never denied the right of a member of the opposition questioning the Government respecting measures promised in the Speech, but he had observed that such enquiries as had been made by the hon. member for Shelburne would have come with a better grace from gentlemen anxious to extend our railway. There was a difference between a question sincerely asked for the purpose of obtaining information, and one put with the intention of eliciting matter to gratify idle curiosity. With respect to the introduction of the railway measure, the Government had no desire to procrastinate, but he was of opinion that a saving of time would be effected by disposing of the revised statutes before taking up the railway bill.

Mr. LOCKE observed that the Solicitor General had confirmed the doctrine that no member of the House opposed to any particular government scheme had a right to such information from the executive concerning it. He, however, felt persuaded that if the hon. member for Yarmouth, (Mr. Killam) who had long been known as an uncompromising opponent of railway construction, had asked a similar question the government would not have dared to have treated him as they had him, (Mr. Locke.) He had been told that he asked the question from a desire to gratify idle curiosity, and he contended that it was neither fair nor just to attribute such motives to any member of the House who sought information respecting any public measure promised in His Excellency's speech. He merely asked the government when they intended to submit the bill, and he would say that a government with 21 majority at its back, that was not able to mature a measure, and submit the same within 30 days from the opening of the session, was not fit to govern the country.

Hon. PROV. SEC. said that every member had a right to question the government regarding promised measures, but he would tell the hon. member for Shelburne that it did not lie in his mouth to complain of procrastination. The leader of the late Government, of which the hon. member himself, (Mr. Locke) was a member, repeatedly refused to give satisfactory or definite answers to the hon member for Pictou respecting his railway policy, but then the hon. member, (Mr. Locke) had no language to vindicate the rights of the House. He would say that no time would be lost in bringing down the measure.

ST. PETER'S CANAL.

Mr. MILLER asked the Government when they intended submitting the measure respecting St. Peter's canal, the nature of which was so indistinctly outlined in the opening speech.

Mr. TOBIN said he was not aware what the government railway policy was, but he would confess that he could not subscribe to the announcement that it would only take the House a few minutes to decide upon it. He was wholly uninformed as to what extension the government had decided upon, but whatever it might be, the same would be a legitimate subject for discussion. They should have the measure on the table, so that while they were dealing with the revised statutes they could be thinking about the railway proposition. It might be very true that there would be but one bill, but there might possibly be half a dozen measures tied to its tail. He was aware that there was a diversity of interests in railway matters,—some wanted an extension to Hantsport, others desired that the line should be extended to Pictou; and then, again, there was the subject of St Peter's Canal, and perhaps it would be as well to tie these three public wants together and deal with them in one measure. The country was now in a position to undertake these works. It had been said that Wm. Pitt possessed a faculty of obscuring his meaning in a multitude of words, and while listening to the Attorney General he could not help thinking that he (Atty. Gen.) was equally clever in this species of ingenuity. He thought it would be more becoming to lay the bill on the table in a manly way at once. He hoped they would no longer be deterred by the solicitations of the hon. member for Yarmouth, (Mr. Killam,) who doubtless was constantly telling the government not to be in a hurry, but wait until they saw what Canada and New Brunswick would do, with the view of giving the measure the go by.

Hon. PROV. SEC. in reply to Mr. Miller, said that the Government were now engaged in preparing the estimates, and in a few days would be ready to submit the proposition referred to in the Governor's speech, to which the hon. member for Richmond had alluded.

THE EDUCATION BILL.

The house went into committee on bills, and resumed the consideration of the education bill. Several clauses passed without discussion. On the reading of the 37th clause, relating to the duties of licensed school teachers, Dr. BROWN enquired whether it was contemplated to make any charge for licenses, as formerly.

Hon. PROV. SEC. said no fee was to be paid for licenses,—in many cases, such as where the applicants were known to be graduates of any collegiate institution, the examination would be merely nominal. The clause passed.

On reading the 33rd clause, Mr. STEWART CAMPBELL said that the Superintendent and licensed teachers were at present exempted from the payment of rates. No such provision was contained in this bill, and he wished to know whether the omission was intentional.

Hon. PROV. SEC. said that as the rates were payable upon property it was not intended to exempt them. The 39th clause, and the 40th, the last in the bill, then passed.

The 20th clause was reconsidered, for the purpose of striking out the words "Free Schools" and substituting "Schools supported by assessment," so as to make it consistent with the rest of the bill.

Mr. BLANCHARD said that before going into the consideration of the schedule attached to the bill, he would call attention to the fact that no provision was made for the location of the county academies and superior schools. If it was the wish of the house to leave the discretion in the hands of the council of public instruction he had no objection, but it should be so understood. Under the old act considerable difference of opinion prevailed as to the location of the grammar schools, and he thought the same difficulties would arise as regards these academies.

Mr. BOURINOT said that he was proud to acknowledge this bill as an act of justice to the county of Cape Breton.

Hon. PROV. SEC. said that it was the intention to locate these academies in the most central and populous portion of the counties.

On motion of the Prov. Sec. the 27th clause of the bill was struck out as unnecessary.

Hon. PROV. SEC. then moved schedule A.

Mr. McLELAN said that he observed that while certain counties—such as Hants, Kings, Colchester—did not participate, under the bill, in the grant for county academies on the ground, as was stated by the Prov. Sec., that they already received a large grant for higher educational institutions, the county of Antigonish, which stood in precisely a similar position, was included in the grant. If the principle was introduced at all it should be fairly carried out amongst all. He would therefore move to strike out the county of Antigonish from the schedule of those which were to receive the grant. As regards the grant of \$600, he thought that instead of giving that sum to an academy which would be placed in the shire town of the country, where its benefits would be restricted to a comparatively small sphere, it would be wise to take \$200 of it and add to the grant for superior schools, and give the remaining \$400 to the common schools. By this measure it would be distributed more generally over the whole country, and the people would derive greater benefit. As the county of Colchester did not participate in the grant perhaps the suggestion did not come very well from him, but he threw it out for the consideration of the

Hon. PRO. SEC. presumed that the hon. member for Colchester had no serious intention of moving against this portion of the Bill which related to the establishment of county Academies, but simply wished to bring his views on the subject before the public. He had explained before that the object the Government had in view in the preparation of this measure was to provide a better description of education in every county of this Province than under the present system was practicable. Therefore in those counties which did not enjoy the provincial grant of £250 for the higher educational institutions, it was proposed to establish county Academies for the purpose of imparting the higher branches of learning, and also with a view to encourage the teachers themselves to improve their attainments so as to advance from second class to first and so on until they were qualified to take charge of the Academies. He thought therefore it would be a great injury to the bill to strike off this provision for county Academies, and he hoped that no such motion would prevail.

Mr. MILLER hoped that the hon. member for Colchester had no serious intention of pressing his motion, for if he did he would do great injustice to the cause of education generally, and would injure one of the most flourishing institutions of learning in the country. The institution he referred to had four accomplished teachers, and had an average attendance of 150 scholars. The people of Arichat had expended about \$5,000 in erecting a beautiful building for their accommodation, and had thus at great expense placed their institution upon a proper footing. He did hope, then, that no attempt would be made to cripple its resources by withdrawing this grant.

Mr. BOURINOT said that he would be sorry if any opposition to this grant existed. His recollection of the institution at Antigonish dated far back, and he was convinced that there was no institution in the country which met with more general approbation or was more deserving of provincial aid than this. As regards the county of Cape Breton they did not enjoy any allowance for Academies, and the amount of the common school grant too had always been far short of what they were entitled to; in fact the lowest in proportion to population of any other county in the Province. For the last four years he had appealed to the House and to the Educational Committee for redress, and although his views had met with some encouragement from the hon. Mr. Howe as far as the present leader of the opposition (who was then in power) was concerned, he had appealed in vain. He had inquired over and over again why it was that Colchester, with its 20,000 inhabitants, should be more highly favoured than Cape Breton, with its 21,000, and should receive some £2,000 more of the education grant, but he had inquired in vain. He was sorry to find the member for north Colchester (Mr. McLelan) exhibiting such a spirit of antagonism to Cape Breton, and if he persisted in his motion to withdraw the grant from Antigonish or any one of those of the Island of Cape Breton, he (Mr. B.) would be obliged to move that the grant to the normal school of Truro be also

withdrawn; and he could do so with good reason for it was evident that however able the gentleman might be who was at the head of that institution, it had not realized the anticipations of its founders nor of the superintendent himself. The hon. gentleman concluded by expressing the hope that the member for Colchester would withdraw his motion.

Mr. ARCHIBALD said that he was always happy to hear the hon. member for Cape Breton speak, and he was never so eloquent as when descanting upon the wrongs of Cape Breton, but he did not think it was wise in him to bring up those old battles which had been fought long ago. He would take the liberty of correcting the statement that hon. member had just made, that the Normal School had not succeeded as well as was at first anticipated. It had succeeded beyond the most sanguine anticipation of its founders. When it was first established it was not anticipated that out of a population of 330,000, there would be found more than 25 to take advantage of its benefits—and the result had been that there had never been less than 70 or 80 in attendance. In the neighboring province, although £25 a year was allowed out of the public funds to pay the expenses of each pupil, the number who attended was one-third less than with us. If it was imagined that the county of Colchester derived such great benefit from the Normal school he would answer that it was no more benefitted than Hants was by King's College, Windsor, or King's county by Acadia at Wolfville. The hon. member for Cape Breton had complained that Colchester received a larger share of the educational grant than Cape Breton. Perhaps the reason was that the people of Colchester contributed more largely to the support of education. He would contrast the two counties for a moment. In Colchester the people contributed \$2 74 a head, while in Cape Breton they only averaged \$1. 42.

Mr. BOURINOT.—Take the whole county of Colchester—it is not fair to take certain small sections.

Mr. ARCHIBALD.—In North Colchester the average received by each pupil from the education grant is only 36 cents, while in Cape Breton it is 72 cents.

Mr. BOURINOT.—Let the hon. gentleman take the whole county, and then see if the figures bear him out in the assertion that Cape Breton receives more than Colchester.

Mr. ARCHIBALD.—Even then the largest amount in Colchester was 48 cents per head, and in Cape Breton 72 cents.—To return to the more important subject before the house, as to the policy of establishing these county academies, he presumed that the intention of the government was to establish in each county a better style of school than those now in existence, but he was rather doubtful of the success of this experiment. The old system of granting £100 to each county for grammar schools had been found to be unsuccessful. He did not intend to oppose the grant, but he would put it to the good sense of the house whether it was not more likely that the class of pupils who it was expected would resort to these academies, would be more apt to go to the college where they could be supported and receive

a better style of education at the same expense. He would suggest whether it would not be better to take the grant and add it to the fund for the establishment of the superior schools. He did not intend to make any motion, nor did he wish to interfere with the grant to any existing academy.

Mr. BOURINOT said that he must trouble the House with a few observations in answer to the remarks of the hon. member of the Opposition in reference to Cape Breton. That hon. gentleman had, in that bland manner which was so habitual to him in addressing the house, endeavored to create a wrong impression as to the real facts of the matter under consideration. Instead of taking Colchester as a whole as he should have done, he had taken certain sections of the county and in that way made a comparison with Cape Breton which was not legitimate. Now he (Mr. B.) would ask the indulgence of hon. gentleman whilst he delayed them awhile with a few statistics showing a very different state of things to that adduced by the learned leader of the opposition, and coming from a source which that hon. gentleman himself esteemed most highly. He held in his hand a petition from the Inhabitants of Cape Breton accompanied by statistical tables,—which had been prepared by a mutual friend of his and also of the member for Colchester (Rev. Dr. McLeod) pointing out the great injustice that had been done to Cape Breton in the mode of distributing the road grant and the grant for Educational purposes.

Mr. BOURINOT then read some extracts from this petition, which set forth in unequivocal terms the unfairness with which the county of Cape Breton has been treated for years in reference to grants for Educational purposes. He showed that Colchester with a population of 20,045 received from the public Treasury for Education \$6,699, being a per centage of \$33 40; Antigonish, (including Academy Grant,) population 14,871, received \$3,800, or \$25 55 per cent.; Victoria, population 9,643, \$2,000, per centage of \$20.73; Hants, population, 17,460, \$3,721, per centage \$21.30; Pictou, population 28,785, \$5,888, per centage \$20 45; Kings, population 18,731, \$3,750, per centage 20 20, and so on, while Cape Breton, with a population of 20,865, only received \$2,920, or an amount per cent. of population of \$13.90, being the lowest on the scale. It would be seen from these statistics that Colchester received just one hundred per cent more than Cape Breton. The late Government, of which the hon. member for Colchester was a member, had had their attention time and again called to these facts, but all to no purpose. Now, however, he was happy to say that the injustice that had been so long inflicted upon Cape Breton, had been removed by the present Bill.

Mr. ARCHIBALD said that the hon. member would find on referring to the Journals, that he had, when upon the Educational Committee, reported strongly against the unfair mode in which the Educational Grant was distributed, and had made out a scale which he thought must have guided the Government somewhat in the preparation of the present Bill. He had no wish to deprive Cape Breton of her fair share of

school moneys, and he admitted that she had had not received heretofore according to her population.

Mr. BLANCHARD would make a proposition which he thought would accommodate all parties. There were some counties, such as Victoria, Inverness, &c., in which there were really no large towns or villages worthy of the name, where these Academies could be located. Under the former act difficulties arose, and some of the counties could not meet the requirements of the law, which entitled them to the grant of £100 for grammar schools. By the present bill no restrictions were imposed, but he presumed the Council of Public Instruction would fix some standard, which would entitle the counties to the benefits of these Academies. It was manifest, then, that some counties would not be entitled to participate in the grant, and he proposed an amendment to the 17th clause, providing that where such was the case one half of the grant should be appropriated to the superior schools, and the other half be added to the common school grant.

Mr. C. CAMPBELL thought the hon. member had better confine his remarks to his own county.

Mr. BLANCHARD had said nothing against Victoria which did not apply to his own county. In neither was there a town or village of such a size as to warrant the establishment of an Academy. His (Mr. B.'s) proposition did not affect the interests of Victoria. If the hon. member for that county could establish an Academy there, so much the better. If he could not, his (Mr. B.'s) motion would enable him to retain the grant for the other schools.

Hon. FINL. SEC'Y said that it had hitherto been too much the habit with others to sneer at Cape Breton, but after the remarks of the member for Inverness he was reminded of the old adage "save me from my friends." He would tell that hon. gentleman that there were towns of respectable size in that county, and in his own county there was a town containing an Academy which was not surpassed in this Province. He knew well the advantages that had been derived from that Institution, and he could point to young men who had been enabled to attain to positions in life, which they never could have reached but for the Education they had received within its walls.

Mr. CHAS. J. CAMPBELL said that perhaps the Hon. Member for Inverness was under the impression that when he left the county, all the respectability went with him.

Mr. TOBIN said that the member for Colchester (Mr. Archibald) had referred to the inequalities in the former system of distributing the school grant, and had taken credit for remonstrating against it, but he would ask him, why, when he had the power in his hands for several years he did not attempt to remedy the evil. He thought the member for Cape Breton had good reason to complain. He perceived some inequalities in the schedule A. annexed to the Bill, and he would call upon the Hon. Pro. Sec. to explain upon what principle a grant for an Academy was given to Antigonish which already enjoyed the benefit of a collegiate In-

stitution in common with the other counties which were excluded.

Mr. BLANCHARD said there were two separate questions before the House, and the question of the grant to Antigonish had better be settled after the first was disposed of. As regards the remarks of the Hon. Financial Secretary and the member for Victoria (Mr. Chas. Campbell), he did not feel that he had merited the severe rebuke he had received from them. He had not said one word against the Arichat Academy, and he was endeavoring to advance the interests of Cape Breton, by establishing a mode by which this academical grant could be retained, and the \$600 distributed over the whole county to the most advantage. The hon. gentleman then read his resolution, the substance of which has been given.

Mr. JAMES McDONALD thought that the best way to dispose of the difficulty would be in case a county was not sufficiently advanced to appreciate the advantage of an Academy, to give the \$600 to the counties that had them. In his county they had three academies—two of them self-sustaining—not that they were not in want of public aid, but his usual modes had prevented him from asking it before. In New Glasgow alone there were two academies in a very prosperous condition, well deserving of the encouragement he proposed. The objection to the proposal of the hon. member for Inverness was this, that if you gave the \$600 to counties where there were no academies, you afforded a temptation to the people to resist their establishment altogether. He thought that if any county failed to become entitled to this grant, then it should be left in the discretion of the Council of Public Instruction to distribute it amongst such counties as should most require it.

Hon. PROV. SEC'Y said, that if the hon. gentleman had not informed the House of his peculiar modesty, no one would have suspected him of it. The danger he had alluded to of the people opposing the establishment of the academies could not arise,—for it would not prevent their establishment if the whole county was hostile to them. He thought the proposition of the hon. member for Inverness was a fair one, and he would agree to it.

Mr. McDONNELL was in favour of the establishment of Academies, for he believed they would have a most beneficial effect upon the cause of education. He thought, however, the circumstances of some counties might be different from those of others, and that this fact should be taken into consideration. He believed it would be preferable to amend the law so as to give the power to the Board of Commissioners, in case an Academy was not deemed requisite, to allot so much of the money to the common schools, and so much to the grammar or superior schools, as might in their judgment appear advisable. Such an amendment, in his opinion, was preferable to that of the hon. member for Inverness.

Hon. PROV. SEC. said that the effect of such an amendment would be to prevent an Academy being established. The Commissioners were scattered all over the country, and local jealousies would certainly arise.

Hon. Mr. SHANNON expressed himself strongly in favour of the re-establishment of county Academies. He alluded in complimentary terms to the Academy in Richmond, and expressed his belief that other counties could establish institutions which would be eventually just as successful. He was in favour of seeing a regularly graded system of education in this Province, so that our young men might receive all the benefits of a thorough education.

Mr. CHAS. J. CAMPBELL said that he was not willing to allow the hon. member for Inverness (Mr. Blanchard) to malign his county. He stood in the House to represent the interests of Victoria and was not prepared to hear in silence imputations of an unfair character cast upon it; he denied the assertion that Victoria was unable to establish such an Academy as was proposed in the bill. Every man in that county was conscious of the benefits that were derived from educational institutions, and would exert every nerve to found an academy that would not be surpassed anywhere in all essential attributes.

Hon. PRO. SEC. said that the object of the hon. member for Inverness was merely to prevent the money being lost to those counties which might not deem it advisable to establish academies.

Mr. C. J. CAMPBELL stated that he wanted to hold out inducements to the people to build academies, and he was afraid that the amendment proposed would have a contrary effect. He repeated his denial that there was a single district in his county that was not able to build a good academy.

Mr. PARKER was afraid that the experiment now about to be tried would not be successful, for past experience had shown that academies did not answer in this country. He believed that their tendency would be to confer benefits on the rich men in the shire towns where these institutions would be established to the prejudice of the poor settlers in the back districts. It would be preferable, he thought, to appropriate the money intended for this purpose over the different counties for the benefit of the common schools.

Mr. PRYOR said that the difficulty with the hon. member was that there was no academy for Colchester.

Hon. PRO. SEC. said that whenever the hon. member for Colchester (Mr. Parker) got up, he appeared to be under the impression that he was making a hustings' oration. He explained that the country was in a very different condition to what it was when academies were tried before. Looking at the remarkable progress it had made and was making, there appeared every guarantee for their success. One of the principal reasons, he added, that they had not succeeded was the inadequate compensation afforded to the principals, but that difficulty was removed by the present bill. He looked upon these academies as the nurseries for the collegiate institutions of the country.

Dr. BROWN read some statistics to show the attention that was paid to the higher branches of education in this province under the bill.

The figures read by the hon. gentleman in support of his views, were these:

Kings,	\$1000
Hants,	1000
St. Mary's,	1000
St. Xavier,	1000
Pictou,	1000
Fackville,	1000
Normal,	4700
Dalhousie (say)	3000
New Academies	7800
Superior Schools,	7200
Superintendent of Education,	1600

\$30,300

The amount appropriated for Common Schools — \$58,830.

From these figures, added the hon. gentleman in conclusion, it would be seen that he was quite correct in the statement with which he had started, that the amount paid for superior education was large in proportion to the amount appropriated to the lower branches. On the whole, however, he approved of the bill as being a considerable step in advance.

Mr. McLELLAN explained that he had no desire to withdraw the amount granted to any existing institutions. He had felt on looking at the clause in question, that it might to a certain extent tend to break down those institutions that we had been building up for years. He had also taken into consideration the fact, as shown by the hon. member for South Kings, that the higher branches had received more attention than the lower ones. However, it might be indelicate for him to make any motion, and he therefore would withdraw it. If Colchester had been introduced into the schedule, he would have made a motion to have the \$600 distributed among the superior and common schools.

Mr. BLANCHARD'S amendment was then agreed to, and added to the 17th clause.

The Committee rose and reported.

BILL.

Mr. TOBIN introduced a bill to amend the Chapter Revised in Statutes relating to Licenses for the sale of Intoxicating Liquors, in accordance with the prayer of a petition he had presented a few days ago.

The House adjourned until three o'clock next day.

THURSDAY, March 3.

PETITIONS.

The House met at 3 P. M.

Dr. HAMILTON presented a petition from a number of the residents of King's County, praying for the establishment of an additional polling place in Ward 5 in that County.

Mr. S. CAMPBELL presented a petition asking for an additional polling place in Port Mulgrave, Guysboro' County—also a petition from residents of the same place respecting the mode of defraying the expenses of keeping the lock-up at that place.

THE EDUCATION BILL.

The House then went into Committee and resumed the consideration of the Education Bill.

Hon. PRO. SEC. moved the passing of Schedule A. Clause 17 of the bill provides that the sum of \$7,800 shall be granted towards the sup-

port of County Academies, to be constructed and located in accordance with the directions of the Council of Instruction. Schedule A. names the Counties thirteen in number, and apportions the sum of \$600 to each. The Counties are Queen's, Annapolis, Lunenburg, Cumberland, Digby, Yarmouth, Shelburne, Guysborough, Antigonishe, Cape Breton, Inverness, Richmond and Victoria.

The hon. gentleman remarked that the object of the provision was to provide for a higher class of education in every county in the Province not already possessing an academy. He had been asked why provision was made for an academy in the County of Antigonishe, which County already had a College, and would answer that the educational institution existing there was more of a Theological than a Secular character, and therefore not suited to the educational wants of a large number of the inhabitants of that county.

Mr. MILLER said he would just as soon grant a boon to the County of Antigonishe as to any other in the Province, but he objected to one rule being applied to that county and another to others. He also stated that the College and the Ecclesiastical Seminary were distinct institutions. In the College there was nothing of a religious and denominational character at all.

Mr. BLANCHARD had no desire that Antigonishe should be deprived of an Academy, but the reasons alleged for granting the boon to that County applied with equal force to other Counties in the Province, and therefore the distinction made by the provisions of the Bill was an invidious one. In Hants there was a purely denominational Academy, an Institution in which the formulae of the Episcopal Church were observed, and it was as much a denominational College as St. Francis Xavier at Antigonishe. The Presbyterians, Methodists, and Baptists of Hants County had just as much right to complain of the exclusive denominational character of King's College, as the whole Protestant body of Antigonishe had of St. Francis Xavier, and yet no provision was made for an Academy in Hants. He had many friends in Antigonishe, and would be glad to see the educational interests of that County well provided for, but must object to the provision in the bill with respect to that County, because it was incongruous, and involved an unfair distinction.

Mr. ARCHIBALD had yet to be convinced that any cause existed to justify the distinction that it was proposed to make with respect to the County of Antigonishe. If it were true that St. Francis Xavier was not purely a religious College he did not see why all denominations could not avail themselves of the educational advantages it afforded. He would have little respect for the protestants who objected going to a Roman Catholic School to learn the higher branches of instruction. The provision of the bill with regard to Antigonishe was a step in the direction of denominational or separate schools, and he was convinced that even the Hon. Prov. Sec. himself would not care to see that principle established. He thought very likely the establishment of the proposed academy was a pet project of the Solicitor General.

Hon. PROV. SEC. said he was sorry he was getting altogether too protestant for the hon. member for Colchester, and he was astonished to find opposition on such grounds coming from that quarter. He would again state the object of providing for an Academy in Antigonishe.— There was a large body of people there who were desirous of having an Academic Institution, and who objected to sending their children to St. Francis Xavier because it was a Theological College, and therefore provision was made for the establishment of another institution if found necessary.

Hon. SOLICITOR GENERAL was amused to hear the hon. member for South Colchester express such sentiments of liberality with respect to Roman Catholics, sentiments entirely different from those promulgated by him and his party for the last six years. If he were sincere then his views were diametrically opposed to his professions of the last six years. He denied that he was desirous of having a pet institution in his county. He had not been consulted respecting the exception with regard to Antigonishe, and had not demanded any such privilege, and did not know that such provision was in the bill until after it was printed.

Mr. ARCHIBALD was happy to learn that the hon. Sol. Gen. was not the originator of the provision, but he would say that if he was not aware such was in the bill, until after it was printed, he was open to the accusation of discharging his duties as a member of the Government in a very inefficient manner. With respect to religious schools, he had stated nothing inconsistent with what he had ever before uttered. No person ever heard him say that rhetoric was so far tied to religion that it could not be separately taught in a denominational school. He condemned the attempt of insidiously introducing a principle under the pretence of asking a boon for the Protestants of Antigonishe.

Hon. SOL. GEN. said when he saw the provision in the bill for the Academy in Antigonishe he approved of it, and therefore was just as responsible for it as for any other Government measure. He considered that the action of the hon. leader of the opposition was entirely in contradiction to the course he had pursued in former years, when the country was torn asunder by sectarian strife.

Mr. S. CAMPBELL said this was a matter that should not be considered with regard to either politics or religion, but purely upon principle.— Antigonishe already had an important educational institution, and it was proposed by this schedule to give it an Academy, and the reason assigned was respect for the feelings of a small minority of the people. He would ask in what respect, on that ground, the County of Antigonishe differed from the County of Pictou? It was needless for him to state that the principle of respecting the minority did not obtain throughout the measure. Why was not the minority in the County of Pictou equally respected in the schedule with Antigonishe? He would vote against the proposition because it was both inconsistent and unfair.

Mr. KILLAM thought this detail ought to be struck out of the bill—he did not approve of it.

Mr. MILLER said if the distinction was retained he would move for a similar privilege for the protestant minority of Arichat, and in so doing he hoped he would have the able assistance of the Financial Secretary.

Dr. BROWN said the Government had gracefully allowed the bill to be modified in Committee, and there was no necessity for them to adhere strictly to the terms of the clause now before them. It was not that he grudged the small sum to Antigonishe, but because the proposition introduced the principle of separate schools—of giving one school to Protestants and Roman Catholics—to which he was wholly opposed. There was only about 2,000 Protestants in Antigonishe and over 12,000 Roman Catholics, and why should it have separate schools any more than Digby, with 6000 Catholics, who would not send their children to the Protestant Academy? For these reasons he felt obliged to vote for striking the county of Antigonishe out of the schedule.

Hon. SOL. GEN. said the question was either designedly misrepresented or not understood.—This bill was not asking a grant for one denomination, but for all Protestant denominations. The case of other counties that had been referred to were not at all analagous, as there was in no county, except Antigonishe, a college closed to all but one denomination. In other counties, the Protestants and Catholics patronized the one institution; but it was not so in Antigonishe, because for some reason prejudice was stronger there than elsewhere, and he thought the Protestant minority was entitled to an Academy.

Mr. LONGLEY said if this provision passed, it would open a door that it would hereafter be found difficult to close. It was impossible to conceal the object for which the condition was introduced in the bill, and it would be a graceful favor of the framer to remove it. If they passed this clause they would affirm the principle of separate schools, and lead to much embarrassment.

Hon. PROV. SECY. said there had been a disposition manifested on both sides of the House to treat the bill courteously, and owing to the aid of members of both sides the measure was much more perfect than when submitted, and therefore he accepted the strictures upon the section under consideration in the same spirit he had those made with reference to other provisions of the bill. His opinion, however, remained unchanged with respect to the justness of the proposition, and he should take the sense of the Committee on it. He pointed out, in conclusion, that no fair analogy could be drawn between Antigonishe and the other places mentioned; the circumstances in the case of the former were very different.

Mr. S. McDONNELL opposed the proposition, and said if it passed, he would second the motion the hon. member for Richmond, (Mr. Miller) had given notice of, to extend the same privilege to the Protestant minority of Arichat. He added that he had considerable delicacy in opposing the grant, as some of his most agreeable reminiscences were connected with

his residence in that beautiful town. It was, however his duty to the county which he represented, as well as to the whole people over whose interests he was bound to watch, to see that justice was equally extended to all classes.

Mr. MILLER said that no one had a right to assume that the Academy at Arichat was denominational. It was of course under the control of the Catholics inasmuch as that body is largely in excess of any other, but that it was not open to very denomination in Arichat he denied. He was aware that Protestant parents were in the habit of sending their children to that institution in preference to the Protestant school established in the same place. He was opposed to this grant going to Antigonishe, because he did not believe that the population of Antigonishe, for which it is intended, are able to support an Academy. He was glad to hear the sentiments expressed by the Pro. Sec., that if a minority in any county was ready to establish an Academy, he would grant them the same facilities.

Hon. FIN. SEC. said that the hon. member was quite correct in his statement that the institution at Arichat is not denominational. His own children had attended it.

Hon. SOL. GENL. asked why it was if the institution was not denominational, the hon. member for Richmond (Mr. Miller) was desirous of asking for another grant for the Protestants there.

After a few remarks from Mr. Killam and the Attorney General, the question was put, and Antigonishe was struck out without a division.

The next subject was Schedule B, appropriating the Common School grant among the different counties more in accordance with population. It is as follows:

Cape Breton County—Three thousand seven hundred and fourteen dollars.

King's County—Three thousand three hundred and thirty two dollars.

Queen's County—One thousand six hundred and sixty-seven dollars.

Richmond County—Two thousand two hundred and forty-four dollars.

Antigonishe County—Two thousand six hundred and forty-seven dollars.

Victoria County—One thousand seven hundred and seventeen dollars.

City of Halifax—Four thousand four hundred and fifty nine dollars.

Rural, Shore, and Western Districts—Four thousand two hundred and sixty-five dollars, to be divided among the existing districts, according to population.

Annapolis County—Two thousand nine hundred and eighty-two dollars, to be divided among the existing districts, according to population.

Colechester County—Three thousand five hundred and sixty-eight dollars, to be divided among the existing districts, according to population.

Cumberland County—Western District—Six hundred and ninety-two dollars.

Eastern District—Two thousand seven hundred and seventy-five dollars.

Digby County—Two thousand six hundred and twenty-five dollars, to be divided among the existing districts, according to population.

Guysborough County—Two thousand two hundred and sixty four dollars, to be divided among the existing districts, according to population.

Hants County—Three thousand one hundred and eight dollars, to be divided among the existing districts, according to population.

Inverness County—Three thousand five hundred and fifty-five dollars, to be divided among the existing districts, according to population.

Lunenburg County—Three thousand four hundred and ninety-one dollars, to be divided among the existing districts, according to population.

Pictou County—North District—Two thousand four hundred and forty-two dollars.

South District—Two thousand six hundred and eighty-one dollars.

Shelburne County—One thousand nine hundred and two dollars, to be divided among the existing districts, according to population.

Yarmouth County—Two thousand seven hundred and fifty dollars, to be divided among the existing districts, according to population.

The Schedule passed with the understanding that the Boards in the various Counties shall stand as they are, unless required to be altered by the members of the County. The Provincial Secretary stated that if any gentleman wished any new arrangement made, on consultation with his constituents, it could be easily done at a subsequent period.

Dr. HAMILTON said:—It must be very gratifying to the House to find that this bill has finally got through. I have not expressed an opinion on this matter during the passage of this measure for reasons which I will not now state. I may say, however, that the bill, in my opinion, is a very great improvement on the one now in existence. Looking at its provisions, I think that it will have the effect of establishing the very desirable object of taxation, which is, after all, the true principle on which the education of the County should be based. I have little doubt that the House, after no very long period, will be able to establish the principle of assessment in its fullest extent, with the conviction that the people themselves fully appreciate its advantages. It is not my intention at this late stage of the measure, to trouble the House with any extended observations. My only object in rising is to say that whilst there are some features of the bill which do not meet with my entire approbation, yet on the whole I consider it as likely to produce most beneficial results to the country.

Mr. HILL said—I rise with the intention of expressing my approval as I think it a duty I owe to this House, and my constituents to give expressions to my opinions on the subject. The hon. the leader of the opposition remarked when this bill was laid upon the table, that he considered it of great importance to the province. He told us of the great material prosperity of the country in the last decade, and then drew in strong contrast the fearful amount of ignorance which prevailed throughout the province under the present system of education. Does it not seem strange, confessing as he does its vast importance, and knowing the fearful amount of ignorance which prevails, that he, as one of the late Govt. should have been making laws for the protection of life and property, and

should not have done something to have mitigated those evils of which he now says he is ashamed? All will allow that Government must protect life and property from spoliation. By some means it must do this. If you take away education as a means, what do you leave? Why, sir, you do that which inflicts an immense amount of misery and appeal only to the lower parts of human nature.

Take away education, and what are your means? Military force, prisons, and all the apparatus of the penal laws. If there be an end to which Government is bound to attain, if there are only two ways of obtaining it, if one of those ways is by elevating the mind and intellectual character of the people and if the other way is by inflicting pain, who will doubt which way a Government ought to take. It does seem one of the strangest things that a Government ought to have power to punish their subjects for not knowing their duty, but at the same time have taken no steps to let them know what that duty is. Many of the gentlemen whom I see around me have spoken favorably of the bill, therefore I do not think it too much to expect, that with the additional grant, and the safe-guards and checks placed upon the teachers and the taught, that a corresponding benefit will be derived.

Under the old system, what is the position of the school-master? Is he well remunerated?—Has he the highest respect of the public extended to him? Are your Masters men who ought to have the highest confidence of the public?—who ought to receive all deference and honor, as well upon principle as from their high position? No, sir, they are the men who have taken to teaching as a last resource—worn out sailors, broken down tradesmen, men in general who cannot even write a common letter.

Is it to be wondered at, then, that with such a class of teachers we should have such an amount of ignorance? This new bill will obviate many of these inconsistencies, as no person applying for a license, unless he can pass a creditable examination under clause 14th of this bill can get a certificate. And if the examiners do their duty, we shall then have such men as we can look up to with deference and honor. With these few remarks, Mr. Chairman, I express my approval of the bill.

Hon. SOL. GEN. moved an amendment as an addition to the 25th clause, in reference to the qualification of a rate-payer, which was passed.

Mr. ARCHIBALD suggested that the Lieutenant-Governor be made President of the Council of Public Instruction, but it was not thought advisable by the Solicitor General, or Provincial Secretary.

The bill then passed through Committee and was reported up.

PETITIONS, &c.

Mr. ARCHIBALD introduced a bill to incorporate the Cobequid Marine Insurance Company.

Hon. ATTY. GENL. presented a petition of W. Price and others against a grant for the erection of a Bridge at the mouth of Bear River.

Mr. LONGLEY presented a petition from an aged soldier for change of lot of land granted,—the first one given being useless from its sterility. The House adjourned until 3 o'clock next day.

FRIDAY, March 4th, 1864.

The House met at 3 o'clock.

BILLS AND PETITIONS.

Mr. COLIN CAMPBELL, Chairman of the Colchester Election Committee, obtained leave to adjourn until Wednesday next.

Mr. JAMES McDONALD introduced a Bill to incorporate the Albion Mines Saving's Bank.

Several private bills were read a second time and committed.

Mr. LONGLEY presented a petition from Lower Stewiacke on the subject of Dalhousie College.

Mr. LONGLEY alluded to papers which had been laid on the table of the House a few days ago by the Hon. Pro. Sec. on the subject of the remission of postage on books and pamphlets received from the Agricultural Department at Washington. He now laid on the table some books on that important subject which had been received by Mr. Monaghan from Washington, and he hoped that the government would take steps to allow these to come into the Province free of postage.

THE EDUCATION BILL.

Hon. PRO. SECY. moved the third reading of the Educational Bill.

Mr. BLANCHARD called attention to the wording of the second section of the 29th clause, and enquired whether the meaning was that the whole amount required for the salaries of the Teachers should be subscribed by the people before the school went into operation. If so, he thought it might be more clearly expressed.

Hon. PROV. SECY. said such was the intention, and he thought the meaning was sufficiently clear.

The Bill was then read a third time, and ordered to be engrossed.

Mr. MILLER enquired whether the bill had finally passed, as he wished to move an amendment to the 29th clause.

Hon. PROV. SECY. said it was too late, as the Bill had passed. Ample time had been given to every member to move against the bill, and a call of the House had been had for that purpose. If members did not attend to the business of the House, they must take the consequences.

Mr. MILLER had no wish to take up the time of the House by any further observation on the bill. All he wished to do was to journalize upon it, and if the Provincial Secretary insisted upon shutting him out, he would have to move to rescind.

After some further remarks, Hon. Prov. Secretary agreed that the motion should be allowed.

Mr. MILLER then moved that the bill be re-committed, for the purpose of adding to the 2nd section of the 29th clause, (which gives the Trustees power to assess the inhabitants, in case the sum agreed to be raised for the support of the schools at the annual meeting failed to be realized)—the words, "who have agreed to support such school," after the word "inhabitants."

Hon. PRO. SEC. said that if this motion prevailed it would destroy the Bill, and would make the school a close school instead of being open to all. On division Mr. Miller's motion was lost 39 to 10.

For the motion—Messrs. Parker, Jost, Miller, MacDonnell, Locke, Charles Campbell, Ross, Stewart Campbell, Robicheau.

Against—Messrs. Tobin, J. Campbell, Hatfield, Donald Fraser, King, More, Jas. Fraser, McKay, Bill, Churchill, Lawrence, Donkin, Hill, Bourinot, Hon. Sol. Genl., Dr. Brown, Archibald, Allison, Killam, Atty. Genl., George Brown, Whitman, Pryor, Kaulback, Hamilton, Longley, Slocumb, Prov. Sec'y, McLellan, Blanchard, Robertson, Heffernan, Annand, Balcom, Colin Campbell, Coffin, Cowie, Jas. McDonald, Shannon.

The bill then finally passed and was ordered to be engrossed and sent to the Council for concurrence.

INTERCOLONIAL RAILWAY.

Mr. ARCHIBALD enquired whether any recent despatch had been received by the government from the Canadian government in reference to the survey of the Intercolonial Railway.

Hon. PROV. SEC. replied that a despatch had been received from the Governor General, stating that the Canadian Government had decided to make a survey of the proposed route, at their sole cost, but intimating at the same time that if the other Provinces wished to join, an opportunity would be offered them of so doing. The despatch also requested that the Nova Scotia Government afford every aid in their power to Mr. Sandford Fleming, the Engineer whom they had selected for the work. An answer had been returned stating the readiness of the Nova Scotia Government to afford Mr. Fleming all the assistance in their power.

The despatch would shortly be laid upon the table.

HARBOUR PRIVILEGES AT GLACE BAY, C. B.

Mr. BOURINOT reported from a Select Committee to whom was referred a petition from certain inhabitants of Little Glace Bay, in favor of the passage of a Bill to enable the petitioners to enjoy the privilege sought for. The hon. gentleman explained that the petitioners sought to be allowed the privilege of landing goods and merchandize (except coal) upon wharves erected by the Glace Bay Mining Company upon private lands, upon the payment of such rates as should be fixed by the Governor in Council.

Mr. BLANCHARD thought the act was unnecessary, as there was already a law on the statute book on the subject. He inquired whether it was intended to give the public the right to land and ship goods on private property.

Mr. MILLER explained that the Glace Bay Mining Company were incorporated to work mines at Big and Little Glace Bay. At the former place there was a good harbor, and the public enjoyed the advantage of the wharves of the Company; and it was to this that the Act introduced by the member for Inverness referred—Little Glace Bay was a small inlet surrounded by private lands, which the Company had purchased and upon which they had erected wharves,—and it was these wharves that petitioners wished to have the right to use. The Committee had before them individuals representing the Company, who expressed their willingness to concede the privilege sought for.

Mr. BOURINOT said that the President of the Company was before the Committee, and gave his consent to the passage of the Bill.

Mr. ARCHIBALD said that the subject would be more properly discussed on the second reading of the bill, but if the parties whose rights were concerned, offered no opposition, there could not be any question about it.

Hon ATTY GEN agreed that the proper time for this question to come up was upon the second reading of the bill. He considered that where a company had expended large sums of money, as he knew from personal observation, this company had, in erecting the accommodation referred to, it was necessary that the house should see that their rights were respected.

Mr. BOURINOT introduced a bill in accordance with the prayer of the petition.

SESSIONS IN VICTORIA.

Mr. C. CAMPBELL asked leave to introduce a bill to alter the time of holding the Sessions at Victoria.

After some objections to the bill on the ground of its being past the time for presenting private bills it was suggested to the hon. member that the alteration of a single word in the Revised Statutes would accomplish his object. The bill was read a first time.

PETITIONS.

Mr. C. CAMPBELL asked for special leave to present a petition from Donald McRae of Victoria, praying for a free grant of land under certain circumstances set forth in his petition.

After a few remarks from hon Atty Gen, Mr. Blanchard and others against the policy of receiving such petitions and this, the petition was read—setting forth that the petitioner was in indigent circumstances in consequence of having married a widow, with three children, one of whom was imbecile.

Hon ATTY GEN said that petitioner forgot that he took her for better, for worse.

The petition was withdrawn.

Mr. LOCKE, by special leave, presented a petition from Shelburne, asking for a change in postal accommodation.

Mr. GEO. WHITMAN asked the Government to lay upon the table a return of the number and salaries of the Registrars of Shipping, in this Province.

The Hon. ATTORNEY GENERAL moved that the House go into committee on Bills.

QUESTION OF PRIVILEGE.

Mr. BLANCHARD said that before the House went into committee he felt it his duty to bring to the notice of the House a circumstance which had occurred outside, connected with the proceedings of the House, which he deemed of sufficient importance to merit the attention of the committee on Privileges. Some time ago when the House was discussing a clause in the Revised Statutes which referred to the delivery of certain goods and merchandise from the warehouse for the use of the Army and Navy, duty free, he had occasion, in the discharge of his public duties, to ask the House whether the meaning of the Act was sufficiently clear, and the House agreed with him that it was not, and added such words to the Statute as clearly expressed its

meaning. He did not complain that a portion of the press had misrepresented his intentions and misconstrued his views upon the subject, for these were things that a public man must expect; but the matter had assumed a more serious character, and to that he would call the attention of the House. He observed by one of the evening papers that a few evenings since His Honor the Administrator of the Government attended a theatre in this city, where he was received as commander-in-chief with the honors due to his rank, and that on that occasion an officer of the garrison under his command read a prologue, composed by himself in which he lampooned not only the course which he (Mr. B.) had pursued in the matter referred to, but also the action of a majority of the Legislature.

He had no personal feeling in the matter, and did not care what an officer thought or said, and if the gentleman who seemed to be afflicted with the "Cacoethes Scribendi," thought proper to indulge this disease by newspaper effusions, he had no objections; but when an officer holding Her Majesty's commission ventured in a public assemblage, in the presence of the Administrator of the Government, (who formed a component part of the Legislature,) to lampoon the action of the House upon a public question, it was a matter deserving the condemnation of the House, and with that object he now brought the subject forward, in order that the committee of privileges might deal with it as they thought best computed with the dignity of the House.

Hon. PROV. SEC. was not sorry that the hon. member had brought this subject before the House, although he hoped he would not consider it of sufficient importance to make it the subject of a motion. He (Dr. T.) had spoken to His Excellency the Administrator of the Government upon the subject, and His Excellency had expressed his regret that any such allusion should have been made in his presence to the action of a member of the Legislature in his official capacity. His Excellency had since called for the paper referred to, but was informed that it had been destroyed and no copy kept. The Administrator of the Government was present on the occasion referred to as a spectator, and not as an officer in command. Notwithstanding the gross liberty which had been taken on the occasion in question, he hoped the hon. member for Inverness would not consider the matter of sufficient importance to make it a subject of reference to the Committee of Privileges.

Mr. BLANCHARD expressed himself satisfied with the explanation given, and was pleased to find that His Honor the Administrator had no previous knowledge of what was going to take place. Under the circumstances, and especially as the paper was no longer forthcoming, he would not press his motion.

REVISION OF THE STATUTES.

The House went into Committee on Bills and resumed the consideration of the Revised Statutes. Chapter 123 of Copyrights, chap. 124 of Useful Inventions, chap. 125 of the Prevention of Frauds and Perjuries, passed without discussion.

On the reading of Chap. 133 of Municipal Incorporations, Hon. Attorney General said, that

here they had a monument of Legislative wisdom, and of the folly of the people in refusing to avail themselves of the advantages it conferred.

Dr. HAMILTON did not see the use of keeping the law on the statute-book. He intended to introduce a bill making certain alterations in the composition of the Sessions.

Hon. PROV. SEC. did not think the people deserved to have it continued.

Dr. BROWN said the only amendment he would propose would be to strike out the optional clause.

Mr. LONGLEY did not wish to throw any slur upon his hon. colleague, but as it was evident the people would not accept the bill, he did not see any use in keeping it on the statute book.

Mr. STEWART CAMPBELL thought that some of its clauses would clash with the new Educational Bill. He did not think it wise, however, to strike it out of the statute book.

After some further remarks the Bill passed. A number of other chapters were passed, and the Committee rose.

The House then adjourned until Monday.

MONDAY, March 7.

PETITIONS.

The House met at 3 P. M.

The following petitions were presented:—

By Mr. S. CAMPBELL—from John McLean, an aged teacher in the county of Guysborough, asking for a free grant of land: also one from certain inhabitants of St. Mary's, praying that the site of the Post-office for that district be altered.

By Mr. JAS. McDONALD—from James Grant, an aged teacher in Pictou county, praying for a free grant of Crown Land.

By Mr. JOHN CAMPBELL—from a number of the inhabitants of a section of Queen's County, against a contemplated mail route in that county.

By Hon. ATTY. GENERAL—from Mr. Wm. Burton and Mr. Locke, praying for the passage of an act to change the name of Robert Burton by adding Locke thereto; and he introduced a bill in accordance with the prayer of the petition.

By Hon. FIN. SEC., from a number of the inhabitants of the County of Richmond, praying that that County be exempted from the provisions of the last statute labor Act.

By Mr. BLANCHARD—from a number of the inhabitants of Port Hawkesbury, in relation to streets.

GUYSBORO' ELECTION.

Mr. KILLAM, from the Committee appointed to try the merits of the petition of John J. Marshall against the return of Stewart Campbell—reported to the effect that Mr. Campbell was legally elected, and is entitled to hold his seat.

ACADEMY AND COLLEGE RETURNS.

The Provincial Secretary laid on the table returns from the Pictou Academy, Mount Allison Academy, Acadia College, St. Francis Xavier College, and Kings College, Windsor. He observed that the returns afforded evidence that these institutions were being conducted with vigor and efficiency, and their operations were of

an encouraging nature, and success was attending the efforts of the promoters.

INTER-COLONIAL RAILWAY.

Hon. PROV. SEC. laid on the table the correspondence that had taken place between the Governor General and the Administrator of the Government of this Province on the subject of the survey of the Intercolonial Railway.

BILLS.

Mr. PRYOR introduced a bill to invent certain lands in the City of Halifax now occupied as a Poor's Asylum, in the Board of Works and the Commissioners of the Poor.

Dr. HAMILTON introduced a bill for the better management of county business by the General Sessions.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

The Legislative Council by message, informed the House that that body had agreed to a large number of chapters of the Revised Statutes without any amendment.

DALHOUSIE COLLEGE.

Mr. LONGLEY asked when the returns from Dalhousie College would be presented to the House.

Hon. PROV. SEC. replied that they would be submitted at an early day.

THE ASSESSMENT LAW.

The House then went into Committee on the R. S. and took up the assessment law, on certain clauses of which some desultory discussion ensued.

Mr. STEWART CAMPBELL suggested the propriety of paying Grand Jurors for attendance at the Supreme Court.

Mr. JAMES McDONALD approved the principle of paying Jurors, and also advocated paying Grand Jurors a higher sum than half a dollar a day for attending to the legislation of the country.

Mr. DONKIN said that he had introduced a bill on a former occasion to raise the pay of grand juries—at present they were paid too little.

Dr. HAMILTON said if his bill just introduced passed, it would do away with grand juries altogether. Its object was to transfer the power from the grand jury to men selected by the people out of each polling district.

Mr. BLANCHARD said these men would, in reality, be a grand jury. The Statute, now under consideration, did not touch the appointment of grand jurors at all.

Mr. J. McDONALD moved that one dollar be substituted for 50 cents, and that grand jurors be paid the same sum with travelling fees for attendance on the Supreme Court at the regular term.

Mr. LONGLEY expressed himself in favour of the principle of payment.

Mr. ARCHIBALD thought the motion of the hon gentlemen would lay too great a burthen on the counties, and affirm a dangerous principle. Magistrates, it might be urged, should be paid also.

Mr. S. CAMPBELL said it would be unjust to the petit juries, whose duties are most onerous,

to pay them less than the grand juries. He was afraid it would be too great a tax to raise the sum to a dollar.

Mr. COFFIN was in favor of paying jurors sufficiently.

Dr. BROWN said if grand juries were paid, magistrates would also have a right to be paid.

Hon. SOL. GENERAL argued in favour of paying juries sufficient remuneration, and denied any fair analogy could be drawn between them and magistrates.

Messrs. Bourinot and Blanchard thought the increase proposed was too much.

Mr. KILLAM did not see the use of grand juries before the Supreme Court.

Mr. LOCKE thought too much time was occupied in discussing these questions.

It was agreed that grand juries be paid for attendance on the Supreme Court.

A division then took place on the motion to pay one dollar instead of fifty cents to the grand juries. The motion was lost.

Hon. SOL. GEN. moved 80 instead of 50 cents, which motion was also lost.

Mr. DONKIN moved that the 42nd clause referring to lands of non-residents be struck out. The motion was not put, but the committee rose and reported progress.

Mr. MILLER asked how it was that the chapter of the R. S. referring to Pilotage and Harbor Masters had not been sent up to the Upper House. A number of Chapters passed at the same time had been sent up and returned.

The Speaker said he would make enquiries.

The House adjourned until three o'clock the next day.

TUESDAY, March 8.

PETITIONS.

The House met at 3 P. M.

The following petitions were presented:

By Hon. PROV. SEC.—From John Shaw, an aged teacher, in the County of Richmond, for a free grant of land.

By Hon. PROV. SEC.—From John Tays, respecting payment for lands taken from him for railway purposes.

By Mr. ARCHIBALD.—From a number of inhabitants of a district in the County of Colchester, praying for increased postal accommodation.

By Hon. ATTY. GEN.—From John Sorley and others, with reference to Dalhousie College.

By Mr. LONGLEY.—From a number of inhabitants of Truro, relating to Dalhousie College, —also one from inhabitants of Port Williams, Annapolis, on the same subject.

MESSAGE FROM LEGISLATIVE COUNCIL.

The Legislative Council, by Message, informed the House that that body had agreed to chapters 89 and 90 of the Revised Statutes, the former with trifling amendments, and the latter without amendment.

ENQUIRY.

Mr. S. CAMPBELL asked the Government to lay upon the table a detailed statement of the free tickets and passes, and other gratuitous carriage on the railway, of passengers and freight, (including horses and waggons) from the time

of the appointment of the present Railway Commissioner to the date of the requisition specifying in such statement the individual passengers, description of such passengers and freight, respectively, and the amount chargeable therefor in respect of paying passengers and freight.

[The Legislative Council amended a section of the chapter of the Revised Statutes relating to Measurement, by providing for the imposition of a fine of \$1 for each barrel, upon persons making and selling apple barrels below the standard measurement. The amendment was adopted by the House.]

THE PICTOU RAILWAY.

Hon. ATTY. GENERAL then begged leave to introduce a bill providing for the construction of a Railroad from Truro to Pictou.

The object of this bill, said the hon. gentleman, is the extension from the terminus at Truro to the navigable waters at the harbour at Pictou, and the means provided for meeting the expenditure which this extension necessitates are the appropriation of such deposits in the Savings-bank as may be applicable for that purpose, and the issue of Provincial Debentures, not exceeding sixteen hundred thousand dollars, at six per cent., redeemable in twenty years. It is not usual in the first reading of the Bill to enter very much into detail upon the subject, and I shall not on this occasion do more than offer a few general observations in relation to the policy of the Government and myself as one of its members.

In offering this bill for the extension of railways, I do not forget, sir, that for many years I occupied a prominent part in this House as opposed to the system of railway construction by government, and advocated instead the construction of railways by private enterprise. All acquainted with the history of our public affairs are aware that a controversy of no ordinary character arose upon the policy which divided the parties in the country at the time. The position which I took I believed to be sound, and I have no reason to think that I made any mistake in the judgment which I then formed, and were the subject now for the first time before the House, I should feel disposed to act upon the principles and policy which governed me on former occasions. It is no longer, however, a question of first impression; the policy has been settled. It has been constitutionally settled—that is, it has been settled where alone the affairs of a free people can be settled—by the representatives of the people. Now, sir, it will be recollected that on the occasions to which I am recalling you, after a strenuous and protracted struggle a bill was passed for the purpose of incorporating a Company with very considerable aid from the government. A year was allowed to enable those who might be disposed to hazard their means in such an enterprise to engage in it, but the year passed without the undertaking being adopted by private capitalists. The reason of this failure and the disappointment of the expectations of those who were in hopes that the scheme would meet with success, it is unnecessary now to refer to. We know a change took place in England in the

situation of affairs in consequence of the Russian War. Another reason why capitalists abroad were unwilling to invest money in a large undertaking of that kind, may be briefly stated. This country was nearly divided on the subject; as men of sagacity they could not but feel that the undertaking in which they would embark was considered with disfavour, and would meet with no support from a very large and powerful party in this country.—Whatever the reasons were, the scheme failed, and that which has been the railway policy for many years past was adopted.

Now in opposing this policy I was never actuated by the belief that Railways were inexpedient or useless things; I never upheld any narrow or contracted policy in reference to them. On the contrary, I may, I think, claim to myself good credit for having been the first member of this Legislature who took a really practical step towards the introduction of the question of railways, for I believe it was I who introduced, whilst in office, the resolution upon which the survey—known as Major Robinson's—was ultimately carried on. The object of that survey was to obtain reliable information, or in other words, substantial grounds to work upon. Again, I may refer to the position that I occupied in '57. The hon. member for Colchester is aware that both of us when in England used our best energies to induce the British Government to lend a favorable ear to the construction of the Intercolonial Railway. His able assistance was given to the framing of those representations which we deemed might be useful in inducing that government to look upon the scheme favorably. Again, whilst still in office, in 1858, the following year, my hon. friends before me, the Provincial Secretary, and the Solicitor General, were chosen by the Government to unite with delegates from the neighbouring provinces, with a view of forwarding the same object; and they made proposals and entered into negotiations, which gave promise of that undertaking being accomplished upon terms which I thought at the time, and continue to think, were just and right. That negotiation unfortunately failed, and it was no small tribute to the soundness of the views of my hon. friend and associates in the delegation in 1858, that a year or two after, when we had lost office, and the gentlemen opposite had succeeded, they adopted a policy of a similar character, and used their exertions for the purpose of bringing the same scheme to the notice, and engaging if possible the favorable consideration of the British Government. That also subsequently failed, and our railway policy was ultimately brought down to the Acts which passed during last session. To those Acts I gave my very decided opposition, for I looked upon them, as I do now, as recommending the adoption of a scheme of railway construction which must have been most injurious in its consequences. I looked upon the agreement which was entered into in combination with the other delegates from New Brunswick and Canada as having given a very disproportionate share of the burthen to Nova Scotia,—one which, if it had gone into operation, would have entailed upon us an excessive load of debt, and the burthen of sustaining a railway enterprise under circumstan-

ces which would have been very injurious. I have never hesitated in respect to the subject of the Intercolonial Railway to believe that the British Government should do more than merely assisting us to borrow money at a cheaper rate than otherwise would be possible. Looking at the enterprise in reference to its national as well as its intercolonial importance, I consider they should to assume some share of the burthen of its construction; but that has not been the view that has been adopted in England. Now, we are all well aware that the policy of last session failed in consequence of Canada having withdrawn from the arrangements under circumstances which it is not necessary for me to recapitulate. There was an act, however, passed last session of a different character, authorizing the extension of ten miles on a line common to the Pictou and Intercolonial roads. I need not repeat the opinion that I entertain of this bill, for it is needless to make observations that might sound harshly in the ears of others on an occasion like this; but, it will be remembered, that I deprecated it as utterly inconsistent—as utterly at variance with reason, to pass a bill for the purpose of constructing ten miles of railway upon a line that was not defined, and could not be defined until other parties had concurred, and which could only be at a period which would necessarily protract any action upon the bill.

When the change took place that brought into power my colleagues and myself, we found the legislation on this matter of railways in the condition to which I have just referred. An Act had passed, which was nugatory, in consequence of the failure of Canada, and that which provided for the building of ten miles was alone operative. We were not called upon to exercise any judgment as regards the former, for it was not in a condition to be acted upon; but we were called upon to take action with respect to the extension of the ten miles, and we felt it would not be fair or honorable, whatever might be our ultimate policy with regard to railways, to allow an act to be operative after we had deprecated it as inconsistent with sound principles. We felt it was better and more genuine to leave the subject open for the decision of the Legislature.

Now the Government, when they undertook to deal with this question, felt that responsibilities of no ordinary character were entailed. I for one felt that I was called upon to consider a question which might place me in the position which I at present occupy, of introducing a proposal for the extension of railways upon a principle that I had always condemned. I felt I might be also called upon, in considering the subject, to deal with it in a manner that might not confer such immediate benefits upon my own constituents as they would wish; but at the same time I knew that as a public man, I was called upon to deal with this question on broad and general principles, to look at it with reference to the interests of the whole country, rather than to those of any particular section. I think I need not give any assurance from my own lips that I have striven to do so; I think the position that I occupy at this moment is sufficient evidence of the desire that

actuates me. Whether I have erred in judgment or not, I have endeavored to adopt that policy which I believe on the whole to be best for the interests of Nova Scotia, that, in fact, which seems an absolute necessity.

Now let us for a moment view the feeling of the country that has gradually grown up during the last few years with regard to the railway extension. We know how largely it occupied the public mind. There were, indeed, some portions of the province where it was not looked upon with much favour, but taking a very large proportion of the province of Nova Scotia the question of railway extension unquestionably obtained a deep hold upon the minds of the people. And it is a singular circumstance that there is scarcely a county in this province which has not, at one time or other, affirmed the policy which has prevailed in this country. We know that when the question has been prominently before the constituencies, and entered no doubt largely into the influences which lead to the result of elections, most of the western as well as eastern counties have returned members favorable to the policy of railway extension. But the question was brought more to a precise point of late years than at first. The extension to Pictou was early a favourite object with the representatives and inhabitants of the eastern portions of this Province, and it was presented to the House on many occasions. One sir, was memorable in the history of railway policy, because it had no small influence on the government of this country. In 1859, whilst we were in office, and gentlemen opposite were in opposition, the extension to Pictou was moved and urged by the strongest considerations and arguments possible. We were placed, as a Government, at that time, in circumstances of a very trying character. The resources of the country then rendered such an extension in our judgment exceedingly injudicious, if not impracticable. But what was the course that the Administration of that day took? The extension to Pictou was not denounced as inconsistent with the interests of the Province, but it was opposed at that particular juncture simply on the ground that the financial condition of the country did not warrant the outlay. Gentlemen opposite said, notwithstanding this, the railway should be built. We answered that we felt we could not touch it for that year, but in the Resolution which we moved, we in effect pledged ourselves that when the resources of the country would permit it, the extension to Pictou should be made the subject of Government action. In resisting the application at that time we were not ignorant that we were jeopardizing our position. We knew the weight Pictou and other counties east must necessarily have in the General Election, and felt that we were undermining our position and our hold upon the people. Our adversaries pressed us upon the point at which they could place us at the greatest disadvantage. We gave the assurance that when the resources of the country warranted it, our intention was to extend the railway. On the other hand, gentlemen opposite gave positive assurance that it should be done immediately. The people of Pictou accepted the more positive assurance that they received from our opponents, and the

elections came on, and the reins of government passed out of our hands. What followed, I need not tell you. Suffice it to say that during the past four years, while the gentlemen opposite were in office, they avoided the question of railway extension to Pictou, and have thrown upon us the responsibility of dealing with the subject.

There are many considerations which may naturally justify the feeling that has grown up in favor of extension. The western part of our railway has reached the navigable waters of the Bay of Fundy. In doing so, it has not been necessary, it is true, to travel a great extent of country, but it has reached a terminus where it can open up intercourse with the whole western portion of the country, and I was not a little struck last autumn, whilst spending some days at Windsor, to observe at the wharf there a small schooner that I found on enquiry, was a regular packet trading from Wilmot, in the county of Annapolis, to Windsor. Here I had an evidence that the western portion of the Province, in addition to the advantages of communication and intercourse with St. John, and the States, by virtue of its geographical position, had also in the railway a means of arriving at this market with punctuality and despatch. On the other hand, the railway at Truro is of no special benefit to the East. The advocates of extension to Pictou have naturally urged that if we took the rails 40 miles further on, to the navigable waters of Pictou, we would open up communication with Prince Edward Island, and with the eastern portions of our Province which lie far off, and can only be reached at present by circuitous routes. There is no doubt great weight in this argument. We know that Prince Edward Island, which, in former days, was a large customer of Halifax, has been placed in the situation of having its business diverted from Nova Scotia to New Brunswick. The people of that Province extended their railway to the waters of the St. Lawrence at Shediac, and brought them selves into as close proximity as possible by steamboat with Prince Edward Island, and in doing so they pursued a course which gives them an advantage. We know that communication with Prince Edward Island is a matter of some benefit to the Province; but beyond that, when one looks at the island of Cape Breton, we cannot but feel that at present it is largely separated from us, and that the mode of communication is tedious and protracted. Build the road to Pictou, and connect it by steam with Port Hood and Arichat, and you confer a most desirable boon on that beautiful Island, which at this moment is so exceedingly full of interest. We now see the resources of that Island being developed in no ordinary degree by capital brought from abroad. This fact surely affords an addition reason why communication between the capital and the island should be rendered much more facile than at present. Nor, whatever may be its weight, ought I to pass over a consideration that presses upon many individuals in favour of the railway to Pictou—that is, the extensive coal mines on the harbour which may be found most useful for the purpose of replenishing the market here when fuel is scarce, if not for the purpose of creating a regular supply. Without pretending

to analyze very closely the value of these various arguments, and the causes from which they are derived, it was impossible not to see that there was great soundness in them. When we connected then, the strong feeling in the eastern portions with those reasonable grounds on which this feeling was founded, it was impossible not to feel that it was entitled to respect and that it must make itself felt. And then came to be presented to the government, then came before my own mind, a consideration which rose far higher than any I have stated higher than mere calculations of money spent east or west, one that affected the interests of the country most deeply. I felt that to deny the extension, after the encouragement it had received, and in view of the strong feeling that had grown up on the subject, would be to create discord and disunion that could not fail to affect the interests of this country in all its relations for years to come. I felt if the railway to Pictou was given the go-by despite considerations so powerful as those to which I have referred, there must grow up two antagonistic parties striving and contending with each other, not so much on the ground of policy as on questions growing out of local circumstances and geographical position, and I need not say that any one who is at all acquainted with the strife that arises from considerations of this character, must feel that the flood gate once opened it would be impossible to calculate the injury that would be certain to result, for it would mingle itself with our deliberations and avocations. Therefore looking at the question in all its bearings, and with a view to the interests of the whole people, I have felt that as a member of the government I was bound to adopt the policy of extending the railroad to Pictou. After the most serious, and as I believe conscientious consideration, I have come to the conviction that I was doing what was the best thing possible for the Province as a whole. I feel that the considerations that I am urging to the House may not affect others as much as they have affected me; but nevertheless I am convinced that all who will look at the subject in its true light, who will take a proper view of the position of this country and of its population in connection with the subject to which I am referring, must feel that it is well worthy of the consideration that we have given it. I am not insensible to the objection to the extension to Pictou that it must consume a large portion of the public funds, but, sir, I remember that the ground upon which the Pictou Railway in 1859 was rejected, was the embarrassed condition of the resources of the country. We are happy now to know that this ground of objection no longer exists, and that we are enabled today, whilst offering this scheme to the House, to say to gentlemen around that the policy which we intend to pursue with regard to the construction of the Pictou Railway will not prevent the Government offering to this House a much larger sum of money for local purposes which are so essential to the welfare of the country—first in the shape of a largely increased road grant, and next in meeting the special objects of local improvement which are indispensable in the various counties in the Province. I believe that gentlemen, whether from East or West, in the

distribution of the surplus revenue, will acknowledge that the distant counties will have a large and just claim for consideration in the expenditure that is contemplated. I feel sure that this House will have no cause of dissatisfaction when we are enabled to present to the House the amount to be appropriated and the mode of distribution of the moneys at the disposal of the Government under the sanction of the House. And I may here observe that it will be perceived that no large amount will be expended in this undertaking during the present year, because the work of preparation will occupy the greater part of the season available for work.

But, sir, there are other considerations that may present themselves. I have adverted to the Intercolonial Railway. Now I wish to deal with the subject as I have a ways dealt with it, and as I wish to deal with every subject—with entire frankness. Whilst I am advocating and presenting to the consideration of this House a bill for the construction of the railway to Pictou, I do not desire for one moment to conceal my conviction of the great importance of railroad communication between the three Provinces of Canada, New Brunswick, and Nova Scotia. I look at the question in a broad light; I consider it in its national aspect. The aspiration of my heart has always been for the union of these provinces. I believe that it is the duty of every man in Nova Scotia who desires to raise his own position as well as that of his country, to do his utmost to bring that union about. I look upon the Intercolonial Railway independent of its commercial advantages.

(The hon. gentleman was here interrupted by a Message from the Legislative Council, informing the House that they had agreed to several Chapters of the Revised Statutes.)

I was observing to the House, continued the Attorney General, that I do not desire to keep out of sight the importance of the Intercolonial Railway; and I have afforded some evidences of my disposition to favour that work, by my references to the original survey by Major Robertson, and to the negotiations that were got up in 1857 and subsequently. Again, during the late recess, the government were called upon to unite in a survey for the Intercolonial line. We were asked to unite in it with a view of ascertaining whether a practicable route could be found through the central part of New Brunswick, and whether the line could be built within the limit prescribed in the last negotiations. But, as every one knows, that survey passed off in consequence of some disagreement growing up between New Brunswick and Canada. We did not feel ourselves, I may state, bound by engaging in that survey to ratify or to sanction the legislation of last year. We had no such thought or intention. It seemed desirable that we should obtain accurate information on those points on which we could not form any accurate idea. Canada is now engaged in that survey on her own resources, and I have no doubt that the Legislature of Nova Scotia will be ready, if that work goes on, and is performed satisfactorily, to deal with our sister Province in a spirit of liberality, although at present no obligation whatever has been entered into. But how do we stand as regards

the Intercolonial Railway? Canada has departed from the original agreement, and it is not for me to consider the grounds upon which she has done so. It is, however, quite obvious that the negotiations entered into a year or two ago have entirely failed. We are told so, indeed, by the Colonial Secretary, who has refused to give the Queen's assent to the bill, because it is inoperative until the three Provinces unite. But I have in my hand at this moment a report of a debate which took place in Canada but a few days ago, and in which a reference is made to the survey that is now going on. A question being put to the Government, one of its members replied:—"The Government could not decide upon the construction until they had ascertained from the survey whether the project was practicable." Mr. Ross then asked: "If it were found practicable, would the road be undertaken?" The Prov. Sec., on behalf of the Government, answered in these very ambiguous terms: "If found practicable, the question of undertaking the road would then be taken into consideration." Here you will perceive that it is no foregone conclusion that if it is practicable the undertaking will be proceeded with. There being, therefore, no present probability of the construction of the Intercolonial line, we felt we could not hesitate to deal with the important question of extension of our own railway to the Gulf. We felt there had been already too much procrastination displayed of late years in reference to this work, and that we were called upon to say whether we would go to Pictou or not, and that any other course was liable to the charge of disingenuousness and unfairness of intention towards the counties to the East. But do we abandon the hopes of an International Railway? I think not. It is quite obvious that the connection between the States and Halifax is becoming to be looked upon as a measure of importance in the former country, and especially in the State of Maine.—The same question is being looked upon as important in Canada, and if the policy of the United States should be carried out of taxing Canadian goods in transit from the seaboard cities to Montreal, it would be a necessity for Canada to find her way to the seacoast by some other way than through the United States. Looking at the present state of things, then, I cannot help feeling that the Intercolonial Railway or communication with the railway system of the United States is a thing that may be matured at no very long period. Then Nova Scotia will occupy a most enviable position: she will be courted for the purpose of allowing this communication to take place.

I have one word to say with reference to a point of this subject which is entitled to some observation—that is, the mode of construction. I have already stated a fact well known—the hostility which I early presented to the construction of railway by governments. The objections to the policy are obvious; they lie on the surface, and unhappily our experience has not proved these objections to be merely visionary; but, sir, the question is not before us, the policy has been adopted,—it has become incorporated into our system. We are therefore called upon to act upon that policy, and it is not for us to say that it can now be reversed. If the rail

way is to be extended to Pictou, it must be upon the existing policy. I must say one word with reference to the position which I personally occupy, and to which I have already partially referred. It may seem a strange position for me to occupy—to bring forward this measure and state the reasons which induce me to do so. I feel in doing so I am promoting the interests of the people of Nova Scotia; I feel I am promoting them in the most beneficial way that is practicable; and if any man imagines for a moment that in advocating this measure I have lost sight of the peculiar claims that bind me to the western portion of the Province, he utterly misunderstands my character, and fails to appreciate my motives. Do I forget the interests of my own constituents? Do I forget the claims of the people of the people of Annapolis upon me,—of that constituency that through twenty years without fail, and without wavering has rendered to me its confidence, and a large proportion of those who compose it more than their confidence—their personal affection, respect and esteem? Forget their interests! No, Mr. Speaker, "let my right hand forget its cunning, and my tongue cleave to the roof of my mouth," before I forget the interests of that constituency. Do I forget the interests of that constituency because I am advocating this measure? No, I feel I have taken in this question a view such as every member ought to take. In respect to this measure, full as it is of embarrassment, conflicting as it necessarily does with interests and feelings in various quarters, I have done, and the government have done that which it is their duty to do; they have adopted that policy which on the whole will do least evil and effect most good. And if our policy shall have the effect as I earnestly hope and trust it will, of quieting those discords and feuds which might otherwise have separated and divided this country, and raised a strife most injurious to its best interests, then I shall be satisfied with the part I have taken in introducing this measure.

Mr. KILLAM spoke next to the following effect:—Perhaps it does not become me to say much with reference to this subject which has just been brought to the notice of the House, but I cannot refrain from making a few remarks on a question concerning which I entertain such strong convictions. I am not going now to take the course which is most familiar to me,—to speak of the details of the measure in the way which I am most competent to deal with them. I would rather wish to say a few words with regard to the course of the hon. gentleman who has just spoken. He has made, as he always does whenever he addresses this House, a very pointed speech—he has endeavored to put this question in the most favorable light that is possible. There are, however, in his speech, a few points which I cannot for a moment allow to pass unanswered. He has attempted to explain the policy that he has before upheld in respect to railways; he has told us that his desire in the first instance was to have railways constructed by private enterprise. It is unnecessary for me to dwell on the policy of the hon. gentleman for every body versed in our political history is familiar with it. He does not now say

that his opinions are changed, but urges that the policy is settled—has become a fixed fact. That is very strange ground, indeed, for him to take. Well, government from time to time has acted upon that policy but there has been always a party in this House who have never approved of it. I deny that the country has approved as a whole of railway extension. Political parties have not depended so much upon the opinions of the people on this subject. The people, as a rule, have thought more of politics than of the interests of the country itself—more of men than of principles. In view of this state of things, it is surprising that the country has not long since been bankrupt. That it has not been so, is owing to a certain amount of energy and industry that prevails in this country. The strong political feelings of different constituencies and different parties would long ere this have driven the country to ruin, if it had not been for a certain power of recuperation that exists amongst us. The hon. gentleman endeavored to put the question before us in as favourable a light as possible, but he does not succeed in explaining away his inconsistency. He says he was against the policy of building railways by the Government, but his reasons for acting differently now are not very clear or logical. I think it is obvious that he has stronger grounds now than he had formerly. We have tried out the experiment, and it has not met the expectations of those who advocated the policy. If the hon. gentleman's opinions were strong in 1854, they should be certainly far stronger in 1864, when the question is no longer a matter of experiment.—We have literally convulsed the country from North to South, from East to West, we have spent an immense sum of money, for the construction of railways, we have sent expensive delegations in different directions, and now have the plain fact before us that we have built 100 miles of railroad which is nothing better than a failure. The hon. gentleman has not attempted to shew by anything like concise argument that the extension is going to be of any really practical benefit to any part of Nova Scotia. That it will afford an easy means of communication to certain counties, no one doubts, but it will do nothing else. I believe the bill which the hon. gentleman has introduced, despite all he says, is contrary to the real interests of the whole people. He tells us that certain counties have returned members in favor of the railway; and that brings me back to what I stated before that the people have been blinded to their own interests, and looked more to the political aspect of matters. The hon. gentleman also says that if the question of railway extension was not vigorously dealt with, a most dangerous feeling would be aroused. I do not see why he should be so fearful of such a result. I cannot see why he should not consult the feelings of those he represents rather than those he does not represent. If a man wishes to respect the feelings of any part, it should be of that which has always supported him for 20 years. He should not let his feelings run in an entirely different direction at his time of life. He also made a reference to the importance of having speedy means of communication with Prince

Edward Island, but I do not come to the conclusion he states he has. I doubt very much the trade will turn out as profitable as he anticipates. There is a railway already joining the Gulf of St. Lawrence, at Shediac, and opening up trade with the Island, and I find that the result has not been as was expected. As far as I can judge from the report of the New Brunswick Railway, the trade that flows from P. E. Island does not compare with the local traffic; and under these circumstances it is not probable we will find it of much benefit to us. Certainly if New Brunswick cannot make a terminus on the Gulf a paying concern, Nova Scotia is not likely to have a better chance. I do not say that a few passengers will not come over, and a little freight, occasionally, but it will not be sufficient to be remunerative. I can see no reason, whatever, for acting so hurriedly with regard to this question of railway. I think the Government should take a reasonable view of this subject, and direct the management of public affairs as they should be, and leave the whole of these matters alone until the people demand a different course of action from them. So far I have not seen a single petition for five years from the people asking for this railway extension. I earnestly trust that this measure will not become law, but that the House will refuse to sanction the expenditure of so large a sum of money out of the hard earnings of the people.

Mr. ARCHIBALD.—If I understand the observations of the hon. Atty. General in respect to the Intercolonial Railway, he said that he considered the negotiations at an end. In view of this, I would ask whether it is the intention of the Government to leave on the statute book an Act which declares that Canada shall have two years to unite in the legislation of New Brunswick and Nova Scotia, or whether it is their intention to repeal that Act. I would also like to ask another question—the Act of last Session provides for the construction by a company as well as by the Government. I would now like to ask whether the Government has received from anybody any proposals with respect to the construction of a railway by a company.

Hon. PROV. SEC.—The Government have been in correspondence with the President of the North American and European line, who made a proposal to them for the purpose of constructing a road to the State of Maine. The proposal involved the transfer to the company without any payment of all the railways constructed in Nova Scotia, and the sum of \$80,000 per annum in consideration for the construction of the railroad. I may state to the House at once that the Government considered such a proposal could not be entertained, and have so stated to the Company.

Hon. SOL. GENL.—There is no clause in the Act referring to the extension to Pictou, providing for a Company. There is, however, one in the Act concerning the Intercolonial Railway.

Mr. ARCHIBALD asked if the only proposal made to the government came from the President of the North American and European line.

Hon. PROV. SEC.—I did not say so. There has been a communication received from Mr. Giles, but I do not know how far he is connected

ed with the same Company. There has also been another proposal from a gentleman on behalf of the Contract Corporation Co. but not offering terms which the government are disposed to entertain.

It was agreed that the subject of the Railway should be made the order of the day for Friday next.

THE PEOPLE'S BANK.

The House then went into Committee on Bills, and took up the Bill for the Incorporation of the People's Bank, which passed without any amendment.

The House then adjourned until three o'clock the next day.

WEDNESDAY, March 9th, 1864.

BILLS, &c.

The House met at 8 o'clock.

Several private bills were read a second time.

A bill to incorporate the People's Bank at Halifax was read a third time.

On the reading of the amendments of the Legislative Council to an act of the Revised Statutes relating to size of apple barrels—Mr. Longley moved that they be not agreed to. He said he did not approve of this. His idea was that all makers of apple barrels should be obliged to brand their barrels with the initial letter of the christian name, and the surname in full, under a penalty of 25 cents; and a further penalty of 50 cents for barrels under size.

The amendment, under the rules of the House, could not be put, and so the hon. gentleman moved that the amendment of the Council be not agreed to—which passed.

The first amendment of the Council to the bill of Township Affairs was not agreed to.

THE REGISTRATION BILL.

HON. ATTY. GEN. asked leave to introduce a bill relating to the "Solemnization of Marriage, and the Registration of Marriages, Births and Deaths." The hon. gentleman said that as regards the solemnization of marriage this Bill did not alter the existing law, but as to the system of issuing Marriage Licenses considerable alterations were proposed. Great inconvenience had resulted under the present system, and especially was this the case with ministers who resided at a distance from the metropolis, who in order to meet the exigencies that might arise, were obliged to keep licenses by them. This involved considerable expense upon a class of our community who were not generally troubled with over-much of this world's goods, as they were obliged to pay for the licenses in advance before they were issued.

Another burden which was felt under the present system, was the expense of the marriage license, and altho' he could not say that he sympathized very much with those who grumbled at the expense of the process which translated them from the forlorn condition of bachelorhood into the happy state of matrimony, yet still there was no doubt it often formed the subject of calculation. He was reminded of the amusing story of a young man who did not exactly come from "down east," nor yet from the "west," but was rather of a calculating turn of mind, and who came to Halifax to procure a

license to be married. Upon asking the price he was told it was twenty shillings. This rather staggered him, and upon being told by the Provincial Secretary that the business could be managed in a cheaper mode by being called in church he concluded to adopt this suggestion, and accordingly went away, but he soon after returned, and said that "he guessed he would take the license after all, as potatoe digging was at hand, and it would be cheaper in the end to get the wife to work at once. (Laughter)"

He (the Atty. Gen.) had no particular desire to encourage this species of economy, but still it was necessary to have some regard for the circumstances of the poor. It was therefore proposed in the Bill to reduce the price of licenses from four dollars to two dollars and a half—*i. e.*—\$2½ for the license and twenty-five cents, to the person whose duty it would be to issue it. To remedy the inconvenience of issuing licenses only from Halifax, it was proposed to appoint persons throughout the Province, who should have the power of issuing licenses, who should live in the most convenient portions of each county. The Postmaster General in the first instance is to have the distribution of the Marriage Licenses and he is to send them to the Issuers, who shall give him a receipt for the number they receive and shall be answerable to him for each license at the rate of two dollars and twenty-five cents. As the rate of remuneration to these Issuers will not be sufficiently large to warrant them in keeping an office specially for that purpose it is proposed as far as practicable, that this duty shall be performed by the post and way office keepers. These Issuers are required to make a return every quarter to the Postmaster General of the number of licenses issued by them—and the number remaining on hand, and shall remit the amount received during the quarter. Blank bonds would also be deposited with the Issuers to be filled up by the applicants for licenses. The applications for licenses then, instead of being made to the Minister, would be made direct to the Issuers, who would grant them upon the payment of a fee of \$2½ and twenty-five cents for his own fee. Provision is made to the Ministers to return the license to the Deputy Registrar within ten days after the celebration of the Marriage, with a certificate, (a form of which is endorsed) stating the fact of the celebration—the names of the parties, and the time and place of such Marriage. The next portion of the Bill to which he called attention was the provision made for the Registration of Marriages. The issuers of Marriage Licenses are called Deputy Registrars, and they are required once a quarter to make returns, to an officer appointed under the Bill, who is to be called the County Registrar, of all certificates of Marriage which have been returned to them by the ministers of licenses, granted by the Issuers. For the purpose of obtaining the materials necessary for the proper registration of marriages it is provided that every minister shall keep a register, in a form furnished to him for that purpose, of all the particulars of every marriage solemnized by him—which he shall return to the Deputy Registrar—who shall return it to the County Registrar as just mentioned.

It is proposed that the County Registrar shall be Registrar of Deeds, for the same reason as the Post Masters are made Issuers, to save the expense of keeping a separate office and because the remuneration will not be sufficiently large to warrant a distinct establishment. The County Registrar will enter these returns of marriages in a Marriage Register's Book to be kept for that purpose with suitable indices—referring to the surname of the husband, the maiden name of the wife, and the surname of any previous husband she may have had.

For the purpose of registering Births, it is provided that every father who is blessed with a progeny, should upon the occasion of the birth of a child, within a limited period prescribed in the act, go to the Deputy Registrar and fill in the particulars in a blank form furnished him for that purpose which he shall sign, and which shall be countersigned by the Registrar. The Deputy Registrar shall return these particulars to the County Registrar who shall enter them in a Book to be called the Register of Births.

The Registration of Deaths will be accomplished in a similar manner. Any person in whose family a death occurs, will give the particulars to the Deputy Registrar and sign a printed form to be filled up accordingly. These forms will be returned every quarter to the County Registrar, and in this way as complete a system of Registration of Births, Deaths, and Marriages as is possible under the circumstances will be provided.

As to the remuneration of the officers, it is proposed to give the Deputy Registrar twenty-five cents for every license issued, and a sum in blank for every clergyman's quarterly certificate of marriages which he shall transmit to the County Registrar. This sum will be paid him by the Postmaster General out of the marriage license fund, on the certificate of the County Registrar.

In the case of Births, the bill provides that a small fee shall be paid to the Registrar by the person registering it. This he did not suppose any person would object to; in case of the person being too poor to pay, the fee is to be paid by the overseers of the poor.

In the case of entry of deaths, the bill provides that a small fee shall also be paid by the overseers of the poor—this may require some revision and would be left for the consideration of the House. The County Registrar is to be paid a small fee for the entry of Births, Marriages, and Deaths, which is to be paid by the Postmaster General out of the Marriage License Fund on the certificate of the Prov. Secretary.

It was contemplated under the bill to enlist the services of a very valuable class in the community—the medical profession,—and he hoped that they would not consider it personal that they are called upon to return, not only the deaths which come under their notice, but also the causes of such deaths.

It was thus proposed by this bill to supply a want which had long existed in this country, and he hoped that gentlemen on both sides, would give their aid in perfecting the details of the measure, so that it might be made as beneficial as possible. He would not then go into details, as they could be better considered when

the bill came up in Committee; in the meantime he had directed each member to be furnished with a copy, and he invited the cordial co-operation of gentlemen of the opposition in maturing a measure of such vital importance to the country.

Mr. ARCHIBALD would not address the house at any length at the present stage of the bill, but he could not help remarking that the machinery of the bill, and many of its principal features, were very similar to that introduced by the late Government two or three years ago. The main difficulty, he apprehended, would be to induce the country to appreciate the importance of the system of registration of Births, Deaths and Marriages; and to adopt such machinery, as without imposing too heavy penalties, would enable the Government to successfully carry it out. He assured the leader of the Government of his desire to afford every assistance to perfect a measure which he considered greatly affected the interests of the people.

The bill was read a first time.

COUNTY ASSESSMENT.

The House resolved itself into Committee on Bills and resumed the consideration of the bill relating to County Assessments. On the reading of the 88th clause Mr. J. McDonald thought the present mode of appointing Assessors was too expensive, and that the better way would be to appoint General Assessors every three years, whose controlling influence over the acts of the local Assessors would be operative for the two years next following their appointment.

Dr. HAMILTON was of opinion that it would be better to do away with the 7th clause altogether, and appoint the local Assessors every three years.

Mr. J. McDONALD did not think that would meet the difficulty. He repeated that his object was to give the General Assessors power to control the acts of the local Assessors for three years.

Mr. BOURINOT agreed with the hon. member for Pictou. Some two or three years ago, he had presented a memorial to the House recommending the course which had just been proposed.

Dr. HAMILTON could not see the necessity for having so many persons to do the work. He thought that two Assessors for each district was quite enough, and that they should remain in office three years.

Mr. PARKER did not agree with the hon. member for Kings (Dr. Hamilton) as to the propriety of keeping the local assessors in office for three years, one year was quite long enough, and some people thought too long.

Mr. ARCHIBALD thought that it would be unwise to disturb the present system. The law gave the local authorities the power; in case they were dissatisfied with the local assessors, to appoint general assessors to overlook; and be a check upon them. This of course added to the expense, but it was only in case there was reason to suspect that the local assessors were acting improperly, that the power would be used. There were some conveniences, and also many inconveniences in the course suggested by the member for Pictou, but he thought upon

the whole they had better adhere to the existing law.

Dr. BROWN thought they had better not touch the law, but allow it to remain as it was at the present. He had found it to work satisfactorily.

Hon. Mr. McFARLANE observed that the expense attending the operation of the existing law was so great, that for this reason some of the counties refused or neglected to adopt it—it had not been acted upon in Cumberland. He was of opinion that the business could be satisfactorily transacted by one general assessor in conjunction with the local ones, provided it were made the duty of the general assessor to travel through the country and gather information for the guidance of the local assessors. He did not approve of the proposition of the hon. member for Pictou (Mr. Jas. McDonald) He would move that the number of general assessors in each county be reduced to one, and that it should be his duty to make an annual inspection of property.

Mr. BLANCHARD said the existing law was not found to work well in the county he had the honor to represent (Inverness.) It had been tried, and so great, so enormous, was the expense attending its working that it had been abandoned. The cost of complying with the law amounted to almost as much as the sum total of the entire taxes required for actual county purposes. He would prefer the proposition of the hon. member for Pictou (Mr. Jas. McDonald) to that embraced in the motion of the hon. member for Cumberland (Hon. Mr. McFarlane), who perhaps had overlooked the fact that there would be two local assessors who, were the method he proposed in operation, could overrule the general assessor and frame the assessment almost regardless of his wishes or direction. The object of the general assessment was to arrive at the gross value of the property as near as possible, and it then remained for the local assessors to take into account the various divisions of property and arrange the necessary details. He was of opinion that once in three years was frequent enough to make the general assessment, as the standard value of taxable property would hold good for that period at least. He would oblige the local assessors to adhere to the valuation of the general assessors.

Hon. Mr. SHANNON said the principle of the existing law was found to work to the satisfaction of the public in the city of Halifax. They had two general, and one local, Assessor.

Hon. Mr. McFARLANE said they should not have a greater number of general than local Assessors, because it would not be prudent to place it in the power of the former to override the latter. The local Assessors frequently erred from lack of information, and by adopting the system he had suggested a remedy for the existing evil would be secured.

Mr. ALLISON thought there ought to be three local Assessors, representing different sections of the county.

Dr. HAMILTON had yet to be convinced that the mode he had proposed was not the best that had yet been suggested, which was to appoint, for three years, two Assessors for each polling district in the county.

Mr. S. CAMPBELL said that as property, liable to taxation, maintained its relative value for three years or more, it was not necessary to make an annual inspection. He was of opinion that the equality of assessment could be preserved by appointing three general Assessors for the three years to co-operate with the local Assessors.

Mr. ARCHIBALD was opposed to desroying the Board of Assessors as at presented constructed. They should be careful to guard against the possibility of the general Assessors being controlled by the local Assessors. He would be willing to give the different counties a discretionary power with respect to the number of Assessors of each class to be appointed, providing that the general Assessors must be in a majority. That was, they might appoint one local and two general Assessors, or two local and three general, whichever they pleased.

Mr. DONKIN agreed with his hon. colleague, (Hon. Mr. MacFarlane) respecting the mode of assessment. He would leave it optional with the Sessions to appoint one general Assessor to co-operate with the local Assessors.

Mr. JAS. McDONALD was willing to adopt the principle, that the assessed value of real estate, made by the general assessors in any year, shall be accepted by the local assessors, and acted upon for the two following years. In case of division of farms within that period, that would be for the local assessors to arrange, in conformity with the value fixed by the general assessors on the tract at the time they inspected it.

Mr. C. J. CAMPBELL thought they had better allow the law to remain the same as it was for the present, as he did not think that any of the amendments proposed, if adopted, would be any improvement upon the existing system of assessment.

Mr. KILLAM suggested that a clause should be inserted, compelling persons who appealed from the valuation of the Assessors to the Sessions, to make a statement under oath of the grounds upon which such an appeal was based. This he thought would prevent persons appealing merely for the sake of delay and obtaining longer time in which to pay their rates.

[This proposition was generally concurred in, and incorporated in the Act.]

An amendment, which gives the sessions the discretionary power to appoint a less number of assessors than the present law requires, provided that the General Assessors shall be in a majority, was agreed to. By this amendment the Sessions may appoint less than three General Assessors, and less than two local Assessors.

The Assessment Act was then finally passed, and the committee rose and the House resumed.

Mr. JAMES McDONALD presented a petition from a number of the inhabitants of a certain district in the county of Pictou, asking for increased postal accommodation.

Mr. McLELAN presented a petition from a number of the inhabitants of Parrsboro, against the discontinuance of a certain mail route.

The House then adjourned.

THURSDAY, 9th March.

House met at 8 P. M.

PETITIONS.

Mr. S. CAMPBELL presented a petition from a number of the inhabitants of Glenelg, St. Mary's, Guysboro' county, against any change in the location of the Post Office at that place.

Mr. DONKIN, one from a number of people in Amherst, against the statute labor law.

Mr. TOBIN, one from a large number of the Merchants of Halifax, praying that the law may be amended so as to allow the sale of wines for the Officers' Mess, in bond, and free of duty.

Mr. BOURINOT, one from the Pilots of Lian, Cape Breton, respecting pilotage rates.

Some opposition was made to the reception of this petition at this late period of the session, but Mr. Bourinot pointed out the distance from which it came, and the delay that necessarily occurred in its transmission, and the petition was finally received and read.

ELECTION COMMITTEE—ADJOURNMENT OF.

Mr. C. CAMPBELL, Chairman of the South Colchester Election Committee, asked leave to adjourn until 11 o'clock on Monday, which was granted.

ENQUIRY.

Mr. LOCKE asked the Government when it would be convenient for them to show the House what amount is to be granted for the Road and Bridge Service this year. He wished to know, at an early day, what the road vote was to be; but he did not wish to press unreasonably upon the Government, yet he hoped the information he sought to obtain would be submitted without unnecessary delay.

Mr. S. CAMPBELL said the presentation of the road and bridge grant should precede the railway discussion, and he hoped that in respect to the division of the money, due regard would be had to those counties that would not be benefitted by the contemplated extension to Pictou.

Hon. FIN. SEC. replied that the estimates were now in the hands of the printer, and would be ready to submit to the House in the course of a few days.

INTERCOLONIAL RAILWAY.

Mr. ARCHIBALD asked the Attorney General if he was prepared to answer the question he put on Tuesday, viz: whether it was the intention of the Government to repeal the railway legislation of last session.

Hon. ATTY. GEN. replied that the acts referred to by the hon. leader of the opposition would be left out of the Revised Statutes, and consequently would no longer be law.

Mr. ARCHIBALD said that the existing law bound the Province to contribute towards the construction of the Intercolonial Railway should Canada accept the offer of the Duke of Newcastle, on behalf of the Imperial Government, within two years. He observed that so far the neighbouring Province of New Brunswick had acted in good faith respecting the principle on which the legislation of that Province, and this, was based, last session, on this subject. Respect was due to the sister colony with reference to this important matter, and he hoped Nova Scotia

would be faithful and adhere to the pledges she had made through her Legislature, with reference to the Intercolonial Railway negotiations.

Hon. PROVINCIAL SECRETARY said that the negotiations respecting the Intercolonial Railway project, and the subsequent legislation, were subjects that were well understood. The late Government, at a time when they did not reflect the sentiments of the country, undertook, at the close of the last session of an expiring House, to place upon the statute book of the country, by a party majority, an Act to bind this Province to the expenditure of an enormous sum of money, and by a party vote, and by a very small majority, they succeeded in forcing such a law upon the country. That policy met with the unqualified opposition of the then opposition—the party now in power—who used every means at their command to prevent it from prevailing, but without success. Now, what were the facts of the case? In 1862, Government representatives of the three Provinces—Canada, Nova Scotia and New Brunswick—met in Quebec, and at that meeting a certain basis of an arrangement for the construction of the Intercolonial Railway was agreed upon. Subsequently a delegation from the three Provinces was despatched to England, to ascertain if it were possible to obtain terms from the British Government in accordance with the understanding arrived at in the Quebec Conference. The result was that the delegates disagreed, and those from Canada refused to accept the terms proposed by the Duke of Newcastle, and so soon as this fact was made known, almost everybody arrived at the conclusion that the project of an Intercolonial Railway was an utter failure. Soon after the delegates returned home, His Grace, the Duke of Newcastle, sent a despatch to the Governor General enquiring whether the action of the Canadian delegates was endorsed by the Canadian Executive. What was the result? Why the ministry of that Province met and discussed the subject, and after deliberation did decide to endorse, and did approve of the course pursued by the delegates in breaking off negotiations, and this decision was reduced to a minute of the Canadian Executive Council. But with respect to the legislation of this Province, on the subject of the Intercolonial Railway, at last session, he would say a few words. A more solemn farce was never acted in any country than was in the Legislature of this Province last session with respect to the railway measure before adverted to. A bill to provide for the construction of an Intercolonial line after it was abundantly evident that Canada had abandoned the scheme, was introduced and forced through the assembly by a party vote. The object of such action was well understood by the party then in opposition, and also by the country generally. While that bill was under discussion, he (Pro. Sec.) moved a resolution declaring that as Canada had withdrawn from the arrangement entered into at Quebec, it would be unwise, and impolitic, to tie the hands of this country for the space of two years, respecting railway policy, and notwithstanding that he pressed this motion upon the House with all the power he could command, the bill was forced through the Legislature.

Directly after the passage of that act a dissolution of the Assembly took place, and a General Election followed, which resulted in the party who forced that measure upon the statute book being scattered to the winds, and the party who opposed it triumphantly returned with an overwhelming majority. Subsequently Canada proposed a survey of the route, but the proposition was a reasonable and tangible one. It was not based upon the legislation of last session, but entirely independent of it. Canada simply invited Nova Scotia and the neighboring province of New Brunswick, to join her with the view of ascertaining whether any practical route could be found, by survey, that had not yet been ascertained. The North Shore route was objected to because it was too long, and the Imperial Government had refused aid towards constructing a line by the valley of the St. John, because of its proximity to the American frontier, and a middle route had not yet been determined. The proposition of the Canadian Government to effect a survey was a very reasonable one, because no action could be consistently taken until a practicable route was discovered and decided upon, and therefore at the request of Canada and New Brunswick, the Government of Nova Scotia agreed to join them, in order to determine the question of route, and with a view of arriving at an approximate estimate of the cost of the entire line. So soon as it became known that an arrangement of this kind was to be made, the *Chronicle*, the organ of the present opposition, denounced the proposed survey, alleging that it would involve a waste of money, inasmuch as Canada had abandoned the Intercolonial project. But owing to some difference or misunderstanding that arose between the Governments of Canada and New Brunswick, the survey was not proceeded with, and for a time the subject remained in abeyance. Very recently, however, the Canadian Government had decided to survey the entire line, at her own expense, and because the Government of that Province had despatched Mr. Fleming on snow shoes to commence that work, the *Chronicle*, that Jim Crow organ, declared that the Province must wait, must hold its breath for a while, must stay extension in any direction until we ascertained what course Canada would pursue. Now, the Government believed in the policy of an Intercolonial Railway, and considered the subject of vital importance, and were prepared to engage in it upon any feasible terms, but certainly not in accordance with the terms and conditions of the act placed upon the statute book last session. In order to show that the Government of Canada had not decided to proceed with the work, he would read an extract from a report of a discussion which recently took place in the Canadian Parliament. He found it stated that a member of the opposition, asked if it was the intention of the Government to proceed with the construction of the Intercolonial Railway, if a practicable route was discovered by Mr. Fleming, to which Mr. Ferguson Blair, the Provincial Secretary, replied that if a practicable route was found, the Government would take the question of building a railway under consideration.

Mr. ARCHIBALD said, the usual course in case of questions asked of a member of the Government was to confine the reply to the questions put; but the hon. Provincial Secretary had answered the only point of his (Mr. A.'s) observations which did not need a reply, and had left that point to which a reply was desired.

He (Mr. A.) had stated before, that if this matter concerned Canada alone, he did not feel that the acts and conduct of the Government of that colony entitled them to much consideration at our hands. They had not, in his opinion, by their treatment of this question, elevated their character as statesmen, or raised the reputation of this Province for fair and manly dealing with an important public question. But this, however, was a matter which did not so much concern Canada as it did our own public faith, and the preservation of our own integrity. It was a negotiation not between ourselves and Canada alone, but one in which the British Government and the sister Province of New Brunswick were concerned as well,—and whatever might be our opinion with regard to the conduct of Canada he felt that the fair and manly way in which not only the sister Province of New Brunswick but the Imperial Government had acted, rendered it our duty to preserve entire good faith toward them in the steps we should take.

Now, under the act passed last year, these parties had the pledged faith of our Legislature, that if Canada, within the period of two years from the passing of our statute, should enact corresponding provisions, we should be prepared to carry out the agreement of Quebec in its integrity.

The Hon. Provincial Secretary seems to imagine that the question of public faith depends upon the numerical majority which gives the decision. He (Mr. A.) reprobated such a doctrine as subversive of every principle of legislation; but even if it were sound, he might say that this bill was passed by a fair majority in this House, and by a very large one in the other branch.

The hon. gentleman had spoken of the marked disapproval of the Intercolonial policy indicated by the returns to the present House; but he would like to ask the members of the Government, who were now proposing the Pictou Railway, where many of them would be if they had an election to run to-morrow?—What would the constituency of the Attorney General say to his action? Where would many of the members of the western counties be, who were expected to give their aid to this measure? He did not mean by this to say that the policy of building the Pictou Railway was wrong, but he mentioned it to dispose of the argument of the hon. member, and to show that if he was to be tried by the same test, he would find himself very speedily in a minority.

He was glad, however, that the Government had spoken frankly and unequivocally with regard to their policy as to the Intercolonial Railway bill. It was but fair to New Brunswick—it was but fair to the Imperial Government that they should understand at once that so far as Nova Scotia was concerned, it was quite immaterial whether Canada did or did not hurry her-

self within the terms of the treaty; that the Government of Nova Scotia were prepared to disavow and repudiate the legislation on this subject; that this Province would not stand by her own solemn act. This was the first time such an avowal had been publicly and distinctly made, and it was well if that was the determined policy of the Government that it should be so understood, not only here but in the other Provinces, and in England.

Hon. ATTY. GENL. said the hon. leader of the opposition complained that because he asked a question, a discussion arose. Now the hon. gentleman was himself responsible for that, because after asking the question he went on to argue on the effect of the answer in a style that rendered reply necessary, and in replying, the Hon. Provincial Secretary had merely shown that the action of the Government at last session was inconsistent with the public faith, because it was well known then that Canada had abandoned the project.

Mr. ARCHIBALD—I never heard of any official announcement to the effect that Canada had decided to break off all further negotiations.

Hon. PRO. SEC.—Information to that effect was conveyed to Lord Mulgrave, from whom the present Government obtained the Canadian Minute of Council of Feby. 25th.

Mr. ARCHIBALD—Lord Mulgrave did not receive any official intelligence to that effect.

Hon. ATTY. GENL. continued, and observed that they all knew that the Legislation of last session was a farce, and when the measure was introduced he had remarked that it would be treated as a farce were it not for its prospective tragic consequences. The measure was brought forward and was supported by the government party of the day on the ground that it was a delusion and a snare, and many supported it who would not have dared to have done so had it been founded upon a reality. They all were aware of the object of legislating for the construction of ten miles towards Pictou; it was only for show and sham, and the other bill relating to the Intercolonial was designed to have an effect in other quarters.

Mr. ARCHIBALD said that the Hon. Atty. General had stated that the railway legislation of last session was a farce, and had hinted that it was intended only to have a political effect on the elections. Now there was not the shadow of foundation for any such assertion, because instead of the railway policy of the late Government being an aid in their appeal to the country it had the very opposite effect, and was one of the principal causes of scattering that party, and certainly had that effect. The legislation of last Session with respect to railways was a manly and proper act, and done in entire confidence and good faith.

Hon. PROV. SECRETARY said that he had never asserted that Canada had been guilty of a breach of faith, and he did not want such an impression to get abroad. He presumed that the delegates went to England clothed with authority to accept any proposition that they considered feasible, or reject any that they deemed disadvantageous to the Provinces they represented. If, then, they went open to accept or reject, the Canadian delegates could not be charged with

committing a breach of faith, if the Colonial office refused to grant such terms as they could properly and consistently accept. When the sinking fund provision was demanded, the delegates from all the Provinces were justified in rejecting that proposition, and the Canadian delegates did reject it; but it seemed that the New Brunswick and Nova Scotia delegates were prepared to agree to almost anything, and they concluded to accept it.

STATUTE LABOR LAW.

Mr. KILLAM, from the committee to whom was referred the Statute Labor law, reported that the committee had had the act under consideration, and a majority of it had agreed to several alterations, principally in respect to the schedule and its various details, which would not materially affect the principle of the measure.

BILL.

Hon. PRO. SECRETARY rose to introduce a bill to incorporate the Spring Hill Mining, Manufacturing, and Transportation Company. He observed that the object was to incorporate a Company who contemplated constructing a line of railway from the Spring Hill coal mines to Parsboro, a distance of about 20 miles. Some dissatisfaction had been expressed on account of the Mining Association having succeeded in obtaining possession of very large mining areas at Spring Hill, but besides this tract there was in the immediate neighborhood a very valuable coal field, but there was a difficulty in making the same available from the want of communication with navigable waters.

PETITION.

Mr. JAS. McDONALD presented a petition from a number of inhabitants of Sherbrook and Wine Harbor asking for aid in opening roads in a certain locality in these districts.

USURY LAW.

Mr. BLANCHARD remarked that the Commissioners had introduced an amendment to the chapter on interest, in the Revised Statutes, which the House had struck out in Committee. He was not in the House when that chapter was under consideration, and he wished to have it recommitted for the purpose of discussing the proposed amendment. In altering the chapter the Commissioners did not contemplate repealing the present usury law, as seemed to be the apprehension with the House, but simply to adopt the principle of the English law which protected an innocent indorser of a note on which usury had been taken.

Hon. PROV. SEC. was in favor of the Canadian law with respect to usury. Money was an article of trade, and our existing usury law operated against the borrower, and injuriously affected trade.

Hon. ATTY. GEN. defended the present law, and contended that it was a protection to the borrower.

Mr. CHURCHILL took the same view as the Attorney General.

Mr. TOBIN was not aware that any evils had grown up under the present law.

Mr. ARCHIBALD was in favor of retaining the existing law, and was of opinion that if it was repealed, the effect would be to let loose a horde of usurers upon the country.

Mr. MILLER thought some change desirable, and that the statute should give the note, in the hands of an innocent endorsee, a *bona fide* character, so that an innocent holder should not suffer.

Mr. S. CAMPBELL was in favor of the amendment proposed by the Commissioners.

Mr. C. J. CAMPBELL was in favor of repealing the Usury Law. Money ought to be placed on the same footing with all descriptions of merchandize.

[The Legislative Council by Message informed the House that they had assented to a number of chapters of the Revised Statutes without amendment. And that they did not adhere to their amendments to chapters 39 and 49.]

Mr. JAS. McDONALD said the subject had now been pretty well discussed, and he would take the sense of the House upon the following resolution:—

Resolved, That hereafter in any suit or action for the recovery of money on which more than six per cent. interest has been reserved, no larger sum than the principal, money being the subject matter of the contract, with six per cent. interest, shall be recovered."

Hon. ATTY. GEN. hoped that the good sense of the House would reject this amendment and retain the present law which was designed to protect the poor man from the oppression of the rich.

Hon. PROV. SEC. said that it was because he believed the proposed alteration would aid the borrower that he wished it made.

Mr. JAS. McDONALD considered that the class to which the hon. Attorney General referred really suffered under the operation of the present usury laws. If a man wanted to borrow money, say £25, who did he go to? To the merchant with whom he dealt? No for he preferred sending all his surplus money abroad where he got a better return for it. He was driven to go to those who made their living out of money lending, and who would be pretty sure to evade the law, and in some form or other exact exorbitant interest. If the law was altered so as to make it to the interest of capitalists to invest their money here, the borrower would fall into the hands of a better class.

Mr. PARKER disagreed entirely with the views expressed by the member for Pictou.

Mr. ARCHIBALD said the result of a change in the law, would be to turn every shopkeeper into a usurer upon a small scale. He conceived that if the present restriction was removed it would be attended with the most disastrous consequences.

Mr. MILLER inquired whether the resolution before the House went to abolish the usury laws altogether?

Mr. BLANCHARD—No; it only provides that the contract or obligation shall not be avoided by reason of more than the legal interest being charged.

After a few further remarks—

Mr. ARCHIBALD said that he would submit to the House two separate propositions: first, he would call upon the House to approve of the general policy of retaining the present Usury Law—and secondly, having adopted that view, he would ask if there were any special cases which required exemption from the general rule.

Mr. BLANCHARD read the Canadian Act to show that there they had done away with the Usury Laws altogether.

Upon division, Mr. Archibald's first proposition passed, 36 to 14.

Mr. ARCHIBALD then said that he would take the sense of the House upon the second Resolution, which would exempt innocent endorsee of a promissory note or Bill of Exchange from the operation of the law.

Hon. PROV. SEC. said that as the House had decided against the broader principle, he would vote for this as a step in the right direction.— On division, the resolution was lost, 26 to 18—and the original law then passed.

Hon. INCL. SEC., Chairman of the North Queen's Election Committee, obtained leave to adjourn until Monday next.

Mr. JOHN CAMPBELL introduced a Bill to amend Chap. 147, Revised Statutes, of Petty Trespasses and Assaults.

Then the House adjourned until the next day at 3 o'clock.

FRIDAY, March 11.

The House met at 3 o'clock.

PETITIONS.

The following petitions were presented: By Hon. Mr. McKinnon, from Paul Christmas, an Indian Chief in the Island of Cape Breton, in respect to reserved lands of Indians; by Mr. Slocumb from LaHave, praying for a change in a Post Ride; by the same from Bridgewater, praying that the Statute Labour Law remain as formerly.

Hon. PROV. SEC. laid on the table the returns of St. Mary's College.

Hon. FIN. SEC. laid on the table various petitions on Railway matters, which were referred to the Committee on the Railway.

THE PICTOU RAILWAY.

Hon. ATTY. GEN. then moved the second reading of the Railway Bill.

After a delay of a few minutes, no one rising to speak.

Mr. ARCHIBALD asked if it was not the intention of some member of the Government to say something at this stage of a measure so important to the interests of the country.

Hon. Mr. JOHNSTON replied that it was but a few days since that he had introduced the bill, and fully explained the position of the Government. He did not see that any more elucidation of the subject was requisite.

Mr. S. CAMPBELL asked if it was not the duty of the Government, in submitting a measure of this kind, to give some facts in reference to the business that may be expected on this new road. Of course, he added, he did not make these ob-

servations with any reference to the course he intended to pursue.

Mr. LOCKE said he would certainly like to hear some good reasons from the Government for the course they were pursuing.

Hon. PROV. SEC. replied that he had been many years in the house, but he had never seen such a novel exhibition as was now presented. The leader of the Government had explained their course in the frankest manner, and yet gentlemen opposite appeared dissatisfied. It was certainly a strange procedure for gentlemen to get up and dictate to the Government how many speeches they should make on a subject on which full explanations had already been given. If these gentlemen were unable to make up their minds on the subject, they should say so and allow the house to go into committee.

Hon. ATTY. GEN. said that he would make a speech that would be an exceedingly short one; but, at the same time, entirely satisfactory to the gentlemen opposite who were most active in their enquiries.

The hon gentlemen then read the resolution moved in 1859 by Mr. McLelan in favor of the Pictou extension. It would be perceived, added the hon. gentleman, that this was a speech which would be perfectly conclusive to some hon. gentlemen. It was the speech of the hon. members for North Colchester, (Mr. McLelan), for North Colchester, (Mr. Archibald), for Shelburne, (Mr. Locke and Mr. Robertson.)

SPEECH OF MR. ARCHIBALD.

Mr. ARCHIBALD then rose and spoke to the following effect:—I quite concur in the force of the speech which the hon. Attorney General has just read; but I can also refer to speeches of the hon. gent'n equally as forcible the other way.

This is the exposition which in 1859 the gentlemen with whom I acted made to the house of the policy they intended to pursue. But when the hon. Atty. Gen. reads this as my speech, he at the same time reads his own speech on that occasion, by negating every proposition that resolution contained.

In effect, therefore, the hon. gentlemen declared, on that occasion, that it was *not* the design of the railroad, as originally contemplated, that it should be extended to the frontier or to Pictou; that though it was then ascertained that there was no chance of the Intercolonial, it was *not wise* to extend the road to Pictou, or to obtain the trade and traffic of the Gulf and the other advantages pointed out by the resolution.—Whatever might be my inconsistency if I were to oppose the present bill, it would be just that inconsistency which the hon. gentleman shews in now advocating it.

So it appears that all the capital against me he could derive from the speech he has quoted, could be derived against himself, from his action on that occasion. We may safely assume that whenever we made a speech one way, the hon. gentleman spoke directly to the contrary. Now, I do not hesitate a moment to rise and define the position that I intend to occupy in reference to the important question which is before us; but it is not my purpose to address the House at any length. I trust, however, I shall deal with this subject in a manner that shall not

make me liable to the charge of inconsistency. This is a subject of the very gravest importance which I am free to acknowledge the hon. gentleman has dealt with frankly, and has expounded his views with great force and earnestness. I must say, however, that if he had repeated his speeches of former years, he would have made as decidedly argumentative a speech on the other side.

Hon. ATTY. GENERAL—No.

Mr. ARCHIBALD—My memory carries me back to the scenes of the past; I think I am not wrong in saying that the most able arguments that could be made against this railway measure, would not compare in eloquence and ability with those in which the hon. gentleman in former days denounced it. But I feel this is a point on which it is needless to dwell; we have a subject of very grave importance before this Legislature—one which should be approached in no sectional or local aspect but simply with a view to the interests of the Province. We are called upon to dispose of a sum of money double the entire revenue of this Province for a year, and the annual interest of which is £24,000. That this is a question of grave magnitude, requiring the deliberate attention of this House no one can hesitate for a moment to acknowledge. I would be sorry to say that this is a question in which any gentleman in this House, looking at it calmly and conscientiously, can declare that it is not unaccompanied with difficulties. The hon. Attorney General has not surprised me when he referred to the resolution which was moved in 1829. I have always felt, from the time when this country commenced to build railways, it committed itself to a policy which was not to keep them at a village in the interior but to continue them further—either to tap the Gulf at Pictou or go to the frontier of New Brunswick. Therefore the hon. gentleman is not wrong in saying that I have before, in the course of my public life, admitted that I am in favour a railway extension when the finances and condition of the country permitted it.

Now, when this question came before the House in 1859, in what state were we? In 1857, the Attorney General and myself were in England on other business, and we took the opportunity whilst there of pressing the important subject of the Intercolonial Railway upon the consideration of the Imperial Government. Unfortunately for us, at the time, we did not succeed in obtaining from the British Government any encouragement. In 1858, a delegation from the three Provinces went home to press this subject again upon the attention of the British Ministry, but it was as unsuccessful as its predecessors. In December, 1858, Sir Edward Bulwer Lytton, at that time the Colonial Secretary, sent out a despatch, in which he emphatically denied the possibility of Great Britain granting us any Imperial aid. In this condition were we when the question of railway extension came before the Legislature in 1859;—and what was the state of our railway at the same time. Nobody who looked at the report which was laid on the table by Mr. Mosse, then the general superintendent, could fail to take a most hopeful view

of the prospects of the road. He was strongly of opinion that the railway would yield a large amount to the revenue,—that year by year it would go on yielding more largely.—Looking at the statement he made in 1858, any one would be justified in coming to the conclusion that the railway, during the next year, would yield from 10 to £15,000 over and above the working expenses. With these views coming from an officer of a Government opposed to railways who could not be disposed to picture everything *couleur de rose*, it is not surprising we took the course we did. We felt if there was any truth in the statement made—in the encouragement held out to the people of this country by a public officer—we should go on with the railway and continue it to the Gulf. The Intercolonial Railway was buried under the despatch of Sir Edward Bulwer Lytton, and the only line of road that was practicable was that to Pictou. I did not hesitate in 1859 to express in the strongest terms my views in respect to railway extension, and if when we came back in 1860, we had found the anticipations that had been raised by the superintendent realized, we would have been recreant to our duty in not carrying out the course we had fore-shadowed in 1859. But we found that the railway instead of adding largely to revenue had gone into debt for working expenses to the extent of £2000. Does any body believe that with such a result before us, it was the duty of the Government of the day to attempt to proceed further with the railway? The very gentlemen who are before me now would have been the first to rise and denounce it as an act of madness to attempt to extend the line to Pictou under existing circumstances.

What did we find in 1861? In consequence of the disturbances in the States, the channels of trade were changed and trade fell off for a time,—instead of an increase of revenue we found we were £20,000 worse off, whilst there was little or no increase in the earnings of the railroad. If that year, therefore, we were clearly in no position to go on with the extension of our system of railroads. Then came the new phase that the question assumed. In 1861 it was announced that in consequence of the difficulties in the States a good opportunity was afforded of cementing the Union of the Provinces by the construction of an Intercolonial line; and a delegation went to Quebec for the purpose of ascertaining whether some terms could not be arranged for the building of the Intercolonial line. The delegation which met at Quebec was followed up by one which went to England, and eventually an answer came from the Imperial authorities to say that they were not ready to give us Imperial aid, but, at the same time, offering us a guarantee which would enable us to borrow money at cheaper rates than otherwise we could do. When this proposal came out another delegation met at Quebec and entered into the negotiations which were the subject of consideration last year. I do not intend to go into that question, but I do mean to say that had we been able to carry out the Intercolonial Railway scheme on the terms acceded to, a very great boon would have been conferred on this

country. A delegation subsequently went to England and there entered into negotiations, on which it is unnecessary to dwell. When the Canadian delegation were leaving England, on their return to Canada, they wrote to the Duke of Newcastle, stating that they were not themselves in a position to give a positive answer, but would submit to their Government the result of their negotiations, and added they were in hopes that some modification of the proposal would enable that Government to avail themselves of the benefit of the scheme. That was the state of things before the legislation of last year. The Canadian Government, on the 25th of February, 1863, decided to approve of the conduct of the delegates, in a minute of council. But when the legislation of last year was entered upon, no official information had been given to the Government of Nova Scotia that the scheme had been given up. That minute of council, to which reference has been made, was not in the province of Nova Scotia, as far as I am aware.

Now in the Act of 1863 what did we do? In concert with the province of New Brunswick, we pledged ourselves to the effect that if the Canadian Legislature, within two years, should pass an act in accordance with ours, we would go on with the line on the terms agreed to at the convention at Quebec. The united branches of the Legislature of Nova Scotia pledged the public faith not only to Great Britain but to New Brunswick and to Canada as well. Now I have no hesitation in saying that I feel that the faith of this country is pledged; to repeal that act, under the circumstances, is a violation of that pledge; but it is not for me to decide that matter. The Government of this country announced their opposition to the measure, when it was carried through this Legislature, and they say now that they still hold the same opinions. It matters not whether they repeal it or not. The moment they rise and say they do not feel bound to carry out the policy, and will not carry it out, then to all intents and purposes the act is repealed. For this violation of the good faith of the province they, and not I, are responsible. Therefore, at this moment the province of Nova Scotia is not bound by the act with reference to the Intercolonial Railway, and in approaching the discussion of this subject we stand just in the same position as if no such act had ever existed.

It appears, according to the opinions of the present Government of this Province, that the terms agreed to were too burdensome for Nova Scotia. The Canadian Ministry have also taken the ground, that the burthen imposed upon them is too great. With these opinions prevailing at the Nova Scotian end and at the Canadian end, it is obvious that even if the act remained in force, the prospect of an Intercolonial line is adjourned to an indefinite period in the future. Therefore I feel we can approach the subject of a Pictou railway in a very different spirit from what we could have done if there were any hope from the legislation in reference to the Intercolonial scheme. I have no hesitation in saying that, in dealing with this important question, I would not be doing justice to myself if I did not unequivocally state what policy

I would pursue if the Intercolonial railway project were feasible. I consider the branch to Pictou as of sectional interest compared with the former scheme. It would have a priceless boon to Nova Scotia, jutting out as she does 500 miles on the path to Europe, if we could have consummated an undertaking which must have made her the wharf on which the traffic of two continents would concentrate. I would consider, that any burthen that we could impose upon the shoulders of this country would be trifling compared with the benefits that it would derive from the completion of this project. But in the present phase of the question, the enquiry naturally suggests itself, what is the next best course to pursue. I have looked at the question before us, not as an East-tern man—but in a light as affecting the entire interests of the Province of Nova Scotia. I have endeavored to show you what 'be inclination of my mind is on the subject; I would, if I could, have the Intercolonial Railway, but as we are not to have it, we must take the next best thing. I must admit that the experience we have had in railway matters since 1859 has very materially affected my judgment as to the paying propeties of a line from Halifax to Pictou. I confess that in the first instance I was inclined to believe that we would derive from that railway a large amount of traffic for the carriage of coals, but the large changes that have occurred of late, have rendered the coal trade a very unlikely object to contribute much towards the support of the road

(The hon. gentleman here entered into some calculations, to show that the coal trade could not be deemed a production source of revenue to the road.) He then continued :

Do not let the House imagine that I am saying this for the purpose of depreciating the paying properties of the line. I intend to show that there are other reasons why this line should be built irrespective of the coal traffic. What I skis is that the House should not act upon false promises, but look at the real grounds why that road should be constructed. To ask this House to come to a conclusion upon upon promises that are of themselves unsound, is to ask it to believe that which no candid man ought to do. There is one point which I may here notice. Every body is aware of the extraordinary development of the coal trade in the Island of Cape Breton—that the trade instead of being, as it was formerly, in the hands of one monopoly, is scattered among a number of energetic proprietors who have reduced the price of coal to a very low figure, and must accumulate so large an amount of the article in the American market as to leave it out of the question that coal brought here from Pictou and reshipped to the States, can be made the object of profitable speculation.

Now the House may ask if the coal trade is not likely to be a prolific source of support to the line, what is the advantage to be derived from it? I feel that it should be our object so long as we are divided from the province of New Brunswick, to secure our share of the trade of Prince Edward Island, to stimulate the trade of the Gulf ports, and of the fine agricultural counties that lie to the eastward of Pictou and in the island

of Cape Breton. That island, of late years, has afforded evidence that it is destined to become one of the finest gems in Britain's diadem of colonies. Possessed as she is of inexhaustible wealth, she has a future before her of which we can form as yet no just conception. (Hear, hear.) I expect to see ere no great lapse of time the entire shores that border on the Gulf expanding with commerce. I feel we may fairly look forward to the prospect of a large increase of traffic on the railway, in good time. With all this, however, I don't mean to say to the House that the Pictou railway is likely to pay more than its expenses, but what then? Do I feel that even if it should be a burthen to some extent upon our resources, it is an undertaking that we should not take in hand? Look at the past history of this country; see what has been done of late years without embarrassing our resources. We have built railways, we have paid our sixty-thousand pounds a year and kept the public faith intact. We have a handsome revenue, and are able to devote to the ordinary service of the country a very larger amount. I feel, then, if the railway, as it is, has not crippled our resources—if our trade is prosperous—if every branch of public industry has gone ahead, and if to some extent the railways have promoted this prosperity, I would be rebellious to the policy I have always propounded,—that I would not be doing justice to myself to offer any opposition to a bill that favours a railway to the harbor of Pictou. The hon. Attorney Gen., in the opening of this debate, imagined he would place me in a wrong position, but I can say to that hon. gentleman I feel too deeply my responsibility as a public man to take any course in reference to this subject that does not commend itself to my honest convictions. I feel that where I differ from the gentlemen who generally act me on sufficient reasons that it is my duty to deal with the question in the light that commends itself to my own judgment. I trust that so long as I have the honour of a seat in the House, I can take to myself the credit of having acted up conscientiously to my own convictions of what is right. I did not intend to have said as much as I have in reference to this subject, as I have had little time for preparing to deal with it in that manner which its importance merits. Probably I would have had a week longer if I had said that I intended to support the hon. Attorney General in this measure which he has introduced. I must frankly confess, in conclusion, that it has been with no little hesitation that I have given up so desirable a project as the Intercolonial Railway scheme. I have always looked at it as the precursor of that union which has so long been the hope of every intelligent man who wishes to see the arena of politics in these Provinces enlarged and ennobled. I fear very much that the action of the Government on the present occasion has done much to postpone that great Intercolonial question; I fear we are giving away the chances of ever effecting that great work; but on the gentlemen opposite rests the entire responsibility. As matters are now, it is for me only to consider what is the proper course that I should pursue in dealing with the question immediately before us.

SPEECH OF MR. KILLAM.

Mr. KILLAM said he felt it necessary to say a few words on the second reading of the Bill. He had pursued a consistent course from the inception of railroads in this Province and he had seen no reason to abandon the position he had taken. He had always held that it was a monstrous injustice to the great majority of the people to take the revenues of the Province to advance the interests of one portion to the detriment of the other, and it was a most astonishing thing to him how any man could now propose to lay an additional tax of £20,000 a-year more upon the people. That the revenue was in a flourishing condition was no argument why it should be appropriated in this way. Every man, woman and child contributed to the general revenue of the Province, and had an interest in its appropriation, and he would ask whether they would equally participate, in the advantages, whatever they might be, of this railroad to Pictou.

Ever since the first introduction of Railroads into this Province, the subject had been used for political and improper purposes. The system had been conceived in iniquity, and corruption had marked its progress from beginning to end. He had seen members pulled from one side of the House to the other, and some of them had given their votes in the morning in a certain way, and on a motion to rescind had voted directly opposite. The same thing was going on now, and how could it be expected that any system so conducted could work for the advantage of the people. The Province had now about 90 miles of Railroad, which had been constructed at a cost of over a million of pounds. This was no small sum, and he would ask what portion of the people had benefitted by it?

He had been looking over the census returns, and would give the House a few figures he had jotted down: Taking the counties of Lunenburg, Queens, Annapolis, Guysborough, and Cumberland, which were beyond the reach of any advantage from the road, and whose united population reached one hundred and thirty seven thousand, and adding the counties of Cape Breton, Victoria, Inverness, and half of Halifax, (outside of the city) and we had 180,000 of the population of the Province who had no interest in, or derived any advantages from, these railroads at all, and there remained a portion of the county of Halifax, Colchester and Hants, numbering about 74,000 less than one quarter of the entire population, who reaped the benefits of the railroads. These were plain facts which could not be disputed. The counties which would be benefitted by this Pictou railroad would then be Pictou, Colchester, and Cape Breton, to a certain extent, for he did not admit that the advantages would be much felt in Cape Breton. In order to enable her to benefit by it, steamboats would have to be put on to communicate with Pictou, and these he supposed would also have to receive provincial aid. But it was absurd to suppose as had been stated that the coal trade of Cape Breton would be diverted by the Pictou road. That business came by the southern side of Cape Breton, and it was not

reasonable to imagine that it would take a roundabout course to the harbor of Pictou.

The figures he had brought forward shewed that only a small section was benefitted by these railroads, and he would ask them if it was just or honest to take the hard earnings of the whole people for the purpose of benefitting a few. He would ask the House to look at this subject as they would at any other business transaction, and see what had been the result. We had about one hundred miles of railroad—one branch running to one of the most prosperous towns in the Province, surrounded with the trade of New Brunswick; and another branch running into the heart of the country, (if there was any heart in it;) and yet with all these advantages, it did not pay working expenses. We had in fact spent over a million of money for nothing, and yet in face of all this there were those to be found who wished to plunge the country still deeper into ruin. He would defy any one to show that this Pictou railroad was going to pay. As to the talk about the trade of Prince Edward Island, any one who looked at the map could see that from the geographical position of the Island, very little of it would come to Pictou, and that the majority of it from the very nature of things must be diverted to New Brunswick—so that after all, all this extra expenditure of £30,000 a-year was intended to benefit about 2500 people in and about Pictou, and a few in Halifax. It was all nonsense to talk of the road paying—before it had been built five years, it would be a drag upon the resources of the province, and would not even pay working expenses.

He would ask honorable members to consider for a moment the deplorable condition of the roads and bridges of the country—neglected and out of repairs—in consequence of the revenues of the country being diverted from their legitimate channels. Did any person ever take the trouble to ascertain how many miles of roads there were in the province? In his own county (Yarmouth) there were no less than 500 miles of public road, which were travelled over daily by the population of the county. In the same proportion he calculated there were about 10,000 miles of roads in the whole province, in constant use—and he would ask, were these roads, which were of more consequence to the people than all the rail roads put together, to be allowed to go to ruin, for the purpose of benefitting a small section of the country, who were pressing for a railroad.

He had never heard of such a system as this in any country in the world. No despotism could be worse than this. In the island of Cuba the inhabitants were kept under the power of Spain by the bayonet, but their condition was hardly worse than ours. The Hon. Attorney General says that the building of this road will allay the jealousies between the East and the West,—it will do nothing of the kind. Is the West to stand by and see themselves robbed of their rights for the benefit of the East? He thought not. The Government had not acted fairly or honestly in the matter. If the pressure came from the East, they should have told them that they had no right to press for more than their rights. They should have looked at

the interests of the whole Province, and not have been influenced by local feelings.

"But," says the Government, "we are going largely to increase the road-grant." This is all very well; but did any one ever hear of a rat trap being set without a good bait? (laughter.) It was not at all likely that, with £30,000 a year more to be taken out of our revenue, there would be much left for extra grants to roads and bridges. He would say, then, let the railroad question rest where it was—there was no occasion to revive it now—the people of Nova Scotia had plenty of other things to turn their attention to—and he did not believe it was wise in view of the complications that might arise between the United States and Great Britain, to embark in this enterprise now. There was no public necessity calling for it, and he was inclined to think that the revival of the question now was nothing more than a political scheme to enable the Government to retain power. He hoped, then, that the Government would not press this Bill. He did not care who governed the country, provided it was governed well. He never supported a party for the sake of party, but only so far as they carried out the views he honestly entertained. He did not mind giving way in small things, but on a question of this kind no man of any principle, who had any regard for the consistency of his public conduct, could give way. He had no doubt that there were many amongst the Government supporters who coincided in his views, and would vote with him if they followed their own inclinations. In expressing himself as he had done, he was simply acting as an individual member of the House—he did not expect to influence any body, and did not pretend to any eloquence. He simply stated such facts and figures as induced him to vote against the bill before the House, and he would leave the subject at present without any further remarks.

He had not intended to address the House at that time, and would not have done so but for the desire of the government to press the bill through. It was his intention to frame an amendment which he would submit for the consideration of the House.

SPEECH OF HON. PROVINCIAL SECRETARY.

Hon. PROVINCIAL SECRETARY said:—The hon. gentleman who has just sat down will have ample time to draft any resolution he may wish to bring forward, and he will find the Government disposed to debate the question as fully as the interests of the country demand. After the speech which has been delivered by the hon. leader of the opposition, I feel that "Othello's occupation is gone." I was prepared to have girded on my armour, and met a foeman worthy of my steel—to have made a speech upon the question that is now under the consideration of the House; but after the patriotic and statesmanlike remarks that have fallen from the leader of the Opposition on this subject, it would be entirely unnecessary. It would be worse than unnecessary were I to enter upon the line of discussion on this question which I was prepared to do, if gentlemen opposite, as had been currently reported, had decided to oppose the bill which is now before the House. I can truly say,

that I do not regret that my intended speech has been spoiled.

I regret, however, that the hon. gentleman, in taking the position he has on this question, has impaired the credit that I think would have been otherwise due to him by an attempt, and a very weak attempt, to fasten a charge of bad faith upon the government of his own country. I have said that it is a very weak attempt and I will give you my reasons for saying so. The hon. gentleman, in defending the legislation of the late government of which he was the Attorney General on the subject of the Intercolonial Railway, found it necessary to excuse himself from having seen the minute of the Canadian Council of February 25; for he, no doubt, felt that he could be charged with a deliberate insult to the House if he had brought down these measures and asked the Legislature to pass them, knowing that it was a nugatory, and worse than useless proceeding, since it was tying the hands of his own country and of his people to an inoperative project and preventing them from discussing and completing these measures of progress which the country required. In order to excuse himself, he says, as far as his recollection serves him, he had never seen the Minute referred to up to the time of the passage of the Intercolonial Railway bills. I feel that the hon. member required to shelter himself under the excuse that he had not seen this document in order to render his conduct defensible; but what do I find? The House knows that the Intercolonial Railway bills were never introduced until the twenty-third day of April last, and I hold in my hand the copy of this Minute which I obtained from Lord Mulgrave when the railway survey was proposed after we came into power. On the back of this document which is the Minute of the Council of the Canadian Government of the 25th February I find "ordered to be printed on the 3rd March, and printed on the 12th of March." Had not the hon. gentleman made the statement that he has, it would seem incredible that these documents which were submitted to the Canadian Legislature on the 3rd March and actually printed on the 12th, should not have been within the knowledge of the Government of Nova Scotia. It does seem strange, indeed, that they should have been so remiss in their duty, as not to know what was taking place in reference to this subject of an Intercolonial Railway in a province whose action was indispensable in any legislation that could be effective. I say, sir, that when the hon. gentleman, in order to justify himself, pleads ignorance of that document, he is not in a position to charge the present Government with a want of good faith in repealing those bills which it is evident were improperly passed, and are now as they were then, useless.

The position which I took last session in reference to this Intercolonial Railway proposition will be fresh in the recollection of most gentlemen here. The resolution which I moved was supported by the whole party with one exception, and is to the following effect:

Whereas the Canadian Government have refused to accept the terms offered by the British

Government, for the construction of the Intercolonial Railway, and no action on the part of this House can effect anything, except to bind this Province to a very serious proposition, without any practical result being obtained:—

Therefore Resolved, That on the eve of a General Election it would be as unwise as it would be inoperative to pass the resolution now proposed.

Such is the position that the party now in power assumed—one that the honorable gentleman, in the face of this document which I have referred to, must acknowledge was sound and statesmanlike. This was the position that the hon. gentleman should have taken, but in the eve of a general election they forced upon the Statute Book a measure which was abortive, because Canada, an essential party to the agreement, had withdrawn from it—a measure which, even if concurred in, was to bind the people of this country to an annual payment of more than £50,000 a year.

We protested against the passage of their bills, and did all that a party who were acting in the interests of the country could do. I hold in my hand another document to which I am happy to say the leader of the opposition pays but little respect—the organ of the late Government. I am happy to know that the obstructive and factious policy which has been enunciated before the people of this country by the “Morning Chronicle” is repudiated by the hon. leader of the opposition whose action in this House is far more patriotic. On every question of importance during the present session, down to the present hour, the action of that hon. gentleman has been honorable and creditable to him, while the language of his organ is factious in the last degree. During the past summer this paper has emphatically declared that the Intercolonial Railway project was at an end, and when Canada was preparing for a survey, repudiated it, and urged the extension of the line to Pictou. Now, when that is proposed, they wish to revive the Intercolonial, and obstruct the Pictou line. The *Chronicle* declared that “this project of the Intercolonial Railway, by common consent, must now be considered as substantially abandoned.” Now I ask, can the Government be charged with bad faith when this same paper actually urged upon the people of this country that this very bill which is now upon the table should be brought forward, and that the Intercolonial Railway should be laid aside as one which has been, by common consent, abandoned.

I will not go into the merits of the proposition of last session, and the views of myself and gentlemen who acted with me then, and are acting with me now, but shall proceed to refer to some few points in the speeches of the gentlemen who have already spoken. I could not but remark the difference of tone of the leader of the opposition on the present occasion, compared with that he assumed in 1859, in giving his support to the Pictou railroad. What was the position of the country then? In that year there was a large deficit. Instead of the whole revenue being equal to the expenditure, there was a deficiency of something like £20,000, and that was an annual deficit, and yet in the face of that

condition of things that hon. gentleman (Mr. Archibald), in language which is under my hand, urged upon the Province to undertake at once the extension to Pictou. The honorable member for Yarmouth declares that our course is inconsistent. I challenge him to put his finger on any statement that shows the slightest inconsistency. If he will make good that statement I will vote with him. If he will prove that we are acting in opposition to the principles that we have ever enunciated, I will retire from the government; but he cannot do it. The Government in 1859 discharged what they considered to be their duty and enunciated views which are identical with those which they express now. When the leader of the opposition endeavoured to force the government into the immediate construction of the line to Pictou and in glowing language pointed out that it could be done without the slightest peril to the country, we differed in opinion from him and said that having a regard to the obligations that we owed to the whole people, it was our duty to refuse to incur such an expenditure in the position in which our finances then stood. We were just going to the country, and everybody knew and felt that from the county of Pictou would probably come the verdict that was to decide the fate of the Government. Yet standing in that trying position we did not shrink for a moment from our duty. We rejected the proposal to press the Railway to Pictou as being unwise in the financial condition of the country at that time. But in what terms did we do it? Did we take the grounds that it would be unfair to the people of this province that the railway should ever be extended? No, we did not deny the benefits of such a railway; we took our position as public men, and whilst we stated we were not prepared in the existing condition of the country to press that measure upon it, but were bound to resist it and take the consequences of such resistance, at the same time we pledged ourselves that whenever the resources of the Province permitted it, as soon as it could be done without embarrassment to the public finances, the railway would be constructed to Pictou. I hold in my hand the official report of the speech which I had the honour to deliver against the immediate extension of the railway,—and the hon. member (Mr. Killam) must not tell me we went to the country as opposed to its future construction. The views we now hold and those we expressed in '59 are the same. I look at the return of the hon. member for Yarmouth as affording evidence that the people of that constituency thought that the railway should be carried to Pictou—as an evidence that that intelligent and wealthy constituency endorsed the measure that is now on the table. They went to the Polls, knowing that their representative had approved of the policy of constructing a railroad to Pictou, for he had declared last session that was a work that could be properly engaged in, and that he would endeavour to reconcile his constituents to its construction. With that declaration, made on the floor of this Assembly before the people, we have a right to assume that he went to his constituency and that they approved of his policy upon that important

question, but they did not require any evidence from the hon. member for Yarmouth as to the views of the Conservative party on this question, for they have always been put clearly before the country.

The question of the mode in which railways should be constructed was settled before I came into the Legislature; but if I had been in it, my views would have been in accordance with those enunciated by the hon. member for Yarmouth and by the present leader of the Government,—that the railways should be constructed by private enterprise rather than by the Government. I held this principle at the time railways were first agitated, but, as I said before, the question of the mode in which railways should be constructed was settled before I came into the Legislature, and the policy was fixed. But in the very first speech that I delivered in the House, I stated that it was necessary to extend these works. And again: "That we are to have it (the Railway) is no longer a question; the policy of having railways—and railways built by Government—is now settled," etc.—Therefore, as I said before that policy was settled, and the gentlemen who opposed it are not bound to continue that opposition after it has become a fixed fact. What did the hon. member for Yarmouth do when we came into power in 1857? The railway at that time was only under contract as far as Shubenacadie, and what did he do when it was proposed to extend it to Truro? Did the hon. member get up and say he would withdraw his support if any further extension was made? No, he gave his support, for he saw that it could not stop at Shubenacadie, but should proceed on to Truro, where there was greater probability of its being profitable. I will now refer to the statement by which I bound myself as a public man when resisting the extension to Pictou in 1859; it was published before the country, and is expressed in clear, unequivocal terms; I said, "We are alike bound by good faith with the Eastern portions of this Province, and by regard to what I believe to be for the best interests of the country, to carry this road to Pictou *the moment we can obtain the measure without embarrassing too deeply our resources.*" Here I gave a pledge to the country to carry out the extension the moment the finances of the country warranted it. I added on this occasion the hope that "at the ensuing session we may meet the Legislature with such results as will permit our extending the lines without incurring any unjustifiable risk, by which our credit might be seriously imperilled and irretrievable damage inflicted upon every portion of the country. It would be most agreeable to our feelings to proceed without delay to Pictou, but a stern sense of public duty compels us to pause for one year." Now I would ask the hon. member (Mr. Killam) is it possible for any public man to put his views before the country more unequivocally? would it be possible for any man to bind himself to a more emphatic pledge than that by which I bound myself at that time? These statements were made in the face of this Legislature, and were published to the country. But the hon. member speaks of the injustice of taking the money of the whole people to construct a work

that is local. I enter fully into the feelings of the hon. gentleman on the subject, and it was to meet that difficulty that the Government have felt bound to pursue the course they have. When there was an annual deficit of £20,000, we refused to go on with the line because it would imperil the public credit; but what is our position now? The hon. member knows that instead of a deficit, the Government have a revenue at their command which enables them to make such provision as has never before been made for the great public services in the history of the province. With such a large surplus in the public treasury, without anything to excuse ourselves, could we have withdrawn ourselves from the pledges that we had made to the people and left ourselves open to the imputation that they had been only made to deceive the public mind? I have always felt, as I just said, the injustice of such works being so entirely local. Something like five millions of dollars has been spent in counties in the immediate neighbourhood of Halifax. Everybody who has travelled to Windsor knows that he passes through the most unproductive and sterile portion of Nova Scotia, and over a line that cannot possibly give any large amount of local trade; and to some extent, the same applies to the line to Truro. But I feel that it is an injustice to pay annually £60,000 of interest on a work that is not calculated to advance our trade to any material degree. I have felt that any Government would be false to their duty to the whole Province, if they kept the road so entirely local, and prevented the East and West deriving the advantages due to them. The hon. gentleman in his remarks appealed strongly to the West; but I regret that he should use his influence—which I know is very great—to create a sectional antagonism. Let him look at Canada, teeming with boundless resources, and he will see it paralyzed at the present moment, its best energies almost strangled in the struggle between East and West. It is this strife between the two sections that has rendered government in that country almost impossible, and is at this moment rendering its Legislature anything but a gratifying spectacle to British North Americans. I regret sir, to find the hon. gentleman endeavoring to create in this Legislature and in this country that same undying and inveterate hostility that rends that great colony of Canada in twain! I trust that with all his ability, and all the influence that he has acquired that he will be powerless to engender such a strife in the Province of Nova Scotia. Look at the geographical position of this Province, and what do you see? You see two sections of the country remote from each other—you see evidence to show that the prosperity of our common country can be obtained only one way, by a generous union of the people, east and west, for the common good. Therefore the Government, in propounding this policy of extension of railways, afford a pledge that they will not stop at Pictou. The same policy that binds us to carry the line into the Eastern portion of the Province, also pledges us to extend it into the fertile valleys of the West, and thus furnish facilities for the extension of trade from one end of the Province to the other. That is the policy of the present

Government, and it is one which I believe will commend itself to the judgment of the House and of this country. I believe that this House will not consent, having already spent a million of money that is comparatively useless, to leave matters as they are, but will unite in a generous spirit to push forward the railway to the waters of the Gulf of St. Lawrence and tap its abundant resources; and that when it has discharged that duty, it will feel itself equally bound to go into the fertile counties west whose population and resources must give increased employment and make it eventually valuable to the whole people of this Province.

But what does the railway do already? One-third of the entire population of the country has been carried over it during the past year. Look at its growing traffic, and you find that compared with 1859 the first year it was opened, there is an increase of more than \$40,000 in the receipts. You find month by month, as the year 1864 passes by, that the traffic is steadily increasing over that of 1863, and we have every reason to believe with these figures before us that all that is necessary to make this work more productive is to carry out the policy that the Government have already propounded, to extend the road East and West. I do not, sir, forget the great importance of an Intercolonial railway. From the hour I first had a seat in this House, I have always done my best to advance that great work—the first speech I made was in its advocacy. Almost the first despatch I wrote was with a view to promote that object. I believe it is of vital importance, and that the Government of Nova Scotia that would not put forth every effort to secure the construction of a line of railway to connect us with Canada and the United States would be false to the best interests of the people. But it has been admitted on all sides that we are at present unable to proceed with that work. Whenever the time comes that it can be carried forward, whenever terms are offered favorable to the country, I am sure North, East and West will join ungrudgingly in giving the assistance that is necessary.

Now the hon. member made some remarks in reference to Halifax, and perhaps it is unnecessary to make any reply, since that city has representatives who are fully able to attend to its interests. A suit is now pending, as every one is aware, in respect to the railway debt to this Province. I believe if you pass this bill you will put an end to that suit; for what is the chief plea they have put in in bar of the payment? That we have stopped at Truro and Windsor,—that we have not carried out the policy as first agreed upon. I trust that when they find that the Government are about to open up the whole treasures of the East—to open up the island of Cape Breton, whose resources have been so eloquently described—they will come forward and in that spirit that would be creditable to them, say that the suit is at an end, and Halifax is prepared to carry out the obligation which was incurred when the railway bills were first passed.

The hon. member (Mr. Killam,) argues that some disaster may happen to the financial condition of the Province, if the war ends. But

he goes further, and says, if war comes, in what condition shall we be? So, according to him, it matters not whether there be peace or war—it is all the same to him, he is determined there shall be no railways. I believe that we owe our improved financial condition at the present moment largely to the effects of this unhappy war between North and South.

[The hon. gentleman was here interrupted by a Message from the Legislative Council stating that they had agreed to several chapters of the R. S. He then continued:]

Mr. Speaker,—I was observing that the financial condition of this country had been very materially improved by the consequences of the struggle going on in the adjoining republic. Every person knows that we owe this to a large extent to the fact of the change that has taken place in the tariff of the States; but it is a change which evidently must be permanent. The existing tariff must continue, long after the war ceases, in consequence of the debt it has created. On the other hand, let peace come upon any terms whatever, and an additional impulse must be given to the trade of this Province. It must open up the whole of these Southern ports, and nobody who looks at the splendid marine of Nova Scotia—a marine not equalled by any county of corresponding population on the face of the globe—which gives a ton to every man woman and child in the Province—but must feel how the prosperity of Nova Scotia will be enhanced. Therefore I take a very different view of the future from the hon. member for Yarmouth; I believe that the position of this country is such as to give us confidence that we can without the slightest detriment to our resources, go on with this extension of our railways.

But I was not a little surprised to find the hon. member for Colchester—the leader of the Opposition—who was disposed to see everything on this question so *coulour de rose* in 1859, inclined to qualify his views so materially. He says it is a serious responsibility to burthen this Province with £24,000 a year interest. When the island of Cape Breton was not expanding as it is now—when its immense resources were comparatively undeveloped, when we had not half as much reason as we have now for confidence in our railways, he used very glowing arguments in favor of extension. He now fears that the coal trade cannot afford any revenue to this road, but I have run my eye over his speech, delivered on a former occasion, and I cannot find a single word about coal in it, and yet that speech was intended to show the increased traffic we would derive from the immediate construction of the railway, and the annual burthen was estimated at about £9000. I think, taking the most unfavorable view of the case,—looking at the results that must flow from the resources of the East which are so rapidly expanding—we may safely calculate on something like one half the amount of interest or £12,000 a year being returned. The extension, every body knows, will not increase the working expenses in the same ratio as in the present line. The same locomotive now required for the Truro line, the same persons in charge will go on to Pictou. The additional traffic that will be thus brought over the existing road from Halifax to Truro

must necessarily give no inconsiderable increase of revenue.

The hon. gentleman then concluded by referring to the great facilities to trade that would be afforded to the population lying far beyond the terminus of the railway, and the indirect return to the country from the same, in time and cost of transport to all who visited the markets of the metropolis, and expressed the conviction that the interests of the whole people would be promoted by extending the lines East and West, until the great body of the population of the Province had the means of easy and rapid intercourse with each other.

SPEECH OF MR. STEWART CAMPBELL.

MR. S. CAMPBELL said:—We all appear to be in rather an extraordinary position to-night. Some of us are speaking from this side and to King to the other, and I feel myself in this position on the present occasion. The hon. gentleman who has just resumed his seat has referred to the period when we both came into this House, and one of the first votes we were called upon as public men to perform was to signify our opinion or opposition to the railway scheme then before the country. As a young politician, I considered it my duty to be guided by the opinions and judgment of those on whom I thought I could rely, and I accordingly gave my support to the railway measure then before the country, and from that time to this I have, I think consistently, during the various phases of railway enterprise given my support to that progressive movement.

I am now to ask myself the question, whether in reference to the present measure I should abandon past opinions because this measure comes from the other side. (Hear, hear, from the Pro. Sec.) I cannot, sir, take that course—it would be inconsistent with the position I hold as a public man, and is consistent with the obligations which ought to influence any one worthy of a seat in this Assembly. With regard to the Imperial measure I must say I have very great doubts whether that scheme will ever take in anything at any time. The negotiations which have taken place with the adjoining colonies have not been such as to impress my mind with any conviction that reliance can be placed upon some parties to that scheme. I have seen this measure made use of in the Province of Canada, not in reference to its merits, but in reference to the position of parties, and the standing of public men in that colony. I have seen that measure bandied about from one party to the other, and the time has come when a strong impression has been made upon my mind that we need not look for any bona-fide support from the public men of that country in reference to that scheme. And further in addition to the opinion which I have been led to form with regard to that Province and its public men and the general apathy of its people upon the subject, I think that the declaration made by the Government of the country, that that scheme is to all intents and purposes abandoned, is one which I am bound to act upon. Therefore the question comes before me upon this simple measure, Am I to support or reject it? Because it comes from

that side of the House I shall not reject it; upon its own intrinsic merits I shall support it. I look upon it as a progressive measure, as one calculated not only to advance the interests of the Eastern sections of the Province, but also likely to give an impulse to the prosperity of the entire country. (Hear, hear.) I regard it not as an Eastern man, not because it may come home to the interests of my constituents, but because I look upon it as a broad measure, that, in a Provincial respect, is to produce general and beneficial results.

We have heard something of consistency in the course of the debate. Well, there has been something to the contrary, I must say,—but I do not wish to use the language of recrimination. I have been consistent. During the various contests through which I have passed in order to maintain my seat in this House, during the general elections that have occurred within the past fourteen years, the railway enterprise and my connection with it, has always been cast in my teeth. I have received in reference to my views on the general question very violent opposition, and that from those very gentlemen who are very closely allied politically with the hon. Attorney General and his friends. Even at the last election, when I declared upon the hustings my determination to support any feasible and reasonable measure of railway progress, I received opposition from the same quarter upon that ground, but I met and successfully dealt with that opposition, and as I then stated my determination to give my support to any railway measure, come from what quarter it might, so to-night I am prepared to act out fully the views and determination then expressed. In justice to myself, and with regard to the past action of hon. gentlemen connected with the present Government I may say that when railway measures were the theme of discussion in this House, in times past they were opposed, because it was believed they would abridge the road and school what are the facts? I supported railway measures and produce other disastrous effects, but cures at that time, notwithstanding these statements, and now, notwithstanding the large expenditure that has been incurred for railway progress and the large amount of interest we have been called upon to pay annually, the grants for the ordinary services of the country have not only not been diminished, but at the present moment are of a larger amount than at any previous period in the history of this country. We have seen by the Educational measure introduced by the hon. Provincial Secretary, that something like \$20,000 is the amount exceeding that of the past year.

Dr. LUPPER.—\$24,000 rather.

MR. CAMPBELL.—I have not taken the payment to the province into account. This of course is to be added. We are told too that the road money is to be of a larger amount than heretofore granted. This I conceive is a sufficient justification to myself for the course which I have taken in regard to railway measures in the past. It is some rebuke, however, to those who threw these difficulties in my path at the time I upheld these measures, that the prejudicial results which were foretold as certain to accrue from railway expenditure have not been realized. It must also be

borne in mind that we have paid the interest with punctuality under circumstances of some embarrassment connected with the financial condition of the country, and therefore I think an argument may be deduced from that circumstance in favour of extending the line to Pictou.

In view of the commercial advantages that may be expected to be derived, and of the general benefits that will be conferred upon the Province at large, and the growing prosperity and abundant resources of the Province I believe the extension to Pictou is a matter that may be undertaken with safety. I took some objection, sir, when the Education bill was before the House, to the Executive forming the Council of Public Instruction; I am happy now to give them my support as a Board of Construction. I think they are more in their true position when they claim this, than with reference to the measure to which I have already alluded. In conclusion, I may add that the views which I hold with regard to this measure constrain me as a public man to separate from some of the friends with whom I usually act and vote, in support of the present government measure. I take this course perhaps under some circumstances which might, in some minds, justify me in giving them my opposition. The Government, it is well known, have no peculiar claims on me. The Province has those of public duty. That duty I shall, on this question, as I trust on all others, endeavor to discharge irrespective of private interests, prejudices and partial affections.

SPEECH OF MR. LOCKE.

Mr. Locke did not rise with the intention of making a speech, but it would be necessary for him to say a word or two, after the reference which had been made to him by the Hon. Atty. General, who, in opening the debate, read a resolution, which he (Mr. L.) had voted for at the time, and attempted to fasten upon him a vote in favor of the Pictou Railroad. If on this occasion he should take the course of voting against that measure, he hoped that the Hon. Atty. General would not think him more inconsistent than he himself was, for on the occasion referred to, the Atty. General's vote would be found recorded against the extension of the line to Pictou.—But he contended there had never before been bills submitted to the House for the construction of the road to Pictou. The nearest thing approaching it was the bill introduced last winter on the subject of the Intercolonial Railroad, which provides for the construction of the road to Whall's Mills. He voted for that measure as part of the Intercolonial scheme, and if it had been stated that the road was to be carried on to Pictou, it might have had his opposition, although he would not say positively that it would. The Intercolonial line being to him a question of so much greater importance to this country, the Pictou road could only be thought of if that great line were abandoned.

He would like to ask a question of the Government before saying anything more. He perceived by the first clause of the Bill which referred to the location of the line, that it was proposed as far as practicable to keep to a line common as well as to the Pictou Branch, as to the proposed Intercolonial route. He presumed

from that that the Government had no intention of abandoning the Intercolonial line, and yet the Hon. Provincial Secretary, in reply to the leader of the Opposition, stated that it was his intention to strike the law from the Statute Book. He would like to be informed whether it was contemplated to repeal the laws relating to the Intercolonial road.

Hon. PROV. SEC.—Yes.

Mr. Locke did not think it wise to do so—or to enter at the present time upon the construction of the Pictou railroad, which was certainly not going to benefit the whole Province, and which undoubtedly would cost a very large sum of money. By Mr. Laurie's report it would on the route to Abercrombie Point cost £500,000 and on the East Town route £578,000, and this was a very low calculation. Any one who had any experience in such matters knew that the estimated cost fell far short of the actual expenditure, and he would not be far wrong in putting down the cost at from £850,000 to £700,000.

If this work was undertaken, we might bid good-bye to the Intercolonial Railway, for many years to come—for it would be folly to suppose that the British Government would assist or lend us British capitalists the money for that work, when we had an additional burden of half a million or more upon our resources. They would be very apt to say to us, as a Halifax merchant would to an over-speculative customer—"you have been trading beyond your means—we cannot help you any more." Therefore it was that he considered that the Government were sacrificing the best interests of the whole country for the purpose of gratifying the prejudices of the Eastern part of the Province. When the member for Colchester, Mr. Archibald, addressed the House on this question, the Hon. Prov. Secretary complimented him upon the honest and patriotic manner in which he supported this measure, and at the same time took it for granted that he was speaking the views of the whole party. Such was not the case, for upon this question the members who composed the opposition held separate and different opinions; and while he admired the manner in which the Pro. Secy. reciprocated the support of the leader of the Opposition, he could not say much for the taste he exhibited in kissing him on one cheek and then smiting him on the other—for in the way in which he referred to that gentleman's former action upon the Intercolonial Railroad, he had entirely destroyed the effect of his compliment.

The Hon. gentleman concluded by saying that he had come into the House in 1851 as an advocate of the European and North American railways. When the Intercolonial scheme was first advocated it had met with his approbation, as a measure calculated largely to increase the prosperity and importance of this Province. Still entertaining those views he felt that the Government, in building this road to Pictou, were embarrassing our resources, so as to prevent the accomplishment of that great work, and he could not help expressing the opinion that the Government, in taking this course, were yielding to the pressure from the Pictou members, which their strength should have enabled them to resist. He would offer the following resolution for the consideration of the House:—

"Whereas this Province is deeply interested in the construction of an Intercolonial Railway connecting our country with the railway system of Canada and the United States, and making Nova Scotia a channel for a large part of the traffic and transit between the old world and the new; and whereas the expense of constructing a railway to Pictou would put it out of the power of the Province to entertain that important project, and thus sacrifice a great Provincial object to one of a mere local and sectional character.

"Resolved therefore, that it would be unwise to embark in any local line until the question of an Intercolonial Railway is definitely and absolutely abandoned."

REMARKS OF MR. ARCHIBALD.

Mr. ARCHIBALD made a few explanations. He referred to the statements of Mr. Mosse as respects the results likely to be derived from the railway, and then went on to say:—Was I to assume that the offer of the Government which had always doubted the productiveness of railways would have placed on the journals of this House a statement so entirely delusive? If the railway had yielded us in 1860 £11,000, as we had reason from Mr. Mosse's report to suppose it would, I think we would have been in a position to have gone on with the extension of the road.

The hon. gentleman complains that I have not drawn so flattering a picture of the prospects of the railroad as I did on a former occasion. Could he ask me to address this House in language not qualified by the experience of the last nine years? I did not say, however, that we were not in a position to bear the burthen of £24,000 a year additional of interest; on the contrary, I said this was a small consideration compared with the advantages that we would derive from the construction of the railway. But I am inclined to think that a good deal of the hon. gentleman's speech was in answer to one which was not delivered.

The hon. gentleman says that it was exceedingly unfair for the late Government to pass the railway bill when just going to the country. I believe we took a position which, whether prudent or not, was at all events frank in the extreme. We passed a bill which we knew at the time would be used to mould political capital against us over large sections of the Province; and I ask the hon. gentleman if this were the last session of the House would he be so ready to introduce the bill now before us. I ask his supporters from the same quarter of the country if they would; if they did, I think it would be the last political act they would be called upon to perform for a number of years.

The hon. gentleman says the public faith of this country is not pledged. He says that my only excuse for passing the Bill was that we had not seen the despatch of the Canadian Government. I did not state that if we had known the Canadian Government would have taken such a position, we would not have been willing to pass the bill we did. What is the position of this question? Deputations from the three Governments meet at Quebec, they enter into an agreement—one that as far as a Province can be bound solemnly, bound all three. Canada is just as morally bound by that agreement as if she had passed a statute. As respects

the sinking fund, when the British Government said Canada might deposit it in her own debentures, there was an end to the objection on that ground. Therefore to attempt to escape from the bargain on the ground that the British Government insisted upon a sinking fund, was nothing more than to declare she did not intend to pay at all—that determined to repudiate the agreement solemnly entered into, she seized upon this as a pretext. Nothing was said at the time of the Convention with regard to the Railway as a contribution towards Provincial defences; and therefore the attempt to force this as a part of the basis was a breach of the compact entered into between Canada and the other Provinces, and even if Canada thought proper to shuffle out of her just obligations, by pretences and pretexts, it did not at all prevent Nova Scotia and New Brunswick being bound to each other and to the Imperial Government to enter into the legislation necessary to carry out that agreement. In reference to the Minute of Council, I stated that which no gentleman here will suppose I would state if I did not believe it to be a fact. No official communication, so far I know, was ever made of this document to the Government of this country.

Dr. TUPPER.—I don't think there is.

Mr. ARCHIBALD.—Lord Mulgrave may have had this document in his possession. It may have come to him as other legislative papers came; but that he ever read it or any member of the Government is not, so far as I know, in accordance with the fact. But as I intimated before, had it been so, it would have made no difference whatever in what I conceived to be the duty of the Government. We acted according to our views of what was due to ourselves and to the other contracting parties. We felt we were honestly discharging the obligations which we owe to those to whom we had pledged our faith.

SPEECH OF MR. BOURINOT.

Mr. BOURINOT said—My hon. friend from Shelburne (Mr. Locke,) when he addressed the House, alluded to the charge of inconsistency that might be brought against him in connection with this present question, and defended his action by reference to that of the hon. Attorney General on a previous occasion. Now, no one who reads the political history of the past but must find that public men are sometimes inclined to inconsistency, but is it to be said that public men, as their experience enlarges, and time passes, should not change their views from honest conviction. Take the case of Sir Robert Peel; he was charged with inconsistency. He had for years been a warm advocate of a restrictive policy, but the time came it was necessary that he should pursue a different course for the good of his country. When I hear recrimination on this point bandied about on both sides, I cannot help thinking it would be better left alone and the question actually before us was grappled with. We are now dealing with one question alone. The past is gone, and we should only look to the present and its probable results upon the future.

Some remarks that have been made by the hon. members for Annapolis and Colchester, (the leaders of the two parties in this House), have

been most gratifying to me. They both combined in paying a just tribute to the Island of Cape Breton, of which I am proud to acknowledge I am a representative. The time has arrived at last when these gentlemen from this section of the Province are convinced that that Island has a great future before it, and are incited to do it justice, although tardy justice. (Hear, hear.)

Now, sir, it is necessary that I should state the grounds upon which I give my support to the bill before the House. I must acknowledge at the outset, that I was not a very warm supporter of the measure, but I am one of those inconsistent men whom conviction has brought to support the bill. As respects the Intercolonial railway, I must confess that this is a measure of which I have always been a warm advocate. I have always taken a Provincial, not a sectional view of the question. It is one, I am convinced, that every true lover of his country should support with all the energy and ability at his command. When we look at the position of Canada, New Brunswick and Nova Scotia, is it not natural that a feeling should arise in favour of an undertaking that will bring them more closely together. Who is there that gives any consideration to the subject but must wish to see that great Union, so long the aspiration of every colonist, accomplished? But before that union can be realized, we must build this Intercolonial Railway—without it, union cannot be a real fact.

But I am much afraid that the chances of having this great intercolonial project consummated are very slight for the present. Under existing circumstances I think we should turn our attention to the Pictou section of the railway, and endeavor to develop the internal resources of the country by those means within our own power. Now, speaking as a representative of the island of Cape Breton, let me endeavour to show by a few statistics, what is necessary before that section of the Province can derive actual benefit from the extension of the line to the Gull. If that island is to receive real advantages from the construction of the railway, there must be connection by steamers with its remote sections. There are two routes, on which steamers might be placed. The one is by Mabou and Port Hood—I say Mabou because a good harbour can be got there at very small expense. Then from the mouth to Whycomagh is 18 miles—thence by way of Baddeck through the Little Bras d'Or entrance to Sydney the distance is 57 miles; which together with the water passage across from Mabou to the proposed terminus at Pictou would be a distance of 142 miles. That is the shortest route to the eastern C. B. section, but it is not the one, taking a wider view and looking at the real interests of the island, that is preferable in my opinion. I would prefer the route by way of St. Peter's—a steamer to ply from Pictou, touch at Mabou, thence through the Strait of Canso and Lennox passage to the site of the proposed canal at St. Peter's, and here to connect the line by a second steamer on the Bras d'Or Lake, which would, before touching at Baddeck, pass through the Grand Narrows on to Sydney, the whole distance from Pictou being two hundred and

eight miles. By availing yourselves of this route, you afford the people of nearly the whole Island of Cape Breton an opportunity of benefiting by the Pictou Railway, the passage through Lennox passage is one of the prettiest in all Nova Scotia, and will give necessary facilities to the people of Richmond, and then you go up the fine water of the Bras d'Or, that beautiful island sea, with its borders dotted with its farms and sylvan scenes meeting one on every turn. The scenery that characterizes this route would be certain to attract in good time no insignificant number of tourists from all quarters. Every county would also receive the benefit of the steamers; and in fact in every way this appears to be the preferable route, as this could be performed entirely by water, whilst the first would be, to a small extent, over land.

Some reference has been made, in the course of this debate, to Prince Edward Island. Now, the distance from Pictou to Charlottetown is 50 miles. I find that the distance between Shediac, where the New Brunswick railroad line exists, and Summerside, is 49 miles, and thence to the capital of the Island 50 miles,—making a total of 90 miles that a person taking the New Brunswick route has to travel. Therefore it will be perceived that the distance by the Pictou line will be very considerably lessened.

There is another fact which is worthy of consideration in connection with the present question. It will be seen that the line of railway which will commence here and end at Pictou, will, as it were, give a direct communication to Prince Edward Island, Halifax, Colchester, Antigonishe, Guysboro', Pictou, and the whole Island of Cape Breton; and I find on reference to the census returns, the whole population of this portion of the Province, with Prince Edward Island, amounts to 270,000—or more than two-thirds of the people of Nova Scotia.

Nor can we forget to take into account the trade which will come from many parts of Newfoundland and Canada, through this means of communication—a trade which, in time, must grow very large, and form a considerable source of revenue to the line. But I must say, in all candour, that notwithstanding this, I would have hesitated to give my support to an undertaking of so expensive a nature, if provision had not been made for Education and the roads and bridges—these great services in which the people of this country naturally take so deep an interest. Even that railway, necessary as I believe it is to this Province—for I have always entertained the opinion that a country that wishes to keep up with the world must have these great works—could not have received my support to the injury of the great services I have mentioned. I am glad, therefore, to see that there are ample means afforded for elevating the education of this country and placing its benefits more nearly within the reach of all classes, as well as for making those improvements in the various counties of the Province which are absolutely indispensable. I must express my regret that my hon friend from Yarmouth does not take the same view that other gentlemen have taken on this question, but he seems constitutionally indisposed to support measures that are progressive in their character. He has always pursued this

course, no matter what Government is in power ; he has always opposed railways, whether they go east or west. I am much afraid that the hon. gentleman will always continue to hold the same opinions, despite all arguments that may be addressed to him. I must say I think that if he laid aside the narrow view that influences him in respect to the best interests of the country at large, he would assume a position that would probably become him more, as well as promote in good time the prosperity of his own constituency.

There are various considerations in favor of the extension which I could advance, if I did not feel unwilling to prolong this debate. There is one fact we should keep in sight, and it is this,—that a large sum is paid annually for the carriage of the mails to Pictou. Now, the moment the road is in full operation, there will be a very considerable saving made, which should be taken into account. I have no wish to detain the House longer, but simply to express a wish that the House will come forward and support this measure, which has been introduced here for the public good—which is not intended to promote the benefit of the few, but is for the advantage of the Province at large.

SPEECH OF MR. COFFIN.

Mr. COFFIN did not expect to throw much light upon the subject before the House, but he felt it his duty to offer a few remarks in explanation of the course he intended to take. When he was first elected a member of the House in 1851 the country was convulsed with the European and North American Railway scheme, and he came in pledged to support that measure. From the time that scheme was abandoned he had always been in favor of the Intercolonial line. Various propositions at different times were brought before the country in reference to that great question, until the people were worked up into a state of excitement upon the subject of railroads, and the government were at last obliged to undertake the construction of the present lines east and west. At the time they were undertaken, it was supposed that the cost would not be more than 6 or £7,000 per mile, and he did not believe if it had been anticipated they would have cost what they did, that they would have been constructed at all. In his opinion it was unwise at the present time to plunge the Province more largely into debt. Referring to the Chief Railway Commissioner's report, it would be seen that the gross revenue of 1863 was nearly \$11,000 more than that of 1862, whilst the net revenue of 1863 was about \$16,000 less than that of 1862. In view also of the present situation of the Intercolonial question, he thought it most imprudent to undertake the construction of the road to Pictou. The Province stood pledged to Canada in this matter, and she had under the terms of the act two years allowed her to come in. Even now that Province was evincing the fresh interest she has taken in this question, by having a survey made at her own expense in order to ascertain the most practicable route and the probable cost.

Was this a time, then, he would ask, to plunge the Province into debt to the tune of £40,000 a year—for the experience of the past

had told us that the actual cost exceeded the estimate by about one half, and so he believed it would turn out in this case. He was therefore opposed to repealing the existing laws on the subject of the Intercolonial Railroad until the time limited had expired. If we did so, he considered we would be lowering ourselves in the estimation of England, and all the other colonies. What would they think of a country in which on a change of Government they repeal the laws which the previous one had passed pledging the faith of the Province? It appeared to him that it was not a very honest or fair mode of dealing with a public question of so much importance. In every point of view the Intercolonial line far exceeded in importance this little kite-flying scheme, which was only designed to keep the Government in power. In the matter of local traffic, who could doubt but that the trade of the fine county of Cumberland would pay far better than that of Pictou? To say nothing of the importance of the connection with New Brunswick, and the great Province of Canada. These were the views he had always held on the subject, and he regretted much that this premature legislation should be allowed to destroy so fair a prospect. He could not say that he very much blamed the members from Pictou for urging this matter on, perhaps he would have acted in the same way, if the road was to be built to his county. In reference to the remarks that had been made by the member for Guysborough about an increased road grant, he did not know where he got his authority from.

Mr. STEWART CAMPBELL.—The Prov. Sec'y. said the road grant would be larger than it was before.

Mr. COFFIN.—Well, at all events it would have been fairer and more satisfactory to have had the amount of the road grant known, and the sub-division before the House, before the question was brought up.

The increased prosperity of the Province had been referred to as an argument in favor of going on with this work. He would advise hon. members not to build too largely upon that. Experience had shown that every eight or ten years a commercial crisis occurred—we had one in 1857, and in the natural course of things we might expect another in the course of two or three years—so that it was not safe to calculate upon the same increase in the revenue as we had lately enjoyed.

These were the views which influenced his mind, and which would induce him to vote for the amendment proposed by the hon. member for Shelburne (Mr. Locke).

REMARKS OF MR. ANNAND.

Mr. ANNAND said—I don't rise for the purpose of making a speech, but I wish to understand from the leader of the Government whether I am correct in assuming from his remarks of yesterday that it is the intention to repeal the act referring to the Intercolonial Railway. Do I understand him also to say that it is the intention to repeal the act of last session respecting the Pictou railway?

HON. ATTORNEY GENERAL.—I never understood that was a Pictou measure. The member

for Shelburne (Mr Locke) has said that it was only a part of the Intercolonial scheme.

Mr. ANNAND—I find on reference to the speech delivered at the opening of the Legislature that it speaks of the extension of existing lines of railway. Now I want to know from the government whether it is the intention to submit any other measure than those before us.

Hon. ATTY. GENL.—My hon. friend, the Provincial Secretary, declared very clearly before the House adjourned at six o'clock, what is the policy of the government with respect to the extension of railways.

Mr. ANNAND—Then I am to understand that the great Intercolonial railway scheme, so dear to the heart of every British American, has been abandoned, and that we have only in its place this merely local measure, good in itself, but very inferior in importance compared with the first great project. Now I have to call attention to another passage in His Excellency's speech. It refers to a Union of the Provinces of New Brunswick, Prince Edward Island, and Nova Scotia; but before that Union can be effected, I believe we must have this Intercolonial Railway. I am in favour of this Union, I believe in free trade between the Provinces. I would go further and say it was the strong feeling of the Ministers of Canada at the time of the Convention, that if the Intercolonial Railway was built, there would be reciprocal free trade between these Provinces. I cannot imagine any measure so beneficial to these colonies as this Reciprocity; it would develop their wealth to an extent which is incalculable.

Now I think the action of the government on the present occasion is premature. I think before gentlemen are asked to vote for the present measure, the acts now on the Statute book should be repealed; I would be quite ready to go for the Pictou Railway if this were done.

SPEECH OF THE HON. SOLICITOR GENERAL.

Hon. SOLICITOR GENERAL then addressed the House to the following effect—The hon. member for the Eastern district of Halifax who has just addressed you has stated that the present Government have abandoned the Intercolonial Railway. If that charge were made against the Ministry of Canada or that of New Brunswick, it might have a semblance of truth, but when he insinuates that the Government of Nova Scotia is chargeable with the failure of the negotiations respecting that great scheme, he is entirely incorrect. No evidence can be adduced that will bear him out in this assertion. I can recollect that at the time when a despatch came out from the Duke of Newcastle on this subject previous to the last negotiations, I felt that it afforded us no reason for hope, but was simply one way of letting us down gently. It was considered by some gentlemen as holding out hopes of the probable construction of the Intercolonial Railway project; but I never so regarded it. Now, I think that the events of the past few months have shown that I was not far wrong in the conclusions I came to on the occasion referred to. I am convinced from what has taken place that we have no reason to expect that success which some

gentlemen seem to think is not impossible.—But let me here state that I do not think there was anything in the conduct of the two Canadian delegates that went to England that should make us believe that they failed in their pledges. It is asserted by the hon. leader of the Opposition that nothing was said about the defences of the country at the time of the convention. Well, all I can say is, that subject appears in the Minute of Council; it is stated that this was one of the considerations that the Canadian delegates were to take into account. I do not wish to say anything that is not correct, and therefore I will read this clause from the Minute of Council:—

[The hon gentleman then read an extract from the Minute of Council in support of his statement.]

Mr. ANNAND—There was nothing to lead the Delegates from the Provinces to believe that Canada intended this project as a contribution to her defences. It will be in the recollection of some gentlemen that after the Convention at Quebec a despatch was received by the Governor General from the Duke of Newcastle relative to Provincial defence; then it was that Canada took a new line and said that the Intercolonial Railway should be taken as her contribution.

Hon. SOL. GENL. continued:—Without dwelling, however, on this point which is after all not very material, I may go on to state that after the delegates met in England a new proposition was raised—one entirely different from that agreed upon at Quebec; I refer to the proposition respecting the Sinking Fund. Therefore they were quite right in hesitating when they found this new point raised. They naturally said, Here is a new element brought into the negotiation which we cannot agree to. Now let us look to what occurred after. It appears to me that the delegates from New Brunswick and Nova Scotia acted very hurriedly throughout. This question of a sinking fund had been raised, but before it was settled the delegate from New Brunswick hastened home, and made everybody believe the whole matter was satisfactorily arranged. Now the leader of the late government (Mr. How) knew perfectly well all the time that the Canadian delegates had repudiated this proposition I have referred to, and that it was not likely to go down with their colleagues. Yet a few weeks after the return of the delegates, the government undertook to introduce a bill ratifying what had been done in England, though they must have known at the same time that Canada had no intention to favour the scheme under the new aspect it had assumed. In what position were the people of this country placed? Knowing well that Canada would not go on with this measure, they introduced a bill to bind this country for two whole years to suit the sovereign will and pleasure of Canada. What necessity was there for such indecent haste? There was no possibility of Canada enacting a similar statute—no necessity whatever for Nova Scotia binding herself hand and foot. I say the wrong done to this country is not by repealing these acts, but by placing them on the Statute book of this Province. They gave Canada an advantage over

these two Provinces which there was not the slightest necessity for.

Now, in the change of events Canada might have passed that act; but look at what has transpired since. We find a negotiation taking place in reference to a survey. A delegation went to Québec from New Brunswick, and Nova Scotia, and what was done there? Previous to any action being taken by this Government, they were in possession of a Minute of Council clearly showing that it was not the intention of the Canadian Ministry to pass the act of last year, and the delegates went to Québec with the explicit understanding that the basis of 1862 was not to be that upon which the survey was to take place; and with the full knowledge of that fact it was agreed that the survey should be made by Mr. Sandford Fleming. After the arrival of Mr. Tilley in New Brunswick, subsequently, and he had consulted with his colleagues, he made it a stipulation that the survey should take place on the basis of 1862, and the consequence was that the whole matter broke up. Now, however, Canada has ordered a survey at her own expense and has sent out a surveyor already; but do her Government say they are going to legislate with reference to the Acts passed in New Brunswick and Nova Scotia. On the contrary, they say that the survey is entirely irrespective of the negotiations entered into in 1862. Under these circumstances, then, why should we leave on our statute book a law which Canada repudiates up to this very hour. Has any gentleman a right to complain because the people of this country withdraw themselves from the burthen unfairly placed upon them, and place themselves in a position to undertake those projects which are requisite for their internal development? Let any one take up the reports of the debates in the Canadian Legislature, and he will find that the Government declare they are not bound to the former basis of negotiations, but have merely instituted a survey for the purpose of making new arrangements. It is clear, therefore, from all that we can gather, that the negotiation of 1862 has completely exploded not only in Canada but in New Brunswick as well. It is not the intention of the latter Province to have anything to do with the Intercolonial line. The pressure of public opinion is to force the construction of the European and North American line. It is said that a petition of 105 feet in length has been presented to the Legislature urging the construction of this road as most advantageous to the province. Therefore, looking at the question in all its bearings, it is obvious that the Intercolonial line is removed to an indefinite period. I believe, on the other hand, you should look to the interests of Nova Scotia; that is our true policy. We have waited long enough for the other colonies. We should no longer procrastinate in regard to those great projects which are necessary for the welfare of the country. Looking at the aspect the question of railway extension has assumed in New Brunswick, it is evident that immediate action will be taken for connection with the States, and when that is done, we may be sure it will not be long before the line is pushed to our frontier. I have no hesitation in expressing

my belief that in five years, if not sooner, we will have railroad communication with the neighbouring Province. From my knowledge of the resources of the East, I do not believe that the road to Pictou will be a tax of more than £10,000 a year upon the Province. It will not, in the first place, cost us £24,000. With the deposits in the Savings' Bank extended to £100,000 we get that amount at 4 per cent. We can issue debentures for £300,000 at six per cent. That will give us £22,000 a year of interest that we will have to pay. I believe we can do better. I believe that the country with the increase in the number of our Banking Institutions is capable of issuing £50,000 worth of paper; at present our notes cannot be got in sufficient quantities, so great is the demand. I think before this railway is built we can easily float this sum which without interest would save £2000 a year. Therefore I think we can safely assume that the Railway would not cost us above £20,000 a year. The extra traffic that will be created will pay its working expenses and in the increased traffic between Halifax and Truro will pay almost immediately one half of the £20,000 and before any lengthy period of time elapses we would have a road that would in all probability be self sustaining, so far as the proposed extension. All that we have to do is to exercise a little patience, and the road can be extended west without embarrassing our resources.

I must express my surprize at the course of the hon. member for Shelburne. I have always looked upon that hon. gentleman as a consistent supporter of railways from the first hour they were agitated in this country; and I am astonished to see the position he has assumed today. Any one who considers the state of the question before us must feel he is not entitled to the support of many gentlemen in the House.

(The Solicitor General then turned the attention of the House to the policy of the late Government, of which the hon. member for Shelburne was a member, and read the statements made in reference to the railway in the session of 1860, both in the Legislative Council and in the House of Assembly by Hon. Mr. McCully and Hon. Mr. Young. He then continued:—) In 1860 the hon member and his friends pledged themselves that during the next year they would extend the road to Pictou. I ask now, how can he take the position he has assumed today? Is not the Intercolonial Railway as far off as I was in that year in which he, as a member of the Government, expressed the opinion that I have already alluded to. I go further, and say that that road is further off than it was then.—The interests of New Brunswick are strongly in favor of the line I have already referred to. I believe the Government of that Province is now engaged in negotiations with parties to build the line from Bangor to St. John. It is for their interest to go west at the present moment, and connect with the American system of railways. If we read Mr. Tilley's speech at the time of Mr. Gray's election, we will find him saying, "I would get the St. John's line, if possible; if not, I would go for the central line; and if I could get neither, I would go for the northern route." Therefore there have been three routes dang-

ling before the people of New Brunswick ; but at the present time public opinion is in favor of the Northern American line.

There were a few remarks that fell from the hon. member for Yarmouth that grated harshly on my ear. They were however decidedly characteristic of that hon. gentleman. He said that the Government have laid a trap for hon. members. Now, if there is a rat catcher in the House that knows the value of bait, it is the hon. member himself. I tell him that there is not a species of bait that he has forgotten to use during the past fortnight for the purpose of influencing gentlemen to support his views on this question. But the hon. member says, let it alone. He repeated that so often that I could not help thinking of the old nursery rhyme :

“ Little Bo Peep, she lost her sheep,
And did not know where to find them,
But let them alone, and they will come home,
With their tails dangling behind them ”

Mr. Henry concluded by pointing out the advantages that would be conferred upon the people in various counties of the Province by the extension to Pictou. Our farmers, for instance, would be afforded facilities for bringing their produce to market which would put money in their pockets. He also pointed out the advantages that would be conferred on fishing vessels which could call in at Pictou, land their catch of fish if necessary, and get on their supplies with expedition from Halifax.

SPEECH OF MR. D. FRAZER.

Mr. D. FRAZER said that what he had heard to-night, compared with declarations made in time past, convinced him that some hon. members could change their minds. The present Opposition had frequently asserted that Mr. Laurie was extravagant in his calculations, but if he were, the hon. member for Shelburne (Mr. Locke) rivalled him in that respect as he (Mr. Locke) had asserted that the extension of the line from Truro to Pictou would cost £17,000 per mile. Now he thought this was an unwarrantable assertion, and believed that it could be constructed for a less sum than £10,000 per mile. If the railway to Windsor, which went through the rocky back bone of Nova Scotia, cost but £11,000 per mile, it was reasonable to infer that the extension to Pictou through fertile lands could be constructed for a considerably less sum and it was safe to compute its cost at £10,000, or under, per mile. Some hon. members who had addressed the House upon this question had labored to create the impression that Pictou was but an insignificant portion of the Province, but the fact was that the county of Pictou contained 28000 inhabitants and enjoyed a trade of large magnitude and great importance. The exports from Pictou in the year 1863 amounted to no less, in value, than \$514,143, exclusive of large quantities of agricultural produce, such as beef, pork, butter, &c, which found its way by various channels of communication to the city of Halifax. In the year 1863 there were 196,000 tons of coal shipped from the Albion mines in that county, and during the same year 750 vessels of various dimensions, amount-

ing in the aggregate to 139,900 tons measurement, had loaded at the port of Pictou. There were in the same year upwards of 500 tons of coal transported overland from Pictou to Truro, Londonderry, and Shubenacadie. The county of Pictou was possessed of various resources—coal and iron, and lime, and a large coal-oil field, with one of the best free stone Quarries in the Province. It was plain from the position of Pictou, that the extension of the railway from Truro to the waters of the Gulf, would have the effect of giving an impetus to the trade of the country. Railway communication between Halifax and Pictou would prove of great advantage with respect to supplying fuel. Wood along the existing route was getting scarce, and dear and were the roads finished he thought that it would lead to the use of coal instead of wood for consumption of the locomotives. But there was another consideration that ought not to be lost sight of. In case of war between England and the United States—which he hoped would never take place—how would British steamers, in the absence of a railway to Pictou, obtain supplies of coal in the winter season? Without a railway it would be impossible to obtain an adequate supply. It was an established fact, and one that could not be gainsayed, that railways, wherever constructed, created traffic and gave an impetus to trade of every description. At the time the road was built to Truro no person dreamed that in so short a time such a large amount of business would be done on it as there was at present. In order to show the benefit of Railways in creating business, he would instance the fact that there were now upwards of 10,000 tons of ice, housed at Rocky Lake ready for transportation to market in the spring, which would not been taken up had there been no railway communication between that locality and Halifax.

The time had come when this country could no longer do without rail roads, because the increasing business of the Province required them. During the year 1863, upwards of 5000 persons travelled by coach from Pictou and New Glasgow to Truro, and this was but a small portion of the people who would have travelled through had there been railway communication with Pictou. Of course some of the number came from Canada and the U. States, by the steamer *Lady Head*, but the greater portion of them were persons doing business in this Province. He entertained no fears respecting the paying properties of a railway from Truro to Pictou, because the resources of the county were unbanded, and the traffic arising therefrom would largely swell the receipts of the entire line.

SPEECH OF CHIEF COMMISSIONER OF RAILWAY.

Mr. JAMES McDONALD addressed the House next as follows:—Mr. Speaker, representing as I do, the county which is most largely interested in this work, it will not be out of place for me to make a few remarks. But before I go into a very short analysis of the paying properties of the contemplated road, let me advert to one or two questions which have been raised by gentlemen on the other side, especially to some remarks which have fallen from the hon. member for Shelburne.

Locke) who, as a member of the late Government is supposed to have knowledge of their intentions and views, and of the construction that ought to be placed on the pledges they made to the country. The hon. Solicitor General, to some extent, dealt with the inconsistency of that hon. member on the present occasion compared with his past action in this House. I cannot conceive how he can justify the course which he has thought proper to take to-day. It will be in the recollection of members of this House, that one of the first acts of my public life was to call upon the Government of the day in the House to explain their policy in reference to the Pictou Railway. It was in answer to the question put by myself that the paper was read which has been referred to by the Solicitor General. Now, look at the purport of that answer in connection with the statement of the hon. member for Shelburne, "that he never intended extending the road to Pictou." That statement is contradicted not only by the words contained in the written explanation of the policy of the Government of which he was a member, but also by facts within the knowledge of every member of this Legislature, and every man in this country who has taken an interest in the politics of the day. Everybody knows that the Government which brought down that declaration of policy was sustained by men from the county of Pictou, who had been returned on the pledge to support the railway. If the hon. gentleman had stated his policy to be that which he has affirmed it was to-night, the Government could not have lived a single hour. I am conscious that if my then colleagues had thought that the declaration which I hold in my hand was a sham, strong as their political leanings might have been, they could not have supported the late Administration any longer.

What do we find stated in this document, being as it is the authoritative enunciation of the policy of the Government on a public question of great importance?

"The lines of railway to Windsor and Truro have not, in the present year, paid working expenses, but have left a deficiency of over £2,800. The Executive Government hope, by strict economy and a vigilant administration of the department, to prevent a similar occurrence, and to exhibit a very different balance sheet at the end of the current year; but until this new policy is fairly tried out, there is no absolute assurance of any considerable revenue being derived from the railway.—The advantage, or rather the absolute necessity of carrying the railway further on, and especially of securing the Gulf trade for our own province, at the earliest possible moment, is fully appreciated by the present government, who recognise this duty as second only to the maintenance of the public credit.

"It is abundantly clear, however, that no government could attempt, in the present year, a further extension of our railway; but the present administration unhesitatingly pledge themselves to proceed when they can command the means of paying the interest on the additional sum that must be borrowed; and they earnestly hope that the improvements of the railway traffic and a permanent advance in the revenue will justify them at the

next session in fulfilling, in this respect, the just expectations of the country.

"In the meanwhile, they propose to take active measures during the ensuing summer for determining the most suitable location, as well as the terminus, for the Pictou Branch."

I now ask this House and the country what confidence can be placed in a member of the Legislature who with these words in his mouth four years ago—who, for four years, ruled the Province by virtue of such pledges—now declares that in no time did he consider the Pictou Railroad *per se* worthy of consideration?

Mr. ARCHIBALD—I am sure the hon. gentleman has no desire to misrepresent my hon. friend.

Mr. LOCKE—He is entirely misrepresenting me.

Mr. McDONALD—Immediately on the promulgation of this policy in the House Mr. Young, at the time the leader of the Government, stated: "I do not hesitate to say that the prospect for a railway connection between Halifax and the St. Lawrence in the most rational point of view is infinitely more flattering than at any other period of negotiation. * * * * Our railways, let me add, will certainly be carried on the minute if it is possible. * * * But let me reassert my conviction that the railway must not stop at Truro but must go further on the moment the revenue will permit." It is curious now that the remarks that fell from the hon. leader of the Government simply allude to the financial condition of the country, taking that as the ground why the work was not proceeded with immediately. But these declarations, so broad and emphatic, so particularly free from doubt as to their meaning and intention, have now for the first time received from the hon. member for Shelburne a contradiction and refutation which I am sure no other member of the Government will venture to give this country. The hon. member takes this ground in opposing the measure before us,—"I am bound" he says "to oppose extension because I consider the Intercolonial Railway of greater importance and believe it is right to see that the negotiations which had been in progress for the last two years are actually at an end before I give my support to any other measure." Now at this moment the document repudiating the basis of 1862 is in the hands of every hon. gentleman here. We are aware that on the return of the Canadian delegates their Government endorsed their policy and repudiated the basis of '62—declaring that whilst they were anxious for the construction of an Intercolonial line they could not proceed on the terms under consideration in England. This is a document entitled to every credit for it is the solemn declaration of one of the contracting parties. But I must express my surprise at the sentiments expressed by the hon. leader of the Opposition on this subject. I would ask him, Is there anything to bind Nova Scotia and New Brunswick, after Canada has told them both that she will have nothing to do with the compact. I quite endorse his statement that Canada is bound, if the negotiation in London was in accordance with the arrangement entered into by the delegates in Canada before they proceeded to England. If it were broken under such circumstances it would be a gross breach of faith.

which, among independent nations, would lead to serious complications. But at the same time it is obvious that the agreement is perfectly nugatory unless carried out by the common action of the three contracting parties. If one of the three departs from the agreement, what is there to bind the other two? Nothing at all. I contend therefore that Canada having withdrawn, both Nova Scotia and New Brunswick are free to pursue the course they deem best adapted to advance their interests. But we will admit that up to the time of the meeting of the Canadian Legislature, Canada had held but the hand of fellowship to the three Provinces. Still I contend that the declarations of the Canadian Government since the Houses met would be quite sufficient to destroy on the part of Nova Scotia any confidence in the sincerity of Canada, and would justify the Government in taking their present course. We have been told that the Canadian Government have repudiated the basis of '62. They have done it in terms so emphatic that I am surprised that any gentleman sitting on the other side could seriously ask the people of this country to fold their hands and wait until Canada saw fit to move. Turning to the reports of the debates in the Canadian Parliament, we find a discussion taking place on this very subject. The Government were asked by members of the Opposition to what extent the proposed survey committed the Government to the Intercolonial road?

(Mr. McDonald then read some extracts from a recent debate in the Canadian Parliament, of which the following are the more material portions:—)

"Hon. J. S. McDonald said hon. gentlemen on the other side seemed very eager to establish the charge their own province had broken faith, but failed to perceive, or to state, that the Province of New Brunswick had also endeavored to delay the proceedings in reference to a survey.— A survey was a preliminary that ought to be settled before anything should be done towards providing for the construction of the line. The present government *was not bound, and never had been, to go any farther than to assist in getting a survey made.* When the survey was completed, the government would then take the responsibility of telling the country what they thought it advisable to do in reference to the construction of the road.

Hon. Mr. Dorion said he left the government in 1862, not because he was opposed to the construction of the railroad, but because *some of the terms proposed were not in accordance with his views.* Public opinion justified the course he then took, and said that the *basis of 1862 had been abandoned.* The government were *NOT NOW acting on the basis of 1862; for that convention did not provide that a preliminary survey should be made to ascertain the cost of the work.* When Mr. Tilley arrived in New Brunswick, he (Hon. Mr. D.) did not know whether he had misunderstood the delegates here, but at any rate this government was notified that the Government of New Brunswick did not desire a survey except on the basis of 1862. Finding that New Brunswick would not go on with the survey, except that the government of Canada pledged itself to the basis of 1862, this government had notified the other that it was willing to pay the cost of the survey to ascertain the cost of the

road, and if its construction were possible.— (Hear, hear) * * The Government had no doubt but that Nova Scotia would pay a portion of the survey. She did not dissent from the arrangements of last May.

Hon. Mr. Cauchon inquired if the Government, in making the road to New Brunswick, would construct it on the basis of 1862

Hon. Mr. Dorion replied that it was extremely improbable that the people of Canada would do anything of the kind. He was of opinion that the survey would show that it was not in the power of the three governments to make a railway from here to Nova Scotia.

Hon. Mr. Rice.—How long will the survey last?

Hon. Mr. Dorion replied that the surveyer elected was Mr. Fleming, who was acceptable, not only to the Governments of New Brunswick and Nova Scotia, but also to the Imperial Government. He would finish as soon as possible, but of course, he (Mr. Dorion) could not tell when that would be. At the present time parties were making preparations to enter upon the survey at once. As to the time of the survey, six or nine months might be sufficient.

Hon. Mr. Rice.—What route is to be taken—the Central Route or that by the St. John or St. Lawrence.

Hon. Mr. Dorion said that the St. Lawrence route was impracticable, and was objected to in England. Mr. Fleming would report the most practicable route.

Mr. Holton said—It was stated by himself and some of his colleagues, last session, that the delegates from Nova Scotia and New Brunswick were fully informed that the agreement of the convention of 1862—that Canada should bear five-twelfths of the cost—*was at an end.* That was very fully and distinctly stated to the delegates at the subsequent meeting, and that the survey should proceed entirely irrespective of the basis of that convention. He (hon. Mr. Holton) claimed to be a friend of the Intercolonial Railway, but he considered THAT THE CONVENTION OF 1862 WAS PREMATURE, and when the Government was remodelled, it was considered to be *on the basis of the resignation* of his hon. friend and colleague, the present Attorney General East. This change was clearly explained to the delegates, so clearly that they could not have misunderstood it, so clearly that even Hon. Mr. Tilley would not say that he had any doubt whatever as to the position of this Administration on the subject."

Now I wish to know where the breach of faith lies. It is obvious that Canada has entirely given up the former basis of negotiations, and that all prospects of the immediate construction of the Intercolonial line are very remote. And therefore it is that the hon. members for Colchester and Guysboro' will be justified before this country and before the reflecting men of all parties in abandoning what cannot result in anything.

For these reasons I think the present government are justified in asking this Legislature to proceed with our local works and open up communication with important sections of their own Province. In doing so the right is preserved, whenever a suitable opportunity offer, of extending a work so desirable as the Intercolonial Railway; for I think the sentiments enunciated by the

hon. Provincial Secretary are sentiments held by every intelligent man in this country,—that the construction of that great work is demanded on national and intercolonial considerations of the gravest character,—and that no great length of time will elapse before its completion shall be an accomplished fact.

I regret extremely the haste exhibited by my hon. friend from Yarmouth. No man in this House entertains higher respect for the strong sense and mercantile talent of that hon. gentleman than myself; but as my hon. friend from Cape Breton (Mr. Bourinot) observed we cannot expect anything in favour of a progressive movement like the present from the hon. member for Yarmouth. I do not expect support from him, but I must say I am sorry he cannot look at the question discriminatingly—that he cannot bring that cool calculating judgment to the consideration of this question—that he is enabled to do in the conduct of his own business. That hon. gentleman has spoken of the condition of the present road and the propriety of extending it. It is too late to go into any lengthened calculations on the subject, but I would ask the hon. gentleman to review two or three calculations relative to the working of railways in this country. I do not say that our railways as they stand now will relieve the Province from all burthen, but I do endorse the statement of the Solicitor General that in two or three years the burthen now borne by Nova Scotia in the shape of interest, will not be enlarged but very materially decreased by the additional impulse to traffic that will be afforded by the Pictou line. In the first place look at what our present roads does. Everybody who has seen the annual report will find that the road transported in 1863 over 56,000 tons of freight, or over 14,000 tons above 1862. Within the same period 100,000 people, over one-third of the population of the Province, were carried over the road.

Terminating where it now does the road benefits but a comparatively small portion of the people. We may say that Halifax, Hants and Colchester, representing a population of about 54,000 people, mainly support and sustain the present trade and traffic on our present railways. Now, what are you going to do by extending the road? You get out of a terminus where you cannot expect any argely increased amount of traffic to be derived and carry it to a point where you command a population of 180,000 people. You command the trade of Guysboro', Antigonishe, Pictou, and of the whole Island of Cape Breton, not to speak of that which we may depend upon from Prince Edward Island and elsewhere. You here join the road to a point where there is a population capable of keeping the road busily occupied—where trade must naturally be created.

It cannot be expected at this late hour that I should go into this question at length, but I cannot refrain from noticing one point of the remarks of the hon. member for Yarmouth. He says the contemplated work is a local affair. I deny this entirely. The Provincial Secretary accepted the proposition as true, but I will venture to say that if he was not satisfied in view of the public interests that it is necessary to build the road, that in fact its construction was a public necessity, we would not have the measure before us now. It is

on the ground that the extension will advance the general interests of the Province at large that I, though a representative of the county of Pictou, have always urged it in this House.—But the hon. member says we are robbing the western counties. I cannot see that. The western members have just as much interest in the prosecution of important public works necessary for the public advantage as the people of Cape Breton and Pictou. Again, if I look at all the advantages that have been conferred upon the western counties since the introduction of railways in order to satisfy them, I am not much in doubt as to what side the balance is on. Nor am I sure that it is in the power of the hon. member for Yarmouth to say that railways have been the means of depriving his constituents of a single pound to which they are fairly entitled.

EXPLANATIONS OF MR. LOCKE, &c.

Mr. LOCKE said he would not occupy the time of the House in making any extended remarks at that late hour. The Hon. Solicitor General had asked him if his position and previous action did not bind him to give his cordial support to the measure to extend the Railway from Truro to Pictou. He would emphatically say that it did not. On the 18th day of April last, the Prov. Secretary moved that the Provincial Government be empowered to accept the terms offered by Her Majesty's Government for the construction of the Intercolonial railroad, and to complete forthwith that portion of the line which extends from Truro to Whall's mill.

To this the member for Halifax (Mr. Tobin) moved an amendment, to the effect that the Canadian Government having refused the terms offered by the British Government for the construction of the Intercolonial railway, which put the question for the present at rest, *therefore Resolved*, that the Provincial Government be instructed to proceed with the construction of the Railway from Truro to Pictou. On the 21st of April the House divided on the amendment, when there appeared, for the motion, 10; against it, 42—and among the majority, were his own name and that of the present Attorney-General. With respect to this question he was, as far as that vote was concerned, in a position exactly identical with that of the Hon. Atty. General, they both having voted against proceeding direct to Pictou. It was impossible to torture his words or acts of last session into a commitment to the policy of direct extension to Pictou, but the Hon. Atty. General had by his vote on that occasion opposed the policy of extending the road to Pictou. His (Mr. Locke) vote on that division bound him against the policy of carrying the line to Pictou whilst the Intercolonial line was to the fore. He had observed during the debate to-night that if the Government could show that the country was able to build both the Pictou and Intercolonial line, then there might be some reason in asking the support of the House in favor of the Pictou line, but if the contemplated extension was carried out it would be in a position to take any action respecting the Intercolonial line for many years to come. The hon. Pro. Sec had asserted that the Canadian Government would not proceed with the work of constructing the

Intercolonial, and said that it was not prudent for us to fold our arms and await the action of that Province. Now we had no right to assume that the existing Canadian Executive would last for any length of time, and it was well known that the opposition were strong, and that they were in favor of the Intercolonial project, and it was possible they would speedily succeed the present ministry, and if they did might be prepared to act forthwith. In view then of the position of affairs at present it would, in his opinion, be suicidal to pass the measure now before the House.

Hon. ATTY. GEN. said that on the day the amendment of the hon. member for Halifax, (Mr. Tobin) was moved, he came into the house prepared to support it, and so did many other hon. members who generally acted with him, but when the then member for Pictou, Mr R. Grant, opposed it, it became plainly apparent that the government scheme with relation to extending the line in the direction of Pictou was a piece of jugglery, and he immediately conferred with his friends and told them it was all a sham. He and his friends knew that Mr. Grant had been told that the Intercolonial Railway was a mere pretext by which to accomplish an object. It would not be denied, he thought, that the late Provincial Secretary obtained a majority to carry out the railway bills of last session on the understanding that the Intercolonial policy was all a sham. He, (the hon. Atty Gen.) knew that it was a disgraceful cheat, and that was the reason why he had voted as he did on the occasion spoken of by the hon. member for Shelburne, (Mr. Locke.)

Mr. LOCKE said that with respect to what the hon. Attorney General had said about the action of last session being a sham, that was only assertion unsupported by a shade of proof. He might with just as much propriety and justice charge the hon. Attorney General with foisting a sham upon the western members by promising railway extension in that direction, in order to influence the representatives of that section of the Province to vote for the Pictou railway. In fact, the action of the Government in this respect looked to him very much like a sham.

Mr. ARCHIBALD said that he and those who acted with him on the occasion were sincere in voting for the construction of the Intercolonial railway, and the building of ten miles common to that and the Pictou line, as provided for by the bills of last session. Their intention was to undertake the construction of ten miles last session; and if by the time that section was completed there appeared no prospect of Canada coming into the Intercolonial arrangement, then to proceed at once to Pictou. He never yet gave an inconsistent vote on railway matters, and he thought it was unfair for the members of the Government to attempt to put the hon. member for Shelburne in a false position after having received so much support for their Pictou extension scheme from the opposition side of the House.

Mr. JAMES McDONALD said he was sorry if he had made any remark reflecting on the past conduct of the hon. member for Shelburne (Mr.

Locke.) He did not intend to be personally offensive.

Mr. LOCKE said that with respect to inconsistency, he was above suspicion regarding that subject.

SPEECH OF HON. MR. M'FARLANE.

Hon. Mr. M'FARLANE said: Upon listening to the speeches of hon. members around these benches, one would naturally become impressed with the conviction that there were but two classes of men in this House, one hailing from the east, and the other from the west. It really seems to be forgotten that there is also a northern section, deeply interested in the extension of the railway. There are times, however, when local feelings necessarily influence politicians and public men on questions of importance. Although I reside in, and represent a county through which the projected Intercolonial Railway would pass, I have on this occasion endeavoured to divest myself of local feeling, and give my support to the only feasible measure for railway extension that presents itself to the country at the present time. But I hope to see the day when the Province of Nova Scotia will be connected with the sister colonies by railway lines, and as anxious as I am to have that great and important work consummated, I will not now stand in the way of extension in another direction, designed as it is to benefit the country, nor do I ought calculated to impede the progress of the times. It is true that the contemplated railway extension will absorb a large sum of money, but notwithstanding this fact there is no reason or cause for alarm. The nature and course of passing events are calculated to inspire the people of this country with feelings of hope in respect to the future. Within the space of a few years we have doubled our revenue, and yet our taxes are as low as in any other portion of Her Majesty's dominions. Works of internal improvement are yearly progressing, and we are able, without feeling any embarrassment, to pay £60,000 a year interest on our railway debt, and provide liberally for our schools, roads and bridges—as liberally, or more handsomely, than any one of the neighboring Provinces. I will say to hon. members, that on occasions like the present, when an important public undertaking is presented for our action, it is our duty to bury our local feelings and deal with the question, not from a sectional stand point, but on broad statesmanlike and patriotic grounds. If I studied private interests, and allowed them to influence my judgment, the Government would not be linked together as they are upon the scheme now before the House. While I believe that a line of railway to Pictou will prove of much benefit and advantage to the interests of the Province, I cannot view the paying qualities of the route in so bright a light as does my hon. friend from Pictou (Mr. Jas McDonald.) But then it is our duty to do justice to the eastern portion of the Province, because it has claims upon the public revenues. Pictou and the eastern counties contribute largely to the revenue, and through operations in coal mines, and other enterprizes add materially to the wealth of the country. In connection with the mining interests of these coun-

ties a large number of men are annually employed, and no inconsiderable sum is yearly paid in the shape of Royalty. It is due to these counties, rich in natural wealth, to give them facilities to develop their resources, and prosecute their rapidly expanding trade. These important interests entitle them to the consideration of the Government and the Legislature; and in this view it is our duty to bury all sectional prejudices, and extend reasonable aid to that country which has for many years contributed so largely to the general revenues of Nova Scotia. I will say to hon. members who represent the western districts of the Province, that they have no reason to despair—the east will never band together to crush the west, or do it any injustice whatever. The east is disposed to deal fairly, uprightly, and honestly by the west, and at no distant day the time will come when the revenues of the country will enable the Government to give the west the means of rapid transit to the capital of the Province. I find that the State of Maine is desirous of connecting by rail with the Provinces, and already that State has passed bills authorizing the construction of a railway to the New Brunswick frontier and contemplates granting such facilities as will ensure the extension of the road to the city of St. John. The States once connected with St. John, then no power on earth can prevent the filling up of that link requisite to communicate direct with Halifax. In providing for the construction of the line to Pictou, we will not, I feel assured, so involve the revenues of the country as to preclude the possibility or practicability of proceeding with the Intercolonial road when the proper time arrives, and are not compromising the prospects of that important work by supplying Pictou with the means of communication with the capital by rail. In carrying out the project now before the House, we will not mar the future prosperity of the country, and the people East and West will have no reason to regret the adoption of the policy.

REMARKS OF MR. TOBIN.

Mr. TOBIN said that as it was evident that both sides of the House were disposed to vote for the Government measure it was unnecessary to labor the subject any further, and useless for him to make any extended observations upon the bill that night. He would say, however, in reply to what had fallen from some hon. member who had preceded him that in moving the resolution last session, to extend the Railway forthwith to Pictou, he did so in all sincerity and good faith, and on that occasion he was surprised and utterly astonished at the action of the Pictou members, who with one exception, (Mr. James McDonald) voted against that motion. The subject of railway extension was now about exhausted, and there remained nothing new to be said concerning that policy. He had observed that the only objection some hon. members had to voting for the measure under consideration, was that the Acts passed last session with reference to railways, still remained on the Statute Book. Now, this need give the House no concern, because when in committee on the bill, a clause could be introduced to repeal the legislation of

last year, and thus entirely remove the objection urged. It was, he believed, the intention of the Government to repeal the acts in question. It was not necessary for him to go into the question of extension to Pictou, and endeavor to prove that it would in time be a paying speculation, because his views on this subject were already well known. His hon. friend the member for Yarmouth had told the House that the road would never pay, and that for all time to come it would be a grievous burthen upon the resources of the Province. Now, he did not take so gloomy a view of the question as this. He was of opinion that the coal traffic would contribute to the revenue of the line. Coal is transported over the English railways at 2s. 1d. sterling per ton per 100 miles; and in the United States at 62½ cents per ton per 100 miles. He did not see anything in the circumstances of this country to prevent it being carried at a cost of 5s. per ton per 100 miles over the Nova Scotia railroads. Again, a railway to Pictou would create traffic, and give an impetus to trade between the two sections. Look at the effect our existing railways had in increasing business, and mark how their receipts were an usual swelling. The country had benefited from both the Truro and Windsor road, and it was reasonable to anticipate that a larger ratio of advantage and profit would flow from a connection with the waters of the Gulf of St. Lawrence. Before the line to Windsor was built, it cost about \$8 to move a ton of merchandize from Halifax to Windsor, and three full days were occupied in the transit. Now it was but the work of a few hours, at a cost of \$3—or a saving of \$5 a ton. Taking 56,471 tons (the weight carried by rail last year) a fare of \$5 per ton—the difference between the means by rail and that by ordinary conveyance—we find a saving of \$282,355 has been effected. There are many advantages flowing from railway construction which it is not necessary to enumerate; therefore, as the hon. and learned leader of the opposition is going to support the bill, he did not see what the hon. member for Yarmouth was to gain by delay.

Mr. KILLAM said he wanted to see the estimates before the question was taken. He wished to learn how it was proposed to appropriate the revenues of the country.

Hon. PRO. SEC. said the hon. gentleman for Yarmouth need not be uneasy about the state of the Finances. He would inform that hon. member that the Province was in a better position by \$5000 than when the Receiver General's accounts were submitted to the House a few days ago.

Mr. KILLAM said it was unfair to press a division until after the Committee on Public Accounts had reported and the Fin. Sec'y. had submitted the estimates. There was plenty of other business to engage the House until the estimates were ready. He hoped the Government would not press this question until they had shown the House the exact financial condition of the country. It was unjust to force the House to vote for a project involving an annual expenditure of £25000 in the dark. If there had been concessions made to the West, let the House know what nature they were.

The hon. gentleman moved a resolution, to the effect that the debate be postponed until such time as the committee of Public Accounts have reported and the estimates have been submitted.

SPEECH OF DR. HAMILTON.

DR. HAMILTON said that as the passage of the bill before the House appeared to be a foregone conclusion, no advantage was to be gained by delay. It would seem that the Government, and the leader of the Opposition were determined to carry the measure triumphantly through, and any arguments he could, as a western member, bring to bear against the bill, if disposed to do so, would not stay its progress, and therefore it was not necessary that he should occupy the time of the House in making a long speech. He would content himself with making a few observations with reference to the subject. It was true he might make a speech and go at length into the history and progress of railways, and dilate upon the expensive delegations that had been sent from this Province to Canada upon the subject, and comment upon the results attending them, but he would forbear doing so. He might also say a good deal upon the political aspect of former railway negotiations, and show up the instances in which politicians had put the country in a false position with respect to this question, but he would not detain the House by so doing at that late hour of the evening. It had been declared in that House before the construction of railways was commenced in the Province, that the country would run no risk in building railways, because they would pay for themselves, and that declaration, and others of a like nature, deceived the people, and they returned a majority of members pledged to railway construction, who came into the Legislature railway mad, and established the policy of building rail roads by Government, with borrowed money, and thereby had committed the country to that principle, and among these were the members for Shelburne.

It this railway to Pictou was a hobby with the members of the House, he felt disposed to let them construct the line to Pictou, provided they would fulfil the promises made to the representatives of the fertile valleys of the West. There was, he would admit, good ground for argument in favor of railway extension to Pictou, because that section of the Province was debarred from the privilege of water communication with other sections at a certain season of the year. Nova Scotia was more highly favored with facilities for transit by water than any other country in the world. He did not think there was a country of the extent of this Province on the face of the globe so favorably situated with respect to water communication as this country, particularly as regards its western section. The harbors of the western section were open almost all of the year, but with Pictou that was not the case. For three or four months in winter that harbor was closed to navigation, and the people debarred from the privilege of water communication. He sincerely believed that if the railway was extended to the waters of the Gulf the benefits of such connection would be felt throughout the entire province. He would not for one moment

keep out of sight the interest and claims of the west, but situated as that portion of the province was, and in view of the consideration they expected to receive from the Government and the Legislature, the Western members, with generosity would say to the Pictou members, "you may have the road, you may ride your hobby, but be careful and ride it economically." To carry out this work, the Government might float a certain amount of paper, and thereby save the annual payment of a very considerable sum of interest. He was glad to learn that of this sum it was intended to borrow as large an amount as possible if it could be procured from capitalists in Nova Scotia, and this was a feature in the arrangement of which he highly approved, because then the interest paid would be retained in the Province. With reference to the Intercolonial Railway scheme of 1863 before the House, of which so much had been said both in the House and out of it, he would state that from its first inception he had regarded it as a crazy scheme, and considered that the legislation concerning it was one of the most absurd acts that was ever placed upon the statute books of the country by a set of sane men. He would ask which one of the three Provinces would be most benefitted by such a line, and whether the situation of Nova Scotia was such as to justify her in assuming $3\frac{1}{2}$ twelfths of the cost of such a road. Did Nova Scotia stand in need of an Intercolonial line as much as the other two provinces? He would say no. Nova Scotia was so situated with respect to water communication that she did not require such a road, and therefore had not the same extent of pecuniary interest in its construction that Canada and New Brunswick had. In winter the Ports on the Northern shore of New Brunswick were closed by ice, and in Canada the waters of the St. Lawrence were frozen over, and therefore it was these Provinces that would derive the benefit from an Intercolonial road, and not Nova Scotia. Therefore it was that he thought it preposterous to entertain an arrangement binding Nova Scotia to the assumption of so large a proportion of the cost of a road for the accommodation and benefit of Canada and New Brunswick.

Then again the portion of the cost of that road it was proposed to fix upon Nova Scotia was altogether disproportionate. Where, he would ask, was the justice and consistency in requiring Nova Scotia, with a population of but little more than 300,000, to assume $3\frac{1}{2}$ twelfths of the cost of a work for the benefit of Canada and New Brunswick, with a united population of upwards of two millions and three quarters? There was none whatever. It was a preposterous—it was a suicidal arrangement, and he would freely vote to remove that absurd piece of legislation from the statute book of Nova Scotia. As he before observed, he would not enter into the history of railway delegations and railway agitations that marked the records of the past, because with that subject the people were familiar; but he would merely remark that after all the efforts that had been made to extend railways in this Province, they could only boast—if it were a subject to justify boast—of two short lines, one from Halifax to Truro, and one from the junction to

Windsor. It was strange that all the efforts that had from time to time been put forth had not resulted in some more extensive accomplishment, but after all, perhaps, not so strange when the force and position of changing political circumstances, were taken into account. In this Province the railway question had been a stalking horse upon which some politicians rode into power and others out of power. There had been so many different schemes before the country that the people had at last begun to look with distrust upon all railway propositions. Some members had advocated a line to Pictou, another chose a road to Annapolis, and others in other directions, but it was plain they could not extend lines to all quarters. With regard to the paying qualities, he was not so sanguine as some members who had spoken on the subject. He did not believe that railways would ever pay in a country with a small population no matter how wealthy such country might be in resources. He had heard arguments adduced in support of the assumption that railways increased the population of any country they traversed, but from this doctrine he must dissent. According to the theory he held, there were but two distinct means of increasing population, namely, through natural causes and immigration, and he had yet to learn that railways *per se* would populate a country. They had had railways in this Province for a number of years but they had not had the effect of enlarging the ratio of increase of population; it was true that where railroads passed through fertile land a few would be induced to settle along the line as Farmers, but he thought the House would agree with him that it would be a long time before the land along the line to Windsor would be dotted with the cottages of settlers. But he would bring his remarks to a close by observing that the Railway policy was about settled in Nova Scotia, and as he saw the majority was for the scheme, he would not give an adverse vote on the question, he would go with the majority and support the bill. He hoped, however, that being so handsomely sustained on this question, the Government would not forget what was due to the west, but would as soon as possible extend the railway westward through the fertile valley of that district, where the way traffic would be immense, and where there was a prospect of a railroad paying. He believed most sincerely that a railway from the Basin of Minas to the Valley of Annapolis would pay a handsome per centage on the amount it would cost to construct it, and he hoped sooner or later to see a line stretching over the extent of ground between these two points.

The House adjourned till next day at eleven o'clock.

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SATURDAY, March 12.

The House met at 11 o'clock.

The debate on the Pictou Railway was adjourned over until Monday, at the request of Mr. Killam.

Hon. PROVINCIAL SECRETARY presented the petition of Mr. Denamore in the county of Hants, on the subject of agriculture, in connection with

the failure of the potatoe. The hon. gentleman expressed his opinion that the petition demanded the earnest attention of the Committee on Agriculture.

Mr. ANNAND presented a petition from Me-hone Bay, relative to a change of Post Ride in Lunenburg.

The bill relating to the Spring Hill Mining Company was read a second time.

Mr. CHURCHILL stated that in expressing his opinions a few days ago on the Usury Law, he did not mean to convey the meaning that the present law was a blot on the statute law. His views were identical with those of the Attorney General on the subject.

BILL RELATING TO INSURANCE COMPANIES.

On motion of Mr. TOBIN, the Bill introduced by him relating to the Fire Insurance Companies, not incorporated in this Province, was read. It requires foreign companies doing business in this country to invest a certain amount of capital in this Province as security for the payment of losses they may sustain.

Mr. BLANCHARD suggested that as this was an important measure, it would be advisable to refer it to a select committee in order to obtain information respecting its probable operation and ultimate effect. He feared it might result in driving respectable foreign companies, who had always met their losses promptly, out of the Province. If it were likely to have that effect, he should oppose it, but if not, he might possibly support it.

Mr. TOBIN said it was a copy of the Canadian act, and in that Province that law had been deemed necessary to prevent worthless companies from abroad from taking risks without having the means necessary to meet their losses. Some of the agents of foreign companies doing business in the city of Halifax, had expressed themselves in favour of the proposed measure, and others wished to be afforded time to communicate with the head officer, to ascertain whether the directors would consent to make the investments required by the bill. He did not propose that the bill should go into operation immediately after passing, but was willing to fix the date of its becoming law in October next. In Canada, a like act had driven out many insecure companies, and we did not know how soon Nova Scotia might be flooded with bogus insurance offices.

Mr. PRYOR said this bill would effect the entire insurance interest of the Province, and it was unfair to introduce a bill of this nature, before the agents had conferred with the offices they represented, to ascertain how it would be regarded by the directors of such offices. They now could not tell whether foreign companies operating in this country would consent to make the investments required by this bill, or not. He thought this bill ought to have been submitted to the agents of Foreign Companies for inspection, long ago. Even a postponement of operation until October next would not remove the objections he had to it, and it was not fair to the insurance interest of this country to press such a measure at the present time. He would move that it be read this day three months.

Mr. MILLER said it was admitted that all the Foreign offices doing business in this city were respectable and solvent, and wherefore then was the necessity of a measure of this nature? Why legislate in anticipation of what might never occur? It was time enough to pass an act of this character when it was found that the existing system was fraught with any evils. To pass the bill might possibly have the effect of driving away the best foreign offices doing business in the city, a result certainly not to be desired. Now let us suppose these offices closed and all property risks taken by local companies, what would be the result in case a disastrous fire occurred? Why, the local offices would not be able to meet the losses sustained, and as a consequence the insurers would suffer. Again, were the English and American houses to close business here, the result would be to place insurers at the mercy of the capitalists of Halifax, who had plenty of money but little enterprise.

At present there was nothing to complain of—premiums were low enough, and as they were secure now, there was no necessity to disturb the operation of the existing state of things. It would be a great misfortune to the country to drive away the foreign companies.

Mr. BOURNOR said he should oppose the bill on the ground that the foreign companies operating here had always promptly met their losses, and sustained an honourable character with respect to their dealing with the public. There was no necessity for a measure of this kind, neither was it likely there would be for a long time to come.

With the view of showing that the foreign offices doing business in this Province had always promptly paid their losses, which in some instances had been exceedingly heavy, and that for many years nearly all the losses of insured property had been sustained and paid by foreign offices, the hon. member stated that at the fire of January, 1857, when St. Matthew's Church was burned, the losses paid by Insurance Companies were £10,000, ever two thirds of which were met by foreign offices. At the great fire in Granville street in 1859 the amount paid exceeded £120,000, of which amount only £8,000 were paid by a local company—the Halifax—the rest being borne by the different English and American companies represented in Halifax. At the heavy fire of 1861, which destroyed Hare's Building, the block opposite, and a portion of the next block south, the losses sustained by the Insurance Companies amounted to over £50,000. Of this sum about £7000 were paid by the Halifax Company, £3000 by a London Company—the only English Company interested—and the balance by the various American companies doing business in Halifax. At Doran's fire in December, 1861, £3000 were paid by foreign companies, and only £400 by the local company. At Mitchell's Foundry fire, at Fresh Water, £5000 were paid wholly by American offices, as was also £2000 at Stanford's Tannery fire, Dartmouth. Besides the various losses he had enumerated, numerous single losses had been paid in Halifax and throughout the Province, amounting to thousands of pounds, and principally, if not altogether, by English and

American companies. The total amount that had been paid by English and American companies as losses sustained by the fires he had mentioned, was no less than £170,600.

It was plain, then, that there need be no apprehension about the solvency of the foreign companies operating in this Province; he had the utmost confidence in their pecuniary standing and the integrity of their directors, and by passing this bill they might drive away these companies, and the result would be that the whole insurance interest of the country would be placed in the hands of a few of the capitalists of Halifax. He would second the motion of the hon. member for Halifax, (Mr. Pryor) which he hoped would be carried.

Mr. TOBIN said the chief object of the bill was to protect the community against loss through the operations of unstable companies by compelling all foreign ones to invest a certain amount of money in the country as security for the payment of losses. Such a law would prevent bogus companies from commencing business in the Province. There were a few English and American offices doing business in the city, and they had always promptly paid their losses, and he was of opinion they would accede to the requirements of this bill without demur. Since the war had broke out in the States some of the branches of American companies had been withdrawn from this Province, and he wished to prevent bogus companies coming to take their place. His object was not to drive away English companies, and solid American companies, but simply to protect the community against imposition and loss.

Mr. ARCHIBALD said that as a rule the foreign companies doing business here were of the highest character and respectability, and it would be undesirable to pass any law that would have the effect of causing them to withdraw from the Province. It would be unfortunate that the capitalists of Halifax should assume the risk of the entire property of Halifax, because in such a case the consequence of a destructive fire would be disastrous in the extreme. It would be unjust to pass this bill without forewarning the foreign companies operating here. He would suggest that it be referred to a select Committee to consider and report upon.

Mr. TOBIN had no objection to refer the bill to a select committee, and moved that it be so referred.

Mr. PRYOR withdrew his resolution.

Hon. SOL. GENERAL said the interests of the companies now doing business here, as well as of those who might in future operate in this Province, were effected by the provisions of this bill. He did not think there was any danger to be apprehended from the operations of foreign companies in this Province. We legislate for the protection of our people, and so they did in England and the United States, and in neither country could any insurance company go into operation until they had satisfied the requirements of the law respecting capital. He would oppose this bill, because it was calculated to prevent sound foreign companies from establishing branches here. They should not trammel business and enterprise by any useless and vexatious restrictions, and the sooner they removed

the double-liability clause from the general Incorporation Act, the better for the interest of the country. It had the effect of preventing capital from being brought into the Province.

Mr. BOURINOT thought they had better not refer the bill to a Committee, but dispose of it at once by voting for postponing its further consideration for three months.

Hon. Mr. MCFARLANE said that there were a few good local offices in the city of Halifax, but one extensive fire would sweep out of existence all the capital they possessed. It would not be desirable to drive away the offices that had been the means of building up the city. The Banks and Insurance Companies doing business in Halifax were a credit to the city, and they should let well enough alone. There was nothing, he thought, to fear from the foreign offices doing business here, and they should wait until they heard some mutterings of danger in the distance, before they adopted legislation calculated to drive the branches of these Institutions from the country.

Hon. ATTY. GENL. said there were instances in which foreign companies had taken advantage of their position to withhold payment of losses they had sustained, and he referred to a case wherein the agency of an American company not long since refused to pay a claim, and the person interested was compelled to carry his case to the Head Office at New York, and at last was obliged to accept the terms the Directors offered which were largely disadvantageous to the person whose property had been insured. There was, he said, another instance in which an American company had acted in the same manner; they had no funds here, and the Head offices refused to pay the full amount the person insured was entitled to. He viewed the bill with favor. As long as American companies were prosperous here they would remain and probably pay all losses, but so soon as adverse circumstances overtake them they might quit the country and disregard their position towards the insured. The people ought to be protected, and this bill, he thought, asked for nothing more than was reasonable and just, and consistent with public safety.

Mr. JAS McDONALD said the history of Insurance Companies operating in this Province did not justify the conclusions arrived at by the Hon. Atty. General. The foreign offices had, as a rule always paid promptly, and foreign companies had paid nearly £120,000 of losses sustained in consequence of the Granville street fire, and this fact was an answer to one hundred cases of dereliction such as had been referred to by the Hon. Atty. General. The foreign offices now doing business here were all sound, as long since the sagacity of trade had driven all bogus offices out, and when the day of trial came they found all remaining to be solvent and secure.

Dr. HAMILTON observed that the more the bill was discussed the darker it became, and he thought the sooner it was referred to a select committee to throw some light upon it the better.

It was then agreed to refer the bill to a Committee.

BILLS.

Hon. SOL. GENL. presented a petition from an aged teacher in Antigonish for a free grant of land.

Mr. JAS. McDONALD introduced a bill to incorporate the Albion Mines Union Association.

Hon. ATTY. GENERAL introduced a bill to incorporate a number of Americans, of whom John Jacob As or was one, into an association to be called the International coal and railway company. He explained that the sphere of the company's operations would lay on the coal region between Lingan and Glace Bay in the county of Cape Breton. They not only desired power to open coal mines but to lay down rails and effect other works of large magnitude. The bill sought to rectify the legislation of this country which requires adherence to the double liability principle with respect to corporate bodies. He thought it would be to the interest of the country to relax the principle.

Mr. S. CAMPBELL doubted the policy of permitting foreigners who might at no distant day be enemies of the Empire of which we form a part, to possess themselves of the sinews of war from this Province, and which might possibly at some future time be used against us. He was well pleased to observe signs of enterprise and progress as evidenced by the number of applications for acts of incorporation, and he had no objection to Americans working our gold fields, but was opposed to allowing foreigners to exhaust our coal mines.

Hon. ATTY. GENL. said the hon. member for Guysboro had overlooked the fact that the moment war takes place between England and the States the citizens of the latter residing in this Province become alien enemies and could have no rights here.

Mr. BOURINOT said it was gratifying to find men of capital coming from the States to open our coal fields. Had the country depended on native capital to explore and open the coal mines of Cape Breton they would have not been developed yet. He hoped there would be no restrictions placed in the way of the introduction of American capital in this Province.

Considerable discussion ensued concerning the double-liability principle, the arguments of those who spoke being against its continuance. The subject then dropped.

DALHOUSIE COLLEGE ETC.

Hon. PROV. SEC. laid upon the table the returns of the real and personal estate of Dalhousie College, also a document showing the number of students in the Institution, their names, ages, and places of abode, asked for some time since by the hon. member for Annapolis, (Mr. Longley). From this return it appears that there are forty students taking the whole course of study, and twenty taking the partial course. Mr. Longley had asked, continued the Prov. Sec., for a return of the religious belief of each student, but he had received a letter from the Secretary of the College stating that the Principal never asked what was the religious belief of any student, as it was not the course generally pursued in Collegiate Institutions. The Secretary of the College stated, however, that if the Government and House desired the information

it could and would be obtained, but he did not approve of interrogating the students on such subjects.

Hon. PRO. SEC. said that he observed that an error had crept in the report of his remarks on the Education bill. He was represented as having said that the college of Francis Xavier at Antigonish was purely a Theological Institution. What he did say on that occasion was that St. Francis Xavier was similar to the Acadia College at Horton, in which Theology is taught in one part and secular instruction imparted in another.

Mr. JAS. McDONALD observed that the reporters had mistaken some remarks he made on the interest question discussed a few days since. He was made to say that "they had better retain the existing law," when what he did say was that he was in favor of altering the law so as to make it the interest of capitalists to invest their means in this country.

MONDAY, March 14th.

PETITIONS, ETC.

Mr. J. McDONALD introduced a bill relating to Highway Labor in Pictou.

Mr. ALLISON presented a petition from Queens County on the subject of Dalhousie College.

Mr. KILLAM introduced a bill to incorporate the Farmouth Seminary.

Mr. KAULBACK moved that the bill to repeal Chap. 62 of the Acts of 1863, relating to the Township of Chester, be read a second time,—and together with the petitions on the same subject be referred to the Committee on private bills.

EXPLANATION.

Hon. SOL. GENL. regretted having been absent on Saturday when the hon. Pro. Secretary drew attention to the report of the remarks made by himself and that hon. gentleman in the debate on the Educational Bill, in reference to the College of St. Francis Xavier at Antigonish, and it was only within the last hour that he had seen the paper to which he referred.

He found in a late number of the Antigonish *Casket* that both he and the Prov. Secretary were charged with having characterized the College at Antigonish as a Theological Institution, confined to one denomination, and in fact closed to all others. He could not understand where the report came from, for in looking over the short official report of his observations, he found that it did not justify the remarks of the *Casket*. The remarks he had made could not convey the meaning that the character of the Institution was exclusive—for he could not truthfully say that, when to his knowledge Protestants had taken advantage of it; but what he did say was, that owing to the prejudices of the Protestant community itself the Institution was practically closed against them. He felt it due to the Institution and to himself that he should make this explanation.

Mr. MILLER rose to speak, the hon. Speaker said there was no question before the House.

Mr. MILLER would conclude with a motion if that was necessary, but he thought there was just as much question now as when the Sol. General addressed the House. If he understood the ex-

planation just given by the Sol. General, he complained that the remarks he had made on the subject of the grant to the Antigonish College had not been fairly reported. He (Mr. M.) agreed with him, that perhaps they were not, but instead of complaining he thought that hon. gentleman ought to be grateful to the reporter for omitting a portion of what he had said instead of visiting him with censure. It would be in the recollection of the House, and he would appeal to hon. members to say if his statement was not correct—that when the question of the grant to the Academy at Antigonish came up, the Sol. General based the right of the Protestant portion of the community to the grant upon the exclusively denominational character of the College of St. Francis Xavier. He had no desire to misrepresent him, and if the Sol. Genl. did not *mean* to say so, he would accept the explanation, but he thought that the House would agree with him that he *did* say so. When that argument was used as a ground for giving the grant, he (Mr. M.) at once stated that the college at Antigonish was not of the character alluded to by the Sol. General. (The hon. gentleman then read his remarks from the official report.) Why was it that he used this style of argument? Was it not in defence of the institution against the attack of the hon. Sol. General; and because it had been assailed by him? He was not aware at the time the debate occurred, but he had since learned that not only was the college not of a denominational character, but there had been no Theological chair in it for the last two years. During the discussion that took place on the occasion referred to, he had stated that he would insist—if this grant was given to Antigonish—that a similar one should be given to Arichat, as the former had no greater claims to favor than the latter, both being in the same position. What did the Sol. Genl. say then?—(and he thought that the hon. gentleman again had reason to thank the reporter for not giving him here at all)—although the bill had so lately invested him with the character of a Judge as one of the council of public instruction, he thought proper to indulge in a threat as improper in temper as it was unjustified by facts, that he would withdraw the grant from the Arichat institution, because of its denominational character. He had no objection to the hon. Sol. Genl. setting himself right, but when he made a charge of the character referred to so utterly unfounded against two institutions, he thought it was going rather too far.

In order to bring himself within the rules of the House, he should conclude with a motion that the adjourned debate on the Railway be resumed.

Hon. ATTY. GENERAL said that the hon. gentleman had better make some other motion, as that subject happened to be in his charge. He would advise him to select some other subject for his stalking horse than one which was in the hands of the Government.

Mr. MILLER did not think he deserved to receive such harsh language at the hands of the Attorney General. It was conducted so often attempted by some members of that House, and which they should not be permitted to indulge in. He would ask the young members of the House whether it

was not the constant practice with certain parties whenever a young man who had the manliness to differ from some hon. gentlemen rose to address the House, to snub him and endeavor to put him down,—and he would appeal to them whether they would submit to this treatment any longer. He had the pleasure of spending a short time in Canada last summer, and had been present on several occasions in the House of Parliament there and had listened to the debates, and he would venture to say that there was more of this kind of language used to young members in this House in a week, than would occur there in a whole session. To say the least of it, it was not that courteous treatment which a member had a right to expect, and it should not be tolerated for a single moment. No man's rights here depended upon his youth or age—a fact which was too often forgotten.

Hon. ATTY. GENERAL was at a loss to understand the language of the hon. member. If he meant to say that he (hon. Atty. General) had snubbed him he made a statement entirely without the semblance of foundation. He could not use stronger language than that without infringing the rules of the House.

The hon. gentleman said he was a young member and complained of being snubbed and of not receiving sufficient consideration. Well, he would engage to say that if any body took up the public record of speeches delivered in the House, they would find that hon. member's name ten times for his own. It was only the other day that a friend remarked to him, how many new names he saw amongst the members, and amongst others he observed the name of Mr. Miller figuring very prominently, and he enquired "who is Mr. Miller?" He (hon. Atty. General) told him that he was a young gentleman of the legal profession of some promise. And that was all the snubbing he could be accused of. But he would tell the hon. member that there was one quality not very common amongst young men, it was true, but which he would advise him to cultivate, and that was modesty. Let modesty then be the cloak with which he would cover himself in the arena into which he had thrown himself, and he would not be so ready to torture whatever was said to him, into something improper. He (hon. Atty. General) had occasion once before to administer to him a rebuke couched in moderate terms, when he found that he was endeavoring to light the torch of religious discord.

What was it that he had again to check him for? He (the Atty. Genl.) was there as the leader of the Government to deal with a subject of great public importance, and the hon. member undertook to move that the adjourned debate be resumed. Did not the hon. gentleman perceive how the progress of the public business might have been retarded, if under the circumstance the motion was negatived, and therefore when he told him that he had better select some other talking-house for his remarks, he was simply doing his duty.

Hon. SOL. GENL. : I was not much astonished at the remarks of the hon. member for Richmond for as soon as I saw the article in the paper to which I referred, I knew the source from

whence it came. I can easily understand the reasons for the course he is pursuing, but I can tell him that the sooner he abandons that line of conduct the better. It has always been usual when a member has been misrepresented to allow him to correct the misstatement, and it never has been customary to make him swallow what he never said. If the hon. member attempts to misrepresent me, he little knows the task he has undertaken. He would have to get up a little earlier, before he could manage that, and while I have a tongue or a pen to use I will not allow any person to impute improper language or insinuations to me. I will appeal to hon. gentlemen around whether the whole scope of my remarks did not refer to the difficulty arising from what was termed the bigotry of the Protestant inhabitants of Antigonishe, and not to the character of the Institution. And the answer of the member for Colchester shewed clearly that that was the line of argument used.

The hon. member for Richmond undertook to state that the institution at Antigonishe was situated precisely in the same position as that at Arichat, and he intimated that if the grant was given to the former, he would apply for a similar one for Arichat. I then told him that the distinction was, that the grant to the colleges was given for denominational purposes, while the Academies to be established under the bill were to be of a different character, and the hon. member has magnified that expression into the threat he has charged me with. I think that the motion with which the hon. gentleman has concluded his remarks was quite irrelevant, and a breach of his promise to move on the subject of his remarks, and that it is exceedingly out of place for him to attempt to take the matter out of the hands of the government.

Mr. TOBIN did not think they should be too hard upon a young member who had not yet had much experience in the rules of the House. He was sure that the hon. member for Richmond in making the motion he did, had no intention of doing anything discourteous to the government, but just made the first motion that came into his mind.—As to the explanation that had been given by the hon. Sol. General, he would say that he had heard remarks made in this House, and language used, and after the words had been reported by the reporters, hon. gentlemen would get up and deny ever having used the language imputed to them. Sometimes gentlemen said one thing and meant another, but it was hardly fair to make the reporters responsible for what members intended to say. All they could do was to take down what was said.

Hon. SOL. GENL. enquired whether the hon. gentleman's remarks had reference to the present case.

Mr. TOBIN—No; my remarks are general.
Mr. MILLER said no person would fail to perceive the animus which actuated the attack upon him by the hon. Attorney General. It is another instance of his old habit of treating those who presume to excite his ire here or elsewhere by refusing to cringe before him,—a habit of which he himself had seen many illustrations. He was here in this House a young man, standing alone, unop-

ported by any party combinations, without the sympathy or encouragement of gentlemen here on either side, anxious only to discharge faithfully his duties to those he represented. Perhaps in doing so, continued Mr. Miller, I have been compelled to speak frequently, and have seemingly occupied too much of the time of the House, but my only object has been properly to perform the duty which I owe to my constituents. That object I intend always to keep in view; and in doing so, I will treat with contempt the opinion that my rights are not equal to those of the oldest member of the house, or that my youth should deter me from claiming them. On the occasion to which reference has been made, and which the Atty. General has endeavored to misrepresent, I am happy to know that my conduct has received the sanction of better authority, in my eyes, than even that of the Attorney General—the sanction of those who sent me here, and has merited the approbation of my friends, whose opinion I value more highly than I do his. When, expressing my sincere opinions, as every man had a right to do, it was base and malignant to charge me with promoting religious discord, and no man who knows me will entertain the accusation. The object of the hon. gentleman, however, is evident but his poisoned shaft will miss its mark. I am aware that there is a certain modesty becoming to youth, but I would remind the hon. Atty. General that there are certain other qualities which become old age. Does the hon. gentleman think that malice and hypocrisy are justified by gray hairs? In giving play to the vindictive impulses of his nature—in letting out the visals of his wrath upon a young man who dared to cross his path, he imagined that he would gratify himself and his associates by trampling upon me, but I can tell him that he much mistakes his man if he supposes such treatment as that will put me down. When he attempts to defame me by unworthy and dishonest means—to blacken my reputation before the country, or prevent me from expressing my opinions, he only makes me more determined to maintain my position and vindicate my rights. I repeat, sir, I stand here before him alone, without political associates to support me—a young man, perhaps the youngest member in the Legislature, with a position to gain, and I think if he had a spark of magnanimity or proper feeling he would have paused before assailing me with all the venom he possesses, and, serpent-like, had attempted to mark me with his slimy trail.

I am aware that I occupy a position that he and some others would like to see me out of, but of which he and they will find it a difficult task to deprive me. While I do occupy it I will be frightened from my duty by no man, regardless of any censure or misrepresentation of my views and positions. I stand here possessing the confidence of my constituents, and I care little either for the frowns or the approbation of the Hon. Atty. Genl. The latter would easily be secured by servile truckling to his arbitrary will. I intend to address the House as often as I think proper upon any question that comes before it, and although the Atty. Genl., who is acknowledged to be perhaps the most talented man in the country may attempt to snub me, backed up by the Sol. Genl., they will find, even

against unfair odds, it a difficult, a hopeless task to prevent me from asserting my rights and privileges. I shall meet them on all occasions as I now meet their unexpected onslaught.

I will tell the Hon. Sol. Genl. that the article he alluded to was not written by me; if he had believed it was he would not have brought it here, or been so alarmed about it. I hope he is as able to take care of himself as he imagines; but I tell the hon. gentleman there is little in his tongue or pen that I fear. He perhaps suspects by whom this article was written; perchance it may have been by one whom he fears, more than he does me. I will not occupy any more of the time of the House, but in justice to myself I could not say less than I have done. I will now move that this matter be referred to the Committee on reporting.

HON. ATTY. GENL. said—If the hon. member for Richmond imagines that I have any desire either to put him down, or raise him up, he assumes to himself more importance than I am inclined to allow him. I made no attack upon him, until he in a most violent manner thought proper to allude to me. When that hon. gentleman has been a little longer here, he will find that the course he is pursuing is not calculated to raise him in the estimation of this House.

MR. PRYOR presented a petition from Cath. Brehm, an aged teacher, praying for a free grant of land.

ENQUIRIES.

MR. STEWART CAMPBELL enquired of the Government whether it was intended on the 31st March, when His Excellency came down to assent to the Revenue Bills, to submit such portions of the Revised Statutes as had already been passed for his assent, or whether they intended to wait until all the statutes had been passed—some inconvenience might result, as some of the statutes should be assented to before the 31st of March.

HON. ATTORNEY GENERAL said the difficulty had occurred to him, and it was the intention, if the whole volume was not passed by the 31st March, which he hoped would be the case, to have such acts as required immediate attention, assented to, as separate acts, and then at the close of the session have them all submitted in a consolidated form.

MR. BLACKWOOD enquired of the government whether they had any official communication with the government of Prince Edward Island, relative to the erection of a public wharf at Point Brule, in connection with the steamboat communication with Charlottetown.

HON. PRO. SEC. replied that the Prov. Secy. of Prince Edward Island had communicated with him on that subject, and he had reason to believe that arrangements had been made to accomplish the object referred to.

PETITIONS AND BILLS.

MR. PRYOR presented a petition from the inhabitants of Halifax engaged in the sale of powder relative to a clause of the city bills on that subject.

HON. ATTY. GENL. introduced a bill concerning wrecks and wrecked goods. He said that the provisions of the bill were mainly taken from the Merchants' Shipping Act, which had

been found necessary in England for the protection of wrecked materials. There were also some clauses on the subject of salvage.

FREE GRANTS OF LAND.

Mr. LONGLEY wished to know from the Government whether when free grants of land were given, the expense of the survey was to be borne by the government or the grantees.

Hon. ATTY. GENERAL said that the subject had been brought to his notice by the Commissioner of Crown Lands. His impression was that there was some resolution of the House on the subject; and in his opinion, as these grants were becoming so frequent, he thought the mere expense of the survey should be borne by the grantees.

Mr. BLANCHARD said that at one time the committee of the House on recommending a grant, clogged it with a condition that the expense of the survey should be paid by the grantee, and when that was not done, the Government had to bear the expense.

Hon. PROV. SEC. said that the Commissioner of Crown Lands was instructed to make the grantees pay for the survey. The Committee on Education would examine into the matter, and report their decision to the House.

Mr. S. CAMPBELL said that in the reports of the Committee for 1862 and '63 no condition was annexed to the grants.

Dr. BROWN and Mr. J. McDONALD thought it hard to make these poor teachers pay the expense of survey.

THE PICTOU RAILWAY.

The adjourned debate on the Pictou Railway, was then resumed, on motion of hon. Attorney General.]

Mr. KILLAM again urged the necessity of allowing the bill to remain over until the Committee of Public Accounts had reported, and the Financial Secretary had submitted his Estimates.

The PROVINCIAL SECRETARY pointed out that it was inadvisable to delay the debate any longer, particularly as it had been already adjourned over Saturday, in order to meet the wishes of the hon. member for Yarmouth.

MR. BLANCHARD'S SPEECH.

Mr. BLANCHARD commenced with a playful allusion to the hon. member for Halifax, who, he said, had, turning his back on the Speaker, advanced to the hon. member for Yarmouth, and with uplifted arm called upon him to come up to the fight—to fire his guns and assault his fort. The Hon. Sol. General had also alluded to the rat-trap and bait, so amusingly described by the hon. member for Yarmouth. We would all no doubt like to see the bait, with which it was supposed members had been or could be caught, yet he did not think either of the hon. members should speak of traps or rats. The old adage of "set a rogue to catch a rogue" might be true,—but to set a rat to catch a rat, was something of which he had never before heard.

The hon. member continued to the following effect,—I would now like to turn the attention of the House to the very little distinction between the bill passed last session and the one before us. The bill which has been assented to

by the Duke of Newcastle is couched in the following terms: "for the construction of a further section of Railway, not to exceed eleven miles; to commence at the station house at Truro, and run northerly and easterly on a site to be selected, which shall be best adapted as a common line for the Intercolonial railway, if such should hereafter be decided upon, and which shall at the same time be most suitable for a railway to touch the navigable waters of the harbor of Pictou." Now, what is the bill before us?—"To construct a section of railway between the station at Truro and the navigable waters of Pictou as far as possible, on a line common to a line to the frontier of New Brunswick." Where is this great distinction between the two bills that some gentlemen seem to assume there is? It is clearly stated that the object of the present bill is to build the road as far as possible on a line common to both lines—and there are at least eleven miles of this description. The Attorney General also stated that this year would be fully occupied in making the necessary surveys, therefore I ask what is this great thing that the Government have given us, and about what are Pictou members so jubilant? I cannot see that it places the people of Pictou in as good a position as they were placed by the bill of the late government. I cannot understand why the present Administration, if they are and have been so anxious to build to Pictou, should have stopped the preparations made by their predecessors. The preliminary surveys had been made, the contracts were ready to be given out, and every necessary arrangement made for constructing the road in accordance with the terms of the bill of last session. But the Government thought proper to stop everything that was in progress, and are now coming forward and saying that all that is to be done this year is to survey for a line to Pictou, which would be half finished next summer if the bill of 1863 had been carried out. It was said the other day by the hon. Attorney General that the late Government and the gentlemen who supported them had committed a folly and enacted a perfect farce when they passed the measure to which I have just referred, that they must have known it was a farce in the face of the Minute of the Canadian Council of February, 1863. Now, I find it stated in a letter to Viscount Monck, from Governor Gordon of New Brunswick, that that Minute of Council had not been communicated to the government of that Province up to April last, and when it did reach it came among other papers and not in an official shape. I also find Mr. Gordon stating that the Minute of Council is nothing like the abandonment of the scheme. He says, among other things:—

"The council refer to their memorandum of 25th Feby., as a proof that the agreement of 1862 was held to be abandoned on the return of the Canadian delegates from England. I may observe that this memorandum had never been officially communicated to the lower provinces, though it is true it may be found in a collection of parliamentary papers received from Quebec to the month of April last."

Here then is the best and most emphatic contradiction of the statement made by the hon. Prov. Secretary that this paper must in the na-

ture of things have been in the possession of our government before the passage of our act in 1863. Governor Monck goes on to say:—“I have read and re-read this memorandum with close attention, but fail to find there is any such announcement as that which it is now said to convey.” And he goes on to prove this assertion by facts and arguments which appear to me quite incontrovertible.

Here we have a perfect defence of the course of the late government, and the gentlemen who supported them in passing the bills of last session, notwithstanding the Minute of Council of February. Without dwelling further on this point, as I do not wish to weary the House with quotations, I may add a few sentences from the paper before us which I think it would be well perhaps for gentlemen in this House to read and ponder:—

“The engagement of 1862 was one of a solemn character approaching as nearly in its nature to a treaty as the political condition of these provinces prevents. It was signed by duly appointed plenipotentiaries. It was confirmed by your Excellency, by Lord Mulgrave and myself on behalf of the provinces we govern. It was not the private agreement of individuals which could be repudiated solely at the expense of the honor of the men who signed it. It was not the undertaking of a government which might be repudiated at the expense of some discredit to their party or overruled by their opponents should they replace them in power.”

After reasoning some time in this style, he concludes with this emphatic paragraph.

“I cannot suppose that your Excellency’s advisers can be insensible to the responsibility attaching to the assumption of such a position, nor will I believe that the people of Canada, even those who disapproved the engagement of 1862, desire to see it overthrown at the risk of spreading abroad a suspicion which even if unjust cannot fail to be generally injurious that in that country important interests of a permanent character are lightly dealt with, and grave questions of Intercolonial policy decided not on their own merit or in accordance with any fixed principle, but are taken up trifled with and abandoned to suit the political exigencies of the passing hour.”

I have read these sentences not so much in connection with the present measure as with reference to the observations made by the Provincial Secretary who said that the action of the late government was not only premature but frivolous in the extreme. This correspondence will show that the late administration were justified in taking the course they did. And it will show further that the present government have entirely exposed themselves to the just though severe animadversions just quoted. The Intercolonial bill was passed by the late government in perfect good faith, and if there is any fault anywhere, it lies with the Government of Canada alone.

The Attorney General has said that he intended to virtually repeal the acts by leaving them out of the Revised Statutes. Now, I do not think this is the best way to do it. It would be preferable, in my opinion—in fact a far more straightforward course to repeal these acts by the

very first clause of this bill, so that members may not be placed in an improper position. I feel serious responsibility devolves upon me in reference to the measure now before us. The question naturally suggests itself to my mind, how can I vote for this bill whilst acts remain in the Statute Book which, I believe conscientiously, are the true policy of this Legislature and of this country. I was therefore very much relieved when I heard the Attorney General state that it is the intention to repeal these acts, and I trust he will do it in the way I have intimated. I do not wish to be understood to favor the repeal of these laws. I shall vote against it, but I call upon the Government to redeem their pledge, and to assume the responsibility properly devolving on them.

I have been always prepared to give any assistance in my power to any Government that is ready to extend the railway in the direction of Pictou. I believe what I have always stated in my pledges to my constituents, and in my speeches in this House that that road should be built whenever the circumstances of the country permitted it. I believe that when the intercolonial scheme is abandoned it is the duty of the Government to proceed with that extension—(Hear, Hear.) I hope, too, that the assertion of the Hon. Atty. General will not be carried out, but that the Government will spend this summer in building as much of the line as is possible with the preparations that were made by the late administration. It has been said that the island of Cape Breton is to some considerable extent advantaged by the construction of this railway. I admit the county of Inverness will be most particularly benefitted, but there is one consideration that I should like to notice: It is this,—Inverness will be no more benefitted than either Richmond or Cape Breton, and in fact scarcely benefitted at all, unless there is a system of steam communication with Pictou. When the hon. member for Cape Breton (Mr. Bourinot) referred to the routes that could be taken, I was pleased to find that he referred to the harbour of Mabou, which is only eighteen miles distant from the head of the Bras d’Or. It is believed that this can be made a most excellent port, and I may mention that there is a petition largely signed, and accompanied by a subscription, now in the hands of the Financial Secretary, asking for aid in improving it. With the experience we have had of Antigonish—where a dredging machine has made 12 feet of water—we have every reason to believe that most beneficial results will follow if the Government will send an engineer to examine the harbour of Mabou with a view to its improvement. By taking advantage of this route, we will have as straight a line of communication between Halifax and Sydney as is possible. The harbour of Port Hood has also strong claims upon the attention of the Government, for it is the only harbour in which a ship of any size can find shelter along a dangerous coast line of more than 150 miles. I may mention there is also in the possession of the Government a petition on the subject of this harbour, and I trust it will receive favourable consideration. Give us one or other or both these improvements, and a powerful steamer to Mabou, Port Hood, and the Strait of

Canso, and; then, indeed will the Pictou Railway become an advantage to us.

It has been said that perhaps there is not so much profit to be got out of this railway as many anticipate. Now, taking up the census returns of 1861, I find that Pictou is the first county in this Province, for a variety of reasons. It produces more butter, it owns more cows, cattle, horses, sheep, etc, than any other county in Nova Scotia; in these particulars Inverness stands next in the list, and in some points we are superior even to Pictou. I have little doubt that people of my county will, when this road is completed, be induced to feed up and fit cattle for this market. I have only to add that by giving us a powerful steamer Inverness will be nearer by rail to Halifax than Antigonishe—that is, it will take longer time to get to this city with any weight of produce, from Antigonishe than from Inverness. Now I find, last year, that Antigonishe received £8000 or £9000, in the city of Halifax by sale of cattle, and I see no reason why Inverness, when the railway is built, should not participate largely in this trade. But if you oblige our people still to travel round by the Strait of Canso—they can join the present railway at Brookfield or Truro almost as easily as at Pictou.

In conclusion let me say that while I exceedingly regret that the prospect of an Intercolonial Railway is, by the action of the Government, blighted perhaps for ever, yet I feel bound to support this as the next best measure that could be devised, and to offer to the Government my humble yet earnest co-operation and assistance, in perfecting its details.

MR. CHURCHILL'S SPEECH.

MR. CHURCHILL said—When so much is said that is not to the point, one cannot help thinking that the greater portion of this talk to-night is wholly useless. I do not see the necessity for so much discussion upon this question. It is really strange how little a thoroughly practical man wishes to say upon any subject he may have under consideration. A business man will do what he has to do, and talk or say but very little about it. Sagacious practical men never say a great deal, but then they think none the less for all that. Now Laurie the Engineer was a shrewd business man, and it was next to impossible to extract an idea from him, or get an expression of opinion out of him. Now the subject of Railways is one about which a good deal has been said, but not much done. It is a question that is surrounded by conflicting interests. It has been said that if the railroad was extended to Pictou, and a steamer put on the route from there to ports in the Gulf, a large trade would be created. Here is an acknowledgment that feeders are necessary to make a railroad pay. But then what do you find? Why you find that every man is claiming to have the railway to pass his own door; and if he finds he cannot by any possibility get it there, then he wants a steamer put on the route that will establish communication between his locality and the railway. This is one of the difficulties that beset railway construction. Don't every man feel this? The fact is that the Railroads of Nova Scotia are, as has been well said, a mill stone around the necks of the people of this country. We have about

one hundred miles of Railway which cost over a million of pounds. This is a very large sum for a small country to pay, a sum which divided would give about £100 for every mile of public highway we have in Nova Scotia. Is it not well to consider such facts as these? We belong to Nova Scotia, and Nova Scotia belongs to us.—Were £100 expended on every mile of road throughout the Province, it would make facilities for communication between different sections of the country much easier and more certain than they are at present. After we have spent upwards of a million of pounds in constructing railways the Government very coolly propose to expend half a million more, to carry one of the existing lines to Pictou, which, if done, will saddle a debt of a million and a half upon us, the annual interest upon which will be £90,000, and this the people of Nova Scotia will have to pay. This is an important subject, and one that deserves the gravest consideration.—It is a matter that I cannot and will not dispose of with a laugh as some members appear willing to do. When the subject of railways is talked of, and propositions to extend the line are made in this House, I cannot help thinking of the very many people in this Province who are compelled to plod along on miry roads, and I ask myself the question, What will these poor people say about what we are doing? It is all very fine for us to sit here and legislate to extend Railroads with borrowed money, but depend upon it, the day will come when the people will grow about our conduct, and perhaps condemn us. Our great misfortune is that we now have two pieces of railway in Nova Scotia. If we had no railway now, I do not think that the country would consent to commence any.—The country has had experience enough to teach her that Railways are not cheap articles to deal with.

The people were deluded into the adoption of railways by the declaration of politicians that they could be built for about £6000 per mile. We have tried it and find that instead of costing £6000 per mile, they cost double that sum. We have spent a million of pounds, and have not yet even started a road from Halifax, as the terminus is two miles from the city, and if we do decide to build any more railways, let us bring the present line into Halifax, where it ought to be. What have we got? Why, we have got two pieces of railway with three ends, which roads are a disgrace to the country, and the end towards Halifax a nuisance to the people, because when they got off the cars at the depot, they are obliged, in order to reach the city, to travel about two miles through mud and slush. The question is, what had we better do with the road we have got? I don't know but what we better take up the rails and sell them—they would bring something. We have the railways, and the difficulty is to decide what to do with them. I have studied this subject a good deal, and ought to have as much practical knowledge of it as any man in Nova Scotia. In these railway matters we have got a disgraceful thing—a weighty expensive thing—and the question is, what shall we do with it? Well, perhaps we better conclude to go on with them, and try to make something out of them in the

end. Perhaps we are in as good a position now to go on with railways as we ever were, or ever will be. The public works necessary for the Province are now about completed, and in future the calls upon the Treasury for these purposes will not be so heretofore. The Penitentiary is completed, and the Asylum nearly finished, and the shores of Nova Scotia are now pretty well dotted with lighthouses. We have many public institutions in this Province that have been liberally dealt with. The city of Halifax, too, had been well provided for. She has now a new Court House, and provision had been made for the erection of another magnificent structure to be called a Provincial Building, and then here is the building we are in now. This is a fine building, affording for Legislative purposes all the accommodation we require, and it is very handsomely fitted up; and as I sit here and view it with the eye of a practical man, I cannot help thinking what an excellent horse stable it would make. Well, I don't think we shall be called upon to contribute much towards the construction of public buildings for some years to come; and I am glad of that, and hope the House is too. But let me go back to the railway question. Well, railway extension is an important subject after all, and I am not sure but what I will give it my support. If there is a man in the House I respect more than another, it is my friend from Yarmouth, Mr. Killam. I admire him because he is a practical man, and I find that generally his ideas are up to the right mark, and I would like to assist him on this question, but I am afraid I can't. The trouble is that we have got railways, and the question is, what shall we do them? Well, let us look at our future prospects for a minute. We have got pretty well through with the work of erecting public buildings, and hereafter our expenses will not be very heavy, so perhaps we better extend our railroads and see if we can make them pay. Then there is another thing to look at in connection with this subject. In 20 years all the mines in the Province become the property of the Government, and this fact may be justly looked upon as a banisher of fear for financial embarrassment. Nova Scotia is rich in mines, and no man believes that the richest of them are yet touched—the enormous wealth that lies in the bowels of this Province is beyond calculation, and yet remains to be explored. Springfield is one great coal field, and I am glad to learn that a rich Company is about to commence mining operations there. This is an evidence that the enterprise of Nova Scotia is beginning to stir. Taken as a whole Nova Scotia is a slow coach, but within the last few years she has started some important enterprises and in time would very likely start more. But let me see about the railroad. If the line is extended to Pictou, and not westward, what shall I say? Well I will say that provision ought to be made for the building of ten miles westward. We have twenty-two Locomotives in the Province that belong to the Province, and the half of them are useless because too small, and I think we might give them to any company which will undertake to build a railroad towards Annapolis. The time may come when we shall have railways all over the Province, and when

we begin to extend them we must not stop at Digby, but carry them all the way to Yarmouth. Well I think we have said enough about railways to-night, and I will stop.

SPEECH OF MR. BLACKWOOD.

Mr. BLACKWOOD followed and spoke to the following effect—I have listened with a great deal of attention to the observations that have fallen from the hon. gentleman (Mr. Churchill) in reference to the subject before us. He reminds me of a boy who, on coming late to school, was asked by the master the reason for the delay. His reply was that it was so slippery that he kept going back every step he made, and if he had not turned to go home he would never have got to school at all. Now I am glad that the hon. gentleman, after so much difficulty, has succeeded at last in getting to school. He is convinced at last that railways are not such dreadful things after all. He is now led to believe that such works are necessary improvements which every country, now-a-days, must carry out if they wish to keep up with the progress of the age. He talked at first of tearing up the rails and selling them, and finally came to the conclusion that he will support the railway measure. He turned to the hon. member for Yarmouth and led him to suppose that he was going to support him, and then immediately wheeled round and says that he cannot do any such thing. No doubt the hon. gentleman is consistent in the position he has just taken, though his remarks were of so extraordinary a character.

I am not going to take up the time of the House in arguing the benefits of railway extension. They have been very fully discussed, and it is now pretty well settled that a railway system is what every country now requires. I came here as a railway man for the county of Colchester, and therefore, like the leader of the Opposition, I cannot oppose the present bill. It is the policy of the late Government, and I feel I would be doing injustice to myself if I were to oppose the measure. I do not support it from any desire to favor the present Government, but as being that measure which their predecessors introduced, and I therefore would feel myself an obstructive were I to stand in a posture of antagonism to a policy which I consider it was the intention of the late administration to carry out in all sincerity. I must say I was not a little astonished to hear it denounced as a farce and a pretext; those expressions grated on my ears harshly; and I certainly think they could have been spared with much propriety. I never thought such was the case. I always felt that the late Government had higher and nobler motives,—that they never raised anticipations with the intention of dashing them to the ground. No, sir, I felt that in coming forward at the time they did, they gave the best evidence of their sincerity of intention I do not think, however, that it was their railway policy that drove them from their places as some gentlemen have intimated in the course of this debate; it was something else,—something they need not be ashamed of,—I mean the Franchise Bill, which was used as a powerful engine for driving them from their position.

I repeat I support this bill with all sincerity, and trust it will be carried out in good faith. I must, however, express the astonishment with which I heard the hon. and learned leader of the Government so eloquently depicture the benefits that would be derived from the further extension of the railway. If I had heard my hon. friend, Mr. Howe, take the same line of argument I would not have been surprised, but I could not help being amused at the change that had come over a Western man. If the question was the extension of the railway to the fertile vales of Annapolis, I could understand it; but I suppose the hon. gentleman feels that this is an age of progress and that railways are in consonance with its spirit.

I am not going to weary the House with any lengthened observations with respect to the Intercolonial Railway. I cannot, however, refrain from saying that the tedious and expensive negotiations that have been incurred in connection with this work have almost turned the people against all railways. After all that has been said and done on the subject, we are no nearer the realization of the project than we were years ago. Now, we are not going to build the great Intercolonial road, but simply go to Pictou, and I trust we will get there before any length of time elapses.

I have supported this bill because it goes ten miles in the direction of the Intercolonial line. I don't believe, however, that I would agree to push forward the line to Pictou if I thought there was a shadow of a hope of constructing the Intercolonial road. It has been always my aspiration to link together the Provinces by iron bands, but at the same time I have always felt that when this cannot be accomplished it is our duty to take the next best thing—that is, the road to Pictou. I find there are two lines that can be pursued—one through Earlton and the other to Whall's Mills. One line brings us ten miles on the Intercolonial line, and proceeds within a very short distance of the harbour of Brulé—as safe a harbor as any around our coast. The Government of Prince Edward Island are now constructing a wharf not anticipating the action which this Province is about to take. But if the Earlton route is chosen it would take the road within 7 or 8 miles of Brulé, which is 30 miles distant from P. E. Island—or 20 miles nearer than by the Pictou line. It is only a matter of time in respect to these lines. I believe the Intercolonial Railway must be completed in good time, and I know that gentlemen all around entertain the same opinion. In conclusion, I will but add that I trust the Government will give that consideration and credit to those members of the Opposition who support this measure to which they are fully entitled.

REMARKS OF MR. ANNAND.

Mr. ANNAND made a few remarks in reference to the motion made by the hon. member for Yarmouth, which, he said, was one which ought to be agreed to by the Government. He then went on to say:—Here we are on the 14th day of March, and yet the House has not had the Estimates submitted to it. They were late last year in coming down, but they are later this

year. I have marked during this debate, short as it has been, the silence of members from the western section of the Province, and I naturally ask myself what it means. I ask myself how it is that gentlemen who came up to vote against a railway policy, sit in silence. I ask myself how my own district is to be dealt with—it is not a railway county—the road only passes by it for a few miles. I ask for delay—for information how the services of this country are to be provided for. I wish to know if a great job is to be perpetrated in connection with the measure of railway extension. We have been told during this session that little or nothing is to be done in respect to the work except making the preliminary surveys. If that is to be the policy, what is the pressing necessity of passing the present measure at the present time. I believe, in all sincerity, that the present legislation on this subject will carry us further than the legislation of last year. I do not believe you will advance a single mile further than Whall's Mills, the point mentioned in the bill of 1863. I believe the question of the Intercolonial railway is looming up, and more, what do we see going on in the neighbouring Provinces. Do we not see the action of New Brunswick in respect to the European and North American Railway? Should not these facts make us hesitate before committing ourselves to the present measure? I have great faith in our resources, but I do not think we are able to make a railway to Pictou and another to the frontier of New Brunswick at the same time. Looking then at the present aspect of matters, I am much afraid a great mistake is being perpetrated by the Government of this Province.

SPEECH OF MR. MILLER.

Mr. MILLER said—I rise to support the motion of the hon. member for Yarmouth. In doing so, I may be permitted to say that I do not wish to be understood as opposing the Pictou Railway. I have given this question that consideration its vast importance demands, in view of the heavy liability it is going to entail upon the people of this country. I have considered it in relation to the immediate interests of my own constituents, and in relation to the general interests of the whole Province. In dealing with a subject of this character, although my first duty is to those I represent, I am not disposed to act in a sectional or narrow spirit, or lose sight of what is due to others. If the subject of the Pictou Railway were submitted to me alone—I mean free from unfair pledges to the West—I would vote for it, though I would not feel myself under any pressure to take that course. I am inclined to look upon it as a measure of justice to the Eastern portions of Nova Scotia proper, but I do not look upon it in the same light with reference to Cape Breton, as some members from that Island. That it will benefit us to some extent I freely admit, but not in comparison with the large sum of money we will be called upon to contribute towards its construction. I think the proposed extension will prove of great advantage to the counties of Pictou and Antigonish, as well as a considerable benefit to Inverness and Guysboro', but that it will be equally beneficial to the coun-

ties of Richmond, Victoria, and Cape Breton, I do not in all sincerity believe. As I said before, however, if the question was merely the extension to Pictou, I would be prepared cheerfully to overcome any doubts or objections in my mind with regard to it, and give the measure a cordial support. The Eastern termination of our Railway is not now certainly where it ought to be, and without indulging in the very sanguine hopes of some hon. gentlemen, I have come to the conclusion that, comparatively, we will improve the paying qualities of the work by this bill. I do not mean by this that the line to Pictou will yield the interest on the capital invested in it, for I am unable to reason myself into this opinion, but I do think that the average profits on the whole line to Pictou when carried to that place, will be larger than those on any other portion of our Railway lines. But I regret that this bill is not accompanied by some provision for an undertaking in which the Island of Cape Breton takes a deep interest, and to which, as a matter of justice, she is entitled—I mean St. Peter's Canal. These two projects should go together as concessions of justice to the whole Eastern sections of Nova Scotia. Notwithstanding my views on the Pictou Railway, if I supposed that the latter work was not to be entered upon and proceeded with in good faith,—if I imagined that £400,000 were to be taken from the public treasury for local improvements in Nova Scotia proper, while a tithe of their rights would be refused to the inhabitants of Cape Breton,—I would have no hesitation in voting against the measure now on the table of this House. It is said the Government intend to proceed with both, and on the strength of this assurance to a large extent I am now shaping my conduct. If they are honestly disposed towards the Island, their policy where it meets my approval, shall have my cordial support. Above all, I shall not by a factious opposition on any occasion give ground to suppose that I can be improperly influenced so as to forget the interests entrusted to me.—I regret, however, that the Government should not at once comply with the request of the hon. member for Yarmouth to bring down the estimates. By doing this, it would be evident to all what course they intended to pursue, and how far expectations were likely to be realized. All doubts by this course would be set at rest, and hon. gentlemen would know whether they were being buoyed up by delusions or realities. I feel more keenly the necessity for this information from the unsatisfactory nature of the reply given me a few days ago by the Prov. Secretary in reference to St. Peter's Canal. If it be the intention to satisfy the hopes that have been excited in all quarters, why not come forward in a manly manner and show the country how it is to be done. If we do receive any grant for expenditure at St. Peter's, I would like to know for what purpose it is to be given. Is it for the completion of the Canal, or towards Mr. Laurie's suggestion of a Marine Railway? For the latter, I would not thank the Government, nor do I believe the people of Cape Breton will thank them. If we are entitled to anything—and who can deny our right? we are entitled to the full assistance required to complete the canal—and nothing less. On behalf

of the constituency I have the honor to represent, I will consent to no compromise on this question—I will be satisfied with nothing less than the entire completion of this work, nor can I do so without being unfaithful to the trust they have reposed in me.

Now, as a good deal has been said with reference to the Railway policy of Nova Scotia, let us enquire what is the character of that policy? Eight or nine years ago, by legislation most unfortunate for Nova Scotia, or at least for the largest portion of it, a debt of five millions of dollars was fixed for ever upon the Province, and simply for the local benefit of Halifax, Hants and Colchester, and those counties immediately in their neighborhood. I do not look upon the advantages it confers upon other counties as worth any consideration in comparison with the vast sum of money expended on this great work. Certainly Cape Breton is very little interested in this railway as it at present stands, for she has derived little or no benefit from it. Indeed, looking at the fact that the Island contains over one-fifth of the population of the Province, and contributes more than a proportionate share of the revenue, it is clear that fully one million of dollars of her money has been appropriated to the Railway system of Nova Scotia proper. That large sum of money, drawn from the revenues of the people of Cape Breton, has been spent for the especial benefit of three counties alone. Within the last five years we have paid as interest on that great work (for our share) something like \$300,000. Now, I do not presume there is a single man in this country who will undertake to tell me for one instant that Cape Breton has derived directly or indirectly from that railway anything like a tithe of the money expended by the Province—anything commensurate with the sum she has contributed as her share. On the contrary, our schools, all our local improvements have been neglected. This Island, so abounding in those resources, that are the elements of all national wealth and greatness—with a fertile soil, with minerals which are inexhaustible—with fisheries both inland and on her sea-board, worth untold wealth—has been subjected to an unwise and unjust neglect, and been actually retarded in its progress for the want of this money in meeting the requirements of a young country, which has been sunk in this railway. It is true, however, that despite all the injustice which has been done her, she has taken steps forward in the march of improvement, and bids fair at no distant day to show her heels to every other section of the Province; but she has done and is doing so, not by virtue of any assistance she was entitled to receive from this Legislature but in consequence of her own inherent resources. It is pretty well known to all who are acquainted with the political history of the past that the Cape Breton members voted for the railway under the belief that the St. Peter's Canal was to be made by the Government of this country. We all know how that pledge was redeemed, although I may do the justice to the Government of that day to say that they did, whilst in office, lend their aid towards redeeming the promises that had been made. That measure was proceeded with until Mr. Laurie was sent down to the coun-

ty of Richmond to report upon this work, and he, as every one is aware, did, in his report, bank the undertaking. The past history of the railway as connected with the Canal—the fact that the pledge that had been made in reference to the canal was violated as soon as the railway was obtained, naturally gives reason to look with considerable suspicion upon any undertaking having the same object in view. Whilst the railway was in progress, whilst it was necessary to keep the Cape Breton members to the support of that scheme, the Government pretended to be favourable to the canal, but the moment the road was built the canal was immediately abandoned. I find that this undertaking in which I naturally take so deep an interest is mentioned in connection with the measure of railway extension. I do not wish to suppose—it would be unfair for me to suppose—that the Government intend acting in bad faith,—I am rather inclined to believe they do not,—and I may add if I did entertain this suspicion I would vote against the railway to Pictou. Yet I cannot feel confident when I recollect past treachery. It is because I see some prospect of obtaining the St. Peter's Canal that I am inclined to go for this measure of railroad extension but it is because I desire some assurance to this effect, I wish before giving my vote to see the Budget. There is, however, another consideration affecting me which has much influence on my mind. It has been justly said by the hon. member for East Halifax (Mr. Anns) that when we see the Western members who, we know, have been returned in opposition to any railway policy rally around this measure, alleged to be so antagonistic to their local interests, we naturally feel disposed to look upon their conduct with a very large degree of suspicion. Is it intended to give the Western members large sums of money in order to purchase their support to the extension to Pictou? As far as I am concerned, I may state that if the Western Counties are to absorb all the revenue in order to enable this road to be built I would feel it my duty to oppose the whole thing at once as a Cape Breton representative. Are the rights and interests of the people of Cape Breton to be trifled with and bartered away in this manner? We have already suffered much by the railway policy of Nova Scotia, but to these terms of spoliation I trust we are not to be called upon to submit. The proposed extension is no great boon to us on any conditions, but on such terms as these it would be a measure demanding my strongest reprehension.—These are strong arguments to my mind why the Fin. Secretary should at once submit the public estimates. But what do I hear? I have heard the hon. Provincial Secretary say it was the intention to extend the road not only to Pictou but to the fertile vales of King's and Annapolis. If then the revenues of Cape Breton are to be pledged to give large extra grants to the Western Counties—if it is the intention also to extend the road to Annapolis as well as Pictou—if there is any implied understanding—any secret negotiations to that effect, I would be obliged at once to oppose this measure as calculated to produce results most prejudicial to the island of Cape Breton. At the present time, we do not get anything like justice, and is it proposed to pursue a

course which may take away that little meed of justice which we now receive?

Under these circumstances I repeat, sir, I feel anxious to see the Budget. Looking at the question in all its bearings—considering the fact that gentlemen returned to oppose the railway are now giving it their warm support, I cannot but feel that there is something contained in the Budget which is not calculated to promote our real interests. If it is the intention to give immense subsidies to the West, I would have no hesitation in opposing the measure, for it is obvious that in such an event the St. Peter's Canal must be indefinitely postponed. I therefore think it is only just to the people's representatives that the estimates should be submitted before asking them to pass a measure in reference to which so many suspicions of the character I have stated attach. I did not rise, sir, to discuss the arguments urged either for or against the Pictou railway. These have all been so long before the country that their repetition would only be a useless waste of time. It is unnecessary to debate at any length a question that is completely exhausted. Neither is it my intention to refer to the subject of the Inter-colonial line which has been so long before the people of these Provinces. When that question at any time comes before the Legislature I will be prepared to deal with it, as I think it should be dealt with. In the meantime hon. gentlemen should not be so much concerned about their consistency on that question or make it the exclusive topic of debate. In conclusion, Mr. Speaker, as I intend to support the bill before the House I trust the Government will comply with the fair request of my hon. friend from Yarmouth, and not ask us to take too much upon faith.

SPEECH OF HON. MR. SHANNON.

Hon. Mr. SHANNON said that while the members were coming in he would offer a few remarks upon the subject before the House, although he was physically incapable of saying much, as he was labouring under indisposition. Before going into the subject of debate, he would refer for a moment to the remarks of the member for North Hants, who complained of the situation of the present terminus of the railroad at Richmond. It certainly should be much nearer the city, and he presumed that one reason why the present disreputable buildings were allowed to remain at the Depot, was because it was only intended as a temporary terminus, and that some day it would be nearer the city.—There was a law on the statute-book, authorizing the construction of a horse railroad from Richmond into the city, and he hoped that if the railroad was not brought further into the city, that at all events that accommodation would soon be afforded to the travelling public. He was rather amused at the remarks of the hon. member for North Hants, (Mr. Churchill.) That hon. gentleman said that he was opposed to all railroads—he considered them a mill stone hung round the necks of the people; but still he did not seem unwilling that the debt incurred for their construction should remain, provided it were equalized by giving the west its share, and wound up by stating his intention to vote for the bill.

The hon. member for Yarmouth seemed to think that some strong sop had been thrown out to induce the western members to vote for this measure. He (Mr. S.) knew nothing of any undue means having been used to obtain any votes, and he thought that when the Estimates were brought down every member would find that the wants of his county had been properly attended to. The only member he knew that was at all open to the imputation referred to, was the hon. member for Yarmouth himself, for he wanted to know how much they were going to give Yarmouth before he recorded his vote.

He was sorry to hear these sectional feelings expressed and urged by the member for Yarmouth. What touched the interests of one portion of the Province affected the whole, and what advanced the prosperity of a part contributed to the welfare of the whole. That hon. gentleman was also constantly endeavoring to excite the prejudices of country members against the city of Halifax, as if that was the most popular argument he could use. He surely mistook the position in which the metropolis stood in relation to the rest of the Province. Take Yarmouth itself, although to a certain extent that county formed an exception to the rest of the Province, and he did not wish to say one word against the people of that noble county who drew their wealth from their farms and from the sea—men who by self-dependence and energy had acquired for themselves large means; still the interests of Yarmouth were not identical with the rest of the Province, for from the trade returns he found that while the trade of the rest of the Province languished that of Yarmouth increased, and although the western part of the Province depended more upon the prosperity of St. John, yet still that section of the country in common with the others participated in the prosperity of the metropolis.

Take a single instance of the intimate connection between the city and country. When a short time since the exigencies of the war compelled the United States to lay an embargo upon the exportation of cattle which formerly supplied the markets of Bermuda, and Nassau, did Halifax alone benefit by the trade thus thrown open to her? Did not the farmers from the west and the east, and even as far as Antigonishe find a ready market for their cattle, and thus participate equally with the metropolis in the advantages to be derived. But it was unnecessary for him to pursue this argument any further. It was self-evident, and he would turn from it to make a few observations upon the part he had taken in the railway question. The records to which the hon. member for Shelburne, had referred, showed that he had voted against the Pictou Railroad and the Intercolonial road last year, and in the speech he made at the time, he stated that he could not vote for the Pictou road while there was any chance of the Intercolonial, and he could not vote for the Intercolonial scheme then submitted, because he did not approve of the principle upon which it was introduced.

What was the result? Just as he anticipated. Canada had virtually abandoned the Intercolonial road; and if he was told that she was now engaging in a survey, he would tell the House why she considered it politic just now to hold

out the idea that she desired the accomplishment of that work. A bill had passed the House of Representatives in the United States, and would probably pass the Senate, to abrogate the Reciprocity Treaty, and to prevent the passing of foreign commodities through the United States duty free. If that bill should not pass, we would not hear anything more about the Intercolonial railroad. It was only held out as a threat to prevent the Americans from repealing the Treaty. Look at New Brunswick, and see the position of affairs there. Although still holding on to the Intercolonial scheme, St. John was pressing for railway extension, even to the State of Maine—and it was hardly possible that Mr. Tilley, who was the most able man in that Province, could withstand the pressure.

He (Mr. S.) would however much prefer the extension of the line to Canada; he had always looked upon that scheme not merely as a Colonial affair, but as one of an International character, and he had always thought that the British Government had not treated us fairly. It was of as much national importance for her to build this road, as to strengthen her power by building additional fortifications in the harbors of Halifax, St. John, or Quebec. These were the views he had always held, and which he had expressed before his constituents at the last election. He had always thought that the first object should be to get the Intercolonial Road, and if that failed, then the road to Pictou, and these were the reasons why he voted for it now. If at any future time the Canadians should find it to their interest to come down in our direction, there would be no difficulty in getting a Company to supply the link between Truro and the Bend of Pettitcodiac—and it would still be in our power to help them by subsidies.

The advantages of the Pictou railroad had so often been treated upon that it would be a waste of time to repeat them. The coal trade would be thrown open at all seasons of the year, the trade of Prince Edward Island would be intercepted to a great extent, although he did not think that the railroad would divert the whole of it, for during some months vessels trading in the Gulf would divide it. But there were certain seasons of the year—after the month of October, when the navigation of the Gulf was no longer safe, and that was the time when the advantages of the Pictou road would be felt.—But this subject had been so often brought before the House, as to render it unnecessary for him to enlarge upon it, and he would not therefore detain the House any longer.

SPEECH OF MR. S. M'DONNELL.

Mr. S. M'DONNELL said:—*Mr. Speaker*—I do not propose to offer any lengthened observations upon the subject now before the House, because it is one that has been long before the country, and has been in times past fully and ably discussed. It is indeed, sir, a difficult task to say anything new on the question of Railroads at present without the risk of violating the limits of truth. It is a happy circumstance, however, that the subject of the Intercolonial Road has become blended with that of the present Bill, as this opens up a larger field for hon. gentlemen to exercise their eloquence. Having referred to

the Intercolonial Road, sir, I will here say something regarding it. It has been said by hon. gentlemen that if the Road be extended to Pictou as contemplated by the Bill before the House, we may forever bid farewell to this great public scheme; and this among other arguments has been put forth against the present measure. I entirely dissent from this conclusion. It has also been said that if the House repeal the act now on our Statute Book providing for the construction of the Intercolonial Road this Province will break faith with the sister Province of Canada. It is a strange and contradictory circumstance, sir, that while in this House the hon. gentlemen opposite are assailing the government with bad faith towards Canada, the opposition in the Legislature of that country at the same time are arraigning the government there with similar bad faith towards this Province in connection with the same question. Canada has already repudiated the basis of the arrangement made at the Quebec Conference in the year 1862 and virtually abandoned the project then settled upon. Sir, I consider the legislation of last session in placing on the statute book of this Province a law, binding us to await the pleasure and action of Canada, for the term of two years, to construct the Intercolonial line, an act as unwise as unprecedented. Thus to gag the Legislature of this Province in obedience to the desires of Canada or any other country, and guarantee that whatever exigencies may arise—whatever circumstances may transpire, whereby a different line of policy might become more expedient, suited to the interests of this country, I look upon as a stigma upon our Legislature and upon ourselves as a people. I will, sir, with pleasure vote to erase from our statute book an act so impolitic and so discreditably to the Legislature of Nova Scotia.

I hope the annual payment of the sum of £20,000 or £25,000, which I estimate to be the maximum interest the road to Pictou will cost, will not so embarrass the revenues of this Province as to render it unable to participate in the construction of the Intercolonial or European and North American line of railroad, when, if ever, a fitting occasion shall offer. Reasoning from the present prosperous position of the country, and from the bright prospect that loom in the future, I entertain no apprehensions in this regard. The hon. member for Yarmouth has said that railways will plunge this Province into a state of bankruptcy, and lead to financial ruin. Now, seeing that that hon. gentleman has few in this House to support his views, that manly spirit of sympathy I always experience towards those engaged in battling against might prompt me to vote with him, because he is the weaker party. But if I did so, in this case, I would be acting contrary to my convictions, as to what is right and proper, with respect to the question before us. The hon. gentleman has said that there was some excuse for those who first undertook our railway system, when compared with gentlemen now advocating the construction of such a work—simply because the former had not the lessons of experience, possessed by the latter. I will tell the hon. gentleman that our railroads

have not had a fair trial; they have not had that trial which can justify any man in alleging that they have not realized the anticipations formed in regard to them when first undertaken. The gentlemen who first undertook to give us railroads in this country, some of whom are still present in this House, but others I am sorry to say are no longer sitting around these benches to adorn this Legislature,—these hon. gentlemen, I say, sir, never intended that our railroads should end where they now do. The intention was to have them either run north into New Brunswick, or east to Pictou, or west if practicable and advisable, and until the accomplishment of this, I again say, sir, that our railroads have had no fair trial—such a trial as they are entitled to. The hon. gentleman advises this House to wait awhile—that we are in too much hurry—that we should await the action of the other Provinces. I will say, sir, that procrastination is a dangerous and mischievous policy, under any circumstances, and I think if delay is available, we have had enough of it. Six years have now elapsed since railway extension has been suspended, and during this time the road has been an unfinished and incomplete work.

The hon. gentleman did not argue or undertake to say that the road should always terminate at Truro where it now does. No man in this house would have the hardihood to say this. When then would the hon. gentleman recommend the extension of the road? After so long a delay, and the position of our finances so encouraging, I consider this an opportune time to finish the work, if ever. I was surprised, sir, the other day to hear the hon. gentleman say that the Government should wait until the country petitioned for the extension of the road; that it was the duty of a Government in all cases, to await being petitioned, by the people, ere undertaking any public work of importance. Sir, this was a new and surprising doctrine to me, and particularly so from a gentleman of his long parliamentary experience. I entertain much deference for the hon. gentleman; but I must say I have a great deal yet to learn, ay, the first principles of legislative duties, if he is correct in this. The hon. gentleman complains of the insufficiency of our road and school grants, of the decrease in those grants compared with what they formerly were before the commencement of the road, and attributes the whole loss to our evil ways. Now, this is not putting the case fairly. Our railroad must not be burdened with the weight of this charge. There were other causes operating to keep down the road and school grants. Does the hon. gentleman not know that simultaneously with building our railways, and since, we built the Lunatic Asylum, costing the Province over £40,000, besides many expensive Light Houses, a portion of the Court House in this city, together with other public works.—Sir, the amounts thus absorbed would more than make up any deficiency suffered by our roads and school grants, and why, therefore, unjustly accuse the railroads of this destruction of our revenues? But, Mr. Speaker, what is the position of those services, now? Why, sir, never before in the history of this Province were such large grants made for our roads and

bridges, and our schools. Now, has this the remotest appearance of bankruptcy or ruin?—In conclusion, sir, I say I am in favor of the extension of the road to Pictou. I am in favor of it, not only because it will, in my opinion, benefit the county which I have the honor to represent, and the Island of Cape Breton, but because that I am also of the opinion that it will benefit the Province generally, and it is the duty of every gentleman in this House to respect the general interests of the country. I will not go so far as my hon. colleague from Inverness, who has said that the extension of the road contemplated would be of *incalculable* benefit to the county of Inverness and the Island of Cape Breton at large. No doubt but it will improve the travelling facilities, and open up such communications as will be of a decided advantage; but that it will incalculably benefit us I cannot admit. As I have no doubt Mr. Speaker that many other hon. gentlemen are desirous of giving this House and the country the benefit of their views on this important subject, and as the evening is now well advanced, I will occupy no further time, and will only add that I will most cordially support the bill before the House.

SPEECH OF MR. BILL.

MR. BILL said: I feel that I cannot give a silent vote on this question, Mr. Speaker. I am exceedingly anxious to understand my hon. friend from Yarmouth with reference to his position respecting this subject. That hon. member commenced at the birth of railways in this country, and has traced their progress down to the present time. He has told us that our railways were conceived in sin and brought forth in iniquity. I confess I do not understand what he means by that expression. Does the hon. gentleman mean that those who were instrumental in inaugurating our railway policy practised deception in order to conserve their own individual interest? If so, the remarks of the hon. member were unfortunate, because two of the principals in originating our railway system are not now in this house to answer for themselves. I have no sympathy with those hon. members who say that they were always opposed to railways and railway construction. When Mr. Howe was putting forth efforts to introduce railways in Nova Scotia I sympathised with him and gave him my moral support, but at that time I had not the least idea of ever representing a constituency, and standing here exposing myself to the gaze of the Nova Scotia Parliament. At that time I felt that it was to the interest of the country to build railways upon a moderate scale, but there have been times since that period when I would not have voted for railroad extension. I have been long a friend to railway construction and have fought up the Railroad interest in my own county in spite of the most determined opposition. In times past the great difficulty in getting the people to consent to railway construction was that we were not in a position to enable the government to give them a sufficient equivalent, (for the amount that we would require to draw from the Treasury to pay interest) in the shape of grants for Roads, Bridges, and Wharves. But this objection no longer exists

as the Government have told us they expect to be able to give the Western people an ample equivalent for the cost of railway extension. I believe we can have railways in Nova Scotia and have them honestly too. The hon. member for Yarmouth fiercely opposes railway extension, and pronounces any scheme for going on with any further lines as absurd, and predicts that ruin and bankruptcy will surely follow railroad undertakings in this country. Now perhaps the hon. member was led to these conclusions upon consideration of the unfortunate circumstances under which, as he says, our railways were born. Now the manner in which they were conceived and the conditions under which they were brought forth, renders the consideration of them all the more important. Let me remind the hon. member that he, and also the hon. member who is now engaged in addressing this House, were conceived in sin and shapen in iniquity; and will the hon. member say that there is nothing good in us, and that no hope remains for us? If my honorable friend entertains any doubt upon this question let him call upon our reverend Chaplain, and question him concerning this point of doctrine, and see if he will say that because we were conceived in sin, and brought forth in iniquity, consequently we are good for nothing, and that no good can come out of us. We were trained on the knees of our mother, and we have a duty to perform, not only to our Maker, but also to the country which gave us birth. Our reverend Chaplain would also inform us that though we were so unfortunate in our birth, yet we could contribute to the happiness of our race, and through the provision made, we have a prospect of receiving honours beyond those which it is in the power of the Nova Scotian Government to confer, even to be priests and kings. My hon. friend, in speaking of the effects of railways and railway construction upon our Province, and of what constitutes real prosperity, forgets, or leaves in the background, the real principle of progress, and the essence of greatness. I will ask that hon. gentleman on what depends the future prosperity and happiness of Nova Scotia? Is it our ships that plough the surface of the deep and make gain for men? No, sir. Is it our 10,000 acres of dyke? No, sir. Is it our thousands of acres of interval that is nearly equal to dyke? No, sir. Is it our tens and thousands of horses and cattle that are now occupying the thousands of stalls, and will soon be grazing on more than a thousand hills? No, sir, we must rest our hopes on other things than these, if we wish to see Nova Scotia become the brightest jewel in the crown of the successor of the Georges. (Hear, hear.) I will tell you, sir, that mind cultivated under religious influences, is the basis of progress, happiness, and unqualified prosperity. But the hon. member asks—What do you want to go to Pictou for? Well, I will tell him what we want to go there for. Besides tapping the waters of Pictou harbour, we want to tap the minds of the people of Pictou. We want intercourse with Pictou, we want exchange of sentiment with that county. Pictou is a rising place and we want facilities to communicate both materially and mentally with her. We want to be in a position to receive lessons

of wisdom from her, and impart instruction in return. I said Pictou was a rising place, and so it is, looking at the representation in both branches of the Legislature and in this city. When we go into St. Matthew's church in this city, whom do we find occupying the pulpit where a giant has fallen? Why, a Pictou man. Let us go into Poplar Grove church, and whom do we find officiating there? Why, a Pictou man. When we see a young man prominent in the Sabbath school, it is safe to conclude that he came from Pictou. Let us go into the different stores in the city, and we see an obliging, courteous merchant; and on enquiring whence he came, we learn, from Pictou. Attend the social circle, and observe the gayest and most jovial of the throng, and enquire who they are, the answer will be, "Oh, these young men are from Pictou, and most promising young men they are."—Well, then, let us extend the railway, and tap the mind of Pictou. We have tapped the mind of Halifax; I can't say that we have tapped the heart of the city, because we are yet three miles from it. We have the railroad to Pictou, tapping the various sections of that fine district; and after we get to Pictou, let us tap other portions of the Province by steam communication, in order to afford the people facilities for a freer intercourse. This being accomplished, let us turn westward, and tap the fertile valleys and luxuriant fields of Kings and Annapolis, and open up communication with the good people there. Then in time we may be able to reach Yarmouth, and tap that county, which my hon. friend who is opposed to all railroad construction, represents; and once to Yarmouth, it will not be a difficult task to tap the muddy flats of the county of Lunenburg. Then we will have accomplished a work that will bind the interests of the Province together with the ties of friendly intercourse and beneficial associations. A great deal has been said about consistency, and much about a change in the sentiment of the country. Well, it is only natural that changes should take place in the world, and we cannot expect the Province of Nova Scotia to be an exception to this principle. Let us look at the matter for a moment. Is England what she was twenty years ago? Is France the same now that she was ten years ago? Is Italy of to-day the Italy of five years ago? No, sir. Improvement is on the march, and to stand still is against the natural order of things. If a set of men years ago argued against the policy of extending railroads, that is no reason why they should not advocate railway extension now. This is an age of progress. Let it not be said that a man who formerly opposed railroads and now votes for this measure, has changed his shirt. The less we talk of inconsistency the better. Who will say that the policy of Mr. Howe in 1855 was the policy of Mr. Howe in 1859? I think it would be for the interest of Nova Scotia if hon. members would put away these old journals altogether, and not be continually raking up the musty records of the past with the view of proving the inconsistency of one another. We can get along very well without these old records, and I see but little use in retaining them. In this age of progress we hardly know one day the position we

shall occupy the next, and in case a man changes his opinion, it is not pleasant for him to have these old records thrown into his face. If I had been called upon to value Nova Scotia on Thursday morning, I should have been puzzled to decide what sum to fix upon; I certainly should not have valued it as highly as I would upon Friday night after the hon. leader of the opposition and the hon. member for Guysboro, (Mr. S. Campbell) announced their intention to support the government measure. Only the other day a person, in course of conversation told me that the House was equally divided on the Railway question, and that it rested with me to say whether the country was to be cursed with railways or not. Well it appears now that he was mistaken, but had it rested with me I should have said, "Gentlemen go on, go on." I will not oppose railway extension—I would rather suffer my right arm to be obstructed in its coming than that it should do ought to oppose the progress of the age.

SPEECH OF MR. KAULBACK.

Mr. KAULBACK said:—During the whole course of this debate we find gentlemen descending on the boundless resources of their own counties—referring either to the inexhaustible mines to the east or to the fertile valleys of the west—each with a view of showing what a great benefit the railway would be did it go in their direction. It was refreshing to my ear to hear the honorable member who has last addressed us in such an amusing style, forgetting the local interests which animated other gentlemen, and speaking about tapping the county of Lunenburg by railway at some future day. As much as I should like to have this idea realized, I fear it would be indulging in vain hopes. I believe it to be more to the interest of my county to look after the roads and bridges, the fishing and farming interests, and the education of the people. The gentlemen around these benches are very desirous that a division should be taken upon this question. The subject has been so often and fully discussed in this House, and canvassed in the press and among the people that it appears waste of time to continue the debate. It is clear to my mind that the Bill will be carried by a very large majority. There is no party in this house with which I could be connected in opposing this Bill, and my vote would be considered factious. Yet it is well known to my constituency that I have opposed railways by Government. The roads of the country have been neglected to pay the interest on the railway, and I should be disposed to give away the road to any company that would undertake to extend it to Pictou and New Brunswick. But no such company I am afraid, can be found.

The people of this Province have been deceived as to the cost of the railway, and delusive hopes were held out as to the results that would follow its construction. We were told it would cause the country to bloom and blossom as the rose,—that it would populate the country,—and that all nature, human, animal and vegetable, would be re-animated. If it is to have this wonderful effect on all creation, let us take it beyond the barren county which now surrounds it, to

where cattle feed and frolic in large and rich pastures. If it will have this effect on the vegetable creation, let us take it where there is soil sufficient for seed to germinate. If it is to have this wonderful effect on our own species, let us take it through some habitable country and locate it by the wayside of the cottager, and let him enjoy the promised blessing, and smile upon the partner of his bosom inspired with hopes that have animated him in days that are past.

I feel, Mr. Speaker, that in voting for this measure I must step above the local prejudices of many of my supporters. I hope and believe a new era is dawning upon the politics and prosperity of our country, and that our policy henceforth must be progressive.

SPEECH OF MR. LONGLEY.

Mr. LONGLEY said:—I would not say a single word perhaps on the question before us if I did not occupy a somewhat peculiar position. Since the inception of railways in this country I have stood opposed to them in this House and out of it, and in my own county particularly have again and again spoken against the construction of railways by Government. I feel it therefore necessary not only for my own satisfaction, but with a view also of furnishing some reasons to my constituents to express my opinion on this question at this time. Now I feel that our position in regard to the construction of railways has essentially changed. I may say that were the question now before this Legislature, whether we should begin the construction of railways by Government or not, I have no hesitation in saying that I would oppose the commencement of the undertaking, but we are all familiar with the argument based on the fact that we have got them, and that there has been already a large expenditure of money in connection with these works. It seems to me it can be clearly shown that it is not only for the interest of the county of Pictou and other counties to the Eastward, but really for the interests of the whole country that the railway should be further extended, not only to the Gulf of St. Lawrence but also at no distant day to the counties lying west of the terminus at Windsor; and I may say, in turning this question over in my own mind, I have been considerably influenced in favour of the Pictou railway in view of the probability that the road once completed to Pictou, there will be little difficulty in persuading this Legislature that it is for the interests of the people of this country to extend the railway west, and thus afford the people of that section facilities and conveniences that up to the present day have been confined to a very small portion of this county.—Now I do not think it is necessary to go into an elaborate argument to prove that the railway to Pictou will pay. I believe there is not an intelligent man in the Province who doubts that it will partially pay at least, or at any rate will not impose additional burthens on the people of this county. Certainly it must open up the resources of the most interesting counties in the Province, and in a very few years diminish rather than increase the amount of interest consequent on the expenditure. Probably some years may elapse before that happens; but I think we have already the amount of railway stock required even if the

road is extended to Pictou and further, and it is quite certain that the railway to that town can be worked at a comparatively smaller cost than to Truro, its present terminus. Now there is another fact in connection with the extension of the railway that I consider is not undeserving of the attention of gentlemen around these benches and it is this.

The Savings' Bank system is to be expanded by the addition of £70,000 to its present amount, raising the sum to £200,000, thus giving us half the sum required at once,—then our debentures will readily sell among our own capitalists for the remainder; the effect of which will be to make us entirely independent of foreign aid, and instead of sending our money out of the country from year to year to pay interest, it will be paid to our own people.

This, I think, removes many of the objections which some hon. gentlemen have urged in opposing a measure which is, in some degree, of a sectional character.

The prevailing opinion among the people I represent, at the present time, is opposed to railway extension. There was a time when the people of Annapolis were very sanguine in regard to railway results; but their anticipations not having been realized for a term of years, the sentiment seemed to set in a different direction; but looking back at the present encouraging aspect of our railways, there is reason to believe that by the time the road is extended to Pictou we shall have very little difficulty in proceeding on West, and show them that it was for their own interest as well as for that of Pictou, that the Railway was extended to the Gulf.

Now, there was an argument used by the hon. member for Yarmouth, (Mr. Killam), which I think is not correct,—and I am very sorry, having to some extent shared his opinion on this subject, to undertake to controvert a single argument that he has advanced,—it is with reference to the large reductions in the road grants from year to year, consequent on the construction of railways in this Province. It is quite true that for several years our road grants were materially diminished, from some £48,000 down to £25,000 at one period; but it should not be forgotten that for two or three years past the road grant has gradually crept up, almost as rapidly as it went down, so that last year there was, I think, some £35,000 altogether, or £10,000 in advance of the year he mentioned, whilst this year there is reason to believe it is likely to come up to, if not exceed the grant of 1857. Now, what is the argument to be derived from this fact? Why, that notwithstanding the large sum that has been sent out of the Province for railway interest the progress of the country has been steadily onward, and at the present day we can boast of such a financial condition as we never before reached. With this fact before us, with the railway in a prosperous state, with resources of the country rapidly developing, it is obvious that we can be in no great danger in paying £24,000 more for a work which must increase the revenue of our present line and open up some of the finest counties of Nova Scotia. It seems to me if we could commence a work of such magnitude in 1854 and '55, when our revenue was but

little in excess of £100,000, we can, with safety, incur a debt of £24,000 additional a year when the revenue is £300,000. I think there is the best reason to believe that the advantage conferred upon the eastern portion of the Province will tend to the reduction of expense, by several thousand pounds, in a few years—not taking into account the revenue derived from the amount of coal brought over the road. I think, taking everything into consideration, that in two or three years after the road is completed the additional expenditure will not exceed £12,000 a year.

There are other considerations which operate upon my mind to induce me to vote for this measure. I must say that having given a good deal of consideration to the subject, my conclusion has been that it is for the interests of the people of this country as well as for those of the section where the road goes, that the undertaking should be at once commenced, and I feel if to-day I was called upon to appear before my constituents I could give sufficient reasons why I am disposed to give my faithful support to a measure which commends itself to my judgment, and in so doing to support a government who I think are entitled to credit for manliness and sincerity in submitting it.

At the time the railway system of this Province was commenced, and a million pounds was expended in connection with the undertaking, it was never contemplated, either by the supporters of railways by Government or by those who opposed the principle, that the railway having reached certain points should remain stationary. It was believed that the time would arrive when it would be necessary to extend both east and west; and I believe that time has now arrived and it is the duty of the Government and their present supporters to stand forward and advocates of extension. I may say it afforded me great gratification to hear the Provincial Secretary, the other evening, in some remarks he made on this question, enunciate what I conceive to be the correct and sound view in reference to this subject, and I look forward to the time,—not at all remote I believe—when the railway from Windsor will be extended through the productive and fertile counties of Kings and Annapolis, if indeed it does not, as conjectured by Mr. Churchill, reach the remote county of Yarmouth. Nor do I think it is beyond the bounds of possibility that even my hon. friend, Mr. Killam, may eventually change his views, and come forward and admit that the policy that is now being advocated is a sound policy. I am unwilling to deprive my own constituents as well as those of the valuable and productive county of Kings, of the conveniences and indirect advantages resulting from railways. We have labored under disadvantages long enough, and if committed irrevocably to railways, and the further extension is our salvation, everything persuades us to the advocacy of this policy. I feel that great advantages would result to my county by carrying the railway past their doors and thus give them facilities for carrying them produce to market, such as are now enjoyed by the counties of Colchester, Hants, and one or two others. It should not be forgotten that mainly through the instrumentality of this railway the value of several commodities has been increased to some

extent—that many things that are now brought to this market at a profit could not be brought at all if it were not for the railway.

It is unnecessary for me, I think, to bring to the notice of the beautiful county I represent, all the advantages railway extension must confer upon it; but it may not be amiss to say that we produce some 50,000 barrels of apples, with an early prospect of 100,000 barrels and *one hundred tons* of cheese annually, with various other commodities not so great in value. I must remind the House of the great advantages resulting to the country of being able to bring these products to this market with despatch. It must be kept in mind that some of these commodities must be expanded in value by being brought expeditiously. There are valuable kinds of apples that would be doubled in value by being carried quickly by rail instead of being exposed to the uncertainty of a carriage by water. Then they would come in all their freshness and possessed of all those qualities that they should exhibit. These are considerations which, of themselves, are quite sufficient I conceive to justify me in giving my support to this measure; and I may remark that most of the embarrassment I naturally felt in dealing with this subject, has been removed by the assurances of the government—and I have always been ready to place considerable reliance in them—that no interest or service in the country would be neglected; but on the contrary, there would be a very considerable increase to the road grant and the various other matters which the people are particularly interested.

I may here state that I have always disapproved of the plan or proposition for the construction of the Intercolonial railway. It is a matter, however, of very little moment whether I approve or disapprove of it, but as far as I can exercise my judgment, I do think that to commit this Province to the payment of some fifty thousand pounds a year—a sum altogether beyond that which Nova Scotia could be properly called upon to pay—is a policy which cannot commend itself for a moment to an intelligent man. With this view, I think there ought not to be any hesitation whatever in sweeping away the enactments passed last year with reference to this undertaking.

I will only say in conclusion, that our resources are only just beginning to expand. We find our mining interests being developed most remarkably; every branch of trade in a most satisfactory condition; every branch of industry prospering with every prospect of their remaining so—and, therefore, I do not think we are incurring any large risk in committing ourselves to a scheme that will only cost us an annual payment of \$24,000. I believe this work will result in advantages that at the present time we cannot fairly estimate. I believe in good time we will be able not only to extend our railway west, but connect with the whole railroad system of this continent.

I shall not be surprised if the people west express some measure of disapproval at the road not proceeding west simultaneously with the extension east, but anxious as I am to meet their wishes in this respect I am persuaded the soundest policy has been adopted. To extend east and west at the same time, would delay very materially the completion of the line to Pictou and accomplish little

or nothing for the west. Considerable engineering difficulties, attended with large outlay, are at once met on leaving Windsor, and these can be better grappled with after the other work is off our hands.

The scheme of putting an aboideau across the Hantsport river may fairly be considered a sort of preparation for and earnest of extension west, and, then this first scheme successfully accomplished the grander scheme of thus spanning the "Avon" and reclaiming almost marsh enough to pay for the whole undertaking will no longer be problematical. If the cost of the work does not exceed the estimate of £40,000, then the 1600 acres of marsh said to be reclaimable, at £25 per acre, will entirely cover the outlay; but assuming much lower results, the difficulties and expense have wonderfully diminished, in the opinion of both scientific and practical men.

Let us, therefore, look hopefully on the future and no longer stand in dread of disasters to come. With every obligation of the country met and a surplus of \$106,000 in the Treasury at the end of the year; with a road grant, including extras, in excess of any former period; with the rich returns of our mines and minerals and general prosperity,—why should we refuse to proceed with our public works, and thus check enterprise, and mar our progress to honor and future success.

REMARKS OF MR. KILLAM, &c.

Mr. KILLAM made a few general remarks, in the course of which he stated that he saw it was useless for him to move his resolution, and he would therefore withdraw it. He said the arguments that had been used in the course of the debate were of a purely speculative character. He believed that his opinions, tho' of little weight now, would be considered sound not many years hence when our railways had borne their fruits. He contended that all the services of the country had suffered materially in consequence of the railway, and went into various calculations to show how the road grant more especially had gone down in the course of a few years. In the face of these facts, it was absurd to state that the railway had done any material benefit to the Province. He argued that the figures of the railway department itself did not exhibit these results which could give satisfaction to the country. If the road grant had been brought down from £60,000, to £35,000, last year, what might we not expect when the road was extended, and the annual interest on railway expenditure largely increased. It was obvious to any one that as the railway debt increased, the road grant must diminish accordingly; for the figures he had adduced proved that conclusively. During the past year, there had been a large revenue, which might enable the Government to provide largely for the different services, but that could not last long. The shipbuilding that had been so extensively carried on during the last year had brought in a large amount of *ad valorem* goods; but when that branch of industry failed, the prosperity of the country could not last long. He was afraid to contemplate the results that must accrue a few years hence if the debt of the Province was in-

creased; the taxation of the country would be inordinate, and all the great public services would be neglected. There were other interests beside railways that ought to be attended to. For, instance, there was the shipping interest, which had contributed so largely to the revenue and prosperity of this Province; should not something be done to give it additional impulse and encouragement. The lighthouse at the end of Halifax harbour had been for years in a deplorable condition, but it had not been attended to. A gun for the turning point at Canso had been long wanted, but it had been entirely overlooked. Everything had to give way to this cry of "Railways." He had been amused at the statements of some hon. gentlemen that there was nothing "go-ahead" in him. He would ask the people of Yarmouth if that assertion were true. He believed that no one could deny that the industry and energy of Yarmouth had tended much towards building up the prosperity of this Province. The people of that county were as far-sighted as any others in this Province, and fully appreciated the evil results that accrued from railways. In conclusion, the hon. gentleman expressed his regret that the Government had not yielded to his request, to produce the Estimates, in order that the House might see how the distant counties which were not at all benefitted by the railway were to be dealt with. He felt sorry to see any body of intelligent men lending themselves to a scheme which was going to inflict so much injury on the best interests of the country.

Mr. PARKER said that it would appear that a great change had come over the minds of some hon. members within the last few years. A few years ago the men who were now supporting railway extension complained loudly of the burden placed on the country by the construction of railways, and declared that the interest £60,000 a year was a great millstone around Bluenose's neck. Now these men turn round and support railway extension on a gigantic scale. He was curious to know what had caused this change in the tone of these hon. gentlemen. The party now in power had opposed railway construction most persistently from year to year and from time to time. No longer ago than last session the hon. Provincial Secretary had opposed a proposition to build the line to Pictou, and now he stood up in support of a measure similar in all respects to a scheme he had previously denounced. He would like to hear that hon. gentleman explain the cause of such sudden conversion, and how it was that he now advocated railway construction as a government work, after denouncing that policy only so recently. The men who but a few years ago affirmed that the payment of £60,000 per year for the interest on the railway debt was impossible, now declared themselves prepared to add tens of thousands of pounds more to the amount of our existing liabilities. He could scarcely bring himself to believe that the Government were sincere with respect to this measure, and whether the project would be carried out or not was very uncertain, because the party that changed their policy so frequently in times past would be liable to reverse it again when it suited their interests to do so. He loved to see

men act consistently. He would say, however, that the people of Colchester county had been largely benefitted by the existing railway, and he intended to support the bill to extend the line to Pictou.

SPEECH OF MR. LAWRENCE.

Mr. LAWRENCE said:—Mr. Speaker—I rise to make a few remarks on this question now before the House, and not to give a silent vote. The hon. gentleman from Yarmouth is far behind the age; I acknowledge perhaps he is one of the most practical men in Nova Scotia, with the exception of my hon. colleague, Mr. Churchill, who has told you that that honour belongs to himself, although I must observe self-praise is no recommendation. Sir, I have been listening with some attention to the different gentlemen round those benches who have been speaking, and I hear each one trying to defend his views with the most forcible and valid arguments that they can bring forward. Sir, this is a mode of defence which is as natural to men as the air they breathe. The history of the world is full of testimony to prove how much depends upon industry and enterprise, yet in contradiction to all this how many seem willing to lay by, and are afraid to steer by their own compass. Now, sir, we have a railroad that stops at Truro, and the great question that is now before this House and the people of this country is this, Will it do to leave the road at Truro? I reply, no; of two evils let us choose the least; let us extend the railroad to Pictou, and I trust the day is not far distant when the extension of railroads will also be carried forward through the fertile valleys of the west—even to Yarmouth. And let me here say, let us lay all self-interest aside in this matter, and work for the good and prosperity of our common country. I believe, if we keep pulling apart in this great public undertaking, it will be the means of making the road cost one quarter more to build it. I think, sir, that every hon. gentleman in this House has his mind by this time made up on this great question; and if we want to save time and expense, we should settle this question at once. I am here reminded of a story about a little boy, who said to his mother—“Mother, didn’t you say that we should never put off until to-morrow what we can do to-day.” “Yes, my son.” “Very well, then, mother—come and let us now eat the remainder of the pie that you laid away for to-morrow.” Now, sir, like the boy and the pie, I think that we can pass the railroad bill as well to-night as to-morrow. Therefore, sir, I will give this bill my cordial support, and hope to see the day when railroad communication will be extended through all parts of Nova Scotia.

SPEECH OF MR. McLELAN.

Mr. McLELAN said—Whilst the messenger is out I may address a few words to the House. I feel particularly called upon to do so as the hon. Attorney General in the beginning of this debate read part of the preamble to a resolution for which I formerly voted and gave it to this House as a speech for me and others of the opposition. The hon. member for King’s (Mr.

Bill) who has addressed the House, has told you that it would be better if these books (the journals) were altogether put aside in our discussions. The hon. gentleman is right in one respect; it would be better perhaps if these books were not quoted except correctly. Now the hon. Attorney General in giving these resolutions of 1859 as my speech did not read the whole. The resolution states that, the British Government having then refused aid to the Intercolonial line, in the opinion of the House the railway should be extended to Pictou when the management has passed into other hands.

Hon. ATTY. GENL.—So it has.

Mr. McLELAN—The hon. gentleman says it has passed into other hands since 1859, but there sit the same Attorney General, the same Provincial Secretary and the same Solicitor-General that were controlling the affairs of this country when I voted for this resolution. But even suppose that it were in other hands, the revolution contemplate the revenues of the Province with the returns of railways now open, giving the means of paying the cost of construction; and the hon. gentleman, before he asks me to assent to this bill should have shown the House the means we have of paying the cost of construction. I have felt that when the hon. gentleman introduced this measure—a measure involving the expenditure of half a million of pounds—it was due to the House to himself and to the country, to show that we had the means of paying so large an amount of interest as £30,000 a year, which this expenditure will involve. He should have laid before us such a statement of facts connected with the finances of the country, as would have warranted us in supporting the Bill. The gentlemen who are supporting the Government assure us that the estimates have been prepared so as to meet the additional burthen, and provide for all the necessary services of the country, but I would consider it infinitely more preferable to have the estimates on the table, than to be compelled to draw so largely on faith.

The hon. Attorney General, but a few days ago, stated to the House whilst speaking of the Intercolonial scheme of last year, that he would have considered it as a mere farce if it were not for the tragic consequences it involved by laying a burthen upon the country which it was utterly unable to bear, and now twelve months after the hon. gentlemen come up and introduce a bill for the extension of the road to Pictou, which involves nearly as much expenditure as did the bill of 1863, which gave us the Intercolonial Railway or connection with Canada and the States.

Dr. TUPPER—Oh, no!

Mr. McLELAN.—The one was to cost about £35,000 sterling a year, whilst the Pictou line, if the estimate of Mr. Laurie is correct, will be something like £80,000, and no comparison can be drawn between the advantages conferred upon the Province by the respective lines. The one gives you merely a road to the Gulf, whilst the other brings you intimately into connection with the whole system of railways on this continent.

But the hon. gentleman read a resolution as my speech. Let me read a resolution which a

few months ago was not his speech. In 1863, scarcely twelve months ago, the hon. member for Halifax moved this resolution:—

Whereas, the Canadian Government have refused the terms offered by the British Government, for the construction of the Intercolonial Railway, which puts the question for the present at rest,—therefore resolved, that the Provincial Government be instructed to proceed with the railway to Truro, the terminus to be at Abercrombie Point.

Against that resolution are recorded the name of the Attorney General, and with his the names of every member of his Government who were in the House at the time. I feel, looking at this resolution, that the hon. gentleman has not treated this question fairly; he has not given sufficient reasons for so sudden a change of opinion as in 1864, to bring in a bill providing for the construction of a road against which he voted in 1863.

I was unable to attend the House the day the railway bill was introduced, but I have the official report of the speech of the hon. Attorney General before me, and I have carefully examined it to see if any reasons are given for his change of opinion, but to no purpose. It may be that the hon. gentleman was at the time favorable to railway extension, but felt under obligations to his old constituents to build to Annapolis. The speech before me rather favors this view of the case, for I find the hon. gentleman attempting to justify himself to his constituents for not giving them a railway when it is in his power. He says:—"I was not a little surprised last autumn whilst spending a few days at Windsor, to observe at the wharf there a small schooner that I found on enquiry was a regular packet trading from Wilmot, in the county of Annapolis, to Windsor. Here I had an evidence that the western portion of the Province, in addition to the advantages of communication and intercourse with St. John, and the States, by virtue of its geographical position, had also in the railway a means of reaching this market with punctuality and despatch."

Now here is a reason given why the hon. gentleman feels justified in giving the Pictou line preference—that Annapolis has a small schooner—a little schooner—quite big enough, I presume, to carry a barrel of apples, a cask of cider, and a box of cheese. Why, sir, I can fancy how the hon. gentleman, if he stood in my position, would descant on this "little schooner." He has often wished for a Punch in Nova Scotia. Sir, if we had Punch among us, what a picture he would give of the learned member for Annapolis—standing with outstretched arms, holding this little schooner in one hand and a great bag of money in the other; the one labelled "a nice little schooner—almost a boat—for my constituents who have so manfully supported me for twenty years"—and the other "£520,000 pounds for my very good friends of the county of Pictou."

But, sir, I promised not to detain the House at any length on this question at this late hour. Whatever changes may have occurred, and whatever inconsistencies there may be apparent in the action of any hon. member, every member of the Govt. who has addressed the House on the

subject of the railway has never lost sight of the importance of an Intercolonial. The hon. Atty. General, in this very speech, says: "Whilst I am advocating and presenting to the consideration of this House a bill for the construction of the railway to Pictou, I do not desire for one moment to conceal my conviction of the great importance of railroad communication between the three Provinces of Canada, New Brunswick, and Nova Scotia. I look at the question in a broad light; I consider it in its national aspect," etc. The Provincial Secretary, in speaking of the same subject said: "I do not, as a Cumberland man, forget the importance of an Intercolonial Railway. And any government that would not put forth its utmost efforts to secure that object would be false to the best interests of the people." So one after another has borne testimony to the importance of that great Intercolonial Railway, whilst the hon. member for Carleton Place, viewing it apart from its commercial advantages, said, if we wish to maintain our British connection, and keep alive our British feelings we must have that great work constructed. Sir, if we wish to keep alive that noble fire which "burns in British blood," we must have connection with the great colony of Canada. The events that are passing day by day in the world—especially on this continent now convulsed with the terrors of war—give proof of the importance of railways, in maintaining connection between States and affording facilities for mutual defence. Why, sir, every effort on the part of the Northern and Southern armies has been put forth to cut off the respective railways that form important lines of communication. And shall these things occur and not show the people of Canada as well as of Great Britain the importance that should be attached to that road—that it is the only means by which connection can be maintained between the Provinces, and the Provinces preserved to the mother country. If there was no prospect of the road being completed, we would stand in a very different position; but it appears the members of the Government themselves believe there is a prospect of its completion. They say in the despatch of 20th October, 1863: "Should the survey prove the practicability of such a route, my advisers believe that the intelligent public sentiment of Canada would not long permit any Administration there to leave that country, with all its commercial relations, dependent for five months of the year upon the fiscal arrangements of an independent, if not rival, State; and for the same period cut off from communication with the Parent State by any line of transit available for war purposes."

Here we have the evidence that down to October last the present Government had strong hopes that the great Intercolonial railway might yet be completed. Now, whilst there exists the prospect of this great Intercolonial scheme being carried out, I think it is unwise and impolitic on the part of the Government to introduce a bill which will create an expenditure which must have the effect of retarding to an indefinite period the construction of the more important line. The bill proposed involves, according to the survey of Mr. Laurie in 1859, an expenditure of £520,000. You propose to take

£100,000 from the Savings' Bank at 4 per cent, and the rest at 6 per cent. in debentures, which will give in all \$116,800 to be added to the large amount of interest we already pay. Adding the two together, we find an amount of \$336,723 to be paid annually by the Province. But the Attorney General and the Provincial Secretary both say that their policy does not end east, that having extended the present line to Pictou, they are going to unite the fertile valleys of Annapolis and Kings."

I may here stop to say that if I believe in their policy I should go west first as the country is better adapted to the construction of railway as for a given sum from 20 to 50 per cent. more miles can be built west than east, and railways facilities afforded to a proportionably greater extent of country. But to carry out the scheme of the Government will put upon this Province a burthen of a million of dollars of interest a year—an immense sum for the small (comparatively speaking) revenue of Nova Scotia. I now ask how is it possible, after you have incurred this liability of half a million a year, you can, with any regard to your educational institutions and the common roads and bridges of the country, put on an additional burthen for the Intercolonial Railway. If this bill pass, and the policy of the Government is carried out, the latter line can never justly receive one dollar from this Province; and therefore it is not in a spirit of opposition to the Pictou line that I speak, but from a conviction that it inaugurates a policy which must destroy all our hopes of having that great road, so long the object of our aspirations, completed. It has been stated by the Provincial Secretary to day that one of the great reasons for extending the road to Pictou is the necessity of securing communication with Prince Edward Island. Now if you build the Intercolonial Railway, you run along the Gulf shore for miles, and have at Point Brulé an admirable harbor—much better situated, in fact, for intersecting the trade of the Gulf than Pictou—not to speak of such places as Tatamagouche, Pugwash, &c., at any of which the Gulf trade can be tapped by a few miles divergence. Entertaining these views I shall, in case the resolution of the hon. member for Shelburne is lost, move the following resolution:

"Whereas the Province of Nova Scotia has been, for many years deeply impressed with the vast importance of having connection by railway, with New Brunswick and Canada and the United States;—as well for the security to British America, which would thereby be better guaranteed, as for its future commercial prosperity.

"And whereas there have been numerous delegations to England to promote this object resulting in 1863 in securing a pledge from the Imperial Government to loan the Provinces three millions of pounds at a largely reduced rate of interest.

"And whereas this Legislature at its last session, accepting this offer and its conditions, completed all necessary legislation on the part of Nova Scotia, to carry forward this great Intercolonial work, agreeing to wait the action of Canada two years.

"And whereas His Honor the Administrator of the Government of Nova Scotia, in a despatch to the Lieutenant Governor of New Brunswick, dated the 20th day of October last, speaking of a survey of the proposed route, uses the following language: 'Should the survey prove the practicability of such a route, my advisers believe that the intelligent public sentiment of Canada would not long permit any administration to leave that great country dependent for five months of the year upon the fiscal arrangements of an independent if not a rival state, and for the same period cut off from communication with the parent State by any line of transit available for war purposes.'

"And whereas events transpiring in the American States strongly tend to show to the people of Canada the vast importance of maintaining an overland connection during winter with the Atlantic, and of securing the ready and powerful aid of Great Britain in case of invasion, it is not more than just to presume that the survey of the proposed railway ordered by the Government of Canada, at its own cost, is in obedience to that intelligent public sentiment awakened by passing events. A public sentiment which may soon become so strong as to induce the Government of Canada to complete the contract with the Imperial Government for the money within the period fixed by the Acts passed by this Legislature in 1863.

"And whereas the Provincial Secretary of Nova Scotia having recently, in his place in Parliament, when speaking of the importance of the Intercolonial road to this Province, declared 'that any government that would not use its utmost efforts to secure the Intercolonial line, would be false to the interests of the people of this Province.'

"And whereas the Government, with a view to connect the present railway at Truro with the waters of the Gulf of St. Lawrence, have laid upon the table of this House a bill authorising the construction of a railway to Pictou, which was estimated in 1859 by James Laurie, Esq., C. E., to cost two millions and eighty thousand dollars, involving an annual charge for interest of \$116,800 to be added to the amount already chargeable upon the revenues of this Province, making the whole annual charge for interest \$367,723.

"And whereas the Government have announced as their policy to extend the railway from Windsor westward, to compensate western counties for the extension eastward, which would involve such further expenditure as would raise the sum to be drawn from the revenues of this Province annually for the interest on railway construction funds to over half a million of dollars, and thus place it beyond a possibility for this House to give any assistance whatever to the Intercolonial line.

"And whereas the Government of Prince Edward Island, encouraged by the Government of this Province, is now making large expenditures for steam connection with this Province at Point Brulé, midway between the counties of Pictou and Cumberland—a port admirably suited to command the trade of the whole Gulf, and nearly on the line of the Intercolonial route.

"Resolved, That any action on the part of this House committing it to a policy which would render it impossible for this Province to bear a fair proportionate share of an Intercolonial road, would be unjust to the Province of New Brunswick which has so heartily co-operated with us in all negotiations on the subject—unjust to the plighted faith of this country, and ungracious to her Majesty's Government, which feels so deep an interest in protecting these Provinces and has done so much for their prosperity; and therefore any extension of the existing lines with the view to connect with the waters of the Gulf, should be in harmony with the Intercolonial policy settled at Quebec in 1862; and until the period of two years shall have elapsed, as provided in the bill of 1863, or until that policy is formally abandoned by one or more of the contracting parties and notified to the others, no extension should be made beyond that point of the Main line which may serve to connect with the Gulf at Pictou, Point Brule, Tatamagouche, Wallace, or Pugwash, as may then be found on a further survey most advisable."

It will be perceived that this resolution would permit the Government to go on with the construction so far as it is common to the Intercolonial line. It is not so much in hostility to the Pictou Railway that I move this, as because I feel that if the policy of the government is encouraged and carried out, all hopes of obtaining the greater work must be forever abandoned on the part of this Province. Of the necessity for this line in case of invasion of the Provinces when navigation is closed I need hardly speak. England is busy laying up stores and munitions of war, but the greater the accumulation of stores the greater our danger, unless we have the means by which England can send up her troops quickly when invasion comes. Let the House contemplate for a moment the probability of the American war being closed, and that great horde of men trained to the use of arms; full of the venom that has been accumulating for years against England and these Colonies suddenly striking a blow for the possession of Canada when navigation is closed. Who can doubt the result? They would soon overrun that Province and then armed and equipped, as never before by those stores which England has been piling up, they would come down like an avalanche upon these lower Provinces to sweep us into the sea. Having once secured Canada, they would never rest satisfied until they had possession of New Brunswick, and having got New Brunswick, then the attack would come upon Nova Scotia. With what results I need scarcely say. The spirit of the Briton within would bid us rouse to repel the invader but against almost countless numbers, what would it avail? We should be compelled to submit—to pull down that old flag under which we have long lived in peace and prosperity—"that grand old flag which for a thousand years has braved the battle and the breeze," and place, in its stead the stars and stripes beneath which we should bow our heads in shame, feeling in our hearts more stripes than floated above us.

A call of the House was had.

Mr. KILLAM having withdrawn his amendment, the first vote was taken on the motion of Mr. Locke, when the House divided as follows:—

Yeas—Locke, McLelan, Coffin, G. S. Brown, and Robertson—5.

Nays—McFarlane, D. Fraser, Fin'l. Sec'y., Lawrence, S. McDonnell, McKay, Pryor, Bill, Donkin, Longley, J. Fraser, Atty. Gen., Bourinot, Kaulback, Dr. Brown, C. J. Campbell, Killam, Hatfield, Ross, Allison, Whitman, Tobin, Parker, Hamilton, Slocumb, Jost, Miller, Prov. Sec., Archibald, Jas. McDonald, Blanchard, S. Campbell, Annand, Smyth, Balcom, Heffernan, J. Campbell, Robichau, McKinnon, Hill, Caldwell, C. Campbell, King, Blackwood, Shannon—45.

This motion being negatived, Mr. McLelan then moved the amendment of which he gave notice. Upon this motion the House divided—4 yeas, 46 nays; Mr. George Brown voting with the majority. Upon the motion to commit the railway bill to a committee of the whole House, the division was 42 yeas, 7 nays; the latter being Killam, Hatfield, Geo. Brown, Robertson, McLelan, Locke, and Dr. Brown.

The House adjourned until the next day.

TUESDAY, March 15th, 1864.

The House met at 8 o'clock.

The Legislative Council by message informed the House that they had agreed to an act to incorporate the People's Bank, and to Chaps. 13-15 Rev. Stat. without amendments, and to Chap. 12 Rev. Stat., relating to the customs, with amendments. The amendment of the Council to the pilotage law, which renders it necessary for an outgoing vessel, when the pilot who has brought her in offers his services, to take him, or pay half pilotage, was after a slight discussion agreed to.

CITY BILLS.

Mr. PRYOR, as Chairman of Committee on City Bills, reported a number of chapters, with amendments. The hon. gentleman said that these Bills had occupied the attention of the Committee, and they had had before them members of the City Council and prominent citizens, in order to hear the arguments for and against the changes proposed in the City Charter. He now reported the Bills for the consideration of the House.

As these Bills presented a very lengthy appearance and appeared likely to occupy a good deal of the time of the House, considerable discussion ensued as to the propriety of considering them this Session at all. It appeared to be the impression amongst many members that the Revised Statutes would occupy so much time, that it would be impossible to give these Bills the attention they required.

Mr. BEANCHARD explained that when the Commissioners were revising the statutes, they did not touch the laws relating to the city, but requested the city authorities to undertake their revision. This was the result of their labors, and he knew they had taken a great deal of trouble about it. The Committee of the House had also bestowed a good deal of attention upon the matter, and the amendments proposed

had all been published for the benefit of the citizens.

The ATTY. GENERAL considered the explanation satisfactory; and after some remarks from Hon Mr. McFarlane and others upon the propriety of making the City pay for the cost of printing these laws, the discussion dropped.

MISCELLANEOUS.

Hon PROV. SEC. said that when, the other day he presented the report of the Inspector of Mines, the member for Colchester asked for certain returns of coal raised in the Province. He now submitted a printed paper, containing the information required.

Mr BOURINOT said that the report of the Inspector of Mines referred to a report of Mr. Hendry, which was not annexed.

Hon PR. V. SECY. would make enquiry on the subject.

Hon ATTY. GENERAL introduced a bill to repeal the Railway Acts passed last session.

Mr C. J. CAMPBELL presented a petition from a number of the inhabitants of Bedouque, Victoria County, with reference to an act passed last session respecting church property at that place.

Mr. MILLER handed to the Provincial Secy., who laid it upon the table, a return from Arichat Academy. It appears from the return that the institutio is in the enjoyment of a Provincial grant to the extent of \$400, is presided over by four teachers, and has 172 pupils.

LICENSE QUESTION.

Mr. TOBIN moved the second reading of a bill to authorize the sessions of the County of Guyaboro to grant tavern licenses in certain gold districts in that county, the sale of liquor in such districts having been prohibited by the act of 1st session. He said that he had received a petition signed by 192 residents of the district in question, praying for the privilege this bill would give, and in view of the fact that so many persons had signed it, he thought there must be good grounds for the request.

Mr. LONGLEY made a earnest speech against the bill, and presented a petition from the same district counter to the one presented by Mr. Tobin. He was sorry that there were so many members in the House ever ready to espouse the cause of the rum-seller. He moved that the bill be deferred.

Mr. BOURINOT said he believed that the license system was the only mode by which the traffic in intoxicating drinks could be at all regulated. A few years ago the Grand Jury and Sessions of Cape Breton refused to grant tavern licenses, but it was found that the traffic increased rather than diminished, and the next year they retraced their steps and returned to the license system.

Mr. STEWART CAMPBELL said the law of last session was placed on the Statute book at the instance, and by the request of a large number of persons interested in Gold Mining in the Province, and he presumed that they did not now desire it to be repealed.

Mr. ANNAND said that liquor would be sold in these districts with or without license, and under the license system they would be more likely to have orderly houses. He did not see

in what respect a prohibitory liquor law was more applicable to a gold than a coal district, and he was sure the House would not put a law on the statute book forbidding the sale of liquors in the coal districts of this Province.

Mr. PARKER thought the existing law a very judicious one, and argued against any change being made in it.

Hon. Mr. McFARLANE agreed with Mr. Annand that they were more likely to secure order under the license system than under the prohibitory enactment.

Mr. COFFIN did not approve of licensing liquor shops in gold districts, as groggeries located there would be the means of manufacturing drunkards by the hundred.

Mr. CHURCHILL spoke in favour of the existing law, and against licensing or permitting persons to sell liquors in the gold districts.

Hon. PROV. SEC. agreed with Hon. Mr. McFarlane and Mr. Annand, that, generally, the license system was the best that could be adopted to regulate and restrain the traffic in intoxicating drinks.

Mr. CLACKWOOD said he had had a great deal of experience in the gold mines of Australia, and in that country the sale of liquors was prohibited in the gold districts, and the effect had been wholesome. He hoped they would not change the existing law, because, if enforced, he felt sure it would be the means of preventing much mischief at the mines.

Mr. LONGLEY's motion passed by a large majority.

The House adjourned.

WEDNESDAY, March 16th.

The House met at 3 o'clock.

Mr. BOURINOT presented a petition from an aged school teacher at Sydney, praying for a free grant of lands.

The Hon. FINL. SECY., chairman of the North Queens Election Committee, reported in favor of the sitting member (Mr. Allison) retaining his seat.

Mr. WHITMAN introduced a Bill to regulate Herring Fishery in the County of Annapolis.

Mr. LONGLEY moved that the discussion on the Dalhousie College question be the order of the day for Wednesday next, which was agreed to.

THE PICTOU RAILWAY BILL.

A bill to repeal the acts passed last session relating to the Intercolonial Railway was read a second time.

The House went into committee on bills, and took up a bill to authorize the construction of a further section of the Nova Scotia Railway.

Hon. ATTY. GENL. said that he would suggest a verbal alteration in the first clause, not because he thought the wording of the law was not sufficiently plain, but to remove any doubts that may exist as to the intention of the Government to proceed with the construction of the work without any unnecessary delay. His language in introducing the bill may have been guarded, but in looking over the official report of his speech, he could not see how it could be construed into any intention on the part of the Government to delay the commencement of the work. He merely said

that a considerable portion of the present season would necessarily be occupied in the preliminary survey of the route, and he would say now for the information of the House, that it was the intention of the Government to proceed with the construction of the work as soon as possible. The Government considered that the line surveyed by Mr. Laurie could be relied upon, but it was only a line of exploration, and the route would have to be regularly located before it could be let out to contract. The experience of the past had told us that haste was not advisable, and he believed that if more time had been taken in the location of the Windsor and Truro lines, much of the controversy that had arisen with the contractors as to claims for extras would have been avoided. In order to avoid any doubt upon the subject of the intention of the Government, he would move a slight alteration in the phraseology of the act, so that the act would provide "for the extension of the railroad from the station-house at Truro to the navigable waters of the harbor of Pictou."

The first clause of the bill as amended then passed.

Mr. KILLAM said that he had given notice that he would move an amendment in committee. He would not take up any more of the time of the House. The amendment, he thought, would commend itself to the approbation of the House. If we were to have railroads at all we should have those which would be the most beneficial to the whole Province. The hon. gentleman read his amendment, which, it was afterwards decided, would be more properly put on the third reading of the bill.

Mr. LOCKE had also an amendment to propose which he thought the Government would consider reasonable. He thought it would be wiser policy for the Government to delay proceeding with the construction of the road until after next session, by which time the policy of Canada and New Brunswick would be known.

The hon. gentleman read his amendment as a notice, and said he would journalize upon it on the third reading of the bill.

Dr. HAMILTON referred to the feeling which existed in Kings county on the subject of this railroad, and said that in his section of it they had always been in favor of extension, and he was convinced his constituents would approve of the vote he had given. He could not see any reason for the delay sought for by the hon. member for Shelburne.

Dr. BROWN said that he had been unavoidably absent when the debate on this subject took place. In answer to the member for North Kings, he would say that if he imagined that the electors of South Kings were in favor of the extension to Pictou, he was much mistaken. He did not hesitate to say that nine-tenths of the electors, on both sides of politics, were opposed to it. As for the opinions of the electors of North Kings, he could not speak so decisively, but he had reason to believe they were not far different. He felt how useless it was to debate a question already decided; the die was already cast, and most injurious and unfair it was, he considered, to the western part of the province. He did not expect to make any impression on the minds of members at this late

stage of the discussion, but he felt it his duty to put his views before the people and the House. He would move the following amendment:

"Whereas this House has by a large majority affirmed the policy of extending our present railroads east and west, from Truro and Windsor.

"And whereas the eastern branch, extending from the junction to Truro, is about 46 miles in length, while the western branch from the junction to Windsor is only about 23 miles.

"And whereas reasonable doubts are entertained whether the financial state of the province, after the construction of the line to Pictou, will admit of further extension westward.

"And whereas the funds out of which these railways are constructed, are contributed equally by all parts of the province, while the extension east is of comparatively small advantage to the western counties.

"Resolved therefore, That the extension East and West be made simultaneously, and an equal sum be expended for railway construction on each line year by year as far as extension is made."

Mr. BILL said that if dissatisfaction had ever existed in the County of Kings on the subject of railroads it was because the people complained that they had not received a fair share of public money for local objects, and they were inclined to put the blame upon the railroad. Now the case was different—there was surplus revenue enough to give extra grants for the cause of Education, and for the road and bridge service of the county. And besides this enough to provide for the extension of the railways. He felt no alarm at meeting his constituency after the vote he had given on this question, for he felt confident that when they found that all the local wants of the country had been properly attended to, they would not object to extending our railways.

Hon. PRO SECR. thought that the amendment of the member for Kings (Dr. Brown) was a legitimate one to be moved in committee as it touched details, but those of the members for Yarmouth and Shelburne, ought to be moved on the third reading of the bill.

This was agreed to.

Some further discussion took place.

Dr. BROWN said that there was one remark made by the hon. Attorney General which he could not pass by; it was to the effect that his (Dr. B.) amendment was a mere ruse to embrace some western gentlemen. Now he did not think that this was a fair conclusion. Had not the East already double the length of road that the West had? Was it not true that a road through the western valley would accommodate more people and therefore pay better than the Pictou road. He was not an anti-railroad man as some members had said; he was and always had been opposed to government works of all kinds by all governments, and in this he had been the disciple of the learned Attorney General; therefore he felt this remark of the hon. gentleman was uncalled for and unfair.

Mr. LOCKE enquired whether the government had received any official intimation of the intention of the New Brunswick government to submit a scheme for the extension of their railroads west.

Hon. PRO. SECY. replied that the only communication received was an enquiry as to whether it was the intention of the Nova Scotia government to repeal the acts of last session, which he had answered in the affirmative.

Mr. CHURCHILL announced his intention of voting for Dr. Brown's amendment, which would take the railway into the heart of the County of Kings.

After a few further remarks from various gentlemen of a desultory character,

Mr. S. CAMPBELL reminded the House that every minute of time they wasted cost the country \$3.

Hon. ATTY. GENERAL was glad that the gentleman had made the remark. It had been pressing upon his mind the whole afternoon.

The Bill then passed the Committee.

BILL TO REPEAL RAILWAY ACTS.

Hon. ATTY. GENL moved the consideration of the bill to repeal the railway legislation of last session.

Mr. ARCHIBALD said it was his intention to journalize on the third reading. The Atty. Genl. could not expect those who voted for the bill on the statute book to censure themselves by allowing the bill now before the committee to pass without a division.

(Some discussion of a conversational character then ensued, in which the Attorney General and Mr. Archibald chiefly took part, in reference to the Intercolonial line, but we have been obliged to abbreviate the reports of this and subsequent days wherever practicable in order to bring up the debates which have somewhat fallen back in consequence of the speeches on the Picou bill having been given in extenso.)

Mr. ARCHIBALD observed that the preamble of the bill now under consideration declared that the legislation of last session was unwise, and he hoped the Atty. General would consent to withdraw that. To ask the Legislative Council to pass that would be placing them in a false position, inasmuch as it would be asking the gentlemen of that branch to affirm that they legislated foolishly last session. He hoped for the sake of the Atty. General's own friends in the other branch of the Legislature that he would not pass the preamble.

Mr. TOBIN saw no object that was to be gained by retaining the preamble objected to by the leader of the Opposition. He thought it would do neither harm nor good.

Hon. ATTY. GENERAL consented to withdraw the preamble, and the bill passed, and the Committee adjourned.

DESPATCHES.

Hon. SOL GENERAL laid on the table certain despatches relative to the pay of sergeants engaged in drilling the militia in the British Provinces.

BILL.

Mr. PRYOR introduced a bill to provide for the appointment of a Gas Inspector for the City of Halifax.

The House adjourned.

THURSDAY, 17th March.

MORNING SESSION.

The House met at 11 o'clock.

Hon. Mr. MCKINNON introduced a bill to amend chap. 132 R. S. of Attorneys and Barristers. The House then went into Committee, and passed the following bills:—To incorporate the Chetticamp Copper Mining and Smelting Company; to incorporate House joiners of Halifax; to incorporate Shipwrights and Caulkers of Dartmouth; to amend act relative to Court House of Halifax; to incorporate Nova Scotia Marine Insurance Company. Mr. Bourinot called the attention of the House to the Report of the Record Commissioner, and, at his suggestion, it was referred to a special committee, composed of Messrs. Shannon, Archibald, and Bourinot.

AFTERNOON SESSION.

The House adjourned at one until three, when it resumed.

THE CHESAPEAKE AFFAIR.

Hon. PRO. SEC. laid on the table a despatch from the Duke of Newcastle respecting the correspondence that had taken place in the case of the Chesapeake. He also took the opportunity of reading to the House the answer of Mr. Layard, the under-Secretary of State, in the Commons to a question put by Mr. Haliburton relative to the action of General Doyle, the Administrator of the Government in this Province. Mr. Layard stated that the conduct of General Doyle had the entire approval of Her Majesty, and he had no belief that officer would be recalled as had been reported. It would be gratifying, added the Pro. Sec., to every member of the House that the action of the Administrator of the Government had been approved of by Her Majesty's Government.

OUR GOLD FIELDS.

Hon. PROV. SECY. called attention to an article in the *Canadian News* copied from the *Evening Express* of this city, which was calculated to convey a most erroneous impression abroad relative to our gold fields. This article says:—

"We are told that the total yield during the past year, as officially reported, was 13,991 ozs. of gold, or about £70,000 of our money. By glancing over the tables, we may take as a rough approximation that an average of 800 men have been employed all the year round in digging, and the amount of quartz they have raised, taking the last three months as our guide, will be about 40 000 tons. Let us see what the probable expense of this would be in rude labor.—The wages of 800 men for, we shall say, 300 working days, at a dollar per day, would be £60,000. To crush 20,000 tons of quartz would cost at least £30,000 more, averaging the rate at £6 per ton. The other incidental expenses would be at least half as much more, so that we may safely say that in order to realize £70,000 there must have been an expenditure of more than £100,000."

By looking at this statement, continued the Provincial Secretary, any person would naturally conclude that gold-mining, as a source of profit, was impracticable. He then turned at-

tention to an extract from the Gold Commissioner's report:—

"But the best mode of ascertaining the profitable character of a Gold Field is to see the average amount of gold which it yields per man of those actually engaged in mining. On reference to table No. 2, (Appendix A,) it will be seen that the average yield per man employed for the last half year, is 838 ounces. The whole year's yield at the same rate would exceed that of 1862 by 2.78 ounces per man; and here, it must be again remarked, that there is every probability that the yield for the last half of the year will in all probability exceed that of the first. For reasons shown in the annual report of this Department for 1862, Waverly District is not included in this calculation; but inclusive of that District the increased yield per man is only a small fraction less than that stated above * *

"It will be seen from this table that the total yield of Gold for the year, as per returns received in this office, is 14001 oz. 14 dwts. 17 gr.; equivalent, at \$18.50 per oz to \$259,032.05. The Report for 1862, shows a yield for that of 7275 oz.; consequently the yield for 1863 very nearly doubles that of the preceding year. In another respect, a still more gratifying result has been attained, although I am not prepared to show its exact extent by computation. This 14001 oz. 14 dwts. 17 gr. of gold is the product of the labor of 877 men for the year. The annual Report for 1862 does not show the average number of men employed daily in mining during that year, and doubtless it was impossible to ascertain the exact number; but from personal knowledge of what was transpiring in the various Gold Districts during 1862, I can safely allege that the average number of men employed daily, for the whole year, more than doubled that of 1863."

In connection with this subject the Provincial Secretary read the following return, which he said exhibited very encouraging results:—

"The returns as made by the Deputy Commissioner of the yield of gold for the two months ending Feby. 29, 1864, are as follow:

Sherbrooke, January—45 men employed, 111 tons quartz crushed—Gold obtained, 326 oz., 5 dwts., 14 grs.; and for February—70 men, 116 tons - Gold, 366 oz., 13 dwts., 6 grs.

"Wine Harbor, for January—39 men, 131 tons—Gold, 189 oz., 5 dwts., 22 grains. For February—68 men, 214 tons. Gold, 429 oz., 18 dwts., 15 grains."

MISCELLANEOUS.

Hon. PROV. SEC. laid on the table a return of gold areas declared liable to be forfeited, which had been asked for by Mr. Blanchard.

Mr. HILL presented a petition from the inhabitants of Newport and Windsor, with regard to some marsh lands; also, a bill in accordance with its prayer.

Hon. PROV. SEC. laid on the table the report of the Legislative Library for 1863.

Mr. JOHN CAMPBELL introduced an act relative to Bankrupts.

Mr. WHITMAN called attention to some returns that had been handed him in reference to Registrars of Shipping. He pointed out that there was considerable disparity in the amount

of salaries paid several officers in comparison with the work performed. He instanced particularly the case of the officer at Annapolis, who was paid \$80 as Collector of Duties, but nothing whatever as Registrar.

Some desultory discussion ensued on this point, from which it appears that some of these officers are Imperial, and receive a larger sum than is given to the provincial. In most cases the Collectors now do the duty, without additional pay. The additional duty, several members contended, should be paid for. The Fin. Secretary stated that he found there were some five gentlemen who performed the duties of Registrar in addition to those of Collector, without receiving any additional salary; and that if it met the views of the House, the Government proposed to add \$20 to the pay of each. The subject then dropped.

RAILWAY BILLS.

The Railway Bills were then taken up for the third reading.

Hon. PROV. SEC. read a preamble for the Repealing Bill in the place of the one which had been objected to on the previous day. It expressed no opinions, he said, as to the wisdom or expediency of the acts of last session, but simply stated they were inoperative in consequence of the action of Canada.

Some discussion followed between Provincial Secretary, Mr. Archibald and the Sol. General.

Mr. ARCHIBALD moved that the Repealing Bill be deferred—lost, 11 t 25.

Yeas—G. S. Brown, Robertson, Locke, McLellan, Blanchard, Archibald, Coffin, Heffernan, Ross, Blackwood, Parker.

Nays—Pryor, McKay, Hatfield, Churchill, Allison, Lawrence, More, Bill, Fin. Sec., C. Kaulback, Jost, Prov. Sec., McFarlane, Miller, Donkin, Longley, Bourinot, Stewart Campbell, Sol. General Hill, J. Campbell, Caldwell, P. Smyth, C. J. Campbell, McKinnon.

The Bill for the construction of the Pictou road was then taken up, and its third reading moved.

Mr. Killam's resolution (as follows) was then put and lost, 8 to 29:—

Whereas, About the year 1855, the construction of railroads was first undertaken in this Province as government works, and at the same time the ad valorem duties being 6¼ and 2¼ per cent, the revenue collected on imports and excise amounted to £145,000, about one third of which, 45,000, was granted for the road and bridge service. In 1857 the duties were raised from 6¼ to 10 per cent, and from 2¼ to 5 per cent, the revenue was £145,000—the road expenditure £43,000, and interest on railroad, £27,000. And whereas, during the succeeding six years, from 1858 to 1864, although the revenue increased from £141,000 to £215,000, the road expenditure decreased, the average being £8,000 per year, and the railroad interest increased to an average of £53,000 per year, being nearly double of the road expenditure, and is now a fixed charge of £61,000 on the general revenue.

And whereas, The Government, with these facts before them, are now about to pass a bill for the extension of the Railroad to Pictou, which will incur an additional large liability,

and a further diminution of the road grant, or increased taxation.

And whereas there is every reason to conclude that the Legislature of New Brunswick are now prepared to construct their portion of the European and North American Railway, and connect with Nova Scotia at the frontier; and whereas the provincial character of that work, its admitted superior paying qualities, and the near prospect of Intercolonial Union, entitle it to a preference over any local undertaking, such as the Pictou extension, and requires that we shall reserve our resources for that work, whenever the policy of railway extension in that direction is determined upon.

Therefore resolved, that it is unwise and inexpedient for the present to pass the Bill.

Mr. LOCKE then moved the following resolution, which was lost by 7 to 30:—

Whereas, There is reason to believe that the Legislature of New Brunswick are about to pass an act for the extension of a railway from St. John to the American frontier, and from Moncton to the borders of Nova Scotia:—

Resolved,—Therefore, that in the opinion of this House, the Government should not proceed in the construction of any portion of the Pictou line, which is also not a part of the Intercolonial line, until after the next meeting of the Legislature.

The yeas being—G. S. Brown, More, McLellan, Robertson, Locke, Killam, Dr. Brown, Coffin.

Dr. BROWN then moved his resolution (given on a previous day) which was lost by 4 to 35,—the yeas being Dr. Brown, Killam, Churchill, and More.

The bill then passed, and was sent up to the Council.

FRIDAY, 18th.

The House met at 3 p. m.

PETITIONS AND QUESTIONS.

Mr. TOBIN asked the government to submit the report of the Gold Commissioner on the subject of certain mining areas in possession of Mr. Thomas Locke. The Provincial Secretary said the papers concerning that case would be submitted at an early day.

Mr. G. S. BROWN presented a petition from a number of the inhabitants of the county of Yarmouth asking for the establishment of a new Post ride in a district of that county.

Mr. ARCHIBALD presented a petition from a number of the inhabitants of the county of Colchester praying for an additional Way Office in a certain locality.

Mr. ARCHIBALD asked the government to lay upon the table all correspondence that has passed between Nova Scotia and New Brunswick on the subject of the intercolonial union. The Provincial Secretary said the paper relating to the question would be submitted at an early day.

USURY LAW.

The Legislative Council by message informed the House that they had agreed to the chapter of the Revised Statutes relating to usury and interest with certain amendments [The amend-

ment provides that no security shall be void in the hands of an innocent indorsee except in cases where notice of usury has been given.]

Hon. ATTY. GENL did not approve of the character of the amendment made, and proposed to take the sense of the House upon it.

Mr. BLANCHARD thought the House had better accept the amendment, because in case of it being refused, the chapter would be lost altogether, and consequently the country would be without Interest and Usury Laws.

Upon the question being taken, the House refused to accept the amendment by a vote of 26 to 10

STATUTE LABOR LAW.

On motion of Hon. ATTY. GENL, the House resolved itself in committee of the whole on the Revised Statutes, and took up the Statute Labor Law

In order to convey an idea of the position of this question, it may be necessary to state that a few weeks since the law of 1862 was referred to a special committee to examine and report upon. This committee failed to agree upon a definite proposition, and reported to the House the statute labor scale of 1862 with amendments, and also a series of resolutions, and proposed amendments, that had been discussed in committee.

Mr. JOST asked whether it was the intention of the committee to make the application of the law general. He would not consent to the county of Lunenburg being embraced in the arrangement.

Mr. MILLER said he should move that the county of Richmond be exempt from the law.

Mr. LOCKE thought they had better make the law general, and applicable to all the counties in the Province

Mr. S. CAMPBELL said the question for the Committee to decide was whether they would retain the law of 1862 or return to the system in operation previous to that period.

Hon. FIN. SEC did not think there were five persons in the county of Richmond in favor of the law of 1862.

Hon. Mr. SPEAKER observed that the law of 1862 did not work well in the county of Digby, and he moved that they return to the old law.

Mr. BOURINOT said that if it was decided to adhere to the law of 1862, he would move that the county of Cape Breton be exempted from its operations.

Mr. DONKIN said that the old law was oppressive, and that the Act of 1862 was far preferable to it.

Hon. SOL. GEN. contended that they ought to make the law apply generally. He did not see why a distinction should be made between Cape Breton and Nova Scotia proper. He failed to discover any reason why Cape Breton, Digby and Lunenburg should be placed in a different position from the other counties in the Province.

Mr. BOURINOT then asked the Sol Gen how it was Antigonish had a daily mail whilst Cape Breton had it only tri-weekly.

Mr. BLACKWOOD was in favor of giving the sessions in each county the power to make the necessary statute-labor regulation.

Mr. McKAY hoped the report of the Committee would be adopted.

Dr. HAMILTON said he preferred the old law to the one passed in 1862. He objected to the latter because there was no provision for appeal from the decision of the assessor. He said there were but few persons in Kings County in favor of the existing law.

Hon. Mr. McFARLANE moved that the scale reported by the committee be adopted.

Mr. PRYOR said that until the principle of assessment, with respect to statute labour was adopted, they would not have peace in the House, so far as that vexed question was concerned.

Mr. CALDWELLS said he opposed this bill last year when under discussion, he would do so now on the same grounds, finding it would diminish labor to a large extent in his county. Therefore he could not see how hon. gentlemen should endeavor to force such an injurious measure on the island, particularly when its representatives are unanimous in rejecting the original law. Why not therefore exempt the little island from its operation as desired?

Mr. KAULBACK said that the hon. member from Yarmouth had intimated at least that the gentlemen in this House opposed to the new statute labour law, were influenced by the few wealthy people of their counties, who had more weight than the larger classes of poor inhabitants. Now, he (Mr. K.) could not allow such an assertion to be made as to his motives or action in opposing this new law without giving it a flat denial. He told that hon. gentleman that his (Mr. K's) action on this question had the approval of a vast majority of his people. The Grand Jury of the County in 1863, unanimously recommended the repeal of this law—which recommendation was approved of by the sessions and their action presented to this House. He was opposed to the new law because he believed it bore too heavily and imposed burthens on the industrious farmers—a class he wished to advance—whilst the rich man's notes, judgments, and mortgages were freed from any taxation. It forced the aged man over three score years to do labour, when he is physically incapable. It reduced the aggregate amount of labour that is performed under the old law, and concentrated the work in thickly settled districts, where it is not as much required, as in the more rural districts. He did not agree with the hon. gentlemen who said that we should have but one general enactment for the whole Province, since the law is purely local in its effects, and each county had its peculiar differences. One half the Province is opposed to the new law. Therefore, let those counties which wanted the new law, take it. But they should not deprive his county of the old law if they preferred it.

Mr. S. McDONNELL said it was unfair to force a law upon the people of Inverness that they did not approve of. He thought that the counties that were now exempt from the operations of the law of 1862 should be allowed to remain so.

Hon. ATTY. GENL. said the first question the House should decide was whether they would have two systems of statute labor, one for one part of the Province and another for the

other. If it were decided to have but one system then they should endeavor to make that as perfect as possible.

Hon. Mr. McFARLANE moved an amendment to the effect that it was not judicious to have two systems of statute labor in Nova Scotia.

Hon. PRO SEC said he would vote against that resolution as he conceived that the circumstances of some counties were not adapted to the application of a general law.

Upon being put Hon. Mr. McFarlane's resolution was carried by a vote of 23 to 18.

Several clauses of the law was then read and passed.

Mr. PRYOR observed that under the present system a number of persons obtained exemption from the performance of statute labour on the plea that they were volunteers, when in reality they did not come under the recognition of the law respecting such exemption. He moved that all certificates of Volunteers seeking exemption from statute labor, shall be signed by the commanding officer, and countersigned by the adjutant general.

Mr. PETER SMYTH moved that Volunteers shall not be exempt from the performance of statute labour.

Mr. BLACKWOOD contended that by virtue of the promises made to the Volunteers when they organized, they should be exempt, and that it would be unjust to compel them to perform labor on the roads.

The House adjourned till half past seven.

EVENING SESSION.

House resumed at half-past 7 o'clock

The House went into Committee on Bills, and resumed the consideration of the statute-labor law.

EXEMPTION OF VOLUNTEERS.

Mr. P. SMYTH moved that the Volunteers be struck out of those exempted from the performance of statute labor.

Mr. BLACKWOOD thought that if this were done, the House would be guilty of a breach of faith with the volunteers. When the force was called into existence, it was distinctly understood that they would be exempted from statute labor, and they were also to be granted other immunities, such as serving as jurors and constables—To withdraw this privilege now, after the manner in which the Volunteers had come forward in defence of their country, he considered would be a violation of good faith, and would be calculated to thin the ranks of the force throughout the country.

Hon. ATTY. GENERAL thought there was a good deal of weight in the argument just used by the member for Colchester, Mr. Blackwood, derived from the pledge given that the Volunteers should be exempted from this duty. But, as regards the principle itself, he had long thought that the man who volunteers for the service of his country was simply performing a duty incumbent upon him, and he should be actuated by higher considerations than the mere exemption from certain municipal duties. If it was correct, however, that such a pledge as that referred to had been given, it should be respected whatever inconveniences might follow.

Mr. LOCKE denied that any such pledge was given to the volunteers—none such could be found in the act authorizing their enrollment. He thought a volunteer should enroll himself for the honor of his country, and not on account of enjoying any privilege himself. There was no doubt that some of them enrolled themselves in order to escape the performance of statute labor.

Mr S. CAMPBELL said that any volunteer who enrolled himself to get clear of statute labor, would not make a very profitable bargain, as the expense he was put to for uniform, etc, far exceeded in value any privileges he enjoyed. If it be a fact that there was any understanding either expressed or implied that these young men were to enjoy certain immunities, that understanding should be respected. There was another class too, who were equally deserving of the privilege, and were it not for this pledge given to the volunteers, he could see no reason why the militia officers should not be put upon the same footing. There was another reason why this exemption should not be taken away at this time. The volunteers had enlisted for five years, and with many of them this was the last year of their existence.

Mr. LOCKE said the law they were passing was not intended for this year alone, but would have effect for some time to come.

Mr. KAULBACK said that from his knowledge of the Volunteers of the Province so far from being actuated by the selfish and mercenary motives imputed to them, he was convinced that they had enrolled themselves with a patriotic desire to perfect an organization which might at some future time be necessary for the defence of their country. It could not be denied that in the recent organization of the militia force, the previous training and efficiency of the Volunteers had been largely instrumental in accomplishing the success which had attended that movement. In the Battalion of Militia which he had the honor to command, he numbered among his officers, many of the Volunteer force, and it was but right to state, that to their assistance he was largely indebted for the efficiency of the Battalion. He would regret, therefore, if the House should adopt any policy which would tend to impair the efficiency of the Volunteers; for in doing so, they at the same time would injure the militia organization. He did not think that at the exemption referred to had any serious effect upon the amount of statute labour performed, for the Volunteers chiefly resided in the more populous districts, where the loss of their labor was not so much felt. He did hope, therefore, that the House would pause before it deprived the Volunteers of a privilege which, though small in itself might, in its consequences, have a serious effect upon an organization which had hitherto reflected great credit upon the country.

Mr. BILL agreed entirely in the remarks of the hon member for Lunenburg (Mr. Kaulback.) He did not think it fair for just for the Government to say to these Volunteers, (as they would say in effect if they withdrew this privilege), "We don't value your services any longer. We have made use of you for certain purposes, but we require you no more." Was

this the treatment they deserved at the hands of the country? He thought not. During the Prince of Wales' visit, everybody was proud of our Volunteers, and surely this was not the return that they were to receive for the time and money they had spent in the service of their country. In the immediate district that he resided in, there were no Volunteers, but a short distance west of him the Government had given a grant to build a Drill-shed, and the Volunteers there were exercising a beneficial influence upon the militia organization. He was in favour of giving them every encouragement, and instead of depriving them of this small privilege, he would be more inclined to exempt them from all taxes.

After a few remarks from Hon Mr. McFARLANE, who said that he thought the whole Volunteer organization would ultimately merge into the militia—the motion of Mr. Smyth to strike out the Volunteers from those exempted was carried.

A number of amendments reported by the Select Committee passed without discussion—surveyors of statute labour under the Act are to be allowed a dollar a day for the time of their services, after they have performed their own labor required by the Act. The schedule of labor passed. Amongst other things it is provided that 30 days be the maximum of labor to be performed by any person. The Bill passed, and the Committee adjourned.

The House adjourned shortly after 9 o'clock until 2 o'clock on Monday.

MONDAY, March 21.

The House met at 3 o'clock.

Hon. SOL. GEN presented a petition from inhabitants of Antigonishe, respecting a change of mail route.

Hon. Mr. McFARLANE introduced a bill to incorporate F A Drews and others as a mining and amalgamating company.

THE ESTIMATES.

Hon FIN. SEC. laid on the table the estimate of expenditure for the year. The balance in hands of Receiver General, Dec 31, was \$100,745 67. There were due from Casual Revenue \$39,128 15; Collectors of Colonial Revenue, \$48,069 38; Brewers of Ale and Porter, \$2,183.20; Manufacturer of Tobacco, \$1,109 47; Canada, New Brunswick, and P E Island, \$6,145.15; Counties for Road advances, \$11,231 43; Counties et al to Hospital for Insane \$22,279.40; Railway Department, \$23,005 28; P. O. Department, \$1,597 63; Old Copper Coin, \$3000; total, \$258,499 86. The probable Revenue for 1864, all sources, \$1,286,007 44. Estimated expenditure for same period, \$1,222,355. The balance of assets, 31st Dec., 1863, was \$106,007 44. The Estimate for 1864 compared with the Expenditure of 1863, as applied to the following services, exhibit the subjoined figures. The Civil List for '63 and '64, respectively, \$59,812 85, and \$59,390. Crown Land Department, \$14,082 60 and \$14,000. Debt Savings Bank and Bank of Nova Scotia, \$21,684 20, and \$21,440. Railway interest, \$244,586 76, and \$242,100. Gold Fields \$13,088 57, and \$20,

000. Education, \$67,728 and \$91,715. Miscellaneous, \$13,749 and \$11,000. Militia, \$26,240 and \$22,000. Navigation securities \$12,199. 99 and \$36,040. Public Printing, \$9839 27 and 8000. Public works, \$96 418 and \$96,200. Railway expenses, \$127 962 and \$120,000. Roads and bridges, \$140,000 and \$257,220. The last item exhibits an augmentation of no less than \$117,220 as compared with the year 1863. The appropriation for the purposes of Education exhibits an increase for the present year over the past equal to \$24,000. Under the head of Navigation Securities, is a grant of \$16,000 towards the completion of the St. Peter's Canal.

The FINANCIAL SECRETARY observed that it had been the desire of the Government in the appropriation of the road money to regard more especially those counties which would not be directly benefited by the railway. He also stated that he had been exceedingly guarded in making up the estimate of expected revenue.

ST. PETER'S CANAL.

Mr. TOBIN asked what were the intentions of the government respecting the St. Peter's Canal. He had heard it said outside that a Marine Railway for the purpose of taking boats over might be constructed at a much smaller expense and be found equally as useful. He had some experience in such works, and he was therefore desirous of learning whether the Government intended constructing such a piece of machinery. He had been one of a number of gentlemen who had been induced to build two Marine Railways in this county on the supposition that they would be cheaper; but it was found that these works cost about £15,000, whereas the canal would only have cost £12,000. He considered that nothing else than a Canal would be advantageous at St. Peter's. He trusted that the government would not be led into any error in respect to this work.

Hon. FIN. SEC. said that the grant which had been placed upon the estimates would be applicable to two purposes—either to a marine railway or to a canal; for it would require more than that amount to make the necessary excavations. At present it had not yet arrived at that stage where it was really necessary to define the character of the plan that would be adopted. He was quite satisfied to take this as an instalment of what was due to Cape Breton, and to put off to another day what we are going to have in reality.

Mr. FOURINOT was glad to hear the explanations that had been made by the Financial Secretary that it was still undecided whether a canal or railway would be constructed. He would say frankly to the House and to the country that Cape Breton would be satisfied with nothing else than the canal. It had been long ago promised to that island. Votes had been obtained in the Legislature, in times past, on the promise that the canal would be opened—and opened it must be if the wishes of Cape Breton were attended to. He believed that the engineering difficulties, alluded to in the report of Mr. Laurie, were only imaginary, and could easily be overcome. The friends of Cape Breton accepted this \$16,000 only as a small instalment; the time must come when the Province must give a

far larger contribution towards the complete construction of the canal.

Mr. ROSS did not complain so much of the sum granted by the Government as of the way in which the Canal was treated. Why should there be any doubt about it; if we were to have the Canal opened, the members from Cape Breton and the people of Cape Breton should know it. Anything short of a good Ship Canal would be of no service to the people of Victoria, and he, for one, would not be satisfied with anything else. One of the gravest charges made against him in his own county on nomination day was, that he did not press on the late Government the necessity of prosecuting that work; and his colleague made a public pledge that he would support no Government that would not open the St. Peter's Canal, and that pledge, as far as he (Mr. R.) was concerned, he now endorsed. He hoped, then, that the Government would give up the idea of a tramroad or marine railway; both might be of some local benefit to Richmond, but would be of no earthly use to the rest of Cape Breton. Mr. Talcott in 1856 estimated the cost of the canal at £32,000; of that amount over £6000 had been already expended, so that we might safely believe that about £25,000 would complete it. Any one who read Laurie's report, and saw the way he threw cold water on the project, would at once conclude that neither he, nor the government he served, were anxious to expend any more money on that work. He did not believe there was any one in this House or out of it that would believe that with the money already expended, St. Peter's Canal would cost £52,000, as calculated by Laurie. But he only rose to say, that if we are to have the St. Peter's Canal, the Government had a right to say so; and if not, the people of Cape Breton should know it. It was but right that they should understand the course the Government intended to pursue with this work, in which the people of the Island of Cape Breton were so deeply interested.

Mr. LOCKE said that the members for Cape Breton were like Oliver Twist, always asking for more. He believed that the grant of \$16,000 was altogether unjustified, as it was not known what was to be done with it.

Mr. C. J. CAMPBELL was surprised at the answer given by the hon. Financial Sec. It was well known to the country that ten years ago when the Cape Breton members supported the railway it was on the full understanding that the St. Peter's Canal would be put through; but all the pledges that had been made in this respect had been violated in the most shameless manner. He was astonished to hear the present Administration treat Cape Breton in the same manner as their predecessors. If the same game that had been played in the past was to be re-enacted, the sooner it was known the better. He for one was desirous of receiving a decided answer from the Government whether they really intended constructing a Canal or not.

Mr. TOBIN said that if he believed that the Government was going to build a marine railway he would not vote for a single sixpence to be expended upon it. It would be just as well to throw the money over the wharf as to con-

struct such a work. He believed that a Canal would be found most beneficial in its results upon Cape Breton, and he would be quite willing to allow the minor services to lie over in order to give a grant sufficient for its construction.

Mr. BOURNOR could not avoid thanking the hon. member for Halifax for the liberal course he had taken in reference to this important work. It well became that hon. gentleman as the representative of the metropolis of the Province. He (Mr. B.) was sure that hon. gentleman's sentiments would be fully appreciated by the people of Cape Breton, and that they would have their proper weight all over the Province. He hoped that the House would see the necessity of increasing the grant to £16,000 instead of \$16,000, and thereby open up this great undertaking as speedily as possible.

Hon. SOL. GENERAL said that there was a law already on the Statute Book, providing for the construction of the Canal, and therefore no further act at the present time was required.

Mr. MILLER said that he would be recreant to the duty which he owed to his constituents—recreant to the only pledge which he made on coming into the House—if he hesitated a moment in expressing his opinion that it was only an act of justice to the island of Cape Breton to construct the St. Peter's Canal. He was sure his constituents would be satisfied with nothing else, and as long as he stood in the House he would urge their right to have this great undertaking completed. However, in dealing with this question he was disposed to be governed by what he believed was the soundest policy. He was not inclined to deal captiously with the Government. They had evinced a desire to give Cape Breton a partial instalment of justice, and he was ready to accept it in good faith. If the Government intended to give the sum of \$16,000 without any condition as to whether it would be expended in a Marine railway or a canal, he for one was disposed to accept that for the present. If they would give a guarantee that they would proceed immediately with the canal, of course, he would be better satisfied, but he was not going to be captious because he could not get all he wanted at once.

Mr. CALDWELL also made a few remarks. He said that he believed there was but one opinion entertained amongst the several gentlemen representing the island of Cape Breton, in the Assembly, of the utility of immediately opening the St. Peter's Canal. He fully concurred in the observations made by the hon. and learned member from Richmond, in reference to the action of the Government in submitting their estimates on this undertaking, and to his own mind they acted wisely and judiciously in this measure, of only expending the sum of \$16,000, the present year, as the expenditure of this sum will afford them time and the necessary information as to the proper mode of constructing this work hereafter. The explanation offered by the Government, on this service, appeared to him both plain and comprehensive, and he thought it quite unfair to press the matter further, believing as he did that the Government seemed to show every evidence of good faith and desire to bring this important work to a completion at as early a day as possible. Now, as

to the project mentioned by some gentlemen of placing a marine railway there, he could only say that it would be utter folly and a perfect waste of money, for nothing short of a ship canal will or can meet the requirements of the inland waters of the Bras d'Or Lake or promote the general interests of the Island.

Hon. ATTORNEY GENERAL said that the learned member for Richmond was quite correct in the supposition that this \$16,000 was to be expended unconditionally; it was not intended to clog it with any stipulation respecting the mode of constructing the work. The idea of the Government was that this £4,000 was as much as probably could be expended usefully this year—that it would be required under any circumstances to make the necessary excavations.—When that had been performed, the Government would be placed in a position to know what plan was most feasible and advantageous. At the next session the House would know the nature of the work, its probable expense, and what was the best course to pursue.

Mr. COFFIN disapproved of the grant of \$16,000 in the way proposed. It was too much like groping in the dark.

Mr. ROSS reiterated his hope that a Canal would be constructed speedily, and referred to a pledge of his colleague, (Mr. Campbell,) that he would support no Government that did not build the Canal. He also expressed his belief that the opening up of the Canal would not cost the country more than 25 or £30,000.

Mr. CHARLES J. CAMPBELL said that his colleague was perfectly correct in the statement that he had pledged himself on the hustings in respect to the Canal—a pledge which he was quite ready to repeat. He believed that Cape Breton had been scandalously used by both Governments, as far as this work was concerned. This was an undertaking which had been before the country for fourteen years past, and it was therefore full time that something definite was accomplished. Year after year reports had been made on the subject, and about ten years ago the Government pledged themselves to put it through right off, but nothing had come of the promise. The fact was that it had been used by successive governments merely as a bait to hoodwink the members for Cape Breton. He was heartily sick of seeing such imposition attempting to be practised upon the people of that island year after year. If the present Government did not give money every year until the work was finished, he for one would feel compelled to vote against them. There was, in his opinion, altogether too much quibbling about this question.

Hon. ATTY. GEN. said that the Government would not quibble to obtain the support of any man; they had never done so, and would never do so, whatever might be the consequences. He had given the House a fair and candid statement, which he thought ought to have satisfied the hon. member for Victoria. (Mr. Johnston then repeated the purport of the remarks already given.)

Mr. C. J. CAMPBELL said that he had not understood the hon. Attorney General at the first. He might have spoken hastily, but if he did so, it was because he had such strong feelings on the subject under consideration. He knew that

the people of Cape Breton did not want this marine railway at all, and he could never be a party to its construction.

Mr. BLANCHARD said that the remarks of the hon. member for Halifax, in respect to the marine railway, were entitled to a great deal of consideration. He expressed his desire to see the canal completed.

Mr. MILLER said if it was not the intention of the Government to give Cape Breton the canal, he would tell them at once that the money would be only a useless waste. If there was any intention to put her off with a marine railway, he did not want the \$16,000 offered, but would prefer to see it expended in some other way. He thought the Government should say what they intended to do, in justice to the island. His colleague the Financial Secretary had pledged himself to support no government that would not complete the canal, and he should not now take anything less. But on this subject he was desirous to take that course which common sense would dictate, and accept the grant, as it would not compromise him with respect to canal or tramway. If he were factiously disposed he might do otherwise, but he would sink every feeling to obtain justice to Cape Breton on this question. He was not disposed to argue on the assumption that the Government were going to commit hereafter an act of bad faith. The wisest course was to allow time to settle the question, and another year would solve the mystery. While admiring the spirit of the hon. gentleman from Victoria and other Cape Breton members, he would say to them in all candour to take this sum as a small item of justice, and allow the final settlement of the undertaking to stand over till next year. That in his opinion was the wisest policy.

Mr. TOBIN said that he did not mean to convey the idea that marine railways were useless. They were valuable for certain purposes, but in the case of the St. Peter's Isthmus, nothing else than a Canal could be of any material advantage to the people of Cape Breton. He also pointed out in how many respects this Canal would benefit that magnificent island, whose resources were so rapidly developing.

Mr. PARKER was understood to express himself in doubt whether the Canal would be of so much benefit as some hon. gentlemen seemed to think it would.

Mr. MILLER said that the members for Colchester should be the last persons in the House to stand up in opposition when an act of justice to Cape Breton was proposed. It was well known that the railway was built on the express understanding that this work would be completed at once.

Mr. ARCHIBALD was sorry to hear the explanations that had fallen from the Hon. Attorney General. That hon. gentleman asked the House to take £4,000 of public money to dig a hole in the ground, without knowing whether it was to be used for a canal or railway. He (Mr. A.) thought that the government should have come forward with some definite proposition; they had sufficient opportunity to place before the Legislature a report of a person properly qualified to say whether a railway or canal was preferable. He was quite ready to acknowledge that Cape Breton was en-

titled to a large share of consideration in this matter, but he doubted if it was fair to grant this large expenditure without knowing it was necessary and proper. Mr. Archibald then turned to the report of Mr. Laurie and read several extracts from it, showing the unfavorable opinions held by that gentleman. He thought, in view of that report, it was due to the House that the government should be prepared with some more definite information before they asked the House to pass this large grant.

Mr. TOBIN said that the hon. gentleman ought to know whether the Canal was necessary or not, inasmuch as he had been a member of the party who brought forward and supported this scheme at the outset. If he remembered aright, that hon. gentleman was a member of the Government who employed Mr. Talcott to report on the work in 1856. Under these circumstances, he ought to be in full possession of all the facts bearing upon this subject. He (Mr. T.) had more confidence in Mr. Talcott than in Mr. Laurie, since the latter had not the practical experience in respect to Canals that was possessed by the former. Moreover, he believed that Mr. Talcott was not instructed to report favorably on this work. Mr. Laurie, he also thought, felt he was not justified in coming to a favorable opinion in regard to this undertaking. In fact all the reports should be taken with a certain degree of hesitation.

Mr. KILLAN said that the St. Peter's Canal had long been a bait held out to carry something else, and had been the means of imposing on the Province an immense burthen in the shape of railways, &c. He supposed that the present grant was intended as an equivalent to the Cape Breton members for supporting the railway. He believed with the hon. member for Colchester that the Canal would not pay at the present day.

Mr. C. J. CAMPBELL presented a petition on the subject of the Canal. He said he had not brought it in before, because he had understood from a member of the Administration that the St. Peter's Canal was a fact. He was very much astonished at the remarks of the hon. Attorney General. He (Mr. C.) was not able, perhaps, to clothe his ideas in as fine language as that hon. gentleman, but was obliged to use the words that he thought best conveyed his meaning. The Canal had been mentioned in the Governor's speech, but now it seemed to be undecided whether the proposed scheme was a Canal or a Railway. It was a perfect waste of money to spend sixteen thousand dollars without knowing what the ultimate intentions were in respect to the work. This was the way the public money was continually squandered—no proper system whatever was carried out. This Canal had been for years a sop held out to the members of Cape Breton by successive Governments. He had thought there was one honest politician in Nova Scotia, but now there seemed to be some doubt on the subject. No less than four reports had been made concerning the work upon which he was referring, but all of them varied most strikingly from each other—a fact which naturally led a person to see how little confidence was to be placed in them. As to Mr. Laurie's report, it bore on its very face the clearest evidence that it was not reliable.

He was surprised to hear the hon. member for Colchester ask what were the resources of the country which this canal was intended to benefit. He did not think it was necessary to go into this subject after all that had been said concerning Cape Breton during the present session. Those who had been in the habit of abusing the country had at last turned round and showered praises so lavishly upon it that the members for Cape Breton almost felt like blushing. Four valuable coal fields were in operation on the borders of the beautiful lake which this canal would render easily accessible to the sea, whereas there was not one when Mr. Laurie reported. Some of the coal found in Victoria had been found in New York, and it was considered as good an article as any to be found on the continent. No member should hesitate a moment to do Cape Breton justice in a respect to an undertaking in which she felt so deep an interest. He could not comprehend the policy of commencing the work without knowing its exact character. He was confident, in view of the rapid development of Cape Breton, this canal would confer advantages that were incalculable, and could not be fully appreciated except by those who had abundant opportunity of knowing the inexhaustible resources of that noble island. It was especially wanted to give facilities to the country bordering on the lake to send their produce to the best markets with regularity and despatch. He believed, however, that this work must be completed sooner or later, for no government that attempted to hoodwink Cape Breton could exist long in this country.

Mr. MILLER regretted that this matter had been brought before the House so hastily, for if he had known it was to have been brought up that day, he would have been prepared with a variety of interesting facts and statistics bearing on the proposed canal. He did not consider the report of Mr. Laurie—portions of which had been read by the hon. member for Colchester—was of a character to enable the House and country to come to a just conclusion on the subject. He did not, in the first place, believe that that gentleman went down to report, actuated by a spirit of justice to Cape Breton. Every line of his report showed his desire to put the worst feature on everything in connection with the undertaking. Mr. Talcott's report was more reliable, inasmuch as he had an experience in canals which Mr. Laurie had not. Mr. Miller then turned to the report, and pointed out the evidence it afforded of Mr. Laurie's spirit. He next turned the attention of the House to the valuable resources that would be opened up by the canal. He went at length into the details of the report, and showed that it was conceived in hostility, and that the purpose of the author had been unscrupulously carried out. In conclusion, he expressed a hope that the Government intended completing the work. He did not think it fair or wise—in fact he thought it would be factious—to attribute improper motives to the gentlemen occupying the treasury benches. If hereafter he should find that the hopes he entertained at present were not realized, he should be prepared to do his duty fearlessly.

Mr. KILLAM considered that some of the western counties did not get fair equivalents for the eastern expenditure.

Mr. LOCKE asked how it was that Lunenburg was so liberally dealt with, and Shelburne so slightly favored. Cumberland, too, came in for a lion's share,—all sorts of services were provided for. Cape Breton, too, was liberally dealt with, independent of the \$16,000 for St. Peter's Canal.

Mr. BOURNOR remarked that the member for Shelburne was always opposing Cape Breton, and raising the cry of East vs. West. He regretted that his hon. friend from Yarmouth also indulged in the same cry. This feeling should not prevail; as the representatives of the province they should legislate for all.

Mr. ANNAND said, in looking over the estimate, he remarked that it was so prepared that a person not familiar with the Province could scarcely tell where the large expenditures were to be made.—The counties represented by the Executive were, in nearly all cases, handsomely provided for. The county of Annapolis, represented by the hon. Attorney General, got the large sum of \$10,800 for road grant, beside a very large sum for breakwaters, &c. The county of Digby, represented by the Speaker, was especially favored, for it received extra grants to the tune of \$16,000. Cumberland received \$12,000; Antigonishe, however, was very modestly dealt with; Lunenburg, which had a representative in the Government, received, according to his computation, over \$12,000; Richmond and Kings were well provided for; but Guysborough, a poor county, of large extent, requiring much, got but little; and roads were much required to Sherbrooke and Wine Harbour. The eastern district of Halifax he considered had been unfairly dealt with. The sum of \$4,000 had been voted to the rich western district of Halifax, and only the same sum to the extensive eastern district. He thought the distant and poorer counties had not been as liberally dealt with, as was due to them.

Mr. LONGLEY said that the more the subject was discussed, the more clearly did it become apparent that the whole country was most liberally and fairly dealt with. He thought that the Government were entitled to no little share of credit for the fact, that in the disposition of the money they had not been influenced by merely selfish or political considerations.

Mr. STEWART CAMPBELL said that if talk would change the estimate he would trespass awhile on the house, and point out the necessities of his county. There were some votes for Guysborough that he was thankful for, and would trust for larger favors next year.

Hon. PROV. SEC. said that he had never listened to any debate with greater pleasure than the present, for several gentlemen who had attempted to attack the Estimate had only succeeded in answering each other. The grant for Cumberland, he added, would be absorbed by two or three works of great local importance.

Hon. ATTY. GENL. said that the extra grant for Annapolis would be absorbed almost entirely in three services which he pointed out.

PETITIONS, &c.

Mr. LONGLEY presented a petition, and introduced a bill, for the amendment of the Patent Law.

Hon. PROV. SEC'Y. laid on the table correspondence with New Brunswick and P. E. Island in reference to a union of the lower provinces.

Mr. PARKER presented a petition from Stewiacke in reference to a railway station; also, a petition relative to Dalhousie College act.

Hon. SOL. GEN. introduced a bill for the protection of the River Fisheries; and hon. ATTORNEY GEN., a bill to incorporate the Louisburg Railway Company.

Hon. PROV. SEC'Y laid on the table correspondence in reference to improved light at Sambro. House adjourned until 11 o'clock next day.

TUESDAY, March, 22nd, 1864.

MORNING SESSION.

The House met at 11 o'clock

A number of Bills of Incorporation were referred to a Special Committee, consisting of Attorney General, Sol. General, Archibald, Blanchard, and Bourin t. Several Bills were reported up by Mr. John Campbell from the Committee on Private Bills. The House then went into Committee and passed the following bills:—To establish Maritime Courts of Enquiry; concerning Wrecks and Wrecked Goods; concerning Fences, &c., and a number of others in the R. S.

Hon. ATTY. GEN. introduced a bill to repeal the Act incorporating Union Mines at Bridgeport, and Mr. Killam one to regulate the county rate at Yarmouth.

AFTERNOON SESSION.

Hon. FIN. SEC. laid on the table the petition of E. C. Twining, praying for a return of duty. Mr. Coffin presented the petition of J. McMurray and others, praying for additional postal accommodation. In answer to an enquiry of Mr. Blackwood, the Financial Secretary stated that it was the intention to give a grant to the steamer which was to be put on between P. E. Island and Point Brule, and that it would be brought up in a supplementary estimate.

THE ESTIMATES.

The House then went into Committee on the Estimates, and considerable desultory debate ensued.

Mr. ROSS said—Before the committee will pass the amount given for special grants for the county of Victoria, I wish to make a few observations and may say that I give the government full credit for their desire to do justice to my county, but while they granted us a fair and just sum, I am sorry that it is not divided as I would wish. If I consulted personal or local interest I would approve of the sum of \$2800 granted for the road to Kelly's Cove, but knowing that it is a road for my colleague to his coal mine and one in which 7-8 of our people have no direct interest, I can't and don't approve of it. I wish to say that I am not opposed to the road, but I am sorry to find the rest of the county overlooked for a road in which the

most of the people will have no interest or benefit. I heartily approve of the grants for the road from Inganish to Cape North, and also for the Bridges in Cape North and Bay St. Lawrence. It would take about \$600 to build the Bridge at Cape North instead of the \$400 granted. There is one road in which the people of Victoria are greatly interested, I mean the road leading from Plaister Cove to Baddeck; and I thought when I heard that the learned Attorney General passed over that road, I fully expected to see a grant for it the same as the late government gave us for four years, and while Inver es gets \$1000 for the Plaister Cove, Victoria is overlooked altogether. I may repeat, did I represent local or sectional interest then the grant of \$2800 would meet my entire approval; but while our main post roads are overlooked in the special grants for our county, I cannot approve of the manner in which that grant is divided.

Mr. C. J. CAMPBELL replied:—I am astonished to hear my hon. colleague's remarks and complaints respecting the special grant of twenty eight hundred dollars in the Estimates for the county of Victoria. The object of that grant is to open a road from St. Ann's, where the hon. member resides, to Kelly's Cove, a distance of seven or eight miles, across a mountain of a thousand feet high. At present a person has to travel about thirty miles to get to English Town unless he crosses this mountain on foot, or go by water. There is a stretch of country from big Harbour to Kelly's Cove, of fifteen or twenty miles in length, thickly settled, without five miles of road in that distance. This part of the country has been hitherto neglected, and it ill becomes the hon. member to find fault with me for pleading their cause before the Government, and telling this House that it is a personal gift. I would inform my hon. colleague that he could scarcely make five miles of road in the county without being to my advantage; and I will lend the hon. gentleman my aid to secure a similar grant for any other portion of the county in which he is interested.

Mr. MILLER said that, although as a general thing the several counties had reason to thank the Government for the manner in which the road-grants were distributed, yet he was sorry to say that the county of Richmond had not received that consideration to which it is entitled. He did not consider it fair to look upon the Canal as a local undertaking—it was rather one in which the people of the whole island were equally interested,—and therefore the grant now proposed in the Estimates should not be looked upon as a mere local appropriation. In comparing the amount given to Cape Breton for roads and bridges, about \$16,500, with those given to other counties, Lunenburg for instance, which received \$12,000, he could not but come to the conclusion that the island did not receive its full share of justice. He regretted exceedingly that a larger grant had not been made for roads and bridges in his own county, for it was very much needed. In view of the large extra grants given to the various counties, a far larger sum should have been given for St. Peter's Canal.

Mr. TORRIS then took occasion to state that if the Financial Secretary had made no provision

in respect to the duties on officers' wines, he would move a resolution on the subject.

All the services mentioned in the Estimates were then passed through Committee.

Mr. ANNAND said that he had ran his eye over the Estimates, and could not find anything in it to justify the conclusion that there was anything like Retrenchment in it, although the Government and the most of their supporters were pledged to a scheme having that object in view. The only reduction arose from two items—the salary of the Governor's Secretary, and those of a clerk in the Receiver General's Department. He believed that it was absolutely necessary that the Lieutenant Governor should have a Secretary, in view of the public business he had to transact. He looked upon the reduction in the Receiver General's Office, as inadvisable, and mentioned that it was counterbalanced by the fact that the cost of the clerks in the Excise Department had been increased by \$800. He found that the Revenue Department, which was denounced as extravagant in 1862, was going to cost in 1864 \$45,560, very considerably more. Now, he did not complain of this for he thought the Revenue Department was one of the last departments that should be brought into any injudicious system of economy; but he could not help looking upon the fact he had stated as very strange in connection with the promises of the gentlemen opposite. Nearly all the other public services had been increased. In criminal prosecutions the estimate was \$800 over the previous year; in the Crown Land department there was also an increase of several hundred dollars. Passing by a number of items which were nearly the same as in the previous year, he went on to state that he did not find in the Estimate a service which he would like to see provided for. He referred to a subsidy for a line of steamers running between Halifax and Yarmouth. He thought it was necessary to offer a grant, especially in view of the fact that a number of Americans were ready to go into the project if any inducement was offered them. A good deal had been said about a line of steamers connecting with Pictou and Cape Breton when the railway was built to the former place. He thought it would be most advantageous to Cape Breton if the Government would subsidize a line of steamers from Halifax to the Island of Cape Breton, which would touch at the several gold fields—at Cape Canso—at Arichat—at Plaister Cove, &c. If the Government were to bring in a scheme of that character, they would confer a very great boon upon the Island of Cape Breton, as well as upon the Province at large. He believed it would be of more benefit than even the railway, if it were built to-morrow. He found, he said in conclusion, there were a number of other services besides those which he had mentioned which had been increased, but not so much so as to require any lengthened remarks. He could not help being surprised that this great Retrenchment Government was found to be hardly as economical as their predecessors.

Mr. ARCHIBALD—After alluding to the haste with which the votes involving an expenditure of over half a million of money had passed through committee of supply, said he agreed

with the member for Halifax (Mr. Annand) that after all the professions they had heard, the country had a right to expect retrenchment at the hands of this government. The Financial Secretary said that they could not retrench, without retrenching the revenue—he was not quite sure whether in view of the reckless expenditure of the public monies it would not be better even to do that. Take one instance. It is proposed in the estimate to give \$16,000 to be expended in a work, which if you believe the reports upon the Journals will cost an enormous sum of money, and when completed will be of no value. He did not profess to be the advocate of the rights of Cape Breton, but he thought that he could suggest a much better mode of expending this money, and he would submit a resolution which he had hastily prepared, and which he was confident would commend itself to the judgment of gentlemen on both sides of the House.

The hon. gentleman read his resolution as follows:—

Whereas, The cost of the construction of a Canal from St. Peter's Bay to the Bras D'Or Lake, has been estimated at sums varying in amount by near £40,000.

And whereas, The last Report on the subject made by Mr. Laurie, an officer enjoying the confidence of the leading members of the Government, represents the cost of that work at over £52,000, and gives great reason to doubt whether the work, if completed, would be of any essential service to the Province.

And whereas, The leader of the Government has declared in his place that the said sum is to be expended without first deciding whether a canal or a tramway is to be constructed.

And whereas, It would be injudicious to appropriate so large a sum to this service before the materials are furnished to this House to enable them to judge whether the work is within the means of the Province and if made would be a service of value to the trade and industry of the country.

And whereas, The expenditure of the sum of \$16,000 in perfecting the great leading roads in the Island, and facilitating communication between the centres of industry in the Island and the capital of the country, would be a boon in all time coming to the interest of the Island, which would result in stimulating its trade and developing its resources, and adding to its population.

Resolved, therefore, That the sum of \$16,000 be placed at the disposal of the Government to be added to the sum already devoted to that service, in perfecting the leading highways of the Island, in such a manner as to carry out objects of such importance to the Island.

This resolution did not militate against the interests of the St. Peter's Canal, and would not prevent the construction of that work, if after due investigation it was found that it could be built within some reasonable amount and would after it was built, be of the advantage to the country that its advocates claimed for it. The hon. gentleman concluded by saying that he would not move the resolution, but would throw out the suggestions it contained for the consideration of the Cape Breton members.

Hon. SOL. GENL. thought the member for Halifax should be the first one to complain of the want of retrenchment on the part of the government. When the late government had got the finances of the country in such a condition that they had to borrow money for the roads and bridges he (Mr. H.) and those who acted with him called upon them to retrench their salaries, not as a permanent thing, but until the revenue was in such a position as to pay off the debt that had been incurred. The Government however, refused to retrench, and added two and a half per cent. to the *ad valorem* duties, and by this means managed to pay off the debt—and thus the occasion that demanded retrenchment passed away. The address of the member for East Halifax was about as inconsistent as his conduct had been on this question. He does not point out anything in the Estimates that should not be there—but he complains that we have not provided for the salary of the Governor's Private Secretary, and that we have made reductions in the Receiver General's Department. So that in reality his complaint is not the want of retrenchment, but that the Government have retrenched too much. Again, he wants the Government to subsidize a line of steamers to Yarmouth and Boston, and another eastward to connect with Cape Breton. This line of argument was, to say the least of it, rather at variance with the call for retrenchment. He hoped that the members for Cape Breton would not be deceived by the delusive bait that was held out to them by the member for North Colchester, (Mr. Archibald.) If they wanted the St. Peter's canal to be finished, they had better take the \$18,000 this year as an earnest of what the Government intended to do. As regards the reference to Mr. Laurie's report upon the cost of that work, he would say that anybody who knew the cautious character of the man, and his anxiety to be within the mark so that the Government would not be misled as to the expense, would understand the reason why he put perhaps a higher estimate upon some parts of the work than the other engineers did. He was inclined to think also that Mr. Laurie's report referred to a deeper, and consequently more expensive kind of canal than that contemplated by the other gentlemen who had reported upon it. Again, it must be remembered that since this report was made, great improvements had been made in the machinery used in the construction of such works, so that the estimate then made, as regards the cost of excavation particularly, would be considerably reduced. The hon. gentleman concluded by stating that it was the intention of the Government year by year to devote such sums to the prosecution of this work as the resources of the Province would warrant until it was finally completed.

Mr. BOURNOR said that the proposition of the hon. member for Colchester was somewhat tempting to the members for Cape Breton, as they had long felt the neglect with which their road and bridge service had been treated, but still it could not divert them from the accomplishment of that great work (St. Peter's canal,) to which the hon. gentleman himself in common with others of his party had long since

been pledged. He believed that the prosperity of Cape Breton was intimately associated with the completion of this work, and he hoped to see the day when vessels and steamers would connect the waters of the Bras D'or with the Atlantic Ocean.

Mr. TOWN congratulated the Financial Secy. upon the very creditable account he was enabled to give of the financial condition of the country. As regards the St. Peter's Canal, he repeated what he had previously stated that he did not believe any sane man would seriously contemplate the idea of building a tram road across the isthmus. If he thought the Government were going to build an inclined plane or anything of that kind, he would not vote for a single penny. He was gratified to find that the resources of the country were sufficient to provide for an increased road grant, a large extra grant for education, and also for the various special necessities of each county. He thought the Financial Secretary had reason to congratulate himself upon being able to submit so favorable a statement, and he hoped he would be equally fortunate next year.

Mr. LOCKE said that they had every reason to fear from the small amount voted for the St. Peter's Canal that the Government only intended to build a tramway, or a marine railway. If they intended to build the Canal, why did they not introduce a bill to provide for the whole cost, as they did in the case of the Pictou Railway? He was inclined to think this work would cost much more than some anticipated, as he was credibly informed, that after the excavations for the Canal were made, there were flats existing which it would take some £30,000 to clear away. As regards the estimates generally he would say that while in some particulars the distribution was pretty fair, he thought it might have been more equitably divided, by giving less to those counties which were benefited by the railway.

Some further debate ensued.

(The Legislative Council by message informed the House that they had agreed to the chapter of the Revised Statutes relating to the Customs.)

Mr. MILLER said that if he thought for a moment that the Government did not intend to complete the Canal, he would vote for the resolution of the member for Colchester, but he was inclined to accept the proposition of the government, as an earnest of their desire to do justice to Cape Breton.

Mr. BLANCHARD said that the only objection he had to the grant was the possibility that the government only intended to build a marine slip, or something of that kind, and he was glad to find the member for Halifax (Mr. Town) who had considerable experience in connection with the Shubenacadie Canal, express his opinion against such an idea, and denounce it as worthless. He was the more gratified at this because the Atty. Genl. had a few days ago stated that the amount now granted could be so expended as that the work could be afterwards applied to either object. He had no wish to see one shilling expended for a railway or inclined plane, and would therefore suggest that before any of this money be expended that it be ascer-

tained whether it was practicable that the work could be completed for any reasonable sum. He would also recommend that when the work is undertaken, instead of placing the money in the hands of Commissioners, it be entrusted to a competent engineer and thus save the five per cent commission.

As regards the subject of retrenchment the hon. Sol. Gen. had given two reasons why it was no longer needed. First of all he said it was proposed in 1862 and 1863—"for a purpose, and with an object," and that the occasion had passed away—the purpose had been accomplished—the object obtained, and there was now no need for retrenchment. He was glad to hear the Sol. Gen. thus candidly admit the true purpose and object of the retrenchment scheme—they on that side of the House knew it in 1862 and 63, but the country had heard it now, and coming from a member of the Government that introduced it, the statement must be received without doubt. For the second reason the hon. Sol. Gen. said—"There is no need of retrenchment now! See what a strong Government we have! What a handsome team we have. How beautifully they are harnessed. How nicely they draw together, and how easily they are driven." And pointing to this side of the House, he triumphantly exclaims—"See what a wretched Opposition there is against us!" How easily can we ride over and trample them down now." When the retrenchment scheme was introduced the case was different, he (Mr B.) thought it required no argument to prove that the whole retrenchment scheme was proposed "for a purpose," and "with an object"—and with no intention of its ever being carried out, and it had now been admitted that the object having been secured, it might safely be consigned to oblivion.

The hon gentleman then referred to various items in the Estimate. He observed with some concern that at the salary of the hon Sol. Gen. had been entirely omitted. At first he thought his hon friend had been patriotic enough to prove his sincerity, in the retrenchment scheme, but on reference to criminal prosecutions he found that these had been increased \$800, which he assumed was now to be substituted for the \$500 formerly drawn by the Sol. Gen., and thus retrench backwards. Again here is one clerk less in the Prov. Secretary's office, but when examined it appears that while there were formerly two at \$450 each, there is now one at \$900. He observed an increase in the expense of the revenue department of \$1,400—that a new controller had been appointed at Harbor Bouchet, and another at Glace Bay, and a protective officer at Digby. He would like also to know why the surveyors of shipping in Queen's county and Yarmouth received salaries—he always understood they were paid by fees. He observed an item of \$60 for a boatmen at Baddeck; and the Government had left out the grant for a packet between Picton and Magdalen Islands, which was a service of great importance to Picton. £100 was granted for a ferry boat at Little Bras d'Or; this appeared to him a large item, as the ferry was but a narrow one. In regard to light houses, he found that while three are to be built in the extreme western part

of the Province, no provision is made for any on the Cape Breton coast, or any point east. He would call the particular attention of the Government to the fact that from the Bird Rock to Cape North and thence round to Margaree Island, a long line of most dangerous coast, which an immense number of vessels were constantly passing, there was no light house. He was pleased to see the addition to the amount payable to the Ferry at North End Strait of Canso—as it was much needed.

The hon. member, in concluding, again referred to the question of retrenchment, reiterating his assertion that the cry of retrenchment, though always a delusion, had answered the purpose of its originators—and was therefore now laid aside—for a "more convenient opportunity."

Hon. FIN. SEC. explained that no new officer had been appointed at Harbour Bouchet, nor at Glace Bay; the officer at Digby had been doing duty for several years, but his name was left out of the Estimates of last year; the only new officer appointed was at Apple River.

Mr. TOBIN said that he noticed a grant of \$40 for the ferry between Point Pleasant and Purcell's Cove. It had been brought to his notice by persons residing in the neighbourhood that the service had not been properly performed, and he took this opportunity of stating it publicly so that those interested might come forward and substantiate the charges made.

Mr. LOCKE noticed one important omission from the Estimates, and that was in reference to building a light house at Little Hope, County of Queens. He was afraid that there was little hope of his getting it, but he thought the Government ought to give the promise of building it next year.

Mr. PARKER said there was one class without whose industry all the railroads and canals would be of little value, and whose interests he was sorry to find the Financial Secretary had little regarded. He alluded to the farmers of the country, and he regretted that so small a sum as \$6000 had been given to the important subject of Agriculture.

Mr. S. McDONNELL, in answer to those who suggested that it was the intention of the Govt. to build a tram-way instead of a canal, said that he did not believe they had any such idea. The law on the statute book contemplated a canal and not a tram way, and the grant now given was expressed to be "towards the completion of the Canal." He was disposed to think it sufficient for this year at all events, and when more was required, he had no doubt the Government would give it.

Mr. MILLER enquired if there was any provision for communication between Cape Breton and the main land.

Hon. FIN. SEC. said that the grant had been increased by £50.

SPEECH OF HON. PROV. SECRETARY.

Dr. TUPPER then rose and addressed the House to the following effect: I am very much obliged, sir, to the hon. member for Inverness (Mr. Blainhard), for having attempted, though very timidly, to question the consistency of the Government in reference to the great subject of

Retrenchment, as it will give me an opportunity in the face of this Legislature and of this country of meeting the misstatements upon the subject which have been so widely circulated with an indu try worthy of a better cause. I think I shall be able to convince this House and this country that so far from the position I occupy, or that any member of the Government occupies, in reference to this question of retrenchment, being inconsistent, we shall be enabled on this as on all other subjects, to challenge confidently the confidence of the country in consequence of the straightforward and honourable course we have pursued.

Now, it has been said, and very widely said, that the scheme which was propounded by myself, and which obtained the support of the opposition in 1862, was extremely extravagant—one which was based on an avowed attempt to commit a breach of faith. I do not intend to detain this committee at this late hour with any lengthened observations, but I am glad that I have an opportunity of refuting the statements made upon this question. As I said before, it has been asserted that the proposition was a extravagant one—that the proposal to alter the Civil List was a breach of faith, and that it was made in an entirely unqualified manner. Now, I am speaking in the hearing of many members of this House who were present on the occasion on which I first introduced the resolution in favor of retrenchment; but let me for a moment turn the attention of the House to the circumstances of the country at the time when, as a member of this Legislature, I felt it my duty to submit a proposal for an extended scheme of retrenchment in the public expenditures. I will not take my own figures because their accuracy may be challenged; but I will take those of the government of the day as they appear in black and white, as I shall be enabled to prove to the House that upon their own statement at the end of the year—and that without having even covered the expenditure of the year—they were obliged to confess a deficiency of more than £38,000. Was that a condition of affairs to alarm the country or not? when you found that a government at the close of the year, instead of being able to meet the annual expenditure by the annual revenue, were obliged to acknowledge that they had plunged the country into debt without having grappled with a single service that they were not obliged to deal with—that without having provided for anything in the estimate than the ordinary expenditure of the country did not demand, without having the excuse of any great public work being in progress they were obliged to confess to a deficit of over £38,000? I ask you was not that a state of things that demanded from a public man who wished to preserve the public credit—who wished to maintain the institutions of this country intact—the most energetic efforts to bring the expenditure of the country within its revenue?

Such was the condition of things when I propounded a broad and comprehensive scheme of retrenchment. I was not the first to introduce retrenchment here. I have no wish to do to the late Government the injustice of taking from their brow the laurels of having been the first to proclaim that system—but what was the cha-

raacter of their system? It was a system of retrenchment that, whilst it lavished unnecessary sums of money upon the Government and upon the departments with which they were more immediately connected, went into a single department of the public service and ground down the poor man and trampled him under their feet. They went to public officers that they had themselves appointed and to whom they gave the meagre salary of £100 a year for arduous services, and cut them down to fifty pounds, and then came before this Legislature and demanded credit from this House and from the people of this country for their tyranny and oppression. This they did, as I said before, without curtailing anything that touched themselves or their own departments of the public service—instead of introducing any retrenchment where the members of the Administration were concerned, it was the very reverse. Day by day they were adding to the burthens of the public service. Is it strange, then, that I denounced this state of affairs? I came forward and said—You have shown by your incapacity to meet the expenditure by the revenue—you have shown by the annual debt you have succeeded in fastening upon the shoulders of the people, that some means must be provided that will preserve the public credit. It was true, they replied, that in one year the deficit of over £38,000 had occurred, but it is nothing for a Government composed of statesmen of such gigantic proportions as ourselves, to deal with. All that was necessary was to put the screw upon the people—to raise the *ad valorem* duties by 2½ per cent, would give them all the money that was wanted. The idea of having to touch a single member of the government was perfectly uncalled for—altogether preposterous. Now, I have told you of the tyrannical system inaugurated by the late Government of going to public officers, whose salaries they had themselves fixed, and grinding them down to half the amount. But when they went farther, and proposed to meet the expenditure of the country by increasing the taxation of the country, to an amount unparalleled in its history, I stepped forward as an advocate of retrenchment. I did not propose a mean, despicable system, that trampled down the poor man whilst it left the rich man untouched. I proposed to introduce an even and just system of retrenchment, by which the public expenditure of the country would be brought within the public revenue. Now, what did I propose in respect to the Civil List? Did I propose that the contract should be changed without the permission of all parties by whom it was made?—No! I admitted to the fullest extent that there were three parties to it—the Province, the British Government, and the Office-holders who drew the salaries under the Civil list, and I hold the report of my speech in the *Morning Chronicle*, as taken by my opponents at the time, and from which I am able to show the House that instead of having brought in any unjustifiable scheme, I based the whole proposition respecting the Civil List upon the belief that owing to the exigencies of the country—with such a debt staring it in the face, and in view of the proposed increase of taxation; the parties to this contract

would be willing to have it changed. I am rejoiced that out of the mouths of my opponents I can refute the statement that there was anything unjust in the scheme as propounded by me. I stated that if the parties to the contract were willing it should be changed there was no reason why it should not be, and that I felt it impossible consistently with justice to deal with the inferior and subordinate officers as had been done in the case of the railway department, without at the same time applying the general rule to the heads of Departments.

I wish to turn the attention of the House to another gross mis-statement and that is, that when standing in opposition in this House I took the ground that the public officers of the country were overpaid—that the Attorney General, Provincial Secretary, and the various other heads of departments received more money than they ought to receive, and that their salaries ought to be reduced. I defy any man, either in or out of this House, to produce a jot or tittle of evidence to sustain any such charge. I have under my hand this same debate where I proposed that the salary of my predecessor should be lowered in common with that of others. Instead of basing it upon the ground that that officer was overpaid, I made the statement that I myself had held that office for three years, and though reared with habits of the strictest economy, which I have continued to practice through life, had gone out of it a poorer man than when I went in. Therefore I have the evidence under my hand—the evidence in the organ of my opponents—that I never propounded the doctrine that the public officers were too highly paid, although I contended that it was tyrannical and unjust in the Government to go down among the subordinates and crush them whilst they refused to apply the same principle broadly and generally throughout the public departments.

It has been said that I bound myself as a public man irrevocably and irrevocably that if ever I should obtain power, I would make these reductions in the estimates, and that these officers should be cut down without any reference to any public necessity. A more unfounded statement was never uttered by any man—never was sent broad-cast over this country by the aid of an unscrupulous press. Here, too, from the mouths of my opponents I am able to refute this statement. The assertions I made, the principles to which I bound myself are here, given by their own paid reporters and printed in their own organ. I hold that the public man who expresses one set of principles when in opposition, and another when in the government, is neither fit for opposition nor government; and when any gentleman opposite, or any person here or elsewhere, can convict me of having pursued such a course, I am prepared to meet that which I would deserve at the hands of this House and of the people of this country, most unequivocal condemnation. But in this "wild and extravagant speech," as it has been called, what do we find? At the time I brought in this scheme of retrenchment, I pledged my reputation as a public man that if that scheme was adopted and if the exigency passed away that demanded it, no one would be more ready

than myself to place these officers upon the same salaries the moment the financial condition of the country warranted it. I will here read from the report of my speech as it appears in the columns of the *Morning Chronicle*:—"He (Dr T.) proposed a reduction of the salaries of almost all the officials, from the Lieutenant Governor down to the Messengers of the Council, and certain abolition of some officers, and a large reduction of the sums voted for Provincial services. He observed that it was a most unpleasant duty to make these proposals, that he would gladly leave all the services as they were if our financial position would at all justify it." And again he declared—"If the reductions proposed were made, nothing would afford the House greater pleasure than to raise again the salaries of those gentlemen who would be affected by them, (and who he believed would cheerfully submit to the necessities of the hour,) as soon as our finances warranted it."

Now, I ask this House—I ask any intelligent man anywhere, if it would be possible for a public man to state his views and propound his principle more explicitly, or to guard more carefully against any misconstruction. Suppose the present government, under the existing condition of things, had come into the House with a proposal to carry out the scheme of retrenchment which I introduced in 1862. Suppose we had said, we intend to cut down the salaries of all the public officers; why, sir, if we had done so, you could challenge me with insincerity and with dishonesty. You would have been able to make a graver charge against me, and sustain it emphatically by quoting my own language in this House.

But the hon. member for Inverness says it must be remembered that this proposal for retrenchment was introduced again in 1863 when the government met the House with a surplus revenue instead of a deficit. If the hon. member will turn to that proposal, he will find it differs most broadly from that of 1862. He will find that whereas specific reductions were proposed in 1862, they were at once abandoned in the following year when the financial condition was different. No such reduction was advocated though we were then on the eve of a general election; the resolution in 1863 was a general proposal to examine the estimates and see where retrenchment could be introduced and made for the specific purpose of increasing the road and school grants.

Take my speech of last session and you will find that I based my want of confidence in the government estimates on the facts and figures submitted by themselves which proved that though there had been an increase of revenue owing to the 2½ per cent. addition to the *ad valorem* duties there had been a falling off year by year whilst they had been in power, in the staple exports of the country. Now what do we find? Instead of there being an enormous deficit in the exports, there is an increase during the past year of nearly a million. Therefore the government is not only in a position to meet the House with a surplus revenue under a 10 per cent. instead of a 12½ per cent. duty, but with the evidence of an actual increase in the prosperity of the country as

exhibited by the exports. What did I propose in 1863? I proposed to see if there were any matters in the estimates in which we could economise, for the purpose of increasing the amounts granted to the two great services of the country—the roads and bridges, and the education of the Province. Now what is our position to-day? Instead of coming before this House with the road grant of last year which itself was in excess of the previous year, we have been able to add \$117,220 to that important service—over \$36,000 to the Navigation securities—and \$24,000 to the Education of the country. In fact, we have given to these great public services an increase of no less than \$167,000 over and above the amount granted last year; and I would ask the House where I would have stood if with this unequivocal evidence of the financial condition of the country I had undertaken to do that which the hon. gentleman opposite knew they had rendered impossible. For in the hour of our country's necessity they took the ground that it was not in the power of the Government in conjunction with the incumbents of the several departments, to change the salaries on the Civil List, and that to attempt to lower those salaries would be a breach of faith. Now, I ask the hon. gentlemen what they would have said to me if I had taken the position they intimate I should have assumed. They would have quoted my own declarations, and shown that no confidence could be placed in me as a public man, because I had receded from the pledge I had made in the face of this Legislature and this country. But let me see the position of the country at the time I made the motion in 1863. Everybody knew that at the close of the March quarter the returns which on motion had been presented to this House—when this subject was under consideration—showed that the Government had nothing to base their prospects of a large revenue upon,—that under a 12½ per cent. duty there was a decrease of something like \$50,000 in the first quarter of last year. In the first place, the trade returns laid on the table by the Financial Secretary proved that whilst they had an increased revenue from increased taxation, the staple exports of the country had largely decreased in comparison with the year before; and secondly, it was shown that the March quarter exhibited a decrease of \$50,000 with 12½ per cent. duty less than the same period in 1862, when there was only a 19 per cent. duty. Therefore, I ask the House if I was not warranted in taking the position I did, in moving a resolution to examine the estimates to see if any reduction could be made in order to increase the miserable pittance that was given to the road and bridge service, and to the education of the country.

There were several expenditures in respect to which I think the late Government were extravagant. The light-house service was one of these; and looking at the present estimate for this service, it will be found that the reduction proposed in 1862 is now made. I have already placed it in the power of the Post Office Committee to make considerable reductions in the expenses of that department, though I cannot say as yet what they may do. In times past this committee have taken it upon them to deal with the service as they have deemed best, and perhaps at times

their action has not tended to the most economical results. I have, however, adopted means to save money where it can be judiciously done. A return which has been prepared by the Postmaster General will place it in the power of the committee, by a wise arrangement of the non-paying post rides, to make a considerable saving. We have effected a reduction in the case of the private secretary of the Lieutenant Governor. The leader of the late Government himself showed that this saving could be effected without difficulty, for he addressed a letter to the Lieutenant Governor in which he declared that the opinion generally prevailed in this House that his salary was inordinately high as compared with other salaries in this country. If gentlemen will turn their attention to the estimates they will also find that the extravagant expenditure in connection with Government House and the Provincial Building is not to be continued henceforth. It will be seen, therefore, that the Government have given the best evidence of their desire to economize.

The action of the late Government made it impossible that any reduction could be made in the salary of my office, but nevertheless what change has been effected in my department? It will be found that the telegraph messages, which hitherto have cost £100 to the Province, are now paid out of my own emoluments. Again, under the late Government a clerk of the Executive Council was appointed. It is well known that Sir Rupert George was clerk of the Council as well as Provincial Secretary. Mr. Howe also held that position, but when that hon. gentleman was burthened with the office of President of the Council, the Deputy Secretary was appointed clerk of the Executive Council. But what did these gentlemen do? They actually took £50 from the public revenue without consulting the House—just as they did whenever it suited their own convenience—and gave it as salary for this officer; and one of our first acts was to strike off that additional expenditure. Therefore in my own department I have been able to save the province \$600 per ann. And the same policy was pursued in other departments. In the Receiver General's office an additional clerk, without consulting the House, was appointed after the last House rose with a salary of £150 a year. This expenditure has also been saved by abolishing the office, and the statement made in another place that this reduction has caused a public loss because the Receiver General has not sufficient time to sign the Provincial notes—is entirely inaccurate. I am happy to be able to state, the duties of the Receiver General's department, inclusive of the Savings' Bank, were never performed more ably or better provided for than they are now, at £150 a year less cost to the Province than when the present government were called upon to take charge of the public service. Again, an additional clerk had been appointed in the Financial Secretary's office as in the case of the Receiver General's department, and a saving of £100 has here also been effected, by abolishing that office.

From the time the present Government took charge of affairs, every public department has exhibited a prosperity and remunerative character that it never assumed before. Last year, instead of a surplus, the late Financial Secretary estima-

ted that the reduction in the *ad valorem* duties from 12½ to 10 per cent would be attended with a considerable loss to the revenue—something like \$90,000—and made his estimate accordingly. And well he might expect such a result when he went into his office and found there was an alarming and rapid decrease which amounted at the end of the first quarter to \$50,000. But no sooner had the Government changed hands than an entirely different aspect was exhibited in public affairs. I do not say that this arose from the action of the Government, though I would be quite justified in saying so after the example set us by our predecessors, who have labored to prove that the service and everything else depends upon the Government. Assuming it to be true, what do we find the moment these gentlemen vacated office? Why, you see every branch of industry springing up into a condition of unparalleled prosperity,—such a rapid increase in the public revenue as to cover not only the deficit of \$50,000 in the first quarter, but also leave an excess of something like \$100,000 in the treasury, as compared with the \$12,000 of the previous year. Look at the railway department and you find that when the late Commissioner, Mr. McCully, went out in the third week of June, he left a deficit in the receipts as compared with 1862; but the moment his successor assumed the management you find the same prosperity exhibited that has occurred in the case of the revenue department—making an excess at the end of the year of over \$11,000. Therefore with such evidences of the prosperity of the country before us—with the knowledge that the exports had increased nearly a million,—with the means of giving a grant to the roads and bridges, and the education of the country, such as had never before been provided,—we would have been warranted in feeling that it would not be necessary that we should be restricted in our expenditure; but notwithstanding all this prosperity we have endeavored to economise wherever practicable in order that we might obtain as much money as possible for those great services in which the country at large naturally takes so deep an interest.

(The hon. gentleman here went on to allude to the fact that Mr. Howe, in 1862, came to him and asked him to join him in the government. That proposal was accompanied by an offer that he might bring a fair proportion of his colleagues along with him. He then continued:)

What was the answer? I said I had pledged myself to a system of retrenchment, and whilst the country was in the condition that the revenue did not meet the expenditure, I could not connect myself with a party that refused to economize, and undertook to meet the annual expenditure by largely increased taxation. Here I gave some evidence whether this was a mere "kite" to amuse the people, or a principle propounded, to which we had every intention to adhere. But there was another point in which the Government undertook to carry out a system of retrenchment. In the county of Yarmouth we found an officer receiving a salary of \$1000, two hundred dollars of which had been added by the late Government, under whom the deficit in the revenue had occurred. We believed that appropriation of mo-

ney was not necessary, and undertook to reduce it, together with the salary of another officer similarly situated, to \$800; but what took place? Every gentleman in the opposition in this House, who had denounced retrenchment at the time of the country's greatest need, and who still denounce it, combined with the hon. member for Yarmouth (Mr. Killam), the hon. member for South Kings (Dr. Brown), and one or two other gentlemen whom I assume to be the greatest economists in this House, and actually compelled the Government to give these parties *one thousand dollars* a year. This, too, in the face of the fact that the collector at Yarmouth received a considerable amount as collector of light duties.

The hon. gentleman then concluded by expressing the gratification he felt at having an opportunity afforded him of setting himself right before the House and the country on a matter concerning which such gross misstatements had been published.

REPLY OF MR. ARCHIBALD.

Mr. ARCHIBALD:—The members of this House who have not been so much accustomed to these financial discussions would perhaps imagine that the address which has been delivered in such an animated style puts the subject in the way that it should be placed before a deliberative assembly. They have a right to suppose that sentences delivered in such an earnest manner are the reflections that are suggested by the judgment of the hon. gentleman, and to draw the conclusions which he wishes them to draw, that this Government has saved a great amount and would save a great deal more. They have heard over and over again the deplorable position in which this province was placed when the hon. gentleman introduced his celebrated Retrenchment scheme, in the session of 1862. It would be as well perhaps for the House and country to look calmly back to that year and see what was the actual condition of things. In point of fact gentlemen forgot after a year or two the real character of events, and it is just as well, sometimes, to refresh their recollection. The hon. gentleman says he was obliged to the hon. member for Inverness for the opportunity afforded of delivering his speech. Now I have no doubt that that speech has been cut and dried for some time past. Did we not see the evidence of elaboration in every part? Did we not see that here was a bottle to be uncorked whenever the word "retrenchment" was used? Well the hon. member for Inverness has drawn the cork, and as we have got the contents, it may be as well to investigate their character and see whether they are of that purity which the Provincial Secretary would make us believe they are.

The hon. gentleman says that such was the deplorable condition of things in 1862 that we had not been able to meet the expenditure by £38,000, and he came in and proposed such a scheme as would have redeemed us from ruin. Now the hon. member wisely forgets to go back two or three years previous to 1860. As I have before proved in this House during the three years he was in the government, from '57 to '60, he drew from the resources of this country—from the debentures that were sold across the

water, the sum of over £33,000 a year, and in point of fact when he left office the Province was over £100,000 worse off than when he went into power. I ask him how it was he did not then consider the country in such dire necessity. How was it he did not then consider it necessary to bring in a resolution of retrenchment? I ask him if he did not deem it his duty to make any alteration in the public expenditure during the three years I have mentioned, have we not reason to doubt his sincerity in flying the kite he did in 1862. In 1861 we know the American war broke out—that immediately following that there was a total cessation in the trade of the country; and therefore when we met the House in '62, we were in this condition—that in consequence of the failure in trade our revenue had fallen off by \$80,000. What was the ground upon which the hon. member came into this House with his retrenchment scheme? He said we were marching headlong to ruin, and the only way to save us was the adoption of his scheme. What was our reply? We said this reverse in the revenue of our country is not a matter of a permanent and stable character, but results from the sudden change in the principles of trade; one or two years will bring us back to the normal condition of things; and then we will be in a position to pay the whole balance against the country without interfering with the ordinary services. The hon. gentleman now talks about his pledge having been founded upon the exigencies of the country; but we said to him then, as now, don't touch the public services for the purpose of meeting a difficulty which is entirely temporary. Therefore we characterized his attempt as unjust, and said it was preferable to fix an additional tax for the present upon those articles which can be most easily touched, for the purpose of meeting the deficiency in the revenue, and enabling us to discharge our honourable obligations without disturbing a single public service. How were we met? By a resolution by which he attempted to overturn every public service in the country. And what occurred subsequently? Why, the very next year what we had predicted actually happened. The revenue which in 1861 had only reached \$650,000 in a single year, according to our predictions, arose to over \$900,000. But the hon. gentleman says, that is true, but it is owing to the two-and-a-half per cent. additional duty; but the fact is, that the whole amount derived from that source only reached to something like \$50,000. So the increase, in reality, was due to the trade of the country—to the very circumstances which we had declared would eventuate. Accordingly, without interfering with any public service, we were able to keep the public credit intact, and were put in the proud position of being enabled to pay off the entire debt that we had contracted the year before. But the hon. gentleman says he guarded himself by the admission that the services were not too highly paid; that it was only in consequence of the great public exigency that existed that he made the proposal at all; and that when this exigency passed away the salaries could be raised. Taking, then, his own assertion, I ask, Had not the public exigency passed away in 1863? Then we had an increase of revenue,

not only beyond his expectations but also beyond those of the gentlemen who had constructed the estimate of 1862. Why then did not the hon. gentleman recede at once from the position he had taken in 1862? It is true he did not introduce a scheme proposing the same reductions. (Dr. Tupper—Hear, hear.) But he has declared that his great objection to assuming office when offered to him in '62 was that he was so committed to a system of retrenchment that he could not consistently join any body of gentlemen who were opposed to it. He declared in 1863: "I told Mr. H. we it was impossible for me to combine with him after the course he had taken in reference to the question of retrenchment." Therefore he has declared in 1863 what he said in 1862 his reason why he did not join the Government. He declared that the system of retrenchment was a part of the public policy to which himself and friends were committed. I ask the members who have come into this House on the cry of retrenchment, if any of them will deny that one of the cardinal principles on which the present Government came into power was the introduction of large and important alterations in the expenditure of the country—(several gentlemen on the Government side—No, no!)—Why, when I hear one, two, three hon. gentlemen opposite thus exclaiming, I begin to to suppose that I have been entirely mistaken, and that what I know to be the fact—that three-fourths of the gentlemen who support the present Administration went to the Hustings declaring most solemnly that they would never sustain a Government which did not introduce retrenchment—is a mere delusion. But does the hon. Financial Secretary say, No?—do I hear his voice joining in accord with the other gentlemen? I do not. It is stated that he declared on the hustings he would never support any Government that would pay more than £500 a year to any departmental officers. Yet we find that same hon. gentleman's salary put in the Estimate at £600 a year—or £100 a year more than he said any officer of the Government should take. But it is also asserted that this same gentleman, not content with £600 a year, took a large sum out of the treasury for the purpose of paying travelling expenses, before he was actually a member of the Government. I mention this for the purpose of giving the hon. gentleman an opportunity of admitting or contradicting this statement.

Hon. PRO SEC.—There is not the slightest foundation for it; it was an entire fabrication. Not a single shilling was ever drawn by any gentleman for travelling expenses before he was a member of the government.

Mr. ARCHIBALD.—I must say the hon. gentleman ought to be obliged to me for giving him an opportunity of meeting this statement. But will the Financial Secretary say he did not draw any sum from the treasury at the time he was appointed. The hon. gentleman will not deny that? Therefore he has received a sum in addition to his salary—not content with a sum greater, he thought, any number of the government should take, he adds to that sum a large amount contrary to law.

Now the hon. Provincial Secretary has drawn the most glowing pictures of the present prosperity of the country; but when he tells you of all he has been able to do—of this \$117,000 extra grant to roads and bridges—of the large sum given to Education, and to navigation securities,—the thought come across my mind, where did he get all this money? Suppose a gentleman who is owner of a magnificent farm, digs drains, builds fences, and in fact does everything necessary to make it perfect, and then all of a sudden another person gets possession and finds the wheat which he stows away in his granary, potatoes which he heaps up in his cellars, and then turns round, with all the pomposity of a new man and exclaims, "See what a noble property I have!" Is not this just what the Prov. Secretary is doing? I ask, who made this noble property what he found it when he came in to possession? Has he passed a law which has altered a single item of that tariff? Has he added a line to any statute to promote the prosperity of the Province? Did the hon. gentleman make or increase the exports? Is there a single line on the statute book affecting the prosperity of the country which owes its origin to the hon. gentleman? If there is a large increase in the revenue—if this country is prosperous beyond measure, it is not in consequence of any legislation of the gentlemen opposite—it is not because they are in office, but in spite of it. He does not expect you to believe this prosperity is due to him. Such an assertion might do for a stump orator; but he ought to know that you, gentlemen, are too well informed to be deceived by any such absurdities.

But the hon. gentleman makes a great parade about the profession of different sentiments in opposition and in government. Well, I think I must turn over the Provincial Secretary to the Financial Secretary, and let them settle the question between themselves. If the Prov. Sec'y is right, the Fin'l. Sec'y is wrong. If the Prov. Sec'y has left a loop-hole for himself, what has the Fin'l. Sec'y to do, who has none.

But, says the hon. gentleman, see what we have done in office. I listened with the most anxious desire to see where this retrenchment exists; I thought we would find that a large sum had been saved somehow in the public services to the coffers of the country; but what is the fact? The hon. gentleman who, in 1862, showed the House that the sum of EIGHTY THOUSAND DOLLARS could be saved, now comes forward and says: "See what I have done; I have struck off £100 for telegraph messages; £50 for the salary of the clerk of the Executive Council, and thereby have saved the enormous sum of SIX HUNDRED DOLLARS in my own office." Well, this is the smallest mouse that ever came out of a mountain. But he has saved £150 in the Receiver General's office, and £100 in that of the Financial Secretary. Well, I think when the hon. gentleman displayed so much eloquence concerning the subordinates who were so "tyrannically crushed down" in the railway department, he actually forgot that he was using arguments which could be directed against the course of himself and colleagues. But he was out of the Government then—he is in it now.

The hon. gentleman says that the course they have pursued in this matter is the only one that as honourable men they could pursue. Now I see an hon. gentleman sitting opposite who entertains strong ideas on this subject, and if I am not misinformed he inveighed in the strongest terms against the late government for: keeping up extravagant salaries and assured his constituents, the constituents of the Attorney General if they would only return the three or position candidates they would soon find a vast change in the public expenditure of the country. I would respect the man who would regard the pledges given by those who believed in his sincerity, who advocated his principles—who committed themselves to the doctrines that he propounded, in the belief that he was in earnest. He outrages decency when he places them in the position of being obliged on the floors of this House humbly to eat the words they have uttered when seeking the confidence of their constituents.

Hon. PROV. SECY. said that the hon. member's observations in reference to the financial state of affairs from 1857 to 1860 were easily disposed of by a few facts. The House was perfectly well aware that the Government charged with the construction of important public works was in a very different position from one that had charge of public affairs, when such works were finished. Up to 1860 our whole railway system was in an entirely different condition. In 1857, only nine miles were in operation, but in 1860 the whole work was efficiently organized. Again, the Government of the day was engaged in building the Lunatic Asylum, and had other important public services dependent upon them, which placed them in a most trying position. Dr. Tupper also made some explanation in reference to the matter of the travelling fees allowed to by Mr. Archibald. He said it was a perfect delusion for any one to assume that any gentleman had put his hand into the treasury for travelling expenses, when he was not a member of the Administration. The only thing that had occurred that could give rise to such a report was the fact that the Financial Secretary, under the information that it was customary, drew his travelling expenses for his return to Arichat when a member of the Government and after having been for some time occupied with the duties of Government, in the same manner as the travelling expenses of members of the Government who do not reside in the city; but the moment he ascertained that it was not the practice, he refunded the money. There was nothing whatever in the Estimates to guide the Financial Secretary, who was new to the Department, as the appropriation was made unconditionally for the travelling expenses of members of the government residing in the country. He repeated again that the statement that a single dollar was ever drawn from the treasury for the travelling expenses of any member of the government in coming to Halifax before the government was formed is entirely at variance with the fact.

(Some brief discussion then ensued between Mr. Archibald, the Provincial Secretary, and the Attorney-General, on a few points alluded

to in the speeches of the two former gentlemen, which are given above in extenso.)

Hon. Mr. LEVESCONTE—I consider it to be my duty to answer the very pointed attack made upon me by the hon. and learned leader of the Opposition in the course of the remarks he has made during the present debate. He says that I canvassed the county of Richmond in favor of the Retrenchment scheme. I have always said that I was in favor of a scheme which commenced at the top of the ladder and ended at the lowest. But when I came into the Government I found that the hon. gentleman and his colleagues had obtained a despatch from the Duke of Newcastle which rendered entirely nugatory any attempt on our part to work out this scheme. This, therefore, I consider a sufficient answer to any charge that is brought against me on this point. It is impossible to reduce one or two gentlemen, heads of departments, whilst you leave the Provincial Secretary, Attorney General, and Lieutenant Governor untouched; to deal with these latter, as I have already stated, is impossible in consequence of the action of our predecessors in the Government.

But there has been another question which has been alluded to by the same hon. gentlemen. He has told you that he is glad that the explanation have been made in the matter, in reference to myself and that I was compelled to disgorge money which he in some measure hinted had been dishonestly appropriated.

Mr. ARCHIBALD said that he never made such a remark, but if he did, he would at once withdraw it, as at variance with the course he had marked out for himself, in all public discussions in this House.

Hon. Mr. LEVESCONTE—I have been attacked fiercely, and most unjustly, in the Press in reference to this and other matters. Still I have never thought it necessary to get up and make an answer to these newspaper attacks. But there is one point to which I think it my duty to refer. It has been said through the length and breath of this land that at the time the hon. Joseph Howe was exciting a crusade against the Catholics, I wrote him asking him to continue it. I now call upon Mr. Howe's friends to produce that letter, and if there is a single line in it which bears the name of "Catholic," or "Protestant," I am willing to pass for a liar.

WEDNESDAY, March 23.

The House met at eleven.

Mr. JOST presented a petition from the inhabitants of Mahone Bay in respect to Dalhousie College.

The House then went into Committee on Bills and passed a large number of chapters in the Revised Statutes.

Hon. PRO. SEC. presented a petition from George Thompson and others of Little River, County of Cumberland on the subject of Dalhousie College.

Mr. BOBBINOT presented a petition from Sarah Gesner of Cape Breton, an aged teacher, asking for a free grant of land.

The FINL SEC'Y gave notice that he would on the following day move the House into Committee of Ways and Means.

Mr. BLANCHARD asked the government for a return of the salaries of the Chief Commissioner of Railways, and of all subordinate officers on the line.

Mr. TOBIN by special leave introduced a bill to incorporate the Sisters of Charity, so as to enable them to invest their funds for charitable purposes. He also presented a petition from Sackville, county of Halifax, on the subject of Dalhousie College.

Mr. PRYOR, chairman of the Committee on City Bills, reported favorably of a Bill to authorize the funding of certain monies due by the City of Halifax.

THE DALHOUSIE COLLEGE QUESTION.

Hon. PRO. SEC. moved that the House proceed with the order of the day—viz: the consideration of the petitions presented on the subject of Dalhousie College. A call of the House was had.

Mr. LONGLEY said he regretted that there were not more members present at the commencement of this discussion, not because anything that he might say would enlighten them, but because it was a question deserving the calm and attentive consideration of the House. He need not refer to the number of petitions on the table of the House as an indication of the sentiments of the people on this question, for there was enough in the circumstances which surrounded the subject to excite attention. And it would indeed have been a matter of surprise if popular feeling had not been excited. In dealing with this question, he would endeavour to treat it as calmly and dispassionately as possible, but it was almost impossible in speaking of a subject, involving important interests, to do so without rendering himself amenable to the venomous shafts of some one or other of the newspaper scribblers who take an interest in this subject.

He regretted extremely that it was necessary so soon to disturb the legislation of last year, and he felt to a certain extent implicated in the charge of having allowed that ill advised measure by which a gross injustice had been perpetrated upon the whole people, for the purpose of furthering the interests of a single denomination—to pass so quietly. By what mode this was done he could not say—or by what means the then Prov. Sec. (Mr. Howe) managed to come it over his friend the present Prov. Sec., who was generally supposed to be pretty cute in such matters, passed his comprehension.

In considering this question he would find it necessary to refer to facts and figures, although he felt a reluctance in doing so, in the presence of those who were better informed on that point than he was himself; but still he considered it his duty to do so inasmuch as what he said would not be confined within the walls of the Legislature, but would have a wider circulation and might be the means of conveying information to those who had not any other opportunity of obtaining it.

There were many reasons to deter one from entering upon a discussion, such as this, and although he was conscious that it was no pleasant task that he was undertaking, yet still he felt that in the performance of a public duty he should not be influenced by considerations such

as these; and he was also convinced that the longer this question remained unsettled, the greater would be the agitation of the public mind, and the feeling that was now evinced, great as it was, would be increased ten fold by delay.

He would be able to shew before he had finished, that Dalhousie College while it professed to be a provincial University open to all, and while it enjoyed a revenue derived from the resources of the whole people—practically was an Institution for the benefit of one sect, and that from the very circumstances of the case, other denominations were shut out from participating in its advantages.

He would glance for a moment at the past history of Dalhousie College, and endeavour to give a brief sketch of its antecedents, although there had always been a vagueness about it, which would render this by no means an easy task.

In the first place, it was well known that the sum of £9750, called the Castine fund, was placed in the hands of the Earl of Dalhousie, to found a Provincial University, to be open to all classes and creeds. The sum of £4,750 of this money was expended in commencing and carrying on to a certain extent the building now called Dalhousie College. The remainder, in conjunction with the sum of £2000, granted by the Legislature, was invested in the three per cents in England, with which was purchased stock to the amount of £8,200, which yielded an annual return of £310. Shortly after the £2000 was granted an additional £1000 was added by the Legislature—and after a while a further demand was made upon the treasury and £5000 was loaned—making in all the sum of £8000 which Dalhousie College has received from the Provincial fund. So that at the present time the annual income which that Institution derives from funds invested amounts to £920. Thus it would be seen that the handsome annual income of over £900 was devoted to the education purpose of a single denomination which did not number one fourth of the population of the Province.

It will be said, that it is optional for any denomination that chooses to raise £300 a year, to have a chair in the Institution, and thus participate in its advantages. But how could it be expected that the other denominations who had Educational Institutions of their own, would suffer them to languish in decay, for the sake of a chair in Dalhousie?—was it not manifest that in proportion to the interest which they would take in Dalhousie would their own colleges suffer? He would take occasion to notice in this connection some very unhandsome allusions in certain newspapers engaged in the discussion of the question to the denominational Colleges of Acadia and Kings. He would advise the conductors of a certain newspaper published in this city, to be more guarded in their language, and not charge upon others grave offences from which they were not altogether free themselves. It did not lie in the mouth of these champions of Dalhousie to speak in the disparaging terms they did of other Institutions because they received provincial aid. It was very easy to retaliate and ask what would have

become of Dalhousie if it had not been fed upon government pap to the tune of £8000—and even with this assistance it had maintained but a feeble existence, and for a large portion of the time languished in a state of apathy, until the wheels were set agoing with government oil.

In order to show that he was correct as to the statement he had made of the revenues of Dalhousie, he would present to the House the returns asked for by him a few days since, and he regretted that two or three important inquiries had not been answered at all. The question as to the religious belief of the students, the principal declined to answer. He may have a right to do this, but it would have looked better not to have done so. It was desirable to know whether any students of any other denominations than the Presbyterian participated in the advantages—not that he wished to convey the idea, the Professors wished to make it exclusively Presbyterian, for on the contrary he had no doubt that they would be glad to see students of other denominations enjoying its advantages. This question would assume a different aspect if the denominational question had not been fought out and settled twenty years ago; and settled at last with the concurrence of those who had from the first most strenuously opposed it. For the Hon Mr Howe himself, who was its most bitter opponent, when the subject was sought to be revived, refused to allow it, as he had said the subject had been definitely settled, and it would be a great injustice to those interested in it to revive it again. It would not be improper for a moment to advert to the position of parties previous to any conference being held with the Governors of Dalhousie, and in doing so, he was not going to find fault with the Presbyterians, for being anxious to combine their different sects into one, if they thought they could thus better advance their educational interests. It seemed to him, however, that this combination foreshadowed what had since taken place.

The combination which took place between the Free Church and the other Presbyterian bodies involved the relinquishment of £500 a year, received from various sources, and thus a more urgent necessity was created to supply the deficiency from the resources of Dalhousie. Soon after this combination was effected, a proposal was made in the Presbyterian assembly to confer by a Committee with the Governors of Dalhousie College in order to get possession of its funds to the honour of some of those present, let it be said that there was a respectable minority who opposed it, but the motion was carried, 41 to 17.

We cannot, continued Mr Longly, of course pretend to much acquaintance with Presbyterian Synods, but we find in the August number of the Home and Foreign Record of the Presbyterian Church of the Lower Provinces a report of the proceedings of the Synod of that Church held at New Glasgow on the 25th and following days to July 2nd, 1862, some interesting particulars bearing upon this subject.

It appears by this report that a committee was appointed by the Kirk of Scotland Synod then sitting in their own church at the same place who addressed a letter to the Clerk of the

Synod of the Presbyterian Church of the Lower Provinces "expressing their readiness to confer with any committee which the Synod might appoint on the subject of Collegiate Education in the Province, and suggesting a suitable time and place. A Committee was appointed to hold the said conference and they subsequently reported that the two committees had met and on the subject of a Provincial University, were agreed as respect the object contemplated, and in recommending to their respective synods to co-operate in efforts to secure the same.

It further appeared that the other Synod had empowered their committee to act in concert with any one which this Synod might see fit to appoint to act in the matter after the Synod shall have adjourned. A committee was then appointed, consisting of the Rev. Professors King and Ross, and Rev. Messrs. McCulloch, McGregor, Patterson, and Mr. C. Robson to confer with the Governors of Dalhousie College; Rev. P. G. MacGregor, convenor. The report of the Board of Superintendence over their Educational Institutions, given in at a previous sitting recommended "the appointment of a synodical committee to consider the question of the consolidation of our educational establishments in one locality and under one roof." At a subsequent synod the said committee brought in a report,—I will not read the whole of this report, but merely refer to one clause, which reads as follows:—That a committee be appointed to confer with the Governors of "Dalhousie College," as soon after the rising of the Synod as possible, and in concert with any similar committee that may be appointed by the other Presbyterian Synod, to ascertain whether an arrangement could be effected, by which the branches now taught in the Synod Institution at Truro, might be obtained either in whole or in part at Dalhousie.

At this time, as appears by an abstract of accounts furnished by the Educational Board, the expenditures of the Synod on behalf of Education during the year were in excess of receipts by the sum of £1207 16s. 9d. It would appear from correspondence referred to, that the grant of £500 etc., hitherto received in aid of ministerial education by the Free Church College in Nova Scotia from the Free Church in Scotland, had been, or was about being withdrawn, and that the united body recently formed would have to rely upon their own resources. It is worthy of remark that the Governors of Dalhousie were at this time all Presbyterians, or those entirely in their interests, being composed of the following gentlemen:—

Hon. William Young, Chief Justice, Hon. Joseph Howe, James F. Averis, M. D. and Andrew McKinlay, Esqrs., with James Thompson, Esq., Secretary.

Now, I ask the House what was likely to be the character of negotiations carried on between the joint committees of two branches of Presbyterians, and a board of Governors thus constituted. It need no longer be a matter of surprise that the interests of other denominations were left out of the question, and it is easy to see how peculiarly auspicious was the occasion for the promotion of Presbyterian purposes. The great question before the Synod of 1861, says a

writer in the "Monthly Record," the organ of the two principal Presbyterian bodies in this Province, was "Union." This year, (1862) the most absorbing topic was "Dalhousie (Nitege)." Thus we see that intimations previously made that there was some connection between "Union" and "Dalhousie" were not without foundation.

In the same article, the writer above referred to uses the following language:—

Our "Young Men's Scheme" affords us an insufficient and uncertain supply of ministers; and not only so, but it leaves uncared for the great mass of our intelligent young men who are in consequence obliged to obtain their higher education at the school of one of the other more enterprising sects.

This needs no comment from me, Mr. Speaker, as it clearly indicates the circumstanced of the denomination for whose especial benefit Dalhousie has been resuscitated. It may not be out of place here to give the final return of Dalhousie from under the hands of the Secretary of that Institution.

Personal and Real Estate—Provincial	
Debentures,	\$41 500
Mortgages on Real Estate at 6 p cent.	3 000
Deposit Receipts at 3 p cent.	7 000
	<hr/>
	\$51 500
	<hr/>
Rents—interest and dividends; Rent,	800
Interest on investments at 6 p cent.	2 670
Deposit Receipts,	212 70
	<hr/>
	\$3 682 70

I need not say, sir, how convenient this snug income ought to be to the friends of Dalhousie; but it forms a striking contrast to the position occupied by other educational institutions in this country. But it has been said that a chair has been offered to a Baptist and to a Episcopalian, and declined. It is said, too, that all the Professors are not now or hereafter to be Presbyterians. Granted; but what then? Let the friends of Dalhousie shew that either the Methodists, Baptists, Episcopalians or Roman Catholics are likely now or hereafter to take any interest in this Institution, and then there will be some grounds for calling it a Provincial University instead of a Presbyterian College, as all know it is and must be. At the Presbyterian Synod held in Charlottetown in June last, the Rev. George Christie moved a resolution to the effect that it would not be advisable to accept the terms proposed till other denominations would also accept them. His motion was seconded by Rev Isaac Murray, and ably supported by Rev. W. McCulloch, John McCurdy, J S Murdoch, J. Thompson, J. McGregor McKay. This resolution, on division, was lost, 40 to 17. This resolution indicated a spirit of fairness that it is to be regretted was not acted upon.

Mr Loxley went on to say that in the settlement of this matter it was not considered necessary to consult any other denomination at all, and this was the great fault he had to find with the arrangements that had been made. The interest of the city of Halifax was also thrown into the scale in favor of the proposal made, and many whose individual opinions were against

the scheme would not take any decided stand on that account.

It would not be necessary for him to enlarge upon the objections which existed against a metropolitan university of any kind. It was pretty generally admitted on all sides that a collegiate institution situated in the rural districts was better adapted for the purpose than one so situated as to bring the students who resort to it within the temptations of city life.

He had seen it stated that the Presbyterians had made great sacrifices in leaving Truro—that the \$1000 they had been receiving for years past had been lost to them. He found, however, on looking over the Estimates, that the \$1000 referred to had been secured to Dalhousie, so that they had lost nothing in that respect.

It had also been used as an argument that the Presbyterians had never made great demands upon the provincial funds for educational purposes, and therefore they were entitled to some favor. He was not aware that any denomination, except the Church of England, which was peculiarly situated for some time,—ever made any demands for provincial aid until their institutions were in such a state of efficiency as to warrant them in doing so. If the Presbyterians had pursued the same course as the other denominations, he presumed they would have received the same consideration. But he was prepared to show that they had participated largely in the provincial grants. Look at the enormous sums given to the Normal school at Truro which was largely confined to Presbyterians. Then there was the grant of \$1000 each to the Pictou and Truro Academies—and these, together with the £900 a year enjoyed by Dalhousie, amounted to between £3000 and £4000 a year.

The principal objection as he had stated before to the present management of Dalhousie College, was, that while it professed to be liberal in its character, and open to all, it was essentially denominational, and confined to one particular sect. The professors were Presbyterian—the governors to a large extent, and the students were also of that persuasion—and it was no answer to say that any denomination could endow a chair, because they could not do so without eventually destroying their own institutions.

He would remark in conclusion that to his mind it made very little difference as far as this discussion was concerned, whether Dalhousie was in a flourishing condition or not, whether there were forty students there or five. It was the gross injustice to other denominations, of appropriating the public funds for the benefit of a single sect that he complained of, and which he wished the House to condemn. It was singular however that when the Institution at Truro was given up, there were 40 students there which corresponded to the number now at Dalhousie. No answer had been returned to the enquiry as to how many had matriculated here, nor to the important question as to what guarantee the Governors had for the payment of £900 a year for the professors' claims.

He did not profess to be competent to decide the important question as to the comparative merits of a Provincial University, and the present system of denominational Colleges, but his

own opinion was inclined in favor of the latter, as better suited to meet the requirements of the country. If it was thought to be a better policy to have a Provincial University, let it be established upon an equitable basis, and with some regards to the interests of other denominations.

He could not say that he was very sanguine as to his resolution being carried, and all that he could say would perhaps have but little effect upon the present state of things, but the time would come when the views he had expressed would meet with the concurrence of the people of Nova Scotia.

Here, continued Mr. Longley, is a valuable property belonging to the Province; sometimes it has been managed, with a measure of success, but generally badly and entirely failing to meet the end designed. A few calculating men say to the Trustees of this domain—this is lying idle, we will take it upon certain conditions—altogether favourable to ourselves—and make it useful and without taking the trouble of consulting any except the parties from whom the proposal emanates the bargain is struck and operations began. As soon as the nature of the bargain is understood by the country three-fourths of the population, whose existence has been entirely ignored, indignantly remonstrate; but they are accused of narrow-mindedness, and coolly told that there is no remedy—that it would be a “breach of faith” to disturb existing relations. Well it may be so, but I mistake the spirit that is abroad if it prove so in the end.

In conclusion let me say that I feel I have but imperfectly discharged the duty imposed upon me; but I am quite sure, sir, that nothing I have said could grate harshly upon the ears of any gentleman how widely soever he may differ from the sentiments and opinions I have expressed, and I trust in these maybe found some fair and equitable solution of this unpleasant and delicate question. If on the contrary this question is to be left open to future agitation, depend upon it the innate sense of justice of the people will find means of vindicating itself from so great an injustice as the present arrangements and position of Dalhousie are calculated to inflict.

Apologizing for the extent to which I have taxed the time of the House, I will now submit the resolution which I hold in my hand which I hope may meet the approval of the House.

“Whereas His late Majesty George the IV, did, in or about the year 1820, signify his willingness to allow Governor Dalhousie to appropriate the sum of £9,750 belonging to His Majesty, for the purpose of building and endowing a College in Nova Scotia upon the plan of the University of Edinburgh, for the education of youth in the higher branches of Science and Literature, the said College to be governed by a corporate body, as by the Act of 1820, under the name and title of the Governors of Dalhousie College with succession and a common seal, having power and authority to make rules and ordinances concerning the government of said Dalhousie College, the election of President and Professors, and in relation to students and the management and control of the funds and revenues thereof, and all matters relating thereto:

And whereas in addition to the said sum of £9,750, given to the people of Nova Scotia by His late Majesty George the Fourth, there has also been gi-

ven by the Legislature, out of the people's money, the sum of £2000 towards the erection of said building, and also a further sum of £1000 towards its funds, and lastly this Legislature, in the year 1823, loaned to the Governors of said Dalhousie College the sum of £5000, to be returned in five years, and took a lien upon the building and the three per cent annuities for security, making in all granted by this Legislature the sum of £8,000, which in addition to the aforesaid sum given by His late Majesty, amounts to the sum of £17,750.

And whereas several ineffectual attempts have heretofore been made by the Governors to establish and open Dalhousie College for the benefit of the youth of the Province upon the plan of its original founder.

And whereas the principle of denominational Colleges has long since been established in Nova Scotia, any attempt to alter which would be unwise, and against the expressed opinion of this Legislature, and the people of this Province,

And whereas an Act was passed in this Legislature in the Session of 1863, professedly opening Dalhousie College under the title of a Provincial University, to all denominations upon certain conditions,

And whereas neither the Baptists, Methodists, Church of England, nor Catholics, being a large and influential portion of the people of this Province, numbering about 250,000 having colleges of their own, cannot participate in the endowments of said Dalhousie College, under the offer made, without a very great sacrifice of past efforts in building and endowing their own Colleges.

And whereas the Presbyterian body are largely represented at the Board of Governors of said College, and having vacated their buildings at Truro are now enjoying the privileges of said Provincial Institution, and thereby have for collegiate purposes a vastly disproportionate amount of public funds committing upon other bodies a grave injustice and occasioning wide-spread dissatisfaction in the Province, as evidenced by the numerous petitions on this subject presented to this House,

And whereas it is highly desirable that the said Dalhousie College be placed upon a basis that will be equitable to all parties, and remove the present occasion of complaint; therefore resolved

1. That the Act passed at the last session of this Legislature, entitled, "An Act for the regulation and support of Dalhousie College" be repealed, and the College with its endowments and funds be otherwise appropriated.

2. That there be required from the Governors of Dalhousie College the payment of the £5,000 loaned from the Provincial Chest, agreeably with the condition upon which said loan was made.

Dr. Tupper said: Challenged to this discussion, as I have been, by the hon. member who has just sat down, and holding the position of one of the Governors of Dalhousie College, it necessarily devolves upon me to explain the aspect which this question in my estimation assumes before this Legislature. I may say at the outset, that I never approached the consideration of any question in this House under greater embarrassment than on the present occasion. I am not embarrassed by any apprehension of the unsoundness of the principles I shall advocate, or of the position I occupy, but rather by the fact that it has become my duty to place myself in antagonism to the views and sentiments of a large body of people of various denominations throughout this Province, many of whom are respected personal friends and warm

political supporters, and for the judgment of many of whom I entertain at this moment the most profound respect. I am still further embarrassed, that it has become my duty to place myself in opposition to the views which have been so ably and so temperately urged by my hon. friend, the member for Annapolis. But I feel that in this matter I have a duty to discharge to the Legislature and to the country, and I shall not shrink from discharging it even under the influence of the intimation which has been given by the hon. member in the close of his remarks, that it is the intention of the parties who have raised this question in this country to press and agitate it until it shall involve consequences of the most serious character to any person who shall have been found obstructing the views which they urge.

If there has been anything secret—if there has been anything underhanded—anything that is not calculated to bear the light of day in the re-organization of Dalhousie College, I am not amenable to the charge of being accessory to it. I cannot but feel that the position which has been assumed by the hon. member for Annapolis—and it is but justice to him to say that it is evident that he labored under the same feeling himself—ought to have been taken, not in 1861, but in 1863—that if there was any considerable number of people in this Province, if there were gentlemen in this Legislature who were opposed to the action which this House took at its last session in connection with this important subject, it was their duty to have brought their views forward and enforced them here whilst the question was under consideration. I am unwilling to have it assumed for a single moment that I should ever occupy a position in this House in the slightest degree antagonistic to the Denominational Colleges which exist in this Province. I believe the people of Nova Scotia as well as the Legislature owe a debt of gratitude to the denominational institutions that it is impossible they can ever over-estimate. I believe that the higher education of this country has been fostered and promoted through the instrumentality of our denominational colleges in a manner that it would have been impossible it could have been promoted under any other system which could have been introduced. The system of denominational Colleges is one which was calculated to engage the whole people of Nova Scotia in a generous rivalry in one of the most sacred and best causes—the education of the country. By means of this generous emulation large sums of money have been drawn from private and denominational resources and thrown into the coffers of education as it were, and the result has been that the educational status of this Province as respects collegiate instruction has been placed in a position of which we may be justly proud. I had occasion recently to submit to the House the returns for the denominational institutions that are now fostered by this Legislature and they afforded to the House and the country the most gratifying evidence of the vigour and efficiency with which these institutions are carried out and the universal benefit they must be to the whole Province.

Acadia College cannot educate a Baptist, nor the institutions at Sackville, a Wesleyan, nor

Kings an Episcopalian, nor the institutions in this city and in Antigonishe, a Catholic, in the higher branches of literature, without conferring a great benefit and blessing upon the Province at large, because in proportion as you expand the intellect and train the intellect of your youth, just in that proportion we may expect that our common country will be elevated, and all its interests advanced. Therefore I may say at the outset that no consideration will ever induce me to place myself in antagonism to those institutions to which I believe the Province owes so much, and to which I as one member of this Legislature feel profoundly grateful.

It will not be necessary for me to repeat anything connected with the history of Dalhousie College after the sketch given by my hon. friend, because it is fresh in the recollection of the House. In fact, it has been brought so prominently before the country in the press, that it is entirely unnecessary that I should occupy the time of the House upon the subject. The hon. member has stated that many years ago Earl Dalhousie, when acting in the position of Lieutenant Governor of this Province, obtained from His Majesty permission to use certain funds belonging to the British Government for the purpose of founding an educational institution in this Province; and I may here mention a fact which I believe is strictly correct—though it has not been mentioned by my hon. friend; and it is this—that when Earl Dalhousie had received permission from the King to appropriate these public funds for a Provincial University, he placed himself in communication with the only college which existed in this Province—Kings College at Windsor—and offered that institution the entire funds, provided its portals should be thrown open, and its honors and advantages accorded to all who would seek them. That is an important fact to be taken in connection with the subsequent action. Very unfortunately for the interests of the Province, I believe the proposition was rejected, and whilst Dalhousie College has been struggling ineffectually to accomplish the objects for which it was founded, the institution at Windsor, as every person is well aware, has advanced until now it occupies one of the most prominent positions among collegiate institutions in this country, and has done a vast amount of good. It is well known that this Legislature has also, from time to time, exhibited the deepest interest (as well it might, charged as it was with so important a trust,) to render the funds of Dalhousie College, thus generously appropriated for the purposes of education, available for the object for which they were intended. It is known that these efforts have previously resulted in failure, one of the obvious reasons of which, was that Dalhousie stood as it were alone, and had not that guarantee of success which belonged to other institutions which could draw around them the cordial support of the several religious denominations in the Province. It is well known that the Governors of Dalhousie College, not very long ago, anxious to make these funds available for the purposes of education, at the time Goreham College was destroyed by fire at Liverpool, made a proposition to the parties connected with that institution to combine and come

to Halifax and endeavor to vitalize Dalhousie. I am surprised that the action which has been recently taken in reference to this institution should not have been taken on that occasion. It can hardly be possible that parties who were perfectly willing that any combination should take place, or that the funds of Dalhousie College should be enjoyed by any body, provided nothing was accomplished, should wish now to obstruct this institution for fear it will become really useful. As I said before, these efforts from time to time, have been made, and it was a matter of public notoriety that the Governors of Dalhousie College had determined, and were quite ready to co-operate by a combination of the revenues of Dalhousie with those of any other party that would combine with them, so as to make a valuable educational institution. It is not strange, then, with this fact a matter of history, that the attention of the Presbyterian body should have been turned to the means of obtaining higher education in this country by a combination of the efforts of parties who were interested in such matters; and I may here say that this was a movement not of one body alone, for it is well known that those who have combined are in denominational relations at this moment just as antagonistic, if not more so, than are the Wesleyans and Baptists, or any other distinctive denominations.

It has been complained that the former Governors of Dalhousie should have selected the Presbyterians to the exclusion of the Baptists, the Wesleyans, Episcopalians or Catholics. I do not understand it at all in that light. I do not understand that the Governors or the late Government made any invidious selection of any body. In the public documents which relate to this matter I find that the Kirk body, turning their attention to the means by which they could obtain a better education for their sons than they enjoyed under existing circumstances, made a proposal through their Synod to the Synod of the United Presbyterian body which represented the Free Church and what are generally known as the Anti-Burghers, to ascertain whether, differing as they do in many denominational questions, and standing separate and distinct as they do in Church government and in Ecclesiastical arrangement, it was possible for these two bodies to combine in a common arrangement which would accomplish a higher education than otherwise would be practicable. I believe that the result of that negotiation was that it was found that these two bodies could combine, and that they then made arrangements in conjunction with each other which were not of a secret character, but were published, and which resulted in an application to the Governors of Dalhousie College to ascertain whether the funds of that College thus lying dormant could not be made available in conjunction with their own to establish a College which would give to all who sought its portals a higher education than could be otherwise obtained by mere isolated efforts. The result was that they were enabled to arrange a plan by which they could co-operate, and it was proposed that the trust of this institution should be widened, and it was at that stage of the proceeding that the matter came under my consideration as a public man. A deputation waited upon me and stated that they

believed that these two bodies considered that they could co-operate with each other and with the Governors in the establishment of an efficient College and asked me whether I would consent, in accordance with the views of all the parties combined, to become one of the Governors of Dalhousie in connection with my hon. friend Mr. Shannon, and Mr. J. W. Ritchie, well known to be a prominent member of the Church of England. I felt that the answer to that question involved the gravest responsibility, and I took not only time to consider it, but the opportunity of placing myself in communication with a number of personal friends on the subject.

After giving the matter the most attentive consideration, I came to the conviction that it was my duty as a public man to assist in the reorganization of that institution and to lend any aid in my power in placing it upon such a footing as would make its funds available for the purposes they were intended. Having decided to take that course, and having determined that in any action which I took as a public man, this question should be dealt with in an open and perfectly well understood manner by the country, I took care that in the public press the whole scheme as it was proposed, should be delineated. It has been insinuated many times that there was something secret—that this legislation was passed in some surreptitious manner, and that the country had only after the passage of the Act an opportunity of examining its provisions, and becoming acquainted with what was in contemplation. I shall, therefore, feel myself at liberty to call attention to the fact that this scheme, as it now exists, for the organization of Dalhousie College, was placed as early as August 19th, 1862, fully and distinctly before the people of this country in the columns of the *British Colonist*, a paper which has too large a circulation in this country for any person to suppose that an article upon so important a subject could pass unobserved. After going into a history of the failure that had attended the institution in the past, this article goes on to say :

“At the last synod of the Kirk of Scotland an overture was made by that body to confer with the synod of the Presbyterian Church of the Lower Provinces in reference to the subject of education, which resulted in the appointment by both those bodies of committees, empowered to make arrangements with each other and with the governors of Dalhousie College, by which the efforts of all could be combined in an educational institution. A little more than a month since the committees of both synods met the governors of the College, when the following scheme was after much deliberation adopted.

“It is proposed to allow to any religious denomination the privilege of nominating Professors to fill as many Chairs as shall be sustained by the funds of such denomination, and that the instruction to be given shall be in accordance with the original Charter, be confined to the arts and sciences, as taught in the University of Edinburgh. The United Presbyterian body, we understand, are prepared to sustain two Professorships, and the Kirk of Scotland one, and it is not unlikely that those entrusted with the control of the Goreham College funds, may be induced to

co-operate. The combination of these three bodies in the first instance, with the funds in the possession of the Governors, will afford the means of placing this Institution upon a creditable footing, while the denominations thus enlisted in its support will, it is expected, furnish that which Dalhousie College has ever lacked—young men to be taught. It was also decided to invite Messrs. J. W. Ritchie, S. L. Shannon, and Dr. Tupper, to fill up the three vacancies now existing in the Board of Governors. We sincerely hope that these gentlemen will accept the trust, and that we shall, ere long, under these new auspices, have the satisfaction of seeing Dalhousie College take its position by the side of the valuable Institutions already in operation in the different parts of this Province. The jealousy which at one time existed between the different Colleges has, we are happy to say, given place to a generous emulation with each other in one of the noblest human avocations, and we believe that the prospect of having another useful and efficient Institution added to their number, will be hailed with much satisfaction by all. We therefore bid this new effort in the cause of Provincial education, God speed.”

Now I would ask this House and any intelligent man in this country if after the question was thus discussed at length and everything that was known in connection with this proposal placed deliberately before the people, and the intimation given to everybody interested of what was intended, there is any ground on which any public man can say that this enactment was brought forward in a surreptitious manner. It is true that this bill did not excite the amount of discussion which such measures usually do, but I attribute that to a reason easily accounted for. It was because, I believe, that this House, then as now, felt that there was no ground on which to oppose this bill; that if any denomination in this country was prepared to come forward and on terms which were equally open to every other, join in the reorganization of this institution and place it upon a useful basis, there was no ground for opposing the scheme. The very comprehensiveness of the scheme—the fact that any body that wished to enter it was obliged to sink its denominational character,—could not fail to influence every intelligent man to consider it favorably. The bill was introduced and its second reading was explained by my predecessor in office. Hon. Mr. Howe. In due order it came up for its third reading and was sent up to the Council; and it was not without discussion in the press at the time, for, as is well known, the *C. Messenger*, a paper which has taken a deep interest in the subject, referred to it. It was discussed and amended in the Council, and passed finally by the unanimous action of both branches. And what are we asked to do to-day? On a question in reference to which there has been ever publicity—which was introduced in an open manner in this Legislature, we are asked to commit a breach of faith. I would ask the House what grounds are urged for such a step. It has been said that there are some petitions on the table. These petitions embrace the names of many valued friends, but I believe they also contain the names of numbers of persons who have

signed them under the impression that there was some intention to interfere with the denominational colleges that exist in this country. There is nothing more to be deplored in this Province or House than sectarian strife, though at the same time there is nothing more easy to excite. Nothing is more easy than to excite denominational jealousy; but I believe when it is questioned has been fully discussed in this Legislature and the facts are sifted to the bottom that this excitement will abate, for I am confident the sound sense of this Legislature will say that it is not in a position, under existing circumstances, to commit a breach of faith such as is proposed. It may be said that I did not hold the same sentiments a few days ago with respect to the Railway Acts passed last session; but what are the circumstances in relation to these two questions. The Intercolonial Railway was a matter of debate and difference in this House, and a party which, on the eve of a general election, claimed to represent the public sentiment of Nova Scotia denounced that act and declared in the most unequivocal manner their opposition to it. A resolution took place and they went to the country and were sustained before any action outside this Legislature had been taken upon that act. That act required, in order to be operative, the corresponding action of Canada and New Brunswick. One of the parties which were necessary to it declared, through the mouth of their Government, that they would not take that action; and it was therefore inoperative, and open to this people and this Legislature to be dealt with. Were this question to-day in that position I would not hesitate to say it was open to every member of this Legislature to unite with my honorable friend in the repeal of this act. But here is an act which after discussion in the press and the House has received the deliberate sanction of not one political party, but of the unanimous Legislature of this country, and under the authority of that legislation you have seen a denomination which has had a valued institution in Truro—one that gave them benefits and advantages which they cannot hope to derive from Dalhousie surrendering it. The hon. member said that many Presbyterians were unwilling to give up the Institution at Truro. He stated the truth, for many of the most zealous in that body who were prepared to give their thousands to support a sectarian Institution, stated at once that if the body adopted the policy of this enactment, and broke up their denominational institution, and engaged in one where, by its charter, they would be denied the privilege of training their students in their denominational tenets, they would withdraw their assistance; and therefore I say it was a great sacrifice. The hon. member said that the collegiate institutions in the country have great advantages in point of location over any institution in the city—in respect to the cheapness at which parties may be maintained, and freedom from the snares and vices supposed to be connected with city life. Sir, all these advantages have been sacrificed. I am not going to discuss with the hon. member how far I agree with him in these points, but I accept his argument to be sound, and what does he prove? It brings the House to the conclusion

naturally, that in taking the course they have, and in surrendering the denominational institution they had in one of the finest country districts they surrendered very great advantages. For the purpose of building up a sectarian institution in the city of Halifax? No, sir. The charter forbids it—renders it impracticable. They are obliged to surrender the great advantage of having a denominational institution, and to devote their own funds to one in which denominational tenets cannot be taught. The Governors of Dalhousie College have brought Professors from abroad—from Canada and Scotland—men of ability and standing, on the faith of this act of the Legislature, gentlemen who have left the honourable positions they occupied, and have consecrated their talents and energies to the cause of education in the city of Halifax.

I would now ask, in the face of these facts, if it is necessary for me to labour this question. I would ask the House whether under these circumstances, it is possible for the Legislature to adopt any but one course—to maintain intact the legislation which they placed unanimously on the Statute Book of this country. I believe this act gave no advantage to anybody—that it was just as open to the Baptist as to the Presbyterian denomination, to take the benefits of its provisions. I do not hesitate to state that in this respect I differ from the former body. I believe that it would have been wise in them if they had made arrangements to take advantage of this enactment, to sustain one or two chairs in this institution, and thus by a combination of means and resources, obtain a higher description of education than it is possible can ever be obtained by the limited resources of any one denomination—notwithstanding the generosity with which its members have sustained their institution. But they have decided to retain their denominational college with its denominational advantages rather than engage in a common institution where they could not retain them. I believe it would have been an act of wisdom if they had taken the same course with reference to this question that was taken by the College at Truro.

What is the act from beginning to end? Is there anything in it that threatens difficulty—that is liable to lead to danger to other institutions? The hon. member did not pretend that was the case. On the contrary he himself admitted that he believed that this institution was not so favorably situated as the other colleges. What then is to be feared? Sir, I trust that the day has not come when either this Legislature or any considerable section of people in this country, will say that they are anxious to strangle any institution in this country which, by a combination of two denominations with a public fund which has been set apart for the purposes of education, is endeavoring to afford superior advantages to the people of Nova Scotia than otherwise would be obtained. Even supposing that this institution would rival the College at Windsor, it should be a matter not to excite the apprehensions of the people, but one rather of the most profound gratification from one end of the Province to the other.

Now when this matter was discussed in the Press previous to the meeting of the Legisla-

ture, and after Mr. Shannon, Mr. Ritchie and myself had been gazetted, and the country thus given to understand precisely what was intended—after that was done the ground that was taken, as I understand it, in opposition to this institution, was that although its government had been changed, and new denominational elements infused into the institution—yet there would be such a preponderating influence as would entirely preclude that change in its government having any weight, and that it would be impossible under these circumstances there could be any other than Presbyterian Professors appointed. When we came to the important subject of appointing Professors, a public advertisement was inserted in the papers here and in Canada inviting gentlemen to offer themselves for the position. The united Presbyterians appointed two Professors upon their own funds, and they are obliged to raise £600 per annum in order to sustain them. The hon. member has asked for the guarantee; but none is requisite from the fact that the governors must be satisfied that they are in a position to support the Professors they nominated. The very moment they fail to provide the £600 in question, these parties cease to be Professors. The governors felt that as an existing institution had been broken up in order to open this one at Halifax, the third Professor at Truro should be, for the time being, placed upon the Provincial funds, possessing, as he did, superior qualifications for the position. But so far from the newly appointed governors having found any disposition on the part of their colleagues to subordinate it to Presbyterian views—to press the claims of Presbyterians, it has been the very reverse. The Board offered the chair of classics to a gentleman belonging to the Baptist denomination and subsequently conferred that important office upon a gentleman who brought the highest recommendations from Trinity College, Dublin, and McGill College, Montreal, of his ability to discharge the duty, but who was a communicant of the Church of England. The chair of Chemistry would have been in like manner awarded to an Episcopalian had he applied as was expected when it was conferred upon the eminent Professor whose testimonials proved that in securing him we would bring a gentleman of the highest attainments in that important branch, but who happened to be a Presbyterian. It is right, however, that I should acknowledge that with a view to widen the basis of the Institution—all the Governor have evinced a disposition to confer Professorships upon gentlemen who were not Presbyterians when their qualifications were equal.

Now Dalhousie College has been galvanized into new life. In a few months it has been able to make a return of 40 students for the full course, and 20 for the partial course; and I ask those who are familiar with the difficulties against which the denominational colleges have had to struggle and the length of time necessary to take such position, whether this House has not the right to believe that an earnest has been already given, and that this college will become an important addition to the educational institution of this Province, and that we are alike bound by a regard to public faith, by what

we owe to the unanimous enactments of this Legislature, after all that has been done on the guarantee of this legislation, and by a regard to the best interests of the country to foster and support Dalhousie College as an acquisition among the collegiate Institutions of Nova Scotia. Sir, the hon. member for Annapolis has intimated that this agitation against Dalhousie College will be continued until its walls are razed to their foundations, and that those who endeavour to sustain it will be buried beneath their ruins. Let me tell him, sir, that, attached as I am to the great party with which I am connected—possessing, as I may confess I do, some fondness for public life, I would infinitely prefer the fate which he threatens to the highest post my country can offer, if it must be purchased by an act so unparliamentary, so unjust, as the resolution which he has moved would involve. (Applause in the Speaker's gallery.)

Hon. Mr. JOHNSTON, after an interval of a few minutes, during which the cry of "Question" was frequent, next addressed the House. He said he found himself placed in the most painful position in which a man could be situated—that of being compelled to give a vote contrary to all his inclinations and all his feelings, and all his interests. It would be to him one of the most heartfelt gratifications imaginable if he could be for a moment emancipated and enabled to take the side of his hon. friend and colleague, (Mr. Longley) and deal with the question as he thought it ought to be dealt with. He was, however, compelled by the action of the House at its last session to oppose the motion of his hon. friend, because he did not see how it could be carried without involving consequences of a most serious nature—consequences that would lead to great injuries, not only to denominational bodies, but to individuals who were placed in certain positions on account of the legislation of last year. But he deeply regretted that legislation, because he felt it placed this country in a situation much to be deplored, for it had launched the cause of education once more on the troubled sea of political discussion. He could not forget the scenes that had been presented in the House years ago when the great struggle was going on that agitated the country so long between the claims of one university to be established here, and denominational institutions to be scattered over the Province, and assisted by its resources. Neither could he forget the part which he himself took in the whole of these discussions, nor the eventful issue. That result, every one knew, was the successful establishment of denominational institutions and the placing of the higher education of the country in the hands of the religious bodies for the purpose of training the youth of the country at one and the same time in the elements of religious and secular knowledge. He was proud to look at the results of the course he had taken in the past; he believed nothing had tended more to the promotion of the best interests of the country than the establishment of education in the hands of the several religious persuasions. Now those who were particularly interested in the support of these denominational institutions felt themselves called upon to oppose the legislation of last year;

they believed that it was calculated to do them not only injustice but to place their institutions in an inferior and unequal position. He felt that this was a most unfortunate sentiment to prevail among a class of people whose intelligence gave them such great influence in moulding the sentiments of the people. His hon. friend had not spoken a single word too strongly upon the probable results of this controversy if it should be unhappily continued. The men who were at the head of this movement, necessarily from their position, ability, and intelligence, must have great weight among the masses of the people. The very character of the question was one, he felt, that never failed to enlist strongly the sympathies of the people. When he looked at the petitions, and saw the names they contained he could not help feeling that they were subscribed by persons who were entitled to every consideration in the community. They were signed not by men of a single body, but of various denominations—not by men of one political party, but irrespective of political ties and sympathies. Therefore it was natural that he felt that this question was entitled to the most serious consideration, and that there was every reason to deplore that such a controversy had unhappily grown up. The position which he occupied, he was convinced, was one that precluded him from voting for the passage of the resolution of his hon. friend. It was to repeal the act of last session, and to distribute the funds in some other manner. If that act had passed appropriating these funds for any other purpose than that for which they were originally designed—that is, education in its higher branches—there would be some reason upon which such an appeal could be made to the House. It might then be reasonably said that these funds were diverted to purposes for which they were never intended, and that the legislation was therefore unjustified and untenable. But that could not be said of the legislation of last year; for whether wise or unwise, it was directed to the purpose of raising Dalhousie College to the position of an educational institution upon imparting its benefits to the youth of the country without distinction of sect. He regretted that a measure so well intended, as that from which Dalhousie drew its origin, should be productive of so much trouble up to the present time. No one laboured more earnestly than its founder for the purpose of devoting its funds to the best interests of the country. He presumed the reason that prevented King's College from being removed to Halifax—when the offer alluded to by the Provincial Secretary was made—for the purpose of receiving the benefit of these funds, was that those who regulated its affairs did not see their way clear to adopt that wiser policy which has been more recently adopted with results so entirely beneficial to the prosperity of the Institution. A strange fatality seemed to accompany Dalhousie from its very commencement. It might be recollected that not many years ago, when it was attempted to place Dalhousie College once more upon a beneficial footing, its portals were closed against a particular Professor, because the religious denomination to which he belonged was deemed to be inconsistent with the objects for which the

Institution had been originally designed. No mistake could have been greater as regards the fact, nor as regards the deleterious influences that resulted. The attempts that had been made subsequently for the purpose of resuscitating Dalhousie College, one after the other, failed of success, and it remained a blot and disfigurement in our educational history which all might well regret. It lay long a dilapidated hull, flung, as it were, on the ocean, scarcely cared for, or with any one to manage it, until the legislation of last year took place. He was bound to say that when the proposal was made at the first, he was not ignorant of the negotiations which took place with his hon. friend the Provincial Secretary. He confessed he adopted the same judgment that had been come to by his hon. friend—that the best course that could be taken, with a view to the general interests of education, was to accept the proposals, and to make one more effort for the purpose of re-establishing Dalhousie upon a beneficial footing. It never occurred to him at the time that the re-establishment of the Institution as a Provincial University, if it was kept free from sectarian influence and government, could be an injury to the denominational colleges, or would be a just cause of dissension. It was with great regret that he had seen the sentiment that had grown up, and he had no hesitation in saying that could he have imagined that it would have arisen, he should have felt it his duty to have prevented, as far as lay in his power, the legislation of last year. He had always regretted that the bill did not receive that consideration at the time of its passage in the House that it ought to have received. He did not believe the Government fulfilled the obligations that rested upon them to give the measure that prominence which it required. It was introduced, little or nothing was said about it, and it finally passed as one of the most insignificant measures. It passed in fact without his knowledge; for he had intended making some amendments, but when he enquired for it, he found that it had actually gone through. Now, if the bill had been called to the prominent attention of the House, and had been the subject of considerable discussion, the probability was that the feeling which now existed would have been prevented. He did not, however, wish it to be understood that he would have opposed the bill. On the contrary, he believed the policy would tend to useful results, and never imagined it would give rise to the feelings it had actually originated. He would have been better satisfied if the different denominations had taken hold of it. His view had been that every effort should be made to place in a chair a Baptist, a Wesleyan, and a Church of England man, and so far from his judgment believing that such a course would injure the various denominational institutions, he had thought it would tend to support and strengthen them. But unhappily a different view was adopted, and the feeling that all must deplore was the result. When he acquiesced in the proposition that his friends, the Provincial Secretary, and Mr. Shannon, and Mr. Ritchie, should go into the Government of the Institution, he felt the importance of the weight of their character, ability, and po-

sition—he did not care if they were in a minority, for he knew that so powerful a minority must make itself felt and respected. He fully appreciated the feelings of those who considered themselves injured at the course that had been pursued. It was not to be wondered at that those institutions which had grown up after years of difficulty, and with a comparatively small amount of Provincial aid—and that only obtained after a fierce and protracted struggle—should feel aggrieved when they perceive a single denomination in this Province, without any effort hardly upon their own part, taking possession of property so large in extent and valuable in its character as that which was presented by the Governors of Dalhousie College. He presumed that it was upon this sentiment, together with the belief that the Institution was really sectarian that the present difficulty had arisen, and it was to prevent such a feeling that he had expressed his desire to see other denominations unite and take part in the effort. But when we came to the practical question, which was now before the House, he would ask his honourable friend what could he do? If his resolution was passed, a great injustice would be committed. The Presbyterian body had removed their establishment from Truro, and to drive them back again, without being able to fix upon them any violation of faith or an infringement of the arrangement, would be an act of gross injustice. Other branches of the Presbyterian body had also raised money and endowed a chair, on the faith of the act of last year; Professors had been brought from abroad—one of them he knew was a gentleman of the highest scientific attainments, having held a prominent position in Queen's College, Kingston. Could anything justify the House saying to these gentlemen that they must return? There must have been some wrong perpetrated before the legislation of last year could be touched. That legislation was not a mere declaration of the will of the Legislature,—it had been declared and acted upon, and the parties who had acted upon it had, in doing so, put themselves to inconvenience and pecuniary loss. If the question were presented for the first time, he would not hesitate for a moment resisting the passage of the bill, or, if it passed, urging such amendments as would meet the views of those who were now petitioning the House, and prevent the Institution from being liable to anything like denominational or sectarian influences. However, now, the thing was done—in fact consummated, and any other course than that he felt obliged to take would be inconsistent with the very fundamental principles of legislation as well as justice.

Mr. ARCHIBALD made a few remarks which were entirely inaudible.

Mr. TOBIN said that last session he had arisen and asked whether it had not been proposed to devote the funds belonging to Dalhousie to the purposes of a Provincial Museum, and the Provincial Secretary (Mr. Howe) stated in reply that he had found on looking over the law that these funds could not be diverted from the original design for which they were intended. Subsequently the bill passed without any discussion whatever. He thought that after the

legislation of last year, unanimous as it was, it would be a breach of faith on the part of the House to pass the resolution of the hon. member for Annapolis. If he were a young man now seeking his education he would put aside all sectarian feelings and enter the portals of Dalhousie and accept with gratitude the benefits it offered to the youth of all sects and classes of our people.

Mr. BILL was of opinion that the present question came properly within the purview of the Council of Public Instruction.

The debate was then adjourned until Tuesday 29th inst.

THURSDAY, March 24, 1864.

MISCELLANEOUS.

Hon. PROVINCIAL SECRETARY, from the Education Committee, reported a Bill relating to the sale of school lands in Horton and the investment of the proceeds for Educational purposes.

Hon. PROV. SEC.—By command laid on the table a letter of Mr. Hendry referred to in the report of the Inspector of Mines, relating to the inspection of mines. Also, a report of Professor Leslie on the the Glace Bay and Cow Bay coal district together with a map of survey. He would state that Professor Leslie, who was well known as a distinguished Geologist in the United States, had been brought on here by private companies, who had placed the result of his labors at the disposal of the Government. As the number of copies which had been printed of the report of the Commissioner of Crown Land was exhausted, and these papers now submitted contained valuable information, he would move that a number of copies of both be printed for circulation.

Mr. BOURINOT corroborated what the Provincial Secretary had said as to the professional standing of Professor Leslie. He had the honor of the personal acquaintance of that gentleman, and knew him to be a man of large scientific attainments. He was glad that these reports were to be printed as they were not merely of local interest, but contained valuable information to the Province generally. It was for these reasons he had asked for the production of these papers a few days ago.

Hon. PROV. SECRETARY also laid on the table correspondence with the Admiralty relating to the propriety of placing a steam fog horn at the entrance of Halifax harbour.

The amendment of the Legislative Council to the Education Bill was taken up. This amendment postpones the operation of the Bill until 1st Nov. After some discussion the Hon. Prov. Sec'y moved that the 1st of May be substituted for the 1st of November, and that an addition be made to the act providing that existing engagements be not interfered with, and that all officers remain in office until substituted by this act.

Mr. CHURCHILL presented a petition from Windsor praying an alteration in the law relating to Commissioners of Streets. He also introduced a bill to carry out the object.

WAYS AND MEANS.

The House went into Committee of Ways and Means.

The usual Light duties passed.

HON. FINL. SEC'Y moved the customary excise duties with the exception of the duty on ale and porter manufactured in the Province which he proposed to reduce from two cents per gallon to one. He said that his object was to encourage home manufactures, and he was glad that the flattering condition of the revenues enabled him to propose this reduction.

Mr. TOBIN thought that it was hardly worth while, for the sake of a cent a gallon, to impose the duty at all.

Mr. ARCHIBALD could see no reason for any distinction between ale and porter and tobacco. They were all luxuries—not necessities, and should be dealt with alike.

Mr. PRYOR approved of the reduction, and would be glad if the duty were taken off altogether, as he thought it would lead the people to use ale and porter as a beverage, instead of strong drink as was the case now.

Mr. BLANCHARD thought that if a reduction was made in the duty upon manufactured ale and porter, a proportionate reduction should be made in favor of the importer.

Mr. KILLAM thought it unwise to alter the present system, especially as there were no complaints against it.

Mr. PRYOR said that great complaints had been made, and petitions had been presented to the Government on the subject.

Mr. TOBIN explained in reference to the duty on leaf tobacco, that the only reason why it was not taxed was because it was contained in the list of exemptions under the reciprocity treaty. In France, the Government had the whole tobacco trade in their hands, and in England a very heavy duty is imposed upon it.

HON. PROV. SEC. said that he approved of the proposal made by the hon. Finl. Sec., as it was the true interest of every Government to foster and encourage local manufactures. In Canada the tax was only one cent, and in New Brunswick there was none at all.

Mr. ARCHIBALD said that the rate of duties, as it now stands, affords a protection to the home brewer over the importer, of four cents per gal.—if the proposed reductions were made, it would amount to five cents. He thought it would be better to leave the duty as it was.

After some further discussion the Finl. Sec. said that he was not disposed to press it, if there was a disposition against it—and so the duty was passed as it was before.

HON. FINL. SEC. moved that the duty on wines be as follows:

On Hock, Constantia, Malmsay, Catawba, Toquay, Burgundy, Hermitage, Moselle and Champagne to be \$2.50 per dozen of five bottles to the gallon.

On all other wines in bottles \$1.50 per dozen of five bottles to the gallon.

Port, Sherry and Madeira, in wood, 60 cents per gallon.

On other wines, in wood costing £24 stg. and upwards, per pipe; at the port from whence last imported, 60 cents per gallon.

Other wines, in wood, costing less than £25 stg. per pipe; at the port from whence last imported 25 cents per gallon.

Mr. BOUAINOT said that he begged to call the attention of the House to this subject, as it was one familiar to him, and of considerable importance. The former Government had adopted some of his suggestions and the present Financial Secretary had also consulted him before submitting the present Tariff on Wines.

The Tariff of last year was partly specific and partly advalorem. He had recommended the advalorem instead of the specific duties, as he thought it wise to adopt the policy pursued in Canada. In that country the duty upon Foreign Wines was formerly very high, but of late years they had substituted an advalorem duty of 20 per cent upon all Wines instead of the specific duty and a tax of 30 per cent upon Brandy instead of the very high duty as formerly. During the period that the high duties were in force, there was no direct trade between that country and France, but since the lower rate of duties had been adopted a trade had sprung up which had now grown into considerable proportions. He must not be understood as speaking in the interests of France, for Canada had been equally benefitted, inasmuch as it had been the means of introducing her shipping into that country.

In 1860 when the Cobden treaty between England and France was arranged, a great cry was raised against it on the ground that the revenue would be sacrificed by the reduction of the duties proposed and that the people could never be reconciled to the use of French Wines. But the result had proved the opposite of what had been anticipated. These light wines were now fast coming in general use in England, as would be seen. For the four years ending 1860, the average importation of French wines was 785,111 gallons; for the four subsequent years the average importation has reached 2,266,014 gallons—an increase of more than three hundred per cent! With these undeniable facts before the House, it was a matter to be regretted that the Government did not see their way clear to introduce the liberal policy which had been found of so much benefit to Canada and the mother country.

He was met by the objection that the advalorem duty was more open to fraud than the specific one, because it was not so easy to discriminate the qualities under the former as under the latter system. He said he desired—and indeed our excise department should have men capable of discriminating wines as in other countries, instead of depending chiefly, as is now done, on the importer. It had been said that these wines were only used by the rich, and that they only would be benefitted by a reduction of the duty, but this was a mistake. It was the high duty only that prevented them from being used by the poorer classes, and it was to bring these wines within their reach, and induce them to use them as a beverage, that he sought the reduction.

The hon. gentleman concluded by again expressing his regret that an advalorem duty was substituted for a specific. He would not make any motion in the matter—he merely wished to

express his views, and he felt that the time would come when they would be acknowledged to be sound and correct.

Hon. FIN. SEC. said that last year duty had been collected on only 1,024 gallons of wine, paying the higher rate of duties. The reason of this was because the services were so arranged as to bring the wines in under the lower rate of tariff, the difference being made up by charges, freight, &c. In this way the revenue laws were evaded under the present system, and he was convinced that if the suggestions thrown out were adopted, the result would be a still greater loss to the revenue. It was only the other day that he saw an invoice of wines, in which the cost and charges amounted to 50 per cent. upon the original cost of the article—the object being to get the wine in under a duty of 40 cents per gallon, instead of 80 cents. The subject was he admitted attended with great difficulty, and the present system he thought was calculated to produce great fraud upon the revenue, and it was with a view to remedy this evil as far as possible, that the proposed changes in the tariff were submitted.

Mr. ARCHIBALD was afraid that the habits of the people would have to be much changed before they could be induced to use these light wines as a beverage.

Hon. PROV. SEC. approved of the policy of the reduction of duties upon light wines—and he did not think it would be more difficult to accustom the people of this Province to use them as a beverage than had been the case in England.

Mr. BOURINOT said that in Russia, whose climate assimilated somewhat to ours, the light wines of France were in general use.

After some further remarks on the foregoing subject—the hon. Finl. Sec. moved that Crude Salt Petre be added to the list of exemptions, which passed.

Mr. PRYOR moved the reconsideration of the resolution relating to the duty on Ale and Porter, as he thought it had been passed under a misapprehension.

Mr. TOBIN asked to have the petition of the Brewers of Halifax, asking for a reduction of the duty, read by the Clerk.

After a few remarks from Mr. Blanchard against the proposed reduction, the motion of Mr. Pryor to reconsider was lost by a large majority.

Malt was added to the list of exemptions

Then the committee adjourned.

The amendment made by the Legislative Council to the Usury Law,—which had been rejected by the House and subsequently returned by the Council stating that they still adhered to it—was next taken up and discussed. It was finally rejected by a vote of 17 to 27.

Mr. JAS. McDONALD introduced a bill to amend chap 82 R. S. in reference to Pilots.

Mr. PRYOR, as chairman of city Bills, reported up a bill to invest certain lands in the Commissioners of Poor.

SATURDAY, March 26.

The Revenue Bills were reported up and passed through Committee.

Mr. Killam, Mr. Tobin, Mr. McFarlane, and other gentlemen suggested the propriety of do-

ing away with the collection of light dues in the Strait of Canso; but it was stated by the Financial Secretary that any legislation, just now, would be injudicious as certain negotiations were in progress with Prince Edward Island in reference to this question which might be productive of benefit to this Province.

The Provincial Secretary laid on the table a despatch from the Governor-General detailing the instructions given to Mr. Fleming in the Survey. The House went into Committee, and discussed a bill providing for steam ferry, Pictou harbour. Some gentlemen considered it tended to establish a dangerous monopoly, inasmuch as its provisions extended over a period of 20 years. It was finally modified to meet the wishes of the House. Fifteen years being substituted instead of 20.

The City Bill for Funding certain money; the Fruit Growers' Association Bill, and the Albion Mines Savings' Bank also passed. A Bill for sale of School Lands, Yarmouth; and a Bill to establish a Public Cemetery, Yarmouth, sent down from the Council, was read a first time.

The Revised City Bills were then taken up, and a number of clauses passed. The penalty of £50 against persons refusing to serve as Aldermen was lowered to £20.

The House adjourned until Monday at 11 o'clock.

MONDAY, March 28.

The House met at 11 o'clock.

The House went into Committee on Bills and took up a Bill to amend the law relative to the exportation of goods, and drawbacks.

Hon. FINL. SEC. said that a petition had been presented to the House from the merchants of the city praying to alter the amount upon which drawbacks are allowed from \$250 to \$125. The clause was altered accordingly.

SUPPLIES FOR THE ARMY AND NAVY.

Hon. ATTY. GENL. said that he would now submit an amended clause which he proposed to substitute for the 14th clause. (This is the clause which refers to the right of a contractor for the supply of necessaries for the use of the army to withdraw the same from the warehouse duty free—and which provoked some discussion in the House a short time since.)

The ATTY. GEN. read the amended clause, which removes all ambiguity on the subject, and gives the contractor the right (under certain guards and restrictions to prevent fraud upon the revenue,) to remove the articles required from the warehouse for the use of the troops, duty free. The hon. gentleman explained that this amendment was not designed for the benefit of the contractor, for if the exemption was not granted, the amount of his tender would be proportionately increased so as to cover the extra cost, and thus the British Government would in reality have to pay the difference. He had made enquiries as to the mode pursued by the military authorities to guard against the articles being improperly used, and he found that the system was so perfect as to prevent the possibility of fraud being practised.

Mr. BLANCHARD said that the injustice he complained of at the time was, that while the general impression was that these articles were subject to

the same duties as other goods, and the other contractors tendered under that impression, Mr. Colahan went to Mr. Binney, and having been told by him that these could be drawn out of the warehouse duty free, he tendered accordingly, and thus had an advantage over the others. He had nothing to say against Her Majesty being allowed to import articles for the use of the troops duty free, but what he was afraid of was, that by connivance between the contractor and the mesman, fraud would be practised upon the revenue.

After some further remarks, the clause passed.

On the reading of the clause allowing officers of Her Majesty's navy to obtain their wines free of duty,

Mr. LONGLEY opposed it, and moved that the clause be struck out.

HON. ATTY. GENL. said that this was not the time to discuss the question of temperance. The question of prohibiting the importation of intoxicating liquors was one that should be discussed upon its own merits, and was not now legitimately before the House. So long as the law allowed the use of intoxicating liquors, the House had no right to prevent any portion of Her Majesty's subjects from using them. The question for discussion was simply whether the officers of Her Majesty's navy were to receive at our hands the same privileges which they enjoyed in England, and in every other part of Her Majesty's dominions. He intended, after this clause passed, to move a similar drawback upon the wines used by the officers of the garrison—and he did so after serious deliberation and under a full conviction that he was acting upon sound principle in thus extending to the officers of the army and navy an exemption which, from long usage, they looked upon as a matter of right.

Mr. LONGLEY regretted extremely that he was obliged to differ from his hon. colleague, but he felt that he could not consistently with his principles, silently acquiesce in the views he (Atty. Genl.) had just profounded, which were not such as would commend themselves to the judgment of temperance men. He admitted the difficulty of legislating consistently upon temperance principles, but he thought it behoved every temperance man, as far as possible, to preserve his consistency. The mere fact of taking revenue at all from the importation of spirituous liquors was contrary to temperance principles, but that was very different from allowing a class of persons to be relieved from paying the duties which others had to pay, and thus enabling them to drink wine at a cheaper rate than anybody else. He could see no reason why the officers of the garrison should be put upon a different footing from anybody else—if they wanted to drink their wines, they should pay for them, the same as anybody else—and not put the Province to a loss of £4 or £500 a year. The hon. gentleman concluded by saying that as long as he held a seat in the House he would raise his voice in behalf of the cause of temperance, and he could not allow this vote to pass without expressing his disapproval of it. After some further discussion Mr. Longley's motion was lost—and the clause introduced by the Attorney General passed.

HON. ATTY. GENL. in moving the drawback upon the officers wines—recapitulated the reasons

for doing so—being the same as he had previously given for moving the exemption for the navy.

After a desultory discussion the clause passed without a division, with the understanding that a division would be taken on the third reading.

The Bill then passed and the Committee adjourned.

Union of the Colonies.

Dr. TUPPER said:—I would shrink very much sir, from the task which has been imposed upon me of moving the resolution which it is the intention of the government to submit to this House, respecting the union of the maritime Colonies, if it were not that I am aware of the enlightened and patriotic spirit in which that question has up to the present time been entertained, I am happy to say, not only in this Province but in all the Provinces interested. Notwithstanding it has been our misfortune in these Colonies to have party spirit animating perhaps in an undue degree the public sentiment of the country on various questions of material importance to the Province, the question of a union of the Colonies is one that I am proud to know has been kept separate and distinct from party controversy. It has been dealt with from time to time by gentlemen identified with and forming portions of both the great parties into which this Province has been divided, and I believe on every occasion it has met with the generous co-operation of whoever formed the opposition, who have invariably united with the Government of the day in dealing with this as a question of such magnitude and importance as required that it should not be allowed to mix up in any party conflict that might be on other matters occupying the public mind. I do not rise for the purpose of bringing before you the subject of the Union of the Maritime Provinces, but rather to propose to you their RE UNION. It is well known, sir, that in the year 1763 the Province of P. E. Island was annexed to Nova Scotia, which therefore comprised not only that which now belongs to it, but also embraced within its limits the Province of New Brunswick, so that at that period, and down to 1771, when the island of St. John or Prince Edward became a separate and distinct government, these three Provinces formed one Govt. and one Province. In 1784 the Province of N. Brunswick was separated from this Province, and from that period down to the present time we have formed three distinct governments. Now, the inquiry will naturally present itself to this House why once united in a compact whole that separation should have taken place. It may naturally be supposed that the reasons which involved that separation exist at the present day, and indicate the impropriety of again attempting the reunion. But I believe at the time the separation took place between the Provinces of New Brunswick and Nova Scotia, the latter became a separate and distinct government, the reasons were distinctly set forth as arising from the great difficulty of inter-communication between the different sections of the country. With the present improved means of intercourse, with the introduction of steamers and railways, and other facilities that now exist for speedy communication, this diffi-

culty has been entirely removed; and the most remote part of New Brunswick can communicate with the most distant portion of Nova Scotia with much greater facility than at the time this separation took place, the different sections of these two Provinces could communicate with any central point. It is very well known that in the Province of Canada, where there is an area of 331,000 square miles, no difficulty whatever is found in communicating with the seat of government, wherever it may be. The House is also well aware that from time to time many reasons have exhibited themselves as pointing to the necessity of an Intercolonial Union. The subject is not a new one; it has engaged before I had the honour of a seat in the House, the attention and deliberation of this body. It has been discussed in Canada, and, more or less, as a public question in New Brunswick and Prince Edward Island. The proposal which was made and advocated with such singular ability by my hon. friend the leader of the present Government several years ago, in this Legislature, was for a Legislative Union of the whole British American Provinces—that is, uniting the Canadas with these maritime provinces. On that occasion the whole subject of a Union of the Colonies was so fully and ably discussed by the leading minds of both sides in this Legislature as to render it unnecessary that any great amount of attention or time should be occupied in going over the grounds which have been already so ably detailed. But difficulties have been found—and I may say inseparable difficulties—in grappling with that which so many of the ablest minds in this country have advocated in connection with this subject. The union of the Maritime Provinces with Canada has hitherto presented insurmountable obstacles. I had the pleasure during the past year of visiting Canada, and conferring frequently and at considerable length upon the question with public men from all parts of that Province, and gathering to a large extent views not only of its public men, but of its people. I may state to the House that the result of these conversations and of the information which I was enabled to obtain has convinced me that for many years it would be quite impracticable to obtain the larger union. In Upper Canada there is a decided disinclination to a Union with the Maritime Provinces, in consequence of the rivalry which exists between the two sections in which that colony is divided.—At the time the union between Upper and Lower Canada was consummated, I believe that which has since proved a serious, if not fatal, mistake in the arrangement then made, took place. At that time Lower Canada largely outnumbered in population Upper Canada; and in order to meet the difficulties that presented themselves in the way of the Union, it was agreed that both these Provinces, then independent and distinct governments should be united upon the basis that although they differed largely in point of population, yet each Province should send an equal number of representatives to the United Parliament. That has been found, I believe, a most serious, if not fatal difficulty, in the government of Canada. The Upper Province has increased its population in a much greater ratio than the

lower section, until it now outnumbers it very considerably, and being numerically stronger now, demands in the most determined manner that Canada West shall have a representation in proportion to the population which it contains. This proposal is resented on the other hand as a breach of the contract on which they were united. It is contended that as Lower Canada yielded the increased representation to which she was entitled at the time of the union, Upper Canada cannot now lay claim to the adoption of the principle she advocates. Every person knows that other difficulties have prevented the union of the Canadas being attended with the beneficial results which otherwise might have resulted from it. These two countries, now united under one government, are not only in antagonism upon this question of "Representation by Population" but it has been found impossible to blend them as they could have been blended, had they not been separated as they are by race, language, laws and religion. The consequence has been, as this House very well knows, that government has become almost impossible in Canada in consequence of the jealousy and rivalry existing between the two sections, united as they are under one government but separated by those separate and different institutions which obtain in the two Provinces. Under these circumstances Upper Canada looks with jealousy and distrust upon any union with the maritime Provinces as one which would place in connection with the Lower Canadian influence in the government of the Province a large section of country which would be identified in interest with the Lower Province in consequence of its geographical position. On the other hand the inhabitants of Lower Canada look with equal distrust upon a union with the maritime Provinces as one which would throw a large population homogeneous with that of Western Canada to a very great extent into the scale, and perhaps render the influences which operate so largely in Canada East less potent than they now are. There is consequently, I am satisfied, such a disinclination on the part of these two great sections in which the government of Canada is divided as to render it quite impracticable to discuss, except as a theory for the future, a union of Canada with the maritime Provinces. But I am satisfied that whilst the financial condition of affairs has been such as it has been for years in Canada—the deficit now between the Expenditure and Revenue being more than a million of dollars—these maritime Provinces would look very doubtfully upon a proposal which was to unite them with a country that is placed in a position of such financial embarrassment. I think therefore we may put aside, for the present at all events, the greater question which has engaged the attention of public men in this and the other Provinces in British America in connection with this subject. Whilst I believe that the Union of the Maritime Provinces and Canada—of all British North America—under one Government, would be desirable if it were practicable,—I believe that to be a question which far transcends in its difficulties the power of any human advocacy to accomplish, I am not insensible to the feeling

that the time may not be far distant when events which are far more powerful than any human advocacy may place British America in a position to render a union into one compact whole—may not only render such a union practicable but absolutely necessary. I need hardly tell you that court guano to us there is a great Power, with whom the prevailing sentiment has long been:—

‘ No pent up Utica contracts our powers.
For the whole boundless continent is ours ’

This has long been the fundamental principle which has animated the Republic of America.— I believe whilst that sentiment of extended dominion has animated the minds of the statesmen and a large proportion of the population of the United States, they have been, owing to the peculiar condition of that country, prevented from giving that scope and development to that principle which otherwise might have been attempted. Every person knows that the republic of America has been divided into two great sections—a slave-holding and an anti-slavery country; and we know that for many years the most extreme rivalry and jealousy existed between these two sections. Now, I consider the reason why no attempt up to the present day has been made to acquire possession of British North America on the part of the United States is to a large extent dependent upon the fact that whilst the Northern States would have been glad to have had a population to a large extent homogeneous with their own and holding sentiments identical with theirs on the slavery question, yet they have been prevented from taking any step towards their acquisition in consequence of the opposition that would be given by the Southern States, which have wielded a large and influential power in the government. The South naturally would never have consented to see the anti-slavery element increased and rendered so powerful as it must have been by the connection of British North America with the States. But now we know a great infernal convulsion is going on in that country, and we would be blind to our own interests if we concealed from ourselves the consideration of questions which may be involved in the issue of that struggle. Every person knows that from one cause and another the feeling of the Northern States is antagonistic to a very extended degree, if not hostile, to British interests. In consequence of the attitude which Great Britain has assumed, the Southern States also feel themselves aggrieved; and therefore I believe the conflict that is now going on has produced a feeling on the part of both North and South which must be necessarily fraught with danger to the peace of British North America. Let the issue of this great struggle—and it is not for me to intimate or to express an opinion as to what it may be—terminate in the reunion of North and South, what will be the result upon ourselves? We shall see the North excited and exasperated by the hostile sentiments so generally expressed by the Press of British America—united to the South would themselves deeply injured by the refusal of the British Government to recognize them, and by the belief that they are compelled in consequence not only to grapple with the North, but to engage as it were in a contest

against the world in defence of what they believe to be their liberties. It must be apparent that if this war were to terminate to-morrow in peace, their moral condition is entirely changed since its commencement. Whilst they had comparatively no standing army formerly, they would come out of this war with a force of the greatest magnitude, and a body which it is difficult to dispose of satisfactorily after their attention has been turned to warlike pursuits. Assuming that the extinction of slavery were the result, and the re-union take place, it is not unlikely that these arms which are being fiercely directed in hostile conflict against each other, would then be combined with a view to the attainment of universal dominion on this continent. On the other hand let the issue of this great struggle be the independence of the Southern States, and what will be the result? The Northern States will remain a great and formidable power, possessing an immense army—and we will find the sentiment of that country embittered by the feelings that have been exhibited by British North America, whilst she would be relieved from the difficulty that has hitherto prevented her from making any attempt to acquire these Colonies. Relieved from the Southern States her attention would be naturally turned to this country where the territory she had lost in the South might to some extent be made up—a country possessing extent of resources, which would render it an acquisition of the greatest importance and restore the Northern States, if acquired, largely to the position they occupied before the separation occurred.

The House will see that if the subject of a union with Canada were even in contemplation, no wiser step could take place than the union of the Maritime Provinces in the first instance. Hostile as I believe the sentiment of Canada is at the present time to a union with the Maritime Provinces, the day is not far distant when it will be for the interest of both to unite, and Canada will, I have no doubt, seek in that union the solution of those difficulties that are now found insuperable in the government of the country. These Provinces, I am proud to know, would present a sufficient area, population and resources to exercise no small amount of influence in the scale between the two sections in which Canada is divided. They would find in the Maritime Provinces that which they seek for in vain in their own country—that is, a united people—divided by no sectional antagonism and embarrassing by no separate system of jurisprudence. They would find a country in which civil and religious liberty is enjoyed by all, and in which I am happy to know there exists no hostility between different races or religions. We would present a country to their view that might be united on a common bond of Union with Canada—a union which is essential to the solution of the difficulties that now divide the two great sections of that Province. This union when required will be, as I have said, more easy of accomplishment when these maritime Provinces are united than at present.

Looking, then, at the position which this question occupies; I think it is not unlikely that the time may not be remote when circumstances

may accomplish that which, as I said before, apart from the influence of powerful events, no human advocacy at the present time may be able to grapple with. But, in the meantime, public attention has been turned away rather from the greater, or union of British North America, and a union of the maritime provinces under one Legislature demands our consideration. The attention of these Maritime Provinces, not of one party, not of the public men simply, but of the people of these colonies, has been turned to the practical question whether the time has not arrived when they ought to consider the propriety of uniting under one legislature and one government. This question has been submitted to the British Government, and they have expressed their acquiescence in this matter being dealt with in such a manner as will meet the views and suit the public interests of the Provinces themselves. Being, therefore, in an attitude to deal with it, the Government thought it proper to take action in the matter, and proposed to the Governments of New Brunswick and Prince Edward's Island that the subject should be brought under the purview of their Legislatures. I am happy to be able to say that the sentiment of the Government of New Brunswick entirely concurs with that of the Government of this Province, as I believe the sentiment of her public men and people generally coincides with that of our people; and I expect that at this very hour a resolution couched in precisely the same terms as the one which I am about to move, will be laid before the Legislatures of the adjoining Province for their consideration, and I trust with a satisfactory result. We have not heard definitely from the Government of Prince Edward Island, but in the speech delivered by His Excellency at the opening of the Legislature on the 16th inst., he communicated to the House that he was in correspondence with the Government of this Province, and that it should be laid before them; and from interviews which I have had the pleasure of enjoying with several leading men connected with the Government of the Island, I am not without hope that the same consideration which that measure will obtain in this House, and the same result will be arrived at in common with the Legislature of New Brunswick.

This subject has been so ably dealt with by the Press of this and the adjoining Province and the public mind seems to have been so well formed on this question, as to render it unnecessary to detain the House with any lengthened remarks on the advantages of this Union; but I may glance briefly at a few features that are worthy of passing comment. In the first place it is known that the three Provinces whose interests are identical, whose commerce is of the same description whose climate and population and resources are of the same character, owing their fealty to the same head, governed by the same institutions, are in antagonism to each other on a number of questions upon which it is impossible such antagonism could exist without a very great injury to each other. We are divided by hostile tariffs—we have each our custom houses erected as barriers against intercourse with each other. In the second place it is known that our

currencies are as diverse as it is possible they can be. Our Post Office affairs are regulated by distinct heads; and thus the very channels of free intercourse between the different Provinces are subject to different arrangements. Then there is the education these Provinces. Who can doubt that if these three Provinces are united it would give an impulse to the great question of education which must be attended with the most satisfactory results? It is known that all attempts to establish free trade between these Provinces have entirely failed for the want of this Union. The most determined efforts were made by the late government as well as their predecessors to establish the principle of free trade & commercial intercourse between the three Provinces as well as Canada, but an insuperable barrier at once presented itself. The British Government have decided that this principle cannot be carried out except between Provinces which possess a common tariff; and the efforts which were made by the late government in common with that of New Brunswick, for the purpose of accomplishing a uniform tariff, entirely failed for this reason—that the principle upon which tariffs are formed is to meet the existing necessities of the country. If you have two governments you have two systems to meet, and what is the necessity of one may not be that of the other. The tariff requires to be proportioned to the expenditure of the country; and therefore when it was attempted to assimilate the tariffs, it necessarily failed because the expenditure differed.

I need hardly tell the House that the credit of the country must be largely raised by the union. You would then have a country possessing an area, a population, and a revenue, that would attract attention abroad. Instead of being absorbed in the consideration of the world with Canada, these Provinces would be looked upon as a distinct country. The area of Nova Scotia is but 18,000 square miles, New Brunswick 27,000, Prince Edward Island a little over 2,000; but united they would present an area of something like 50,000 square miles—an extent of territory which, when presented to the eye of European statesmen who are familiar with the limited extent of many states in Europe, would attract a degree of consideration and attention which it is impossible for these Provinces, in their present isolated state, to command.

The hon. gentleman then gave other statistics on the subject. He showed that united the Provinces would present a population of over half a million; with a revenue of something like two and a quarter millions of dollars. He then continued.

(The hon. gentleman then called attention to the returns of Shipping belonging to these Provinces. The whole of these Provinces, with a rapidly increasing population of nearly 700,000, would possess over half a million tons of shipping. The exports would amount in the aggregate to \$1,316,456, whilst the imports would reach to \$17,715,716. He then continued:—)

I have called attention, Sir, to these figures to show that these Provinces would possess an area, population and resources that must command respect abroad which it is impossible to expect whilst we remain disunited as at present.

Every person knows that we are all borrowers in the money market of England, and the advantage of this union upon the credit of the whole cannot fail to be perceived by this House.

I am satisfied that looking to Emigration, to the elevation of public credit, to the elevation of public sentiment which must arise from enlarging the sphere of action, the interests of these Provinces require that they should be united under one Government and Legislature. It would tend to decrease the personal element in our political discussions, and to rest the claims of our public men more upon the advocacy of public question than is possible at the present moment whilst these colonies are so limited in extent. We have only to look to Prince Edward Island to find that political differences are expanded, political acrimony engendered, and the difficulty of government increased, just in an inverse ratio to the size of the country, and that when you increase the area of the country you decrease the political acrimony and difference of opinion that are calculated to place one section in such antagonism to the other as to render it impossible to advance measures of public improvement. I am happy to know, Sir, that there was never a time in our political history when the feeling of public men in regard to great questions was more harmonious than at present, and I am unwilling to admit that this is owing less to the large preponderance of public sentiment exhibited by the people than to the moderation and candour that the leading gentlemen composing the Opposition have exhibited in the discussion of public questions.

There is also the question of common defence, which must be manifestly advanced by the union that is proposed. Here we would be placed in a position to take measures for our common defence far in advance of anything that we can do whilst separate and distinct—measures which may be necessary in order to preserve not only our hearthstones and our homes, but also that connection with the parent state which we all believe it is for our advantage, as it is our pride, should be continued.

(The hon. gentleman then turned to the Expenditures of the Provinces, and showed that it would be largely decreased by a union. The total number of members of assembly was 121, whilst the whole Province of Canada, with a population of two and a half millions, had but 130. The Legislative Council of these Provinces presented an aggregate of 51, whilst Canada had but 70.)

I am not aware, sir, of any difficulties that would arise from the consummation of this union. I do not believe, looking at the character of the two Provinces, any antagonism would arise such as has arisen in Canada. We have mainly one language—one race, and fortunately we are not divided to any extent by religious antagonism; and therefore all those elements of discord that obtain in Canada, together with the question of "Representation, by Population" would be entirely absent. But it would be premature in me to undertake to consider the difficulties that might arise in the consummation of this union on the present occasion, for I feel that is a question which

would, under the Resolution I am about to move, fall under the purview of the Delegates and the several Legislatures that would be called to pass upon the subject. Something has been said about the jealousy existing between Halifax and St. John. I believe nature has given advantages and of such a diverse character to St. John and Halifax respectively, as to prevent any such antagonism arising. There is no legislation that could ever pass this House or the Parliament of the whole of these Provinces, if reunited, that could take away from the harbour of Halifax the position which it enjoys as being the great point of communication between the old and the new world. There is, on the other hand, no legislation that could ever pass the United Parliament, or the Legislature of any one, that could take from St. John the advantage of being the outlet of the magnificent river St. John, forming a great inland artery of communication for three hundred miles. I had the satisfaction during the past season of visiting that splendid country, and I had no conception until I travelled over it, of the splendid country through which the traveller passes from the time he leaves St. John until he reaches the boundary between New Brunswick and Canada. These advantages are great. They have been placed upon the face of the country by the hand of nature, and no legislation can take them away, though a common legislation could give the inhabitants of New Brunswick and Nova Scotia an equal interest in the prosperity of both.

Whilst New Brunswick may not possess the magnificent mineral resources which have been scattered in such profusion through the length and breadth of Nova Scotia; on the other hand, we do not possess to day a tithe of the ungranted lands that are in our sister Province, to attract the emigrant from abroad. Therefore whilst it is the interest of New Brunswick to become a partner in the magnificent mineral treasures of Nova Scotia, it is equally for our own advantage to participate in the benefits she can afford us. No person can examine the resources of these Provinces without being convinced of the fact that nature intended them for a great manufacturing country. If you look at our position standing out on the western continent as England does on the eastern continent, at our maritime resources which are similar to those of Great Britain,—if you examine the very structure of the country and find the coal, limestone, and iron abounding in close proximity, you cannot fail to perceive that we have all the elements in this country—that these Provinces have all the requisities that are calculated, if judiciously fostered, to make them occupy in America the same position that the parent State holds in Europe, and become a great manufacturing country. With this country united in common bonds, associated together by a common interest, thus rendered more important in every requisite particular, we shall attract to our shores such an amount of capital, population and skill as will speedily advance this country to the influential position which it is evident God and nature intended she should occupy. I do not intend, however, to occupy the time of this House any further, but shall conclude these

comparatively brief and imperfect observations by moving the following resolution which is identical with that agreed upon by the Government of New Brunswick:—

“Resolved, that His Excellency, the Administrator of the Government be requested to appoint delegates (not to exceed five) to confer with delegates who may be appointed by the governments of New Brunswick and Prince Edward Island, for the purpose of arranging a preliminary plan for the union of the three provinces under one government and legislature, such union to take effect when confirmed by the legislative enactments of the various Provinces interested and approved by Her Majesty the Queen.”

Mr. ARCHIBALD (who was only heard with the utmost difficulty,) said that it was obvious that as soon as the troubles in the States were settled we would be in this position—that the inexorable logic of events would drive us to the necessity of uniting, and from one step to another, all British America would eventually form one compact whole under one government. It was evident to every one who gave any attention to the subject, that when several hundred thousand men who have been trained in a school that is not adapted to teach humanity and moderation, were reduced again to the condition of civilians, they would not be influenced by the same feelings with which they were animated previously. These men, scattered over different parts of the country, would act upon the Govt., necessarily open to popular influences,—and therefore the perils to which the Provincial Secretary had adverted would arise and teach the Provinces the necessity of union. He did not intend to follow the Provincial Secretary through the extensive range which his remarks covered, but rather to say that he sincerely wished that this project of an Intercolonial union would succeed. He fully agreed with that hon. gentleman that there was nothing in the peculiar position of the Lower Provinces which would render it necessary to have separate machinery of government—separate Legislatures, judiciaries, and all the paraphernalia which involve expense. He was also of opinion that a union would open up a wider field for public men. He looked upon it as likely to soften, to a large extent, the asperities of political life. Every person knew that in proportion to the size of the country is the acrimony and asperity. By giving breadth to the sphere of operations, we would necessarily liberalize the feelings and elevate the character of our public men. He acknowledged there would be considerable difficulty found in dealing with this question; but he had no doubt that if the delegates from the different Provinces came together with a sincere desire to accomplish the object for which they met, the obstacles that might now seem formidable in the distance would soon fade away. Much would depend on the feelings and disposition of the gentlemen who were charged with this important question. If they fully appreciated the fact that on them depended the future history of this Province,—upon them depended the destiny of our posterity, there was no doubt of the result of their labours. It was with reference to this question that he had

always expressed such a deep interest in the Intercolonial Railway; but he would not dwell further at the present time on this and other subjects, which were intimately connected with the question immediately before the House, but would content himself with seconding the resolution that had been moved by the Provincial Secretary.

Mr. TOBIN expressed a desire to hear the Attorney General state his views on this subject of a Union, as it was one in which he was well well known to have been one of the first to move in this country. He then went on to say that the apprehension which seemed to be entertained by many persons in P. E. Island that that Province would not receive full consideration in the case of Union, was altogether baseless, and he trusted that it would not continue to prevail. He had always taken a deep interest in this subject, and had given his cordial cooperation whenever it had been brought up in the House. He would prefer the larger Union, but if that could not be accomplished for the present he did not think Nova Scotia should stand in the way of the Maritime Provinces combining under one government. He was not afraid that such a condition of affairs as had occurred in the case of the United Canadas would result from a union of the Maritime Provinces, for Prince Edward Island would be enabled to preserve that balance of power that would be requisite to guard against any troublesome antagonism arising between Nova Scotia and New Brunswick. He would not go into any lengthened remarks on the benefits that might be expected from the Union, for that had been rendered unnecessary by the Provincial Secretary. He would content himself with hoping that the Union would be one not only of interest, but of affection, and with expressing his confidence that it would result in making us more respected abroad, and in elevating the tone of our public sentiment.

Hon. Mr. JOHNSTON spoke to the following effect:—We feel that the hon. Provincial Secretary has so exhausted the subject in the able and extended remarks that he has made that there is nothing to be said except what would have the appearance of repetition. It is quite true, as the hon. member for Halifax has said, that I have taken a deep interest in this question of Union. I may say that it has been among the first objects of my ambition and desire as a public man. This aspiration arose from the conviction that it was essentially necessary for the purpose of raising us up and giving us a position. I knew that divided as we were—small in extent and in population—we must continue to occupy a very small position among the communities of peoples. Now it was not from any ambitious motives that I deprecated our condition—not from any motive of power on behalf of the community with which I might be associated. I felt that the position we occupied was unfavorable to the elevation of the body politic, and that it was antagonistic to the development of anything like a large and generous and ennobled public sentiment. We cannot but feel that in a small community where public measures amount to matters of small general moment, where parties are brought into personal collision so close

ly, and personal interests and feelings are necessarily made prominent objects and motives of action, it is impossible that there can be that unanimity of feeling,—that enlargement of view—that elevation of purpose which is so desirable in every country. Therefore it was that I as an inhabitant of this country—the home of myself and my children after me—felt that my first duty was to endeavour to create this enlargement and elevation of public sentiment by extending the sphere of political action which could only be done by a union of the British North American Provinces,—of the Queen's subjects on this side of the Atlantic. The same considerations which pressed upon us then, I feel ought to be as potent in reference to the scheme now before us. Those who occupy N. Brunswick and N. Scotia cannot but see the injurious consequences naturally arising from their isolated and contracted position, and the necessity that presents itself of affording a larger field to the exercise of mind, intellect, and intelligence—of removing from us the personalities that must necessarily disfigure political controversy in a small sphere. These considerations lie at the foundation of this question—everything that grows out of it is to my mind accessory to them. I have always felt that one of the most solemn enquiries that can engage a reflective mind who takes an interest in the welfare of his country, is the future of British North America. What is it to be,—how is it to be moulded? This is a question which we should regard, not as Nova Scotians merely, but as British subjects. At the present moment it is impossible to imagine any political communities placed in circumstances more favorable for immediate happiness and comfort than, in a limited view and under certain restrictions, the Provinces of British North America. We have perfect freedom almost in every aspect, civil and religious—the privileges, without the perils or responsibilities of nationalities to bear; but that cannot be the case always. The time must come when we must assume a different attitude, and be able to fill a broader and larger sphere. There has been always before us the republic of America in all its colossal proportions, and it would seem by the law of attraction the lesser must be drawn to the greater; but that has not met the views and desires of those who really love the British Constitution, and glory in her past history, and would, if possible, send down to posterity the name, the honor, the privileges, and institutions of Britain in the New World. But what is it now that gives such a colour to all our sentiments? What is it that separates us in form of speech, or habit, or desire, from our neighbors in the republic? Every person knows that there is a difference—we feel it ourselves. We are almost as republican I might say, in all our institutions. Our self government is almost as complete as theirs, and the fact that our Governor is appointed for us instead of by us is only a small element of distinction when we reflect that the Lieutenant Governor has less personal power than the elective head of a Republican State. What is it, then, that creates this marked distinction between ourselves and the neighboring States? It is the sentiment we breathe—the influence that we have derived from our

connection with the parent state. The influences of monarchical institutions, have permeated through us, and given a marked colour to all our sentiments. It is however, a distinction that exists in sentiment, and not one that exists in any material or real form. But is this sentiment to be perpetuated? Can it be expected to last in the presence of strong material influences that are continually operating? Are we at last to be absorbed into a pure,—and I would like to say,—unmitigated, republicanism—or remain animated by all the feelings that republicans enjoy with the distinctions that are created by those sentiments that exists in older countries where monarchical and aristocratic institutions obtain? I feel upon this subject very strongly and possibly I am diverted from the subject more immediately before us; but still it lies in our path and we cannot help looking at it. In early life I held strong democratic sentiments,—for strange to say, though I have been a leading Tory in Nova Scotia, I was in my youth actuated by the Whig principles of English statesmen. I was early perhaps captivated, as many young men are, with the illusions of a republic—of a republic that was working out the great problem they had taken in hand; but reflection and observation have gradually sobered down this sentiment, and I feel that, however valuable a republic may be for giving energy to individual action, it is wanting in that power of elevation, of refinement, of enlargement and nobility of sentiment, and responsibility of action which can alone raise nations to that high-toned condition which we desire to see, and our minds figure before us, as the object of our aspirations. I trust that that portion of this continent over which the British flag is waving, will continue to possess perfect freedom of action with all the elevation and refinement which proceed from connection with monarchical and aristocratic institutions. Now I have diverged from the subject under consideration in expressing these opinions and have obviously touched a point to which no answer can be given, for I take it for granted that the future of the British American Provinces is at this moment and must be shrouded in uncertainty; but let us do the duty that lies before us—"sufficient for the day is the evil thereof." It is for us to see what is the duty of Nova Scotia at the present moment.

Why, sir, when that question comes before my mind at any time I have turned away from it as so clear as to require little consideration in order to come to a conclusion. Can it be the duty of these Provinces to remain separated, when by union they can lay the elements of an enlarged and improved condition—of future progress and elevation?

(Mr Johnston then went on to point out the beneficial results that would proceed from union. Then he would present an extent of territory and a population that would give them a status abroad. He alluded to the advantages that would arise as regards jurisprudence, commerce, &c. He then concluded as follows:—)

It is quite correct that my scheme originally was for a union of the whole of the British American Provinces. It seems, however, there are such difficulties in the way of this greater union as to render it impracticable for the pro

sent I look at the union of the Lower Provinces as a step towards the larger one. I have never favored a union of the Provinces by way of federation, for it did not appear to tend to the great object we had in view. What we want is to produce a real *unity*—make the parts that are now separate a homogeneous whole—give them a oneness of existence and of purpose. Looking then at the position in which we stand, and feeling we have not reached the point at which a Union of the whole of these Provinces could be effected, I believe that the step which is now proposed is one of a beneficial character. If these British Provinces can be united in a Legislative Union—if their interests can be made to run together I think an important step will have been taken for the improvement and progress of our country, and towards the realization of that larger Union, which has always been the object of my aspirations. It does not appear to me that there will be much difficulty found in bringing this Union about if there is an earnest desire to promote it on the part of the persons that are parties to it. I would wish to see such a Union as would unite all the parts into a homogeneous whole, and make a people worthy of the source from whence they sprung, and perpetuate to all time to come the character, name, hon ur and institutions of that great country of which we are proud to form a part.

Mr. CHURCHILL said that on a question of such magnitude as this, he would not presume to say very much. He did not altogether approve of the resolution of the hon. Prov. Secy. It seemed to him, that there were great difficulties in the way of a Union of these Maritime Provinces.—Here we had three Provinces, distinct in their currency—their tariff—their Legislatures—their trade, and almost all their interests, and how was it possible to combine them so that they would work harmoniously together. Then there are three governors—what were they going to do with them? He would have been much better pleased if the resolution of the hon. Prov. Secy. had taken a different form, and if it had been framed so as to solicit the Home Government to allow us the honor of appointing our own governors. He did not see why we could not raise our own Governors, as well as our own Judges, Lawyers, and Statesmen. We have to pay for our Governors, whether we like them, or not—whether they are Conservative, or Liberal—and we don't generally find out their politics until after they had been with us for some time. There were two gentlemen in the Province who, in his opinion, were equally fit for the honor. He alluded to his friend the hon. Attorney General and the late Prov. Secretary (Mr. Howe) and he hardly knew which he would chose. There were numberless objections to the proposed Union of the Maritime Provinces. He presumed that if it was carried out, the seat of Government would be in Cumberland, and what would then become of our present Provincial Buildings. The Province Building he supposed would be turned into an hospital, or put into the market. He was not amongst those who feared that when this American war was over, the soldiers now in the field, would be turned upon these Provinces. They were not soldiers—they were shoemakers—shopkeepers and tradesmen of

different kinds, and by the time the war was over they would be pretty sick of it. And even if they did come, we surely have enough spirit in the country to repel them. He would go out to Hammond's Plains and raise an army that would drive them back. He did not anticipate any invasion from that quarter, but if he had written as much, or said as much as some people in Nova Scotia had done against the North, he would be afraid, that some long Yankee would come along and give him a horse-whipping, which he thought anybody richly deserved for interfering with the quarrels of their neighbours.

Mr. KILLAM did not feel the same anxiety about any complications that might arise from the present condition of the Province itself, as he did from the relations that subsisted between us and the mother country. Great Britain may to-morrow be plunged into a war with some of the continental Powers, and our commerce may be swept from the seas, although we had no voice in the matter at all. This state of things, he considered of much more serious importance than even the question of the Union of the Colonies. He did not suppose that we could do much in the matter, but we must only wait and let events take their course.

Hon. Mr. SHANNON said that the probability of our being involved in war, was one of the strongest arguments in favor of a Union of the Colonies. It may come upon us in consequence of our connection with the mother country, or as the hon. Prov. Secy. had said, from our close proximity to the neighboring Republic. But come from what source it may, surely we would be in a better position to meet it, when our strength was united, than in our present isolated condition. He looked upon this subject as one of the utmost importance, and he was happy to say it had received the advocacy of the leading minds of B. N. America. Amongst these the most distinguished was the member for Montreal (Mr. McGee), whom he hoped to see, if not the Premier, occupying a prominent position in the new Administration now being formed in Canada. The hon. Atty. General had referred to the visit of Lord Durham to the Colonies in connection with our political institutions, and he (Mr. S.) as a lover of monarchical institutions, could not help regretting that that distinguished nobleman had allowed so golden an opportunity to pass of uniting these North American Provinces together under British rule. But the truth was that he did not seem to understand the position of affairs in this country, and was too Republican himself to view the subject in a proper light. He (Mr. S.) regretted that while we were thinking about this great subject, of a Union of the Colonies, and while we were wasting our time in negotiations, the insidious policy of the United States was gradually absorbing within its territories the greater portion of this American continent. Take for example that great inland country which was of so much importance to the prosperity of Canada, and which might be called Inland America. It was now about passing into the hands of the United States. At this moment a large commercial joint stock company were engaged in uniting it by railroad with the territory of Minnesota,—so that the whole of that great country was thus passing gradually into the hands of

the Americans, and if we in these Colonies were not more alive to our own interests, we would soon find ourselves in the same dilemma. As regards the Union of these lower Provinces with Canada, there were many reasons why it was not feasible at the present time, although he looked forward hopefully to the time when it would be accomplished. A union of these maritime Provinces was desirable upon two grounds. First, for political reasons. The very idea thrown out by the hon. member for Yarmouth—the probability of this country being drawn into a war—afforded one of the most irresistible arguments in favor of a union. Everybody was familiar with the old adage, that "union is strength," and surely its force could not be better exemplified than in the case referred to. He was happy to say, that in times past, when the frontiers of New Brunswick were menaced by invasion, the arms of Nova Scotia were proffered for her assistance,—and he believed that if a like danger should assail our borders, we would receive the same aid from her. But how much better would it be, if that day should unhappily come, for the forces of the three Provinces to be under the control, and subject to, the direction of one Government, and thus avoid the delay of having to wait the action of three separate Legislatures. As regards the light in which a union of these Colonies would be viewed in the mother country, he would say that a different feeling prevailed there now from that which formerly existed upon this subject. At the time New Brunswick was separated from this Province, about the close of the American war—England having recently experienced the bad effects of a Confederation of the American Provinces, when turned against herself, naturally viewed anything like a union of these Provinces with disfavor; and the policy then seemed to be to out up and divide these Provinces as much as possible. Now, a different feeling prevailed, and although he did not believe England would ever throw us off, yet her desire was manifest that these Colonies should so consolidate their strength, as in case of any contingency arising, we would be in a position to help ourselves. He had spoken briefly of the political advantages of a union, and it was hardly necessary for him to enlarge upon the commercial advantages which would flow from such a combination. These had been so often pointed out by abler tongues than his, that he would not weary the House by repeating them.

The hon. gentleman concluded by regretting that he was physically incapable (having but recently recovered from severe indisposition) to deal with this great subject as its importance demanded—but he could not allow it to pass without expressing his approval of the resolution before the House.

Mr. TOBIN said that his own convictions were in favor of a more enlarged measure providing for the Union of all the Colonies. There was nothing in the present condition of Canada to prevent a Union with the lower Provinces. He thought it would be the saving of Canada in a political point of view, if the representation of the lower Provinces, was thrown in as a sort of leaven to counterbalance the conflicting interests that existed in that country. As regards the

union of these lower Provinces he did not attach so much importance to it—the united population of the three Provinces only amounted to about 700,000, and this would not give us much weight in the scale of nations. Whereas if we were united to Canada with her three millions of population, we might reasonably expect to exercise some influence over the great powers of the world. He much regretted the action of the Canadian Government in reference to the Intercolonial railroad—a work that he had always looked upon, as the means of making us a united people. That Government, however, had now fallen, and he had great hopes that a new one would be formed, which would not be characterized by that narrow minded, and illiberal policy by which that country had been governed for the last few years. To the resolution upon the table he would give his support although, as he said before, he preferred the larger Union of the whole Provinces.

In answer to an enquiry by Mr. Miller,

Hon. PROV. SECY. said that he presumed when the proper time came, that the representatives of the people would be prepared to express the views of the people on the subject. Ample notice had been given that this question would be submitted to the different Legislatures, and the resolution pointed out the mode of procedure. It was intended that the result of the deliberations of the Delegates should not go into operation until sanctioned by the different Legislatures. If agreed to it would then be passed in the shape of an act, and would not go into operation until it received the Queen's assent. It was not intended to submit this question for the approval of the people, as ample opportunity had been afforded for its full and free discussion. After what had fallen from the hon. member for Annapolis, of course he would not press the question then, as he was anxious that every member should have the fullest opportunity of expressing his opinions, but he did not approve of the practice of postponing a debate after it had once been commenced. And he thought that when a measure is announced in the Governor's speech, and has been made the order of the day—that gentleman should come prepared to discuss it.

After some further remarks the debate was adjourned, and the House adjourned until $\frac{1}{2}$ to 8 o'clock the same evening.

EVENING SESSION.

House resumed at $\frac{1}{2}$ to 8 o'clock.

Mr. MILLER said that it was not without extreme diffidence that he approached the discussion of the question now under the consideration of the House. In addition to the fact that the Resolution of the Hon. Pro. Secy. embraced a subject of a most grave and intricate character, and one of the greatest moment to the people of this country,—a subject which even under the most favorable circumstances his very inexperience and inability would render him only poorly qualified to handle,—he labored, under the further disadvantage of now offering his views to the House without previous preparation. When we were told, as we had been told to-day, that it was the intention if possible to consummate this union

without a special appeal to the people, to yield up our separate government without the ratification of the popular voice, he thought it behooved us to act with forethought and discretion. For this reason, without placing himself in direct antagonism to the preliminary steps we are asked to take, he desired to ask the House and the country to look at the opposite side of the question. He was sensible of the difficulty against which he had to contend in attempting, after the able and eloquent addresses to which they had listened, to claim attention to some sober thoughts, inconsistent it might be with visionary anticipations, but which it was unwise on this occasion to put out of sight. We all knew how easy it was for any man possessing the requisite ability on such a question as the present, by appeals to the imagination by indulging in brilliant dreams and hopes which too generally prove delusions, to carry away not only an unreflecting populace, but even a deliberative assembly. Who would deny at the present moment the influence of the Pro. Secretary's eloquence on those who listened to him? And yet he had failed to show them one real, palpable benefit this connection would secure, which might not be obtained without it. Every person acquainted with the history of this Province would admit that our people and Legislature were generally too ready to enter into any project—to advocate any scheme that afforded the attractions of novelty and excitement. He did not know to what cause this characteristic might be attributed; but that we possess it, no candid, intelligent man among ourselves would gainsay. It might be owing, perhaps, to some extent, to our free, happy, and prosperous condition as a people—to the unrestricted liberty of thought and action we enjoy. We knew that it is the nature of man, when he should be most contented with his lot, in the absence of real grievances, to create imaginary ones, and when he had all that is necessary to his welfare, to be continually longing after something he did not possess. Yet, not only did he believe that change at any time merely for the sake of change was unjustifiable, but he held that any change in the political relations of a country which was not demanded by a reasonable necessity or did not secure unequivocal advantages, was impolitic and unwise. The action of this Legislature might change the destinies of Nova Scotia for ever; but if we afterwards found we had made a fatal error,—if we find when stern realities had exploded the flights of fancy by which our judgments were obscured, that we had not benefited our country, we must not forget that it would then be too late to undo the error and retrace our steps.

In connection with the remarks he had just made, he would, as an appropriate illustration of them, turn the attention of this House to a subject with which nearly every man in this country is conversant, and which should be a warning to us against rash and visionary legislation. Who did not recollect the wild enthusiasm—the irresistible current of public feeling which swept everything before it in this House and out of it, when our present railway policy was fixed upon the country? Who did not remember the bright picture of the future, sketch-

ed by a master hand and held up to our admiring gaze, to be realized by the adoption of that policy? The advocates of that scheme were successful, but he asked them and the people of this Province, had it realized any of their sanguine anticipations? On the contrary had it not entailed upon us, for all time to come, an incubus which must press heavily and unjustly on the industry and energies of the country? Would we not to-day gladly retrace our steps if we had power to do so, and free ourselves from the consequences of the error then committed? He did not intend by this reference to censure the gentleman whose glowing eloquence persuaded the people of Nova Scotia to accept his railway policy—whose talents as a public man, despite some mistakes, so long adorned this legislature, and who he believed was animated in that question by a sincere and patriotic desire to benefit his country. His object was to show that honest intentions were not sufficient to ensure wise results, and that however patriotic a statesman's schemes might appear, it did not follow they were sound and judicious. Let us then profit by the lesson experience had taught us, and for which we had so dearly paid, and not now allow ourselves to yield up without mature reflection our present happy and prosperous condition to an arrangement that might possibly endanger or destroy it.

If the resolution before the House contemplated a union of all the colonies of British North America on equitable terms, no man would hail it with more pleasure than himself. Such a union he trusted at no distant period would become both a commercial and political necessity.

He looked forward hopefully to the day when the inhabitants of these noble provinces, united under one government, might stand before the world in the proud national character of British Americans. From such an association they would indeed derive national strength and dignity worth some sacrifices to obtain. They would then possess a population and country whose immediate status and inevitable future destiny would command respect. A union of the maritime Provinces with Canada and the great territory beyond would give us a country extending from the Atlantic to the Pacific, with all the diversified resources necessary to the most unlimited material progress. In favor of such a proposal, most of the arguments urged in this debate would have real force and point, and not appear as they now did, absurd or inapplicable.

The Hon. Prov. Sec. had ingeniously referred to the unfortunate state of things prevailing in the neighbouring republic to excite our apprehensions, and convince us of the necessity of an early Union in order to be prepared to meet the dangers that threaten us from American insolence and prejudices. This was a favourite argument for certain purposes at the present time, and it was one of the strongest points he (Dr. T.) relied on to sustain his views; he (Mr M) considered it unwise in the discussion of the question to create unnecessary alarms of this nature for they all knew the existence of such feelings was not conducive to correct and temperate legislation. He could not consider this argument of the hon. gentleman entitled in any light to serious weight. While he admitted a complete Union

of these Provinces would render them more powerful for defence, he was at a loss to perceive how the combination of New Brunswick, Nova Scotia and P. E. Island, with a population slightly exceeding half a million of souls, would enable us to resist foreign aggression. The enemy we affect to dread could with little effort send against us an army equal in numbers to every man, woman, and child, within our borders. To meet such an emergency, our hopes and reliance must for the future, as in the past, be placed elsewhere. But, even in such an event, could not whatever strength we possess be as effectually secured and exerted under our present system? What was there in our existing condition to prevent in case of need the hearty co-operation of all the people of the maritime colonies? The Prov. Sec. had not shown them any obstacles, and for his part he (Mr. M.) did not believe that any existed. He did not attach much importance to this bugbear of Yankee aggression, but if he did, he would still be unable to arrive at the conclusion touching this subject, the hon. gentleman drew from it.

It was argued that the proposed measure would be a step in the direction of the complete Union to which he had alluded, and would overcome many of the obstacles that obstruct that project. If he could bring himself to entertain this opinion, he might be induced to give a cordial support to the resolution before them. But he sincerely feared the proposed movement would not promote, but retard, that magnificent scheme. Several references had been made during the debate to the position of Canada on this question, and it was admitted on all sides that it was owing to opposition from that quarter that the Union of British America was just now impracticable. To what causes, he would ask, was this hostility attributable? No man acquainted with the political history of that fine country since the two Provinces were united under one government, could fail to detect them. Ever since that time Canada had been distracted by the most bitter feuds and dissensions. The struggle of East and West for supremacy—a struggle in which the strength of the contending parties was too equally balanced; the bad blood, the sectional animosities, extending in some instances to lawless outrage, resulting from this struggle, had controlled the destiny of the country most disastrously to its best interests. Nearly every public question was there received, and disposed of in the light of its relation to this one object to such a degree, that many of her most sincere and able public men did not hesitate to pronounce the Union to be ruinous to those valuable Provinces. Both dreaded association with us simply because of its possible results in connection with their unfortunate rivalries and contentions. Could any one doubt, if they had continued to this day under separate governments, each harmoniously working within its own sphere, that a general union would not now be so difficult to accomplish? It would not only not be beset with existing complications, but the union thus brought about would contain such additional elements as would prevent the pernicious results he had mentioned. But they had been told that there are no causes of dissension among

the Maritime Provinces—that the great dividing lines of creed and nationality that exist in Canada did not obtain among us. He would not refer to the undeniable jealousies to which he might allude that now prevail between New Brunswick and Nova Scotia, for he did not wish to give them unnecessary prominence. While we might lament them, it was impossible to shut our eyes to their existence; they were patent to the most superficial observer, and might easily be fanned into violence. Taking Canada for our example, it was fair to assume that conflicting interests would produce this effect, and that those feelings, instead of being allayed, would be fermented and intensified by this Union. What, then, would be our position and prospects? With a similar state of strife and confusion above and below—with the Lower Provinces disturbed as Canada now is, who would say that the cause of British American Nationality would present a promising aspect? He could not, for these and other reasons, believe that the union now sought was likely in this respect to realize the anticipations of its advocates. The hon. Provincial Secretary, amongst the advantages which he considered would follow from a union of these Provinces, referred to the questions of a uniform Tariff—a uniform Currency—a better system of postal communication, and a more judicious basis for our Educational system. As regards the subject of Education, as he had not defined his meaning or indicated the value of the advantages to be gained, he (Mr. M.) would pass it by. What improvement did we desire in our Postal arrangements? He thought we enjoyed as free and liberal a system of communication between the colonies as we could wish for, and if any change was requisite it could be as readily obtained under the present condition of our affairs as it would be under any other. Neither did he consider that the Currency could not be satisfactorily adjusted and made uniform except under a union. There was nothing now to obstruct a similarity of action between the colonies in this matter, if our public men would devote their abilities to effect this result. As to the Tariff, he must say that if it was possible to arrange all the difficulties attending the settlement of such a question as a Union of the Colonies by means of a delegation—if these could be settled by diplomacy—surely the same mode would be as efficacious to adjust the other. We lived now under one of the lightest tariffs in the world, which afforded us a flourishing revenue. He feared, under a union, with a uniform system, our burdens would be greater than they now are, and thus might counterbalance any benefit we might derive from mere uniformity. The Prov. Sec'y. had also told them as a reason in favour of union, that the legislative expenses would be lessened. Perhaps this might be the case to some extent; but if we found it necessary to have a double staff of departmental officers as in Canada, the contrary would be the fact. But suppose we effected a small saving, it would only be by a proportionate neglect of the local wants of the people.

He had alluded to the unhappy state of affairs existing between the united Provinces of Canada. He had stated the grounds for his opinion why a

union of the Lower Colonies would be productive of similar consequences. The little Province of Prince Edward Island had in itself alone elements of turmoil and trouble sufficient to keep us all in hot water for the next quarter of a century. Now every one knew that the great curse of Nova Scotia for years past had been its party politics and personal rivalries. Our leading public men instead of turning their talents to the welfare of the country had been engaged in faction fights, which had for their object either personal aggrandisement or the gratification of private enmity. Surely no one—now that these feuds had been settled and our statesmen were compelled to turn their attention to the development of the resources of the country—would advisedly take any course that might revive the former state of things. He would ask therefore was it not wise to leave well enough alone? Why run the risk of taking a step that might throw us into sectional conflicts, which must retard our progress, and at best could only secure uncertain advantages. Besides if these Provinces were united it was very probable P. E. Island would rule the whole. Her sympathies would be for many reasons with New Brunswick, and in case of any difference on any question she could turn the scale against us.

But there was another reason which should cause us to hesitate in this course. When he asked the Pro. Sec'y if he intended to finally negotiate the proposed union before taking the opinion of the people at the Polls, he replied such was his intention. Now he (Mr. M.) contended that on a question affecting the foundations of Government, we should move only on the most unequivocal expression of popular feeling. The truth was the people did not ask for this change; ambitious politicians alone desired it. This project of union had generally found more favor in Nova Scotia than elsewhere, and he thought the reason was evident. In proportion to our population we had always compared favorably with other Colonies, as regards our number of able public men. These had always advocated this measure for the very obvious reason that in giving them a larger field of action, it would favor their chances of personal success and contribute to their individual importance. But, our duty was to consult the interests of the people and not the interests of ambitious politicians.

He would now inquire, was there anything in our condition or prospects—any local grievances to be remedied, to justify this change. If there were any evils to complain of in our present system of government, the case would be different.

But what was the present position of our affairs? What was the situation of this country? They had all listened with pride and satisfaction to the speech with which His Excellency opened the Legislature—in which he portrayed the evidences of material prosperity this country enjoyed—a prosperity not certainly participated in to an equal extent by our neighbors. Should we not then be content with the substance, and not part with it to grasp at the shadow? And when the answer to the speech was proposed, they saw, what he believed was rarely seen in this House. They saw the hon. and learned leader

of the Opposition rise in his place and congratulate the Government upon the flourishing condition of the Province, re-echoing the language in the Administrator's speech. Afterwards, when the Financial Secretary brought down the Public Accounts and Estimates, he had a like cheering tale to reiterate. He told them that in some respects Nova Scotia was a more prosperous country than any other on the globe, and he told the truth. In view of this state of things, then—with a trade of which any country of our population might well be proud—with boundless natural resources, what reason is there, he (Mr. M.) would ask, to trammel ourselves with a connection, whose advantages are more than doubtful? Why not, he repeated, at least for the present, leave well enough alone?

In conclusion, the hon. gentleman said he did not intend to divide the House on the Resolution before it. He trusted the popular feeling would exhibit itself on one side or the other before the House was again called upon to decide this proposition. If the country wanted the change, he should not object; but he did think that the views he had urged were deserving of consideration, and were such as should at least induce this Legislature to act with caution.

Mr. LONGLEY said that he arose with very great distrust of his ability to deal with the question before the House which had so long occupied the attention of so many leading minds. He did not pretend to give anything like strenuous opposition to the scheme proposed. He might be restrained from expressing himself as strongly as he might if the present question had been presented under different circumstances. It had been mentioned in the Speech at the opening of the House, and he would be very sorry to make a single observation that would trammel its consideration in the slightest degree. We had heard this subject of the Union of the Colonies advocated for years past, on the ground that it would materially strengthen our position and prepare us for some fancied emergency—that combined we would be able to present such an area as would intimidate our foes and make a successful defence of our soil in the time of need. Now, he could not wish that we should ever array ourselves against those whom we suppose to be our enemies. Instead of arming for defence, we ought to endeavour to cultivate friendly relations with those whom every consideration prompted us to conciliate. It was said that there is great danger to be apprehended from the Northern armies in the event either of their succeeding in subjugating the South, or of the efforts of the Confederacy being successful. He believed that the ties that should bind New Brunswick and Nova Scotia to the Northern States were exceedingly strong, and should not be rashly cut asunder. We had had for many years no little intercourse with that country, and on the whole it had resulted in very considerable advantages to the people of this country. Unhappily, however, the sentiment that prevailed in this Province as well as the other British Provinces, was entirely different from that he was now enunciating; but he believed the period would come when there will be a change of public feeling, and we shall no longer fear invasion

by the States. Many considerations should be taken into account before we rush-d hastily into union. The interests of these colonies were, in his opinion, diverse in many respects. The interests and wants of New Brunswick were of a different character from those of this Province. Then there were various matters in reference to the liabilities of each country that should be considered. There were many undertakings in connection with both of these Provinces, involving the outlay of money, which it would probably be exceedingly difficult to adjust. It would be well for us to consider what are the resources of the Province with which we proposed to unite, and what relative position its liabilities bear to those of Nova Scotia. He might be too hopeful in regard to this little Province, but he was rather inclined to think that in the race of future progress we would stand quite as fair a chance as any one of the other possessions of Her Majesty in British North America. He would remark further, that if self-defence was the great object of union, it would be better promoted by including Canada; for a population of 600,000 must be regarded as very insignificant for such a purpose as that alluded to.—Somehow or another it appeared to be inadvisable to include Canada in the arrangement; but he was inclined to think, if there is to be any union at all, it should be one of the whole of the Provinces. Mr. Longley referred to Mr. McGee, Mr. Howe, and other gentlemen, who have advocated Union, and then went on to say that he thought we could just as effectually and rapidly develop our resources in each of the colonies, for the present at all events, by leaving things as they are. He was accustomed to think the machinery of our Govt. was sufficiently complicated. It was true our population was insignificant, but somehow or another it afforded sufficient business in connection with the several departments to occupy a very considerable amount of time and labour on the part of our Legislature and Government. If we took a wider range and brought conflicting interests into play we would necessarily make the machinery much more complex. He saw considerable difficulties as respects the location of the Capital of the United Provinces; but he thought it most likely that we should have to locate it somewhere in the neighborhood of Sackville. He did not see how there could be any insuperable difficulty in the way of bringing about a uniformity of tariff and free trade without this union, if the matter was taken in hand and dealt with energetically. A great deal of importance had been attached to the argument that the Union would afford a wider field of action for our politicians, and thereby soften the asperities that arise in a contracted sphere of political action. He had little doubt that there were several leading gentlemen in these Provinces whose ambition sought a wider range, and it was certainly a great pity that their desires could not be gratified. He looked upon the geographical position, resources, and financial condition of this Province as far superior to those of any other of the Provinces, and felt that it would be unwise to jeopardize a condition of things that was so eminently satisfactory. He did not accede to the doctrine that the union would abate

tional jealousies; and personal animosities. He need only point to Canada to show that there was more corruption among its public men, and more violent political rancour, at the present hour, than there was before the union. He was very far from believing that a union of these Lower Provinces was going to mitigate any existing evil, but was rather inclined to the opinion that it would bring into play various influences and interests that we should rather seek to avoid.

Hon. Mr. McFARLANE said:—The remarks of the two gentlemen who have last addressed the House would lead to the conclusion that we were discussing—not the motion to appoint delegates—but the arrangements arrived at after due deliberation by these two gentlemen. The object of the resolution which was so ably introduced to-day is for the appointment of delegates to meet others from New Brunswick and Prince Edward Island, for the purpose of agreeing, if possible, upon a joint scheme. They will see if their finances, if their interests, if everything in connection with these Provinces is such as will allow the formation of this Union. When the plan they agree upon is presented, then it is time to raise objections such as have been urged this night. I take it this Legislature is not bound at all by the present resolution; for all that it asks is the appointment of delegates to consider the question. Can any person doubt that if it is feasible it is our duty to unite under the ancient name of Acadia with the noble Province that lies on our borders? I ask those who represent the little island of Cape Breton would they wish to see it, as once before, isolated from this Province, with all the expense and necessary consequences of a separate government. The same thing may be said in reference to Prince Edward Island. It is a fine fertile island, but who is there that does not see the evil results that arise from allowing it, with a limited area and population, to possess a distinct government? We all know that that little island—the very garden of this western continent—is torn asunder by political dissensions, and its public revenues absorbed by controversies that would be settled very shortly under different circumstances. No one can say that this is the scheme of a few politicians; it is the very general feeling among all classes of people that it will promote the general welfare of the Provinces interested in the arrangement. Now, a person who goes over to New Brunswick finds that Nova Scotia money becomes depreciated, whilst if he visits Prince Edward Island, he will find it the very reverse. As soon as you step on the borders of the neighbouring Province, a hostile tariff meets you. But united, all these anomalies would disappear. We would then feel that we were really one in interest and in sentiment—we would not feel as N. Brunswickers, Nova Scotians, or as the Islanders—but as the people of one Province. A New Brunswick man could feel when he went to the most distant part of Nova Scotia that he was not in a different Province, but in his own country. If we went to Prince Edward Island we would not feel that we were visiting a people who were legislating against us, but a portion of our own

Province. Is it then too much to ask the Legislature to pass the resolution moved by the Provincial Secretary, to send delegates to confer with others from the other Provinces, and to come back to us with such a scheme as will commend itself to the good sense of the people and Legislature? If such a scheme was not presented—if it were shown that Nova Scotia was going to be injured by the arrangements, it would be our duty to reject it at once. I believe this Union will make us a great manufacturing country, for it will afford that field for their sale that is now wanting. Nor, in considering this subject, should we forget the great advantages that we will derive from connection with a country like New Brunswick, with large tracts of land that invite the emigrant to make that Province his home. In fact, the inducements for this Union are so great that I cannot see how any one can fail to appreciate their full force. At all events, I believe you would be wanting to the best interests of this Province if an objection was raised against the appointment of delegates. It is a proud position for this Province to occupy that she should be the first to move in the matter. It is our right to do so. We are the senior in age, in population, and I believe are the superior in resources; and therefore it cannot be said we are taking the initiative from any mercenary motive. We are doing it not because we believe we are poor and weak. It is the desire of course at present to include the three Provinces before alluded to in this scheme, but Newfoundland need not be shut out in the cold. That colony is very differently situated, as we all know, from the rest of the Provinces. Her interest is almost entirely in the fisheries; and in fact she is very peculiarly situated in every way; but if she choose to apply at any time for admission into the Union, I have no doubt the three other Provinces will agree to it. In conclusion, I will only repeat my hope that the resolution will be unanimously adopted, for I do not think any gentleman will feel himself bound by it to go for a union of the Colonies. I am prepared to go for the appointment of delegates, but I do not for a moment conceive myself bound when these delegates return and report to adopt their views if they do not commend themselves to my good sense.

Mr. C. J. CAMPBELL said that he could not help saying a few words after the challenge that had been thrown out to the Cape Breton members by the hon. member for Cumberland. He would state without hesitation that Cape Breton never felt proud of being united with Nova Scotia. It was not many years since that the people of that island endeavored to become separated and argued their case before the British government, though ineffectually. Cape Breton had been too often overlooked by Nova Scotia; she had never received that justice and consideration which she was entitled to receive. She had contributed largely by her resources to the public works of the Province, without getting much in return. At the same time, however, he looked at this scheme of union as a step in the right direction. He had always felt that it was the duty of the Provinces to unite for self-protection,

and he differed entirely from the sentiments expressed by the hon. member for Annapolis that we should feel that we are unable to cope with our American neighbors and therefore submit to their taunts and insults. The time had arrived, he believed, when it was imperative upon us to look more to our internal defences, and not throw the whole burthen upon the mother-country. He thought that if the reciprocity treaty should ever be repealed it would be the duty of these Provinces when united to combine and protect their fisheries by all the means in their power against the encroachments of the Americans.

Dr. HAMILTON said that he had been always inclined to regard the question in a favorable light. It would be unwise in him at that late hour to enter into any arguments upon a subject which was clearly already exhausted. There were a few points, however, which he thought should be taken into consideration. As regards the geographical features of British North America, it formed, as any one could see by looking at the map, a vast extent of country, stretching from the Atlantic to the Pacific, and embracing every variety of soil, and resources, that could be possibly imagined. In this vast extent of country Nova Scotia occupied a most important position, stretching out as it did far on the path to Europe. He believed that the day was not far distant when these Colonies would take a position as respects their resources and commerce not surpassed on this continent. Every one knew the old adage, "union is strength," and why should not a principle so valuable in ordinary affairs be applied to these Provinces? Why not unite us in such a way that there might not be the differences that now existed in respect to commerce, tariff, currencies? In the early history of these Provinces the present state of things might suffice, but with the increase of population, and general development of the country the necessity for a change had arisen.

It was true that we have responsible government in this Province, as far as the administration of public affairs was concerned; but in the country districts we were governed by an irresponsible magistracy. He conceived that a union of the Colonies would remove what he considered a great evil, for it would give us what every man should desire to see in this country, namely, Municipal Incorporations for the management of local affairs. Instead of two or three thousand men managing the affairs of the various counties, we would have only two or three hundred. He believed that a union would tend to the lessening of the expenses of government. If the Colonies were united it might be fairly presumed that the number of representatives would be very materially lessened, whilst the representation would be made upon a scale far more equitable than is possible under existing circumstances. He had had an opportunity of conversing, not long since, with leading men in Prince Edward Island, and their impression was that a union would be the means of settling the difficulties that now existed in that colony in reference to the land question. In conclusion, he expressed his belief that the union of the Maritime Provinces would be the precursor of a larger union. He could only say

that he would vote for the resolution, and he trusted that when the delegates returned, it would be with a project to which he could give his cordial approval. Of course, he added, he would in the meantime consult with the part of the country which he had the honour to represent, and endeavor to find out their feelings on a subject so important to the future welfare of this Province.

Mr. JAS. McDONALD said that he felt it was the duty of every gentleman to express his views on a question involving such important interests, though he confessed that he rose to address the House for a short time totally unprepared to approach the subject in the manner which it demanded at his hands. On a question so perfectly well understood by the House and country, he had not expected such a discussion as had arisen. He had expected what it had received at the hands of the hon. mover of the resolution, an able exposition of the subject in all its features, and what it obtained from the leader of the opposition, a speech worthy of his position; but he must confess that he never anticipated that the time of the House should be occupied as it had been in the preliminary discussion of a measure which in his humble opinion had long ago been accepted as necessary by the intelligent public opinion of these Provinces. The hon. member for Richmond had said that this was the measure of a few designing politicians. From that view he totally dissented; he believed that there was not a single intelligent yeoman in this country who would not be proud to see the time when our political status would be raised to the position it would be by the Union of these colonies. He felt persuaded that this question was perfectly understood and appreciated throughout the country, and was by no means a scheme of a few aspiring men to satisfy their ambition. He felt in addressing the House that he was arguing upon a question concerning which all the arguments had been utterly exhausted. He felt as if he were presumptuous in approaching the discussion of a question which had been time and again handled by some of the most eminent men which this country had produced. In fact there was hardly a prominent public man in this country for the last twenty years who had not enlightened and instructed the people on this subject. He must say that the remarks made in opposition to this scheme, had not been of a character which he thought could recommend itself to the sound judgment of the country. According to the hon. members for Richmond and Annapolis, we were asked to introduce a fire-brand in the country—to give up the public advantages we now enjoy—and introduce any amount of matters that will convulse the public mind. He dissented altogether from that opinion for he believed that we were asked to take a step that will tend to raise our country to the position which God and nature intended she should. He fully concurred with the views of hon. gentlemen who expressed their belief that it was our true policy to commence to lay the foundations of a scheme that would unite all the British colonies in one grand Union, stretching from these Atlantic shores to the far Pacific ocean. At pre-

sent, however, for the reasons which had been so forcibly and clearly stated by the Provincial Secretary, the greater Union at present would be impracticable, and under these circumstances we were asked to take the next best step—one that was within our reach—and that was, the Union of the Maritime Colonies. We were now asked to rise above our petty condition—to become an integral part of one great Province. We were not asked to unite our country with countries from whom we expect to receive no return,—we were not asked to strike down the barriers of commerce in order to foster countries from whom we shall derive no benefit, but we were called upon to unite with lands of great wealth of resources. Nature seemed to have marked out these Provinces, by their geographical position and by their resources, especially for the habitation of men. Nova Scotia was a piece of land enriched beyond calculation in minerals of the richest character. The bowels of the Province, from one end to the other, teemed with coal, copper, gold,—with everything that could engage the attention of man. Prince Edward Island was a colony not surpassed in fertility in agricultural productions on the face of the earth. New Brunswick, too, was a country possessed of a fertile soil, and of other resources of a most desirable character. In fact, these Provinces possessed all those capabilities that would make them a great country—great in commerce and great in manufactures; and he conceived that Union was the step that was necessary to develop their riches to the fullest extent, and place them on the road to future greatness. Why, then, should this great measure of progress be delayed by the chimeras and phantasies of a few? What was there in the gloomy anticipations of the hon. member for Richmond to induce the intelligent men of this country to delay a consummation so devoutly to be wished? None whatever. What was there to lead us to suppose that union with N. Brunswick would tend to disunion? It appeared to him that it would tend to a directly opposite result. Instead of continuing and fostering the partisan feelings of which we could scarcely divest ourselves at present, we would be enabled to take a far larger view of things the moment we came into contact with men who were accustomed to look at matters from a different stand-point—free from these prejudices and feelings that would naturally sway ourselves. But we were told that this union would result in quarrels, and the case of Canada was adduced. Any one might see from the very basis of the union of the Canadas that these quarrels must have arisen. It was not strange that a Colony which had grown up with such remarkable rapidity should be dissatisfied with an arrangement which compelled it to remain on the same footing as regards representation with a colony which had remained stationary, if it had not actually decreased in population. But we were not asked to adopt a policy which had led to such results in Canada. He had every belief that when the plan arrived at by the delegates came to be submitted, it would be found that no rights or privileges of this Province, or of any man in it, would be for-

fel'd or betrayed. It had been said by the hon. member for Annapolis that an arrangement might be made between the Provinces in regard to the tariff, without any such union as proposed. Now nothing but a complete union of the colonies could by any possibility break down these distinct tariffs according to his ideas on the subject. In New Brunswick, at the present moment, the *ad valorem* duties were 15 per cent., and in Nova Scotia 10 per cent.; and it was impossible to see what arrangement could be made between the Governments of the two Provinces that would protect New Brunswick in that duty which she considered necessary to collect for her own purposes. What were the United States of America? They were nothing more than an aggregation of United Colonies, and nothing had tended more to their development than the far-sighted policy that had been adopted in their early days of allowing free trade between each. The manufacturer of Boston could send to New Orleans the products of his workshops, or his looms, without being subject to any hostile tariff, and received in return what he wanted free of duty. Again, the benefits of a Union would be obviously great in placing us in a position to become a manufacturing country. Nova Scotia would have in the neighbouring Provinces a market for her commodities which now is wanting. He did not think, however, the argument that had been raised in respect to self-defence had any weight, for we were not big enough to be able to make any forcible resistance by ourselves against a colossal power like that of the States. What could we do against such an army as that country could hurl down at any moment upon these Provinces? It was our duty to render such assistance as we could give to the country in which we lived, but we must depend chiefly for many years to come on the bold mother who had so long defended us. In conclusion, Mr. McDonald expressed his conviction that no difficulty would arise in respect to the location of the capital of the United Provinces, and his hope that the House would unanimously pass the resolution providing for the preliminary steps which were requisite before this great project could be consummated.

The question was then put, and the resolution was carried without a dissentient voice.

Hon. PROV. SEC. moved that the fact that the fact that the resolution had passed unanimously be stated in the journals.

Mr. LONGLEY objected to this, and it was finally agreed that the word "unanimously" should not be inserted.

The House then adjourned.

SUMMARY REPORT.

MONDAY, 4th April, 1864.

MORNING SESSION.

The house met at 11 o'clock.

Mr. Archibald introduced a bill to authorize the appointment of commissioners outside the province.

The house then went into committee, and was for some time occupied with the following bills in which were made several amendments:—"To

Incorporate the Bridgeport and Boston Mining Company; to incorporate the Louisburg and Cow Bay Railway Company; to incorporate the International Coal and Railway Company; to amend the Act incorporating the Glace Bay Mining Company.

AFTERNOON SESSION.

On resuming at 3 o'clock in the afternoon, the Provincial Secretary presented a petition from R. J. Black, Cumberland, and J. J. Dunbar, of Digby, relative to obstructions in rivers which are injurious to valuable tracts of crown lands. At his suggestion they were referred to the committee of crown lands.

Mr. Donkin introduced a bill to build a bridge across the Nappan river, in the county of Cumberland.

Hon. PROV. SEC. presented a petition on a postal affair which was referred to a committee on the Post Office.

Hon. ATTY. GEN. introduced a bill relating to emigrants. It was intended, he said, as an addition to the bill of last year, which, he said, was altogether inefficient for working out an emigration system.

Mr. Tobin read from the emigration report of last year to show how little was done in the way of emigration. He thought it would be better to try and keep our young men in the country who were leaving every day, to his great regret. He believed that the construction of one mile of railway would do more to bring immigrants here than any emigration bill.

Hon. ATTY. GEN. said that one reason for this exodus was the fictitious value of money in the States at the present time.

Dr. Slocomb said that it was absurd to expect men new to a country like this to settle on our crown lands with any prospect of success, as a general thing. He believed that these lands must be settled by our young men whose parents have cleared farms, and who are naturally acquainted with the hardship of settling this country. It should be our object to encourage home manufactures if we wished to see any immigration from abroad.

Hon. SOL. GEN. said that it was absurd to expect an emigration office to be of much benefit in the course of one year. He considered there was never a time in the history of the country when such an office was more wanted, and that a large amount of immigration could be absorbed during the present year.

Mr. Parker advocated the construction of roads through all the crown lands as the best means of making them available.

Mr. Blanchard was glad to find the hon. Atty. Gen. had adopted the idea he had so often enforced on the committee on this subject—that squatters on crown lands should be allowed to earn the price of the lots by labor on the roads.

He also remarked that although the Sol. Gen. had said last year's immigration bill could not have been expected to have worked a miracle, yet it had with the assistance of the Immigration commissioner brought about the emigration of the late government, and the immigration of the present.

Hon. Mr. MACFARLANE introduced an act relating to the appointment and duties of officers of customs.

It was decided to discuss this bill (which is in the old law which is on the statute Book) in committee.

Hon. PROV. SEC. laid on the table a return asked for by the hon. member for Halifax, connected with a mining district at G y's River.

The Registration Bill was then taken up for the third reading.

Dr. SLOCUMB wished the bill to require the return of certain tables showing the occupations of the country, in connection with the longevity of life, and drew some amusing comparisons.

Hon. PROV. SEC. wished that the medical men should be paid a small fee for the returns they are obliged to make; but his suggestion did not meet with the approval of the House.

The Bill then passed.

The House then went into Committee and was occupied for some time with the Probate law in the R. S.

The House adjourned until 11 o'clock the next day.

TUESDAY, April 5.

MORNING SESSION.

The House met at 11 o'clock, and went into Committee on Bills, and took up the incorporation bills.

Hon. Mr. JOHNSTON, Mr. MILLER, and other gentlemen called attention to the necessity of giving more consideration to bills connected with such important interests.

Hon. Mr. JOHNSTON said that the House had already transacted a great deal of business, but there was still much to be done, and he regretted that gentlemen attended so irregularly.

Mr. S. CAMPBELL said that the House ought to meet at a far earlier period in the year, and that it was only due to the Attorney General to state that he was always at his post, pushing forward the public business.

Mr. TOBIN thought the House should meet earlier than it did, and said that when April came it was difficult to have members regular in their attendance.

Hon. FIN. SEC. said that the difficulty in respect to an early meeting of the House arose from the fact that the financial year ended on the 31st Dec. and that the accounts had to be presented a very few days after the opening of the session.

Hon. Mr. JOHNSTON moved that all the acts of incorporation before the committee be subject to the double liability provision.

After some discussion on this point, Mr. Johnston's motion was lost by a very considerable majority.

A good deal was said about a bill providing for a harbor at Bridgeport. Mr. Archibald argued strongly in favor of protecting the rights of the public.

The Committee rose and reported progress, and the House adjourned.

AFTERNOON SESSION.

On resuming at 3 o'clock, Hon. Mr. Johnston introduced a bill concerning the police force of the city of Halifax. It provides for a stipendiary magistrate.

Mr. JAMES McDONALD, Chairman of Committee on Private Bills, reported up the following:—"Relative to a poor district in Cumberland; relative to a town clock in Pictou; to repeal part of act concerning county of Hants; to amend and continue chapter 52 and the acts in amendment thereof."

Hon. Mr. JOHNSTON moved the third reading of the bill of the "Exportation of goods and drawbacks."

Mr. LONGLEY moved that the bill be recommitted for the purpose of striking out the clauses relating to officers' wines. Lost on division by 7 to 34.

Yeas.—Dr. Hamilton, Parker, McLellan, Donkin, Blanchard, Longley, Coffin.

Nays.—Killam, Jost, James Fraser, Finlay Sec., Atty. Gen., Tupper, Sol. Gen., More, Bill, Heffernan, Lawrence, Robertson, Allison, Pryor, McKay, Whitman, Tobin, J. McDonald, Slocumb, Miller, Bourinot, S. Campbell, Colin Campbell, Locke, Ross, Balcarran, Robicheau, Smyth, Annand, Hill, Dr. Brown, Caldwell, McKinnon, Archibald.

The bill incorporating shipwrights and caulkers of Dartmouth was also read a third time and sent to the Council.

The Legislative Council reported up several bills, among which was the Pictou Railway bill; also that they adhered to the amendment to the sheriffs' bill.

The House then went into Committee on Bills, and passed the Custom's act and Probate law, in the R. S.

The House then adjourned at 6.

WEDNESDAY, April 6.

MORNING SESSION.

The House met at 11 and went into Committee, and passed the following bills:—

To provide for the building of a bridge across the Nappan River, Cumberland.

To incorporate Lutheran Congregation at Bridgewater.

To provide for the appointment of Gas Inspector.

To regulate the herring fishery of Annapolis.

To authorize the appointment of Commissioners without the Province.

Relative to the county of Yarmouth.

Relative to school lands in Horton.

Relative to Poor District in Cumberland.

Relative to Town Clock in Pictou.

To amend and continue Chap. 52 and Acts in amendment thereof.

Some progress was made with the city bills.

The House adjourned until 3.

AFTERNOON SESSION.

The House resumed at 3.

Hon. SOL. GEN. introduced the Militia Act, and briefly explained its provisions. The Adjutant Gen., with the aid he could afford him, had been able to frame such a bill as he hoped would suggest itself to the approval of the House. The bill is divided into different heads, detailing the different services to be performed, fines to be collected, etc. Instead of three classes there are two, the first from 16 to 45, and the other from

45 to 60. The magistracy are not exempted from drill, but are obliged to take out commissions or to serve in the ranks. The first portion of the bill treats of classification and enrolment; of the organization of regiments and subordinate subdivisions and regulations for distributing and facilitating the performance of militia duty in time of peace, and of training and discipline; of musters, Boards of Appeal, exemptions, etc.; of militia returns of strength, training and regimental finances; of militia courts of peace; of the organization, discipline, and training of volunteers of the militia staff in time of peace; of arms, armories, military stores, buildings, grounds, and target practice; of fires and proceedings for their recovery. The concluding portion of the bill refers to arrangements for the militia in time of war. It provides for the carrying out of Her Majesty's regulations for the regular army.

The bill was read a second time and referred to the Committee on the Militia.

The Legislative Council, by message, informed the House that they had agreed to a bill relating to a harbor-master at Pictou, and to a bill to incorporate the Albion Mines Union Association, without amendments, and to the following bills—to incorporate the Cobequid Marine Insurance Company—to incorporate the Albion Mines Savings Bank—to incorporate the Sisters of Charity with amendments, which being merely verbal were agreed to by the House.

The Council also agreed to chapters 68 and 126 R. S., as amended.

The house went into committee on bills, and took up the act relating to the jurisdiction of Justices of the Peace in civil cases. Mr. Bcurinot moved that the jurisdiction be extended, in the case of one Justice, from £3 to £5, and of two Justices, from £10 to £20. A long discussion ensued. Mr. Jas. McDonald opposed the motion. He was followed by Mr. Miller—the Sol. Gen.—the Atty. Gen.—Mr. Archibald—S. McDonnell—MacFarlane, and Mr. S. Campbell, who took the same view, and Messrs. Parker—Locke—Dr. Hamilton—Mr. Longley—Hon. Prov. Sec. and Mr. Ross—in favor of the extended jurisdiction.

Mr. Tobin proposed an amendment to the effect that in cases where the whole dealing or cause of action does not exceed \$25, two Justices shall have jurisdiction, and where it exceeds \$25, and does not exceed \$100, three Justices shall have cognizance over the matter in dispute.

The Hon. Prov. Sec., in the course of his remarks in favor of the extension of the jurisdiction, referred to the necessity for some measures being adopted to expedite the transaction of business in the higher Courts of Justice, and intimated that the government would turn their attention to the subject during the recess.

The question was taken on Mr. Tobin's amendment, which was lost by a large majority. Mr. Bourinot's amendment was then carried, 23 to 13.

Hon. Sol. Gen. introduced a bill to incorporate the Truro Cemetery Company.

Mr. Jas. McDonald introduced a bill to provide for the appointment of stipendiary magistrates.

Then the house adjourned until the next day at 11 o'clock.

THURSDAY, 7th April.

MORNING SESSION.

The House met at 11 o'clock

Several bills were read a third time.

Hon. Mr. JOHNSON presented a petition from an aged teacher in Annapolis, asking for a free grant of land.

Hon. Mr. LEVESONTS introduced a bill to change the name of Little River, in the county of Richmond, to Port Richmond. It was read a first and second time.

The roll of the Committees was called over, and it was stated that all of them will probably report during the present, or in the commencement of next week.

The House adjourned till 3.

AFTERNOON SESSION.

On resuming at three o'clock the Attorney General introduced a bill relative to crown lands. He said this was a re-enactment of all the laws existing on the Statute book. Several clauses are added for the purpose of rendering more explicit the existing regulations. It is also provided that settlers who wish can take up crown lands and pay for them by performing work on roads; and that the Governor in council can issue directions, as occasion may require, to the commissioner of crown lands to cause lands to be opened up through any tracts of land necessary for settlement.

On motion of the Provincial Secretary, the resolution relative to the union of the colonies, was sent to the Legislative Council for their concurrence.

Mr. KAULBACK moved the third reading of the bill to incorporate the Lutheran congregation of St. Paul's Church, Bridgewater.

Mr. ROBERTSON moved that this bill be deferred until that day three months, and, at his request, a petition against the bill was read. The petitioners declare they compose a majority of the church.

Mr. ARCHIBALD said if the petition was correct, its prayer should be considered.

Mr. JOST said that he was informed that the petition was not to be relied upon, inasmuch as a large proportion of the petitioners did not belong to the congregation. In fact it was stated that only 9 members signed it.

Mr. KAULBACK said from his own knowledge that a large proportion of the petitioners did not belong to the congregation, and that all the signatures appeared to be written by three persons. He read a certificate from one Jacob Misener, stating that he had never signed the petition, though his name was affixed to it. The name of a Catholic was also appended.

Mr. BLANCHARD said that he had always believed that the bill was irregularly before the house; the law already provided machinery for incorporation.

Mr. ARCHIBALD doubted very much, in looking over the petition, that it was only signed by three persons. He thought the matter should have been sifted by a committee, and further evidence adduced.

Dr. SLOCUMB wished to know what evidence the hon. gentleman wanted.

Hon. Prov. Sec. thought the house should accept the statements of the representatives of Lunenburg, as entitled to every respect.

Mr. JAMES McDONALD was surprised to find the hon. leader of the Opposition all at once influenced by such a newborn sympathy for the right of petition.

Mr. LONGLEY argued against the bill as being in an irregular manner before the house.

Mr. JOST said to pass the bill would be only an act of justice under all the circumstances.

Dr. SLOCUMB replied to Mr. Longley in favor of the bill, and stated all the circumstances connected with it, from his own personal knowledge. He said the petition carried a falsehood on its face, and that it had

been concocted by three persons, who were known to be in antagonism to Mr. Hutchinson, the minister of the congregation.

On a division the motion to defer was lost by a large majority.

Yeas.—Parker, Archibald, McLelan, Heffernan, Miller, J. McDonald, Donkin, Longley, Robertson, Hill, Blanchard, Locke, Blackwood, S. Campbell, Coffin, Annand, C. J. Campbell, Caldwell, Balcorn, Ross.

Against.—E. L. Brown, Hatfield, McFarlane, Killam, D. Fraser, J. Campbell, More, Pryor, Bill, J. Fraser, Allison, Fin. Sec., Whitman, Churchill, King McKay, Tobin, Hamilton, Kaulback, Jost, Slocumb, Atty. Gen., Prov. Sec., James McDonald, Bourinot, Colin Campbell, Cowie, Robicheau, P. Smyth, McKinnon, Sol. Gen.

Mr. Blanchard then moved that two clauses—one to give the doing of the meeting the force of law, and the other to enable them to sell real estate—be struck out on the ground that they are unprecedented in such acts of incorporation. Subsequently he withdrew his amendment.

A rider was added to the bill providing that it should not interfere with private rights.

Mr. Blanchard wished that the house should understand whether it would not be henceforth expected that bills incorporating congregations should pay the usual \$20 required from private individuals. (The bill in question, it will be remembered, had been exempted from the payment on the occasion of its introduction.)

Hon. Prov. Sec. moved that bills to incorporate religious and charitable institutions should be exempt from the payment of the \$20.

The resolution was carried after some desultory debate.

Hon. Sol. Gen., introduced a bill to incorporate the Mutual Bank of Nova Scotia.

Hon. Sol. Gen. introduced a bill concerning mines and minerals. He stated it is a consolidation of all the laws relating to minerals, including gold, and contains several very material amendments. It provides for the management of all our mines and minerals under one department, and an addition of an officer to the staff of the gold commissioner, who is to be inspector of mines. The crown land department henceforth is accordingly no longer to have charge of our coal fields—the additional duties imposed having been found to interfere seriously with the legitimate duties of the office. The government pledge themselves to obtain the services of a man of the best scientific skill for the onerous and responsible position of inspector of mines.

Hitherto the applicant has paid \$10 for No. 1 area, and if successful in finding gold he received the money back in payment of royalty. Henceforth the applicant must pay \$2 which is not to be returned whether successful or not.

Arrangements are provided for an agreement between persons wishing to mine, and the owners of private lands whereon such mines are situated. The late act provided for the revesting such lands in the crown—thereby causing a great deal of injury both to private individuals as well as the entire province. The present law abandons this policy and allows a person wishing to mine to make arrangements with the owner, and in case of difficulty arising with him allows arbitration. The award must be paid to the owner before he can obtain a lease from the chief commissioner.

It is provided that all leases in one gold district shall be as one, and the work for all may be done on one or more as deemed advisable by the lessee. Where a lease is forfeited the land is to revert to the crown though the lessee may remove buildings, &c. One hundred acres is given as the limit of prospecting licenses—the length not to exceed double the breadth. No prospecting license shall allow a party to enter any building, garden, orchard, or grounds reserved for ornament or under cultivation. Discoverer of new mines, as heretofore, shall be entitled to a lease free. Crushing mills must take out a license under a penalty. Three parts shall be collected after the separation of the gold from the quartz for Her Majesty. If the mill-owner fails to collect or pay over the royalty he shall be liable to a suit. He must at the same time he pays his royalty send a copy of his account book. A licensed mill-owner shall receive 5 per cent. for collecting. The lessee, however, is to be answerable for all royalties except what is crushed at the mill. Returns

of work are to be made on 1st Jan., 1st April, 1st July, 1st October. Provision is made for appeal to the Supreme Court, &c., as heretofore.

The concluding portion of the bill refers to other minerals than gold. \$20 is required as payment per acre of 5 square miles. The proceedings in respect to damages shall be the same as in the case of gold mines. The Governor in Council may authorize a license or lease for a larger area than a mile square, if not inconsistent with the public interests. The leases of coal mines shall last till Aug. 25th, 1886, and others than coal mines, 21 years. Coal pays a royalty of 10 cents on 2240lbs.; iron 8 cents a ton, and minerals, other than gold, 5 per cent. Returns, with accounts of operations, must be made on first of January of every year. All mines stated to be colourably worked are to be rigidly enquired into.

The house then adjourned.

FRIDAY, 8th April.

MORNING SESSION.

The house met at 10, and went into committee on bills and passed the following:—To incorporate Block House Mining Co.; Sea Cove Mining Co.; Cheticamp Mining Co.; Spring Hill Mining, Manufacturing, and Transportation Co.; Louisburg Railway Co.; Boston and Bridgeport Mining Co.; Nova Scotia Mining and Amalgamating Co.; Intercolonial Railway Co.; to amend act incorporating Glace Bay Mining Co. These bills were all read a third time.

Also the following bills:—Relating to Emigrants; Relating to Crown Lands; Relating to Police force of city of Halifax, with amendments; Relating to Gas.

AFTERNOON SESSION.

The house resumed at 3 o'clock.

Mr. Archibald, from the committee on the amendment of the laws, reported a bill to authorize the sessions of the county of Halifax to appoint a governor for the new County Jail.

Mr. James McDonald moved the third reading of the bill relating to railways.

In answer to an enquiry from Mr. Miller Mr. McDonald stated that the act did not contemplate imposing any additional liabilities upon the province, but merely gave the government power in case they should deem it wise for the interests of the province, to enter into arrangements to have the roads built by private companies instead of as government works.

A call of the house was had.

Mr. Killam moved the following resolution—which he prefaced by a few remarks—in which he stated that he did so in consequence of the altered position in which the question stood since the passing of the Pictou railway bill. Then some members were induced to vote for it because the government announced their intention of repealing the Intercolonial railroad act; but now both the acts remained on the statute book.

The resolutions are as follows:—

1. No contract shall be entered into for the construction of the Pictou or European and North American Railroad, or construction commenced on the same, until the time has elapsed named in the Intercolonial bill passed in 1863, allowed for the Province of Canada and New Brunswick to perfect the necessary legislation.

2. That no tender made for constructing the Pictou or European and North American Railway to the borders of New Brunswick, shall be accepted before being submitted to the Legislature for approval.

Mr. Miller—after pointing out the vagueness of the clause, and the danger of giving the government such unlimited power as to engage in the construction of railroads East and West, without the approval of the Legislature—moved that the clause be struck out altogether.

A lengthened debate ensued, which occupied the rest of the day. The debate was adjourned without any decision having been arrived at.

The Hon. Prov. Sec., by command, laid on the table a despatch acknowledging the receipt of the joint address of the Legislative Council and House of Assembly to Her Majesty on the occasion of the birth of the infant Prince.

The Legislative Council, by message, informed the house that they had agreed to the following bills:

To alter the name of Robert Burton without amendment.

To change the name of Lower Cove, Digby County.
 To add an electoral district in Digby County.
 To incorporate the Yarmouth Seminary company.
 To authorize the funding of certain monies due the city of Halifax—and to a bill relating to marine courts of enquiry, with amendments—And to a bill to incorporate the Cobequid Marine Insurance company—and the Albion Mines Savings' Bank as amended.
 The amendments were agreed to—with the exception of the amendment to the bill to change the name of Lower Cove—which was not agreed to.
 Then the house adjourned until 10 o'clock on Monday.

BILL RELATING TO MINES AND MINERALS.

Introduced Thursday, 7th April.

Hon. SEN. GEN. introduced a bill concerning "Mines and Minerals" to be a Chap. in the R. S. In introducing it he stated that it was a consolidation of all the laws on the subject of mines and minerals, and then went on to give the following synopsis of its contents :

It provides for the appointment of an Inspector of Mines, who must be a thoroughly scientific man. Heretofore the Gold Commissioner has had the charge and management of our Gold Fields. The other Mines and Minerals have been managed by the Commissioner of Crown Lands. The extra duty, however, that has consequently devolved upon that officer has most materially interfered with the legitimate functions of his office. The force employed has been found altogether insufficient to keep up with the additional work that has been imposed upon the Crown Land Department. Accordingly, the Government had come to the conclusion that it would be better to place the whole of our mines and minerals under the charge of one department, and to add to the staff connected with the Gold Commissioner's office an officer whose duty it shall be to inspect the mines of this Province. If this bill passes, the Government will feel the necessity of employing the highest skill that can be procured.

First clause in the bill defines what a mine means.

Second, what shall be understood by "gold bearing quartz."

Third, the character of alluvial diggings.

Fourth provides for the appointment of Commissioners of Mines.

Fifth provides for the appointment of Inspector of Mines.

Sixth requires bonds from the Chief Commissioner, Deputies, and Inspector,—their tenure of office to be during pleasure.

Seventh declares these parties ineligible to sit or vote in the Assembly under penalties of \$200 a day.

Eight requires that they shall take no part in elections under \$200 penalty.

Ninth, that they shall not be interested in mining operations, under a penalty of \$1000

Then comes the heading of "Gold Mines."

Tenth clause declares that the Governor and Council may proclaim Gold districts.

Eleventh provides that quartz mining shall be laid off in areas of 150 feet along the lode by 250 across.

Twelfth says they must be laid off uniformly, the measurements to be horizontal and the lines vertical to the horizon.

Thirteenth provides that alluvial diggings shall be laid off as far as practicable like quartz.

Fourteenth provides for the keeping of proper books and the entering of all applications, &c

Fifteenth provides for the keeping of proper plans, &c.

Sixteenth declares that the Deputy on receipt of application shall endorse the time it is made, and that a party shall henceforth pay 10s. for No. 1 area.

(Hitherto the applicant paid \$10, and if successful in finding gold he was entitled to the return of the money in payment of any royalty. Henceforth the 10s is to be kept under any circumstance, whether the applicant is successful or not.)

Seventeenth provides for an agreement between the owners of private lands upon which lease will issue.

(The policy of the late act, it may be here stated, is to be repealed by the present one. It provided that the government had the power of taking away from any person his property—by arbitration or award or in some other way—and of absolutely reverting it in the Crown. Great difficulties, it has been proved by experience, have arisen in consequence of this provision. It has been found unjust to private individuals, and at the same time has been productive of injury to the Province. In certain cases exorbitant prices have been paid for lands. Under these circumstances, it is deemed desirable to abandon the present system and allow a person who wishes to mine on private lands to make arrangements with the owner; and when he has done so he can apply to the government and procure the mining license. If the party cannot make the agreement provision is made in the act for the appointment of two arbitrators. In case the proprietor is unknown, or refuses to appoint one, the custos shall do so. When two arbitrators cannot agree, as to the award or as to the appointment of a third, the custos can appoint a third. These arbitrators are not to value the land, but the damage that is to accrue to the owner in consequence of its use for mining purposes during the whole period of the lease. The award must be paid to the owner before the party can apply for a lease. When it's paid he can apply to the Chief Commissioner and procure the mining lease. In case, however, of the failure of making returns or the payment of royalty or any other cause, the lease is forfeited, and the mine goes back to the government.)

18th clause provides for taking easement for working and ground for building, etc.

19th provides for settlement by arbitration, etc.

20th. declares that arbitrators shall be sworn to estimate damages and make returns of quantity, etc, of land required to be adjudged by the Inspector of Mines.

21st. states that where the proprietor is unknown or refuses to appoint an arbitrator, the Custos is to do so; and that when the two arbitrators cannot agree, or fail to appoint a third, the Custos is to appoint a third.

22nd declares that when the applicant has paid the money for damages, he shall be entitled to enter upon the premises.

23rd. declares that when rights are in dispute or parties are unknown, the damages shall be paid to the county Treasurer.

24th. provides that the payment in that way shall exonerate the lessee, but parties claiming the money after it has been paid to one party may try out their right by an action for money had and received.

25th. declares that in case of a dispute arising a Judge of the Supreme Court may order the amount in the County Treasurer's hands to be paid to a claimant after enquiry.

26th provides that the mining lessee is not to be implicated in case of any dispute arising.

27th. provides that where a doubt arises as to the party entitled under the award, a Judge of the Supreme Court is to decide.

28th. declares that the parties under lease or license shall be answerable for damages arising from falling in of land, etc.

29th. states the period at which leases shall run at 21 years, but they may be surrendered at any time.

30th provides that leases may be declared void for the non-compliance with the stipulations of the same.

31st provides that the holders of a mining lease may use the land only for mining purposes; tracks for roads, water courses, &c., being reserved to the government and regulated by it.

32nd requires 100 days' work on each area; if the lessee has more than 10, but not more than 20, during the first year, he need only perform $\frac{1}{2}$ of work; if from 20 to 30, then only $\frac{1}{3}$; if he has 30 and upwards, then only $\frac{1}{4}$.

33 requires that all leases in one gold district shall be as one, and the work for all may be done on one or more as deemed most advisable by the lessee.

34 requires that where the whole work is not done for all the areas, the lessee may select what shall not be forfeited.

35 states that where a lease is forfeited the land is to revert to the Crown, but the lessee may remove buildings, etc.

36 provides that lands may be applied for when staked off, though they may not be in a proclaimed gold district.

37 provides that in all cases not provided for under the reversion clause, the chief commissioner can arrange them under the clauses providing for arbitration, etc.

38 provides for prospecting licenses.

39 gives 100 acres as the limits of a prospecting license—the length not to exceed double the breadth.

40 requires that licenses shall last for 3 months.

41 requires that applications shall define by metes and bounds, and that 50 cents be paid per acre up to 10 acres, and 25 cents above that number.

42 provides for bonds to be first given to pay damages, royalties, etc.

43 states that if the owner of the land requires damages he must, within 3 months, make his ap-

plication and if an agreement cannot be arrived at, the difficulty must be settled by arbitration. In case either party refuse to appoint, the Custos shall do so.

44 provides that parties complying with the requisite regulations shall be entitled to a renewal of his license.

45 provides that within the time allowed a party shall have the right to select areas.

46 declares that no prospecting license shall allow a party to enter any building garden, orchard, or ground reserved for ornament or under cultivation.

47 reserves royalty on prospecting licenses.

48 provides that discoverers of a new mine shall be entitled to lease free.

49 declares that the mine must be 3 miles on lode or at least 1 mile at right angles from any other known lode.

50 provides that no crushing mill shall be allowed to work without a license.

51 declares that licenses shall be signed by the chief commissioner.

52 describes the meaning of "Crushing Mills."

53 requires bond to be signed.

54 provides that books shall be kept.

55 declares that three per cent shall be collected from the gold amalgamated, and five per cent. deducted for collecting.

56 provides that on the separation of gold, 3 parts shall be the property of Her Majesty.

57 declares that the Mill owner on failing to collect or pay over the royalty shall be liable to a suit of the Commissioner.

58 requires that an action shall be brought in Court according to the amount, just as in case of a private debt.

59 requires that the payment of gold or money by licensed mill owner shall be accompanied by a copy of his account book, &c.

60 provides that persons crushing without license shall forfeit \$400.

61 provides that when account books are fraudulent, the license shall be revoked.

62 provides that Commissioner should enquire into alleged fraud, and revoke license. An appeal to a Judge of the Supreme Court is, however, to be allowed.

63 provides that in addition to the revocation a penalty of \$1000 shall be imposed.

64 provides that a licensed mill owner shall receive 5 per cent.

65 provides that a crushing license may be surrendered at any time.

66 provides that on the surrender the license shall cease.

67 provides that a licensed owner shall be liable under bond up to the time of surrender.

68 provides for the returns of work to be made on 1st January, April, July and October.

69 provides that the lessee shall be answerable for all royalties except what is crushed at the Mill.

70 declares that when quartz from a free claim has been crushed at a mill, and proof of fact has been adduced, the Commissioner shall repay the amount.

71 provides in case of failure to pay royalties for 10 days, the party shall be liable to be sued by the Commissioner.

72 provides that such action may be according to amount either in Supreme Court or before Justices. On change of Commissioner action can still proceed and amounts uncollected may be collected by his successor.

73 declares that in case of alleged forfeiture of lease the Commissioner shall enquire and decide in a summary way—due notice being given to the party.

74 provides for an appeal to the Chief Commissioner.

75 provides for an appeal to Judge of Supreme Court, etc.

76 requires that all the papers shall be transmitted to the Prothonotary.

77 declares that the Judge may submit the facts to a jury.

78 provides on finding of Jury the Judge shall decide on the whole case.

79 provides that the Commissioner shall have power to remove a party by warrant, if requisite.

80 provides against mining without license.

81 provides that every day shall form a distinct offence.

82 requires that on complaint being made to the justice, he shall issue warrant, etc.

83 provides for an appeal from his decision.

84 stipulates that when gold in the quartz is unlawfully mined on lands of lessee, the gold is declared to be the property of the lessee, and the justice may issue his writ, as in the case of stolen property, and order restitution to be made.

85—the last clause referring to the gold mines—provides that nothing in this act shall prevent an appeal to other legal means to recover possession of the mine.

OF MINES OTHER THAN GOLD MINES.

86 provides for prospecting licenses to last for one year, and requires that a bond shall be given.

87 requires the payment of \$20 for an area of five square miles, to be not less than two miles in width.

88 requires that the area shall be surveyed and the party authorized to enter upon the lands.

89 provides that the cost of survey shall be paid by the Commissioner, that the search shall be free to the government, and that a report of the exploration shall be made.

90 provides that the license may be renewed on the payment of a further sum.

91 provides that the proceedings for damages shall be the same as in respect to gold areas.

92 stipulates that the holder of the exploration license may select his area within the time allotted, and apply for a working license on the payment of \$50.

93 provides that upon the payment of the money, the commissioner may cause the area to be laid off in one block, not to exceed 2½ miles in length.

94 states that the provisions of this chapter as to settlement by agreement and arbitration as in the case of a gold lease shall apply.

95 stipulates that upon the payment of the money, and compliance with the requirements of the chapter, the applicant shall be entitled to a license to work.

96 provides that the license shall last for two years, within which time active operations must be commenced, and carried on.

97 provides that the holder of the license shall be entitled to a lease after the expiration of two years, if he complies with the required regulations.

98 provides that the lease or term of premises shall not be assigned, transferred, or sublet without the leave of the Chief Commissioner.

99 provides that the party may in the first instance apply for a license to work.

100 stipulates that the Governor and Council may authorize a license to work or leave for a larger area than a mile square, if the public interests should be promoted thereby.

101 provides that the leases of coal mines shall last till August 25, 1883—the period at which the Mining Association's lease expires—and other than coals 21 years.

102 provides that 20 yards shall be left between coal leases.

103 provides that coal shall pay a royalty of 10 cents on 2240 lbs, iron 8 cents a ton, and other minerals, other than gold, 5 per cent.

104 provides that the returns must be made on the 1st January, in each year, and that they shall contain a full account of all the operations.

105 provides that mines alleged to be colourably worked may be enquired into by the commissioner, and after due notice he shall decide, and notify the party, but the latter can have the right of appeal to the judges of the supreme court.

107 requires that plans, etc., shall be kept in the office of the Chief Commissioner, so that any person shall see at a glance what mines are leased out and what on hand.

108 provides that the Commissioner of Mines may lease Crown Lands in Gold Districts, for building and other purposes.

109 stipulates that the lease shall not be void as against subsequent incumbrances although it may not be registered in the county or district.

110 provides that the Governor in Council may make regulations in case gold or other minerals are found within the bounds of the license granted for the working of a particular mineral.

111 provides that the Governor in Council may make regulations in cases where the law does not make provision, and also to carry out the provisions of this chapter.

112, the last clause, provides for the forms.

TUESDAY, March 29th.

The Dalhousie College Question.

The debate on the Dalhousie College Question was resumed.

DR. HAMILTON said that he only arose for the purpose of proposing an amendment, and that he would not delay the House with any lengthened observations. After some references to the early history of Dalhousie College he went on to say that the funds connected with it were the property of the people of Nova Scotia. He was not prepared to give as many facts on this subject as was desirable, but nevertheless he thought he was safe

in stating that no successful attempt had yet been made to establish Dalhousie College agreeable to the purposes for which it was originally founded. He found on looking at the original act that it provides that the Chief Justice, the Speaker of the House, the Lord Bishop of Nova Scotia, and two or three other official gentlemen should be the Governors of the Institution. When that act was changed he was not prepared to say, but it was obvious that the gentlemen who are now Governors were not the ones which the law, as it originally stood, intended should hold the position. He took it for granted that there must have been some change in the law in regard to the trust of Dalhousie, and he would like to be informed as to the fact. He referred to the establishment of the system of denominational colleges, some years since, and said from that time up to the present day the different denominations had rallied around certain colleges, and the success that had attended their efforts was shown by the returns that had been presented to the House a week or two ago. He was not aware if any attempt had been made to show that this system had been injudiciously carried out, and that it was necessary to change it. He believed himself that the evidence was to the very contrary—that it went to show that these denominational colleges had worked well and been productive of incalculable benefit to the whole country. After some allusions to certain expressions in an article in the *Presbyterian Witness*, which he considered were suspicious, he went on to say that he had never heard that there was any communication of any kind made to any one of the different religious denominations asking them to unite with the Presbyterians for the purpose of opening Dalhousie. Something like 220,000 persons interested in the cause of Education ought to have been but were not consulted in respect to a movement which was likely to place Dalhousie in active operation once more. He could not but consider the fact that six out of the nine Governors—and four out of five Professors—were Presbyterians, was very suspicious of its character; and it might be fairly presumed that all the students were Presbyterians since the Secretary of the Institution, in the return presented to the House, was silent on the point.

Under these circumstances, he would ask if Dalhousie was not Presbyterian to all intents and purposes. He did not wish to say a single word to the prejudice of the Presbyterians as a body, but he contended that it was unfair to give them superior advantages to other denominations. He believed that it was now too late in the day to alter the system that had been adopted in this country—the several denominations had concentrated around and given all their affections to their respective institutions, and it was absurd to expect that they could now desert them for a mere experiment. He then alluded to the manner in which the act had been passed through the Legislature last session, and to the petitions that were now lying on the table as unequivocal evidence of the great dissatisfaction it had created among the intelligent men of all classes and sects. He asked if it was not reasonable to yield to the just claims of the people of Nova Scotia, especially when they came forward, as they had done in the present case, and asked for redress. It made no difference

as to the value of the petitions, if they were printed. As long as they were signed by *bona fide* persons, they were worthy of every respect and confidence from the House. There was hardly a district in the country that had not signed them, and under these circumstances it was the duty of the Legislature to pay every attention to the prayer of the petitioners. If they did not receive that consideration to which they were fully entitled, he was much afraid that most serious consequences would ensue ere long, which would be hazardous to the public peace. The hon. gentleman then concluded his address by moving as an amendment to the motion of the Hon. Provincial Secretary, that Dalhousie College with one-fifth of its revenues be given to the Presbyterian bodies and the remaining four-fifths of the funds held by the Governors be equally divided between the Episcopalians, the Baptists, the Wesleyans, and the Roman Catholics.

Hon. Mr. SHANNON said that he stood in a peculiar position in respect to this question. He was an alumnus of King's College—an institution which he believed was doing as good service as any in the country. In the next place, he belonged to a body who had exerted themselves to the utmost to establish an institution which was doing great service to the cause of education; and he was also a governor of Dalhousie College.—But he did not think that these positions were at all inconsistent with each other. His affections might linger around the halls of King's College; he might feel a deep interest in the institution connected with his own persuasion, and at the same time be justified in bringing up Dalhousie College to the position it ought to occupy in this country. He felt in doing so that the interests of education would be served, and that in no respect whatever could any injury result to the other collegiate institutions already in existence. In reference to the petitions on the table he would say that if a man had a paper laid before him, fully acquiesced in all it contained, and signed his name to it, he made it his own; but it was not long since that he had had a conversation with a gentleman from a distant part of the country, who told him that he was connected with these petitions. From what transpired during that conversation he learned that there had been a great deal of what he considered gross misrepresentation in connection with this very question. The gentleman alluded to stated that the reason why these petitions were got up by his friends was, the supposition that Dalhousie College was going to sweep out of existence the several colleges now so flourishing; but when he was informed that there was no possibility of any such contingency—that Dalhousie was in reality a scheme to assist in the education of the middle class of the city of Halifax—that there was no way in which Acadia College or any other institution could be injuriously effected—he withdrew his opposition at once, and seemed to be surprised that any such idea as prevailed in the country could have arisen. He must say that he was never an advocate of denominational colleges, and there was a period when he hoped that the institution in which he was specially interested might have become a provincial university, but that time had passed, and we must now accept things as they are.

It had been said throughout the country that Dalhousie College belonged to the Province of Nova Scotia, but he believed such was not the case. To whom did the money arising from the Castine fund belong? Not to this Province, nor to New Brunswick, nor to the Imperial Parliament; but it was the sole property of the Crown. When this large sum was raised, to whom was it given by the Crown? It was given to the Earl of Dalhousie to do as he wished with it. Mr. Shannon here referred to the Earl's letter dated 14th Dec., 1817, in which he alluded to this subject. There was not a single word in this letter about the money belonging to the Province, and therefore it was obvious, in his opinion, that Nova Scotia had nothing whatever to do with the original funds. There was no question that Dalhousie owed the Province five thousand pounds, but as to the original funds, and the building, he contended, they did not belong to the Province but to the Governors. As a citizen of Halifax he had always taken a deep interest in the institution, and he saw with regret the attempt that was being made to destroy it at the moment there was a prospect of its being put in order. For forty long years it had stood a disgrace, doing nothing, perfectly useless; and the moment it was in a position to do something an effort was made to destroy that which would be a benefit to the citizens of his native city.

Mr. Shannon then went on to refer to the various attempts that had been made to establish Dalhousie College—to the effort at union with Kings College—and especially to its organization with the late Dr. McCulloch, at its head. He alluded especially to the difficulty that arose in connection with the Rev. Dr. Crawley, a gentleman of the very highest attainments, who had been promised a chair in the institution. The Governors, instead of this gentleman, appointed Rev. Mr. McIntosh. Previous to this step there had been a hope that the different denominations would have rallied around Dalhousie, but after this, such a result was rendered impossible. The denomination with which Dr. Crawley was connected, were naturally incensed, and exerted themselves until to their honour, be it said, they raised that noble institution, Acadia College, which had done so much good, and he had no doubt would long continue to prosper. Subsequently, Dalhousie College languished, and after a time, Dr. McCulloch being dead, and Mr. McIntosh having received a better appointment elsewhere, it died out. What had been the fate of the institution latterly, under the auspices of the celebrated Hugo Reid, and the eccentric D'Utassy, it was needless to say. Such was the condition of things up to 1862, when some gentlemen thought it might be made a most important acquisition to the collegiate institutions of the country. A proposition was made to the Presbyterian Church of Nova Scotia, who had an institution in full operation in Truro, and doing good service, and to the Kirk of Scotland, who entertained such strong views as to the necessity of a higher education for their clergy. It was not asked to amalgamate Dalhousie with the institution at Truro, or with the Kirk body, but simply that they might bring in all the influence they might have, and supplement the college just as an additional bulwark to the institution. The offer

was made, and for a long time it was doubtful if it would be accepted. The Presbyterian Church had a great deal to lose if they gave up their institution at Truro, and anything occurred to break down Dalhousie. They brought their own money into the institution to assist in its organization—and the Kirk body did the same. They each appointed the Professors, to which they were entitled, and the Governors took their own funds and appointed Professors irrespective of the others. It was urged that Dalhousie was a Presbyterian College. Well, if it were so, all he could say was, that he, for one, would not remain connected with it for a single day. The Provincial Secretary, Mr. Ritchie, and himself, representing three different denominations, were appointed Governors, and the first idea they had in common with him, was that in no one way would they be a party to make it a Presbyterian college. The very position they held gave them more influence than the other Governors, and it was only right to state that no desire whatever had been exhibited to make the college subservient to Presbyterian influences—Now all the arrangements had been made and it was most unjust to attempt to disturb them. The students and professors that had been at Truro had come down. A most competent man had been obtained from Aberdeen as Professor of Mathematics. Advertisements were inserted everywhere in order to obtain the best men possible, and they had nearly succeeded in obtaining the services of one of the most eminent Baptists in the Province, Dr. Pryor, if he had been willing to give up his charge. Laymen, not clergymen, had been appointed. Two most competent gentlemen were obtained from Canada—one of them possessed a very high reputation, and was already doing a great deal of good in the way of teaching the young men in the various drug stores, that most useful of sciences—Chemistry. Was he (Mr. Shannon) to be the means of upsetting arrangements which were calculated to produce so much good? A professorship was still vacant, but when it was filled up there would be a curriculum, equal if not superior to any in the Province.

He felt it was a great pity, when an institution had been languishing for forty long years, and had come at last to an apparently satisfactory result, that such an effort should be made to deprive it of the funds belonging to it. Could he believe that there was not a feeling still prevalent, arising out of the refusal to appoint Dr. Crawley to a chair in the institution? He remembered when he stood, some years ago, beneath the soft Italian sky, on the banks of the Grand Canal at Venice, in whose eventful history was told the story of a Venetian nobleman who suspected that his father had been poisoned by one Foscarei. Loredano, who was engaged in commerce, (as were most of the nobles of Venice at that time,) went into his counting room, and there in his ledger he inserted the name of Foscarei as one of his debtors for the death of his father; on the other side of the book he left the page blank, so that he might enter the payment of the debt when the hour of retribution, which he determined to leave no stone unturned to bring about, should arrive. Vengeance, so potent in the bosom of the Italian, prompted him from that hour to commence a series of persecutions against the object of his

suspicious, but they all failed. Foscare rose higher and higher until he became Doge of Venice, but his very elevation proved the means of his downfall. Gradually the old man was dragged down to the lowest depth of degradation, and at last he died. Then his vindictive opponent went back to his counting room, and in the same ledger where he had inscribed Foscare's name he wrote *L'ha p gata*—"He has paid the debt!" And as he recalled this story, the thought arose, did not the same spirit that animated the Venetian of old burn in the breasts of those who would now see Dalhousie a heap of ruins?

Hon Mr JOHNSTON said that he would be failing in his duty if he permitted the views held by his hon friend who had just spoken to pass without expressing his entire dissent from them. He could not understand how his hon. friend had fallen into such an error as to state that Dalhousie was the property of the Governors. It was not given surely to the old Chief Justice or the other Governors as money to go into their pockets! They were simply trustees—the disbursers of a fund for certain purposes. It was not the property of Earl Dalhousie; for his Lordship could not have touched a pound of the funds. Any one who had the pleasure of knowing that distinguished nobleman would feel that such an idea would have raised the deepest indignation in his heart, for a more high-toned, elevated nobleman never existed. It was intended solely for the benefit of the people of Nova Scotia, and the purpose for which it was to be used was the Education of the people. The Earl of Dalhousie was nothing more than the instrument through which this benefit was to flow into the Province of Nova Scotia. Mr. Johnston next referred to the remarks made by Shannon in the close of his speech, and said that that hon gentleman had committed a great injustice. The feeling that had arisen in consequence of the course pursued towards Dr. Crawley, had long since been forgotten, and no such spirit, as far as he was aware, animated the bosom of anybody, who was active in the present movement. His hon friend should bear in mind that he must deal with this subject fairly—that there were important interests and prejudices that were largely at stake in the matter. Various denominations in the country believed that in the appropriation of the funds in question an injustice had been done them—that whilst Dalhousie was called Provincial it was in reality sectarian—that it was largely Presbyterian in its character. He (Mr. Shannon) should remember that not only the Baptists, but the ministers of his own denomination, the Wesleyans, were warmly interested in this debate. The *Wesleyan* newspaper took the same view as did the petitioners, and condemned the legislation of last year with great ability. His hon. friend should feel that there was no little reason for the sentiment that had grown up. Every one was aware at great labour and sacrifice the various denominational colleges had been built up, and it was but natural that their friends should feel the sentiment they did when they saw another institution suddenly starting up, possessed of funds of so large an amount and acquired with so little trouble. Mr. Johnston then went on to refer to the petitions and read a

list of names from one he had himself presented to show that they were signed by men of all classes and creeds. He repeated the reasons he had given on a former day why he was unwilling to repeal the legislation of last year, and concluded by expressing his belief that the several collegiate institutions of the country need not fear the re-establishment of Dalhousie. He was of opinion that they had their own separate and proper work to do—and that was more particularly to afford facilities for education to those large masses of our youth in the country who could not be brought to attend a College in the metropolis.

Hon Mr. SHANNON explained that he did not mean to convey the idea that these funds belonged to the governors for their own personal benefit.

Mr ARCHIBALD said he felt, after the elaborate speeches that had been delivered on this subject, that it was unnecessary for him to say much. He would say to the hon. member for Kings (Dr. Hamilton) that if the Presbyterian body were to accept his resolution, they would be false to their trust and their principles. It was because Dalhousie was not a Presbyterian college that its friends came forward to ask the Legislature to support it in the present emergency. The rejection of Dr. Crawley, he did not deny, was an insult to every member of any body outside of that particular one that managed the government of the Institution at the time; and that it should have been felt from that day to this, and tended to give a direction to the present movement, no one could doubt. He was surprised to hear the large amount of observation that had obtained in the House in regard to Dalhousie being a Presbyterian Institution. He looked at it with the knowledge of the sentiments of many gentlemen connected with the Presbyterian body, and he knew that a large amount of opposition existed in respect to this Institution, on the ground that it was not denominational. The feeling that arose in consequence of Dr. Crawley's rejection had the effect of creating denominational institutions connected with almost every body; but it was known that the body, to which he (Mr. A.) belonged, never gave in their adhesion to the principle. Gradually, however, the Presbyterians felt compelled to establish an institution at Truro. Gradually their affections had begun to cling around that institution, just as did those of the Baptists around Acadia; and the consequence was that a large and influential portion of the Presbyterians had been most earnestly opposed to anything which would have the tendency of destroying their denominational college at Truro, and run the risk of the hazardous experiment of supporting an institution which might be ephemeral in its prosperity. Therefore at the present moment, so far from looking at Dalhousie as a Presbyterian institution, very many of the best educated Presbyterians considered it rather as a source of weakness. He did not think that with the feeling that prevailed in Nova Scotia with regard to educational institutions it would be feasible in this Legislature to carry out a more extensive system. He had always had a desire to see an institution free from any denominational feeling. Whether rightly

or wrongly, he believed that such an institution should be sustained, for he had felt that the funds of a small Province directed to one focus for the education of all classes, might be of greater benefit than a number of colleges which could not be supported with the same amount of means.—He looked upon these separate colleges, in fact, as disbursing the funds that ought to be used for the purpose of general education. He hoped that Dalhousie would succeed in the end. Any attempt to divert the funds to any other purpose than that of Education would be a gross outrage upon the rights of property and an unjustifiable breach of constitutional privileges. It would be also, he argued, a violation of the public faith that could not be excused if any legislation should be effected for the purpose of breaking up the arrangements that had been entered into in virtue of the act of last session. Whatever might have been the position of the House last year, it was very different now. He could hardly suppose that the hon. gentleman who had introduced the first resolution could have contemplated the consequences of his action—consequences which, it was apparent to any one who considered the subject closely, were inevitable.

EVENING SESSION.

The House resumed at quarter to 8 o'clock.

Hon. FINL. SEC. would not have risen to address the House upon this question, but that he felt that the vote he was about to give required some explanation. If the present legislation were not upon the Statute Book—(and in his opinion it should never have been placed there)—and the question was now coming up for the first time upon its own merits, his vote would probably be different; but as he felt that the House was committed by the act of last year, however erroneous that policy may have been, he thought it would be unfair not to allow those who now had charge of the interests of Dalhousie, a fair chance to try the experiment of establishing it upon a proper basis. He should therefore be compelled to vote against the resolution of the hon. member for Kings for the reasons he had given.

Mr. PARKER said that it might be considered a presumption for an old farmer, who had scarcely been within sight of a college, to say anything on the subject before the House—but farmer as he was, he had his own ideas on the question, and he would endeavour to express them. A great deal had been said lately about the Presbyterians receiving too much of the Provincial funds. Now, what were the facts. The first establishment of learning he had was at Pictou. That institution received as others did, £250. After that was abandoned, a seminary was established at West River, Pictou, where the youth of that church were educated. This was soon found too small, and a seminary was then built at Truro. From the time of the commencement of the seminary at West River, the Presbyterians did not receive any provincial aid, but maintained their institutions from their own resources. It was true that a few years ago they united with the Free Church, who were receiving Provincial aid for a seminary in Halifax. And now that the House had thought proper last session to put

Dalhousie upon a proper footing, and had invited all denominations to unite, he could not understand why this cry was raised against it. A great deal had been said lately about the importance of Union in reference to the Colonies—and if it was important in that respect, it was also important in connection with this College, and he hoped that all denominations would unite and endeavour to place it upon the proper basis. The Church of Scotland in Nova Scotia by the last census, numbered 90,000—and heretofore she had been obliged to send her sons to Scotland to study theology, for want of suitable institutions in this country. Now that there was a prospect of a Provincial University being established here, he hoped all would unite in its favour, and make it what its original founders intended, an Institution open to all.

Hon. PROV. SEC. said that he had been in hopes that it would not have been necessary for him again to have addressed the House on this question and he would have preferred to have rested upon the remarks he had made on a former occasion, but in view of the new position the question had assumed, by the amendment proposed by the member for Kings, (Dr. Hamilton) it would perhaps be expected of him, that he should make a few observations.

He had listened attentively, when the House was invited to take action, the most extraordinary and extreme that any Legislature was ever called upon to take upon such a question, for any arguments that could be adduced to sustain the position that was assumed. He had, however, listened in vain for any semblance of argument by which either the hon. member for Annapolis or the hon. member for Kings could support the propositions they had submitted. In the absence of argument, he had heard that which he was surprised to hear—and which he was proud to say was but seldom heard in that House. He had heard threats and insinuations held out to influence the sentiments and control the action of members upon this question. He had heard it insinuated in insolent terms in the Press, that if gentlemen dared to take that straight forward course which the interests of the country and the public good demanded, they would sow to the wind and reap the whirlwind. But the individual who used that language little knew the character of the men who represented the public interests if he imagined that they occupied so despicable a position, as to allow their judgments to be controlled, or their action influenced by such threats as these. When he cast his eye up and down the benches and saw around him gentlemen who with scarcely an exception discharged their public duties at great personal sacrifice—men of the first position in the country—the most successful merchants who had accumulated their thousands and tens of thousands by their energy and ability—gentlemen of the legal profession who it was not too much to say had not their peers at the Bar in this country. When beside these he saw gentlemen of the profession to which he belonged who did not sit there an hour without personal loss—and gentlemen of the farming interest who occupied prominent positions in the country. When he saw all these, he was inclined to ask

to whom was this insulting language addressed, or who were they that were to be told that their action must be moulded, and their sentiments adapted to meet the pressure from without?

There was nothing so easy to create as section I feelings and denominational jealousies.— He had on a former occasion known what it was to stand in the breach and bear the brunt of the storm. He had to succumb to it, but not until he had succeeded in placing on the ramparts the standard of civil and religious liberty in a position so firm as never since to have been assailed. He did not undervalue the importance of public opinion; but he felt that he stood there, not as the champion of any particular denomination, but with a higher and more solemn duty to perform, which he was endeavouring to discharge, irrespective of any personal considerations.

It was with no ordinary feelings of gratification that he had listened to the liberal and patriotic sentiments which had been expressed by the hon. member for Halifax (Mr. Tobin). If there was any one in the House who might be supposed to be drawn aside from his duty, it was that hon. member, and therefore it was that he was the more gratified to find him rising superior to any such considerations, and taking a course that was alike creditable to himself, to the denomination to which he belonged, and to the metropolitan constituency that he represented.

He had already pointed out that the House could not take the course proposed by the member for Annapolis without committing a gross breach of public faith: for it must be remembered that large personal interests are connected with the legislation of last year. What would be thought of us in Canada and in Scotland, if, after inducing men of ability and eminence to abandon positions in those countries, we should turn round and repudiate the legislation which brought them here?

He was inclined to go further than either of his hon. colleagues, the Atty. General and the Fincl Secy. While he was delighted to find them doing what their sense of justice would lead them to do—while he was pleased to hear them announce their intention of keeping intact the law upon the statute book, he did not agree with them in the views they had thrown out, that but for this legislation, they would be inclined to support the resolution of the hon. member for Annapolis. He did not hesitate to say, that in view of the present position of this question before the country, if he was called upon again to take action in the matter, he would give the act upon the statute-book his cordial approval—because he felt that it was the means of taking funds that were lying dormant and useless, and applying them to an institution that promised to be a great blessing to the country.

He had endeavored, on a former occasion, in feeble language, to pay a just tribute to the existing Educational Institutions of the country, and he repeated that the people of this country owed a debt of gratitude to those who had entered and sustained them, and brought them to their present state of efficiency. But was it to be said that because the Province derived advantages of no common kind from these Insti-

tutions that we were not to seek for a higher educational status than we now enjoyed? That the Legislature was to put its hands upon an attempt to secure for this province educational advantages of a still higher order? Surely not. Hence it was that he was so anxious that all denominations should unite in placing Dalhousie on a proper basis—for he was convinced that it would result not only in immediate advantage to the college itself, but to the educational interests of the Province generally. While he would have been glad to have seen the Kirks of Scotland founding a denominational institution of its own, or reviving the one at Truro, and while he would have been disposed to afford it provincial assistance, he would be much more gratified to see all these denominations combining together—not that he took any particular interest in the Presbyterian denomination, but because he felt that such an union would elevate the Educational status of the country.

The resolution of the hon. member for Annapolis was bad enough, but it was nothing compared to that moved by the member for Kings, (Dr. Hamilton,) he was afraid not without the knowledge and acquiescence of the former gentleman—and he could now understand why that hon. gentleman took the very extraordinary course of adjourning his own debate. Knowing as he did that public sentiment in this House was against him, he was too old a tactician to take the question, until he had time to alter his mode of attack. Bad as was the resolution of the hon. member for Annapolis, he was hardly prepared for that moved by the member for Kings. The member for Annapolis, although he advanced no argument in support of his position further than that a number of persons wanted the repeal of the law on the Statute Book—told us in a straightforward way that he wanted the £5,000 refunded.

But what could be said for the amendment of the member for Kings?

Some discussion had taken place as to the moving cause which had called forth the petitions upon the table of the House. He deeply regretted that they had emanated to a large extent from the Baptist denomination. He regretted it the more because that denomination—within whose pale he had been born and educated—had always stood in the vanguard of education, and had from the personal sacrifices it had endured in the maintenance of its educational Institutions, won the admiration and esteem of all. He had too much respect for the honourable character of the men connected with the Educational Establishments of this and the other denominations of the Province to associate them with the resolution of the member for Kings, or to imagine that they would be parties to an act of spoliation, and then be participators in the spoil. He had had occasion in the commencement of his remarks to allude in indignant terms to the attempt made by threats and intimidations to influence the action of members on this question. He would infinitely prefer that, rather than resort should be had to unblushing bribery. Bribery was bad enough when one's own money was used—but when the public monies were sought to be filched from the public, and diverted from the purpose for

which they were originally intended, no words could be used strong enough to condemn it. He regretted that the member for King's was not in his place, and that his duty compelled him thus to allude to his action in his absence.

(The hon. gentleman here commented upon Dr. Hamilton's resolution and stated that it was impossible for any member to vote for it, as it contained statements inconsistent with the facts. For instance it stated that all the Presbyterian bodies had united, whereas it was well known, that as much difference prevailed between them as between Episcopalians, Methodists, and Baptists. The hon. gentleman went on to argue that the Presbyterians were not receiving an undue proportion of the public funds inasmuch as if the three denominations into which they were divided had each its separate educational establishment, they would be entitled to £250 a year for each, or £750 a year in all; and he contended that it was much more to the interests of the Baptists to combine their resources and remove their staff of Professors to Dalhousie, than to remain isolated and dependant upon their own resources. If that were done, and the Wesleyans and others would unite,—instead of our youth being expatriated as was truly said by the member for South Colchester (Mr. Parker), and driven from their country to obtain their education, we would be enabled to give it to them within our own borders.)

In conclusion, he said that it was because he was not satisfied with the present position of education in this country that he felt inclined to afford this Institution all the aid in his power, and he called upon the hon. gentlemen if they had any regard for the public faith of the country, not to lend a hand in this attempt to repeal what he considered sound legislation.

Mr. CHURCHILL in the course of a few remarks expressed his conviction that any attempt to make Dalhousie a universal institute would be a failure. It would be better to sell it, and divide the amount amongst the existing educational Institutions of the country.

Mr. LONGLEY said:—I am not insensible to the many disadvantages under which I labour in speaking at the present time. I feel that I have not the stimulating influences which operate upon the mind of the Provincial Secretary this evening. A man cannot but feel a certain degree of excitement when he knows he carries with him even the sympathy of the galleries. But the public man who cannot withstand such influences—who is not prepared to brave every danger for principles that he considers important, ought never to enter public life. Influenced by such feelings, I shall venture this evening, in the face of the eloquence that has characterized the speech of the Provincial Secretary, to address you. I feel that so far as the result of this debate is concerned, it would be well if I waived the privilege of closing this discussion; but I would be as true to myself as well as to a large proportion of the people of this country whom I believe I represent on this question, if I were to restrain myself from giving expression to some extent to the indignant feeling, which has been produced on my mind this evening. When I addressed the House the

other day, I carefully avoided any unpleasant reference to any body or sect of people in this country, and it is not my purpose to-night to say a single word that would be considered in the slightest degree disrespectful in reference to a body of people, many of whom I sincerely respect. In the advocacy of this question I am not influenced by any narrow or sectarian feelings, that would exclude any denomination from the true exercise of their judgment and feelings and disposition, in reference to the great subject of Education. But I think, notwithstanding the intimation thrown out by the Provincial Secretary, there has not yet been a single word said, bearing directly upon this question, or an argument worthy of any consideration. I do flatter myself that I did present this question before the House in a fair and I may say lucid manner. I do not pretend to say that in reference to this or any other question I can at all reach the marked eloquence that distinguishes other gentlemen in this Legislature; but I think I can say that I have put the fact that are connected with this question in a manner that is fully appreciated by a large proportion of the people of this country. The Provincial Secretary has undertaken to pay a very flattering compliment to the gentlemen sitting around these benches—that they are possessed of such an amount of integrity that they can afford to disregard the express sentiments of their constituents when they are opposed to their own judgments. I am quite willing to accord to the gentlemen here what he claims for them, and yet I believe there are very few men in this Legislature now or heretofore, who have been raised above the wishes and sympathies, and influence of their constituents. I think that perhaps the hon. Prov. Secy even may have shaped his legislation in this House with a view of influencing not only his own constituents, but those far out and beyond them. I am not going to say it positively, but I shall not be at all surprised to find that the course of the Provincial Secretary was shaped, in the first instance, in respect to this matter, in view of the possible effect it might have upon an approaching election. It is not an uncommon thing for a man who has first hesitated to support a scheme, to become, after fully committed, so wedded to it, that he flatters himself his judgment coincides in his course, and that he is influenced by a sincere conviction. In the advocacy of this question my thoughts naturally turn far backward to a period when this question—for it is substantially the same that agitated the country many years ago—was before the Legislature—when the denominational system of colleges was argued with an ability that will never be forgotten, and there comes vividly before my mind this evening the position which my hon. friend, the Attorney General, occupied at that time, and I cannot but contrast it to some extent with the position which he has taken to-night—a position which he acknowledges he has unwillingly assumed, for he has stated that he wished he was unfettered and able to advocate the views which he expressed 20 years ago.

I am going to state the grave objection to this scheme. The objection is not that the Presbyterians are seeking for a higher education.

They are justified in doing that, but it is that owing to the peculiar circumstances in which this country is placed at the present time, in consequence of the system of denominational colleges established 20 years ago, we cannot allow the present scheme in reference to Dalhousie, without doing a manifest injustice to other leading denominations in this Province whose rights and opinions have as much claim to be respected as those of any single denomination, as in the present case.

It was said by the hon. Provincial Secretary that this movement was lead by the Baptist denomination, and he was disposed, I think, to throw all odium upon them for the agitation in this country. I believe this to be an aspersion upon that body, and I think his are the lips that should be the last to make that statement. I think that to night the Episcopalians are not less interested in this question than the Baptists — that the Catholics are just as much so as are the other denominations. What do you think King's College will do in this emergency. Do you think the Episcopalians are going to take any step that will tend to the injury of their own institution which has been erected at an expense of perhaps £25,000, and excels in every respect Dalhousie and I believe has a position infinitely above what the latter will ever attain. Can you expect them to come forward and take a chair in this comparatively insignificant institution? If you could induce the Baptists, or Episcopalians, or Methodists to participate in this institution and do it without sacrificing their own institution, then I would say this is all fair and a scheme that should be recommended. I do not forget, as the Provincial Secretary forgets, the difficulties and sacrifices that have characterized the history of that beautiful edifice at Wolfville—that this institution is the result of honest toil and labor; and do you think that those whose sympathies and affections cling around Acadia are to be now attracted to shelter themselves within the walls of Dalhousie?

We have been told that we have on the tables a number of petitions to which are attached the names of men who do not understand the question. I admit there may be many of them who do not appreciate it in all its relations, but if they did fully understand it their feelings would be only the more excited, and instead of forty petitions there would be double the number here. I am satisfied that if the matter is allowed to remain open, when we all meet here again next winter, there will be ten petitions where there is now one. But we have been told again and again that the men who are agitating this question, and are interested in the action of the House, are incompetent to consider it in all its aspects. I venture to say that there are men connected with King's College, with Sackville, and Acadia, as competent as those who are now associated with, and labouring within Dalhousie College, and I say this without any wish to disparage them in any respect whatever. Yet these men are among those who take the deepest interest in this question. I go further and I take the liberty of reminding the Provincial Secretary that there is a name attached to one of these petitions which at least he would be inclined to respect, and the circum-

stance of its being appended ought to some extent to influence him from applying to one at least of these documents the harsh expressions which he has ventured to make use of on the present occasion. That man, I believe, is as competent to form a just opinion, though he may not have passed through a regular college course, in reference to the great question of education as connected with the interests of the country and as well prepared to say what are the sentiments of his own denomination, as the learned Provincial Secretary himself; and I may go further and say that it would not be according too high praise to that gentleman to say he is even better qualified.

(The hon. gentleman then went on to point out the privileges enjoyed by the Presbyterians under the legislation of last year, and the injustice it did to other denominations. He next expressed his surprise at the statement of the hon. member for Halifax, Mr. Shannon, that the funds of Dalhousie did not belong to the Province, which he considered had been effectually disposed of by the Attorney General. He said he did not think the Presbyterians themselves would undertake to uphold such a strange doctrine as that, and showed, from various facts in the history of the Institution, that the money did belong to the Province. He denied that the resolutions introduced by himself or by the hon. member for Kings would perpetrate a breach of faith. He alluded to the fact that the governors with whom the Presbyterian committee conferred at first, in order to enter into arrangements for the transfer of Dalhousie, were exclusively Presbyterians. He considered the whole negotiation from beginning to end as very strange, especially when taken in connection with the fact that the Presbyterians carried out the scheme in order to meet their peculiar circumstances and carry out their own peculiar notions, without a moment considering that there were three or four other leading denominations who composed the largest proportion of the people of this country, and who had a right to be consulted. He considered that the time had gone by when there was any prospect of establishing a Provincial University. He believed that the denominational system was better calculated to meet the interests of the country at the present day than an University in Halifax. He thought that ere long, if the experiment was continued, it would cost a great deal more than £5000 to the Province. He pointed to the fact that \$1000 was given in the Estimates to Dalhousie, and asked upon what principle that was done. He was afraid it was but laying the ground for giving it further government assistance. He then continued:)

There are a great many points to which I might allude, but as the ground has already been pretty well run over, I do not think it would be worth my while taxing the patience of the House much further. I stated a short time ago that I was willing to accord to the Professors of the Institution at the present time praise in regard to the motives that influenced them, and to the attainments that distinguished them. I may not be a very good judge of their classical attainments, but I take it for granted that they are men every way worthy of that insi-

education, and perfectly competent to foster the educational interests of this country. But what is the character of that institution as well as of its students at the present time? These two questions answered will settle very effectually whether the other denominations to which I have referred are taking an interest in Dalhousie, or whether it is confined entirely to one denomination. If I am correctly informed, there is but one Professor in that institution who does not belong to the one or the other branch of the Presbyterian, and I think I am prepared to state positively that there is scarcely a student in that institution that is anything but a Presbyterian, and I do not say this in any disparaging way whatever. I believe there are hundreds of Presbyterian young men in this country in all relations of life that are an ornament to the Province; but yet all that I have stated is significant in connection with what I have again and again reiterated that the leading denominations which compose so large a proportion of the population of the Province are not taking an interest in the institution, and that although there may be the best intention to deal fairly with the other denominations, yet the circumstances in which these are placed entirely preclude them from taking part in this scheme.

I think the Provincial Secretary has ventured rather hastily to censure gentlemen who have taken a deep interest in this question. One thing is certain, that that hon. gentleman upon this question occupies a position which I think is not endorsed by the denomination to which he is particularly attached—by the Episcopalians, by the Methodists, or by the Catholics; and I believe the sentiments and ideas of those different denominations are entitled to respect in this Legislature. I deplore as much as any body the agitation of any religious question, and I cannot forget many of the disastrous consequences resulting from the excitement that arose from the discussion of a similar question twenty years ago. I know that in the advocacy of the denominational system my hon. friend brought himself into unpleasant contact with a portion of his own denomination; but that portion of the denomination to which he belongs do not in any way endorse the present action, and have little sympathy in reference to the revival of Dalhousie. I believe there is hardly an intelligent man among them that would for a moment favour the present scheme. There is another consideration which influences my mind very considerably, and that is this: many of the petitioners are men of high classical attainments belonging to the different denominations,—I find professional men entirely competent to form an opinion and who thoroughly understand the question. I was going a while ago to refer to the legislation of last year. It is perhaps unnecessary for me to do so, but yet I am inclined to say that it was of such a nature as to deceive this House. I ask the Provincial Secretary and other gentlemen who were in the Legislature of last year, if there was a single discussion on the subject that lasted five minutes, and I ask them if one man out of ten understood the scope and bearing of the law that was passed opening the portals of Dalhousie. I am safe in saying that no other gentleman except the Provincial Secy.

was consulted in reference to this matter, and I doubt very much whether other gentlemen belonging to other denominations were consulted. I take it that the faculty in connection with Kings, with Sackville, and with Acadia, were persons to be consulted upon this question—the men who have identified themselves with the educational institutions of the country for a score of years ought to be the best judges how far it comports with the interests of their institutions to support Dalhousie; and no arrangement ought to have been thought of for a moment that would have ignored the existence of these men.

I am well aware from the sentiment that seems to prevail around these benches that there is little hope of the resolution which I introduced the other evening and which I believe embodies the sentiments of the people on whose behalf I speak will pass. I think, however, that the resolution which will be moved for the repayment of £5,000 into the Provincial treasury or with a view of dividing it between the different denominations should carry. The Provincial Secretary has talked about undertaking to buy the support of members with the money consecrated to educational purposes. Why it does seem to me that his remark fell with little weight upon my mind when I remember that but a short time since that hon. gentleman undertook to charge the support of the Normal School upon Dalhousie in connection with a scheme that claimed from his hand the most earnest advocacy. It will be also remembered that the scheme of making Dalhousie a Museum was favoured in certain quarters. It was not then that he offered to propose to devote Dalhousie to some other purpose different to that which its original founder had in view. I think that this Legislature had a perfect right to say what shall be done with the £5000 owing to the Province. I did not forget that years ago there was a motion passed the Legislature by a very large vote to demand the payment of that money. I think I can so find a resolution proposing the same thing and that Dalhousie should not be used for a purpose so exalted as a University. It is only very recently that gentlemen have come to have such great objection to deal with Dalhousie. I believe that the honest, fair, and manly course to pursue would have been for the Presbyterian body, and I say it with all respect, if they desired higher education for their young men to have imitated the example set by Kings, Acadia and Sackville, and have raised the funds and bring up an institution to such a position that they would not feel ashamed to place it side by side with those of the other denominations who have done so much to merit the gratitude of the people of this country. I feel that as far as I am able to understand the necessities of the country, and more especially as far as relates to the peculiar circumstances and views of my own denomination, that it will be a long time before they are attracted from an institution hallowed by so many reminiscences—an institution which is indeed the effort of toil, and self-sacrifice. I look forward to the time, not far distant, when this question will cause no little agitation in this country, and I have been very considerably influenced in bring-

ing forward this resolution, by the hope that this Legislature will see the necessity of passing it with a view of settling this vexed subject upon an equitable basis before it is too late.

I remarked the other night, when speaking upon another subject, that this Legislature had a right to congratulate itself that the tone of acrimonious debate which had distinguished it in former years was passing away, and I think we should congratulate ourselves that we have gone through such trying ordeals comparatively unscathed. We have only merged from a conflict of a most unpleasant character, but I feel that the one that lies before us will assume an aspect which will lead to consequences that will be much more prejudicial in regard to the feelings that will be engendered. As respects myself I shall have to change my mind very considerably before I can ever endorse the sentiments that have been expressed by the Provincial Secretary. In former days I have been proud to be associated with him in the general politics of the country, for I believe he represented fairly the feelings of the party with which I have always deemed it an honour to be connected; but it is quite possible that a question which seems to be of very small magnitude in the beginning, may assume an aspect which may tend to bring into collision those who ought to be closely drawn together.

Dr. HAMILTON withdrew his amendment.

Mr. LONGLEY wished to withdraw his resolution and substitute another amendment to Dr. Tupper's amendment. This proposition was decided to be unparliamentary.

Dr. BROWN then moved an amendment providing for the repayment of the £5000 borrowed from the Province by Dalhousie.

Hon. PROY. SEC. then made a few remarks. He said that he regretted one remark that had fallen from his hon. friend the member of Annapolis, which was that he (Dr. T.) had aspersed the Baptist body as the party which had led the van in this agitation. He denied that in any remarks he had made he had aspersed that body in any way whatever. He had given credit to them for having taken the lead, but he did not charge it upon them as an aspersion. He said the position of affairs in 1862, when he introduced his Retrenchment resolution, was very different from that they were now. Then the funds of Dalhousie were entirely unavailable for the benefit of the Education of the country. He did not propose to use the funds of Dalhousie for any object other than that for which they should be used. His proposition was to remove the Normal School to Halifax—its proper location he thought—and make use of a then useless building. Now the situation of affairs was entirely changed; Dalhousie was once more in working order, and it would be most unjust to make any attempt to stop the arrangements that had been made. He also expressed his opinion that the hon. member was under a misapprehension as respects a resolution having ever passed the House for the repayment of the loan. Every person knew that a loan to a public work was a gift to all intents and purposes.

The question was then taken upon Dr. Brown's resolution.

For Dr. Brown's amendment there appeared 14; against it, 30. The names on the division are as follows:—Yeas: Pryor, Allison, Churchill, More, Bill, King, Donkin, Longley, Dr. Hamilton, Hill, Dr. Brown, Robicheau, Colin Campbell, Kaulback. Nays: Hatfield, D. Fraser, Ross, McKay, C. J. Campbell, J. Fraser, G. S. Brown, Whitman, Lawrence, Tobin, Killam, McFarlane, Fin. Secretary, Parker, Slocumb, Atty. General, Jost, Miller, Prov. Secretary, Jas. McDonald, McLelin, Locke, Robertson, Blackwood, Baloom, Caldwell, McKinnon, Coffin, Blanchard, Archibald.

The Provincial Secretary's amendment (moved on the first day of the debate) then passed, and he moved the House into Committee on the state of the Province, and adjourned immediately.

The House adjourned until 3 the next day.

WEDNESDAY, March 30.

The House met at 3 o'clock.

ENQUIRY.

Mr. ARCHIBALD said that it would be in the recollection of the House that at the close of the Retrenchment debate, the other night, the Finl. Secretary made some remarks. Their substance had not been apparent to his mind at the time; but his attention had since been called to an article in the *Express* newspaper, to the following effect:—

"In the House of Assembly, last evening, the Hon. Mr. LeVeau refuted the charge brought against him by an anonymous writer in the *Chronicle*, that he promised aid or assistance to Mr. Howe on his no-popey crusade. The Financial Secretary challenged the Fishery Commissioner, or any of his friends, to produce the letter referred to, and then it would be seen if any reference was made in it to either Catholic or Protestant. Now that the challenge has been made, we trust the letter will be forthcoming. From the antecedents of Mr. L., we thought it strange if he were guilty of what was attributed to him."

Mr. Archibald said that he now arose for the purpose of asking the Financial Secretary if the above was a correct report of his remarks, and what he meant to convey in them. He would also ask that hon. gentleman whether he had not written to Mr. Howe at the time in question, tendering to him his support and the assistance of his purse. He would like to know if in using the words "Catholic" or "Protestant," he was speaking from his recollection of the letter, and whether he was quite positive as to its meaning.

Hon. Mr. JOHNSTON said he must rise at once to express his reprehension of conduct so exceedingly strange that he could never for a moment have believed that any gentleman acquainted with Parliamentary usages would have been guilty of it. He would be very sorry if the Financial Secretary should so far forget what was due to his position as to answer any questions of such a character.

The SPEAKER interrupted the hon. gentleman to state that the whole proceeding was exceedingly irregular, and that he could not allow the matter to proceed unless it came up in a proper form.

Mr. ARCHIBALD was going on to say something, when the Speaker said that he could not allow anything to be said without a motion.

Mr. ARCHIBALD then said he rose to the order of the House. He wanted the Speaker to inform him if the Financial Secretary did not challenge the production of the letter, and whether it was not competent for him (Mr. A.) to produce it if so disposed.

Hon. Mr. JOHNSTON said that he knew nothing whatever of the question; but he had listened with the deepest indignation to the style of debate pursued by the hon. gentleman in reference to a matter with which the House had nothing to do. Such catechizing was contrary to the dignity of the House.

The SPEAKER said there must be some resolution in writing before the House.

Mr. ARCHIBALD then proposed a resolution stating in effect that when any member challenges the production of proof of any affirmation, it shall be competent for a member to present such proof.

Mr. ARCHIBALD said that he regretted exceedingly the Atty General should suppose that he wished to infringe on the rights of any member. He had no object in view other than to afford Mr. Levesconte a chance to vindicate himself with respect to certain charges. He wished to know the exact meaning of the words used by the hon. gentleman the other night. If he would say that his words did convey exactly the idea that he intended then he thought he could satisfy the hon. gentleman that he must be under an entire misapprehension.

Hon. Mr. JOHNSTON said that he was surprised that a gentleman who had held the position which the hon. member for Colchester had in the House, should venture to offer a resolution of such a character. That any gentleman should come in and ask questions of another, concerning a matter with which the House had nothing to do, was a course of procedure most derogatory to the dignity of the House, and an infringement of the privileges of its members. He witnessed the course of the hon. gentleman with a feeling of astonishment that he could hardly adequately express. If he pursued it out of doors the probability was that it would meet with a rebuff that would be very unpleasant. As he (Mr. J.) understood the matter in dispute, it was a question between the Fin. Secretary and some one who was not in the House, but who could vindicate himself in the proper way if he felt so disposed. All that he (Mr. J.) desired was to vindicate the rights of the House.

The SPEAKER said that when the conduct of any member was under consideration it was usual for him to withdraw.

Hon. Mr. JOHNSTON said that the conduct of the hon. Fin. Secretary was not under consideration, but rather that of the hon. member for Colchester who was endeavoring to violate the rights and privileges of the House. In looking over the resolution of the hon. gentleman he was surprised at the mode in which it was expressed. The hon. gentleman had not offered any proof at all, but merely catechized his hon. friend.

The SPEAKER said that it was within his privilege to shut out the resolution and put an end to the whole matter. He thought if the subject was

continued the Fin. Secretary, under the rules of the House, would have to leave the House.

Hon. Mr. JOHNSTON.—If the hon. gentleman goes out, I will go out with him, and I hope every other member will do the same.

Mr. JAS McDONALD said that he conceived it would be the duty of the Speaker to shut out the resolution.

The SPEAKER said that if he could not be heard, he would go down from the Chair himself. He would rule that according to the usages of the House, Mr. Archibald had not the right to put his resolution.

Mr. LOCKE said that it would be in the recollection of the House that the present Provincial Secretary charged the leader of the late Government (Mr. Howe) with having made certain offers to gentlemen supporting the Opposition, and asked for the production of their proof. Subsequently he adduced the letter, which was read in the House, and it was ruled that the hon. gentleman had a right to lay the letter on the table.

Mr. JAS McDONALD said the case alluded to bore no analogy to the present. The House had a perfect right to know the character of any offer made by a leader of a government to any gentleman in the House in reference to public matters. Such a right was necessary for the protection of the interests of the country. In the present case, however, the transaction happened outside, and the House had nothing whatever to do with it. If the hon. member for Colchester had any proof to offer to the House, he should have produced it and not taken the course he did.

Hon. ATTY. GEN. said that he felt, in taking the course he had, he was doing his friend, the Fin'l. Secretary, an injustice; but he felt it his duty to vindicate the rights of the House.

After some further remarks on the subject, Mr. ARCHIBALD said that if the House would allow him he would withdraw his resolution.

MISCELLANEOUS.

Mr. BOURINOT asked the Government to lay on the table a petition from the Horticultural Society.

Mr. JOST, Chairman of the Committee on Public Accounts, reported up the same, which were read.

THE "CHESAPEAKE" AFFAIR.

Hon. PROV. SECRETARY laid on the table a despatch from the Secretary of State, conveying, in strong terms, the approval of the British Government of the action of General Doyle, the Administrator of the Government, touching the *Chesapeake* affair. It gives me, added the hon. gentleman, great pleasure as I am sure it will give every hon. member, to know that in respect to a matter of so important a character, His Excellency has gained the entire approbation of the British Government. I am also satisfied that it will be equally gratifying to gentlemen on both sides of this House to know that the Provincial Government, called upon in an affair of such importance to offer their advice to His Excellency, have been enabled to tender such advice as has resulted in placing the head of the Executive in such an honorable position as this despatch proves to have been the case.

RAILWAY DESPACHES.

Hon. PROV. SECRETARY laid on the table despatches from the Colonial Office respecting the construction of a Railway from Truro to the Bend.

I may take this opportunity, he said, of saying that just at the time I was leaving Halifax for the Agricultural Exhibition, held at Antigonish last fall, I received a telegraphic message from Mr. Brydges, stating that he would call here on his way to England, and thereupon I wrote an unofficial letter to intercept that gentleman on his arrival in the city. In it, I suggested the propriety of ascertaining whether it would be possible for the Governments of Nova Scotia and New Brunswick, if united in the matter, to induce the British Government to extend the guarantee which was embodied in our legislation of last year to the construction of a Railway from Truro to the Bend. I thought it advisable to entrust the negotiation of this matter to Mr. Brydges inasmuch I was aware that the Grand Trunk interest in London was very powerful and could place the whole affair in the most favorable light at the Colonial office. I may state to the House that I communicated to my colleagues, at a subsequent period, the step I had taken, and they agreed with me in the propriety of making a proposal to the Province of New Brunswick to join us in a joint application to the British Government in reference to this guarantee. The Minute of Council was actually prepared for transmission, when I received a letter from Mr. Brydges stating that the Duke of Newcastle had positively stated that he would not entertain any proposition that did not include the completion of the whole Intercolonial line. No further action was taken on the subject by us. The parties, however, who were interested in the construction of the Trunk line again brought the subject, at a more recent period, to the notice of His Grace, and Mr. Watkins proposed the modification of the former proposal; he asked the British Government if they would not consent, in case New Brunswick and Nova Scotia built the portion of the line between Truro and the Bend, that the guarantee should be made available, provided the whole work was ultimately carried out. These despatches contain the acceptance of the proposal from the Duke of Newcastle with the proviso, I believe, that the whole work must be completed by five years, if the guarantee is to be available.

COMMITTEE ON BILLS

The House then went into committee on bills, and passed the following:—To incorporate Cobeguid Marine Insurance Company; to repeal the act incorporating Bridgeport Coal Mining Company; to incorporate Albion Mines Insurance Company; to incorporate Yarmouth Seminary; to change the names of certain places in Digby; to amend chapter 59 of the Acts of 1862; to regulate highway labour in Pictou.

The House adjourned at 6 o'clock.

THURSDAY, March 31.

Mr. WHITMAN presented a petition from the inhabitants of Annapolis; also a bill in accordance therewith, in reference to the town marsh.

Hon. FIN. SECY. laid on the table a petition from the Horticultural Society, which, on motion of Mr. Bourinot, was read by the clerk.

ADDRESS TO THE ADMINISTRATOR OF THE GOVERNMENT.

Hon. ATT. GENL. laid upon the table of the House correspondence between Lord Lyons and

the Hon. Mr. Seward, Secretary of State for the United States, in which Mr. Seward expressed his high sense of the honorable and courteous manner in which Major General Doyle had discharged his duty in the "Chesapeake" affair.

It must be very gratifying to perceive, said the hon gentleman, that the course pursued by his Excellency has received the approbation of not only of the Imperial Government, but also that of the American States, whose interests have been so materially affected. I now rise to move an address to his Excellency, expressive of the gratification of this House at the satisfactory adjustment of a matter which was of so delicate a nature, and involved consequences, that might have been most injurious to the interests of the whole Empire, and especially of this portion of it.

To his Excellency Major General CHARLES HASTINGS DOYLE, Administrator of the Government and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c., &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF ASSEMBLY, IN SESSION CONVENED.

May it Please Your Excellency,—

The House of Assembly in General Assembly convened, have learned with the highest satisfaction, that the action of Your Excellency in relation to the trying and important questions connected with the American steamship "Chesapeake" has obtained the warm approval of the Imperial Government, as manifested in the despatch transmitted by His Grace the Colonial Secretary, and yesterday laid on the table of the House.

We desire to express our gratification that, at a crisis so important, the duty of representing Her Gracious Majesty should have devolved upon an officer who, while maintaining the dignity of the Crown and the rights of Her Majesty's subjects, has not lost sight of the just claims of a friendly Government, and whose conduct has secured the expression of the favorable consideration not only of the Imperial Government, but that of the United States, and to whose prudence and firmness so much has been due in preserving friendly relations with a neighbouring State, which could not be disturbed without the most disastrous consequences.

Injustice would be done to Your Excellency and to ourselves were our silence to give occasion to the supposition that the important transactions alluded to were alone the ground on which Your Excellency was entitled to the respect and confidence of this House and the Country.

We are happy to assure Your Excellency that the interest you have manifested in the welfare of the Province, the earnestness with which you have promoted whatever seemed calculated to advance its most important interests, and the most essential advantage which the Volunteer and Militia service has derived from the assiduous attention and ability of Your Excellency, and the earnestness you have exhibited in the improvement of our Provincial defences, united with the urbanity which has distinguished your personal intercourse with every class of the people, have secured to Your Excellency universal esteem and respect; and this House fulfills a most pleasing

duty in making this acknowledgment, and assuring Your Excellency that the House will be highly gratified by any event which may promote your interest or advance your happiness.

JOHN C. WADE,
Speaker.

House of Assembly,
31st March, 1864.

I have done nothing but justice, added Mr. Johnston, to His Excellency in this address. He has always taken a deep interest in agriculture and all its leading interests, and especially in perfecting our militia system. He devotes a great deal of time and attention to every thing that affects that service. I feel that this Colony is largely indebted to his Excellency for the very important service in calling the attention of the British Government to the defences of our coast, and more especially of this harbor. It was only after the most persevering representations to the British Government that instructions have been given to commence structures for enlarging and making more secure the defences of this harbor.

Mr. ARCHIBALD said that he had great pleasure in seconding the motion, and that he entirely agreed with the observations that had been made by the hon. Atty. General. His Excellency the Administrator of the Government had, throughout the delicate affair which had been mentioned by the hon. mover of the address, acted with a tact, and at the same time, firmness, that well became a gentleman occupying so high and responsible a position. He was convinced the Legislature would fully reciprocate the sentiments that had fallen from the Attorney General, and unanimously pass an address which only did justice to the subject. He concluded his observations by expressing the hope that His Excellency would permanently fill the position he now occupies with such honor to himself and such satisfaction to the Legislature and people of Nova Scotia.

The address was then adopted by unanimous consent.

Hon. PRO. SECRETARY then moved that the hon. mover and recorder of the address, Messrs Johnston and Archibald, be a committee to wait upon his Excellency with the address.

Before the House rose the hon. Mr. Johnston reported to the House the annexed answer from His Excellency.

REPLY:
GOVERNMENT HOUSE,

HALIFAX, N. S., March 31, 1864.

To the Committee of the House of Assembly appointed to present the Address.

GENTLEMEN—

I receive with the utmost gratification the flattering address, passed unanimously by the representatives of the people, just presented to me, for which I request you will be so good as to convey to them my cordial thanks.

It will, I assure you, at all times, be a source of pride to feel that the honor of administering the Government of this fine Province has devolved upon me on two separate occasions, and, with the aid of my responsible advisers, that I have performed the duties of the high office intrusted to me in such a manner as to gain the confidence of the representatives of the people of this loyal Province.

I am aware that this feeling has been produced towards me, not from any individual merits of my own, but from having humbly attempted to follow, as far as my abilities have permitted, the noble example set by our beloved Queen, in strictly abiding by the principles of the British Constitution.

The House of Assembly have rightly judged my feelings in ascribing to me the desire to advance, by every means in my power, the welfare of this Colony, and will ever find me ready to co-operate in any measure calculated to promote its prosperity.

I beg, in conclusion, to assure you, that this highly prized tribute of esteem of the House of Assembly will be an additional incentive to the faithful discharge of the important and responsible duties with which I have been entrusted.

(Signed) HASTINGS DOYLE,
Major-General and Administrator.

RAILWAY BILLS.

The House then went into Committee on Bills, and took up and passed the Railway Bill in the R. S. Mr. JAS. McDONALD added a clause which he stated imposes no additional liabilities upon the Province, but merely gives the Government power in case they should deem it more for the interests of the Province, to enter into arrangements to have the roads built by private companies instead of as government works.

STATUTE LABOR ACT.

The Statute Labor Act was next taken up.

Mr. KAULBACK moved that the counties of Cape Breton, Inverness, Richmond, Victoria, Lunenburg, Kings, Queens, Digby and Halifax be exempted from the operations of the law of 1862; and that highway labor should be performed in all these counties under Chap. 63, R. S., and Chap. 40, R. S., which chapters were hereby revived and continued in all these counties.

Mr. JOSH hoped that the House would yield to the wishes of his constituents, and exempt his county.

On a division, the motion was carried by a large majority.

On motion of Mr. LEVESCONTE, effective Volunteers were declared exempt from highway labor.

On motion of Mr. BLANCHARD, the settlements of Margaree and Cheticamp were added to section 11, which extend the time for the performance of Statute Labor under certain circumstances.

The House adjourned at six.

EVENING SESSION.

The House resumed at $\frac{1}{2}$ to 8 o'clock.

Mr. JAMES McDONALD presented the petition of Donald McDonald and James McNeil, asking for redress in reference to the action of the Government, in granting a mining lease to one Le Cain, instead of to petitioners, who allege to have the right to receive it.

The hon. gentleman stated the facts, as follows:

In the year 1858 E. P. Archbold, Esq., of Cape Breton applied for a mining lease at Glace Bay. Under the usual practice of the Department a survey was made, and a return sent in of an area a mile square, and the lease was issued to Archbold. The petitioners were under the

impression at the time that the surveyor had made a mistake, and had returned a larger area than Mr. Archbold had applied for, or was entitled by law to have. Under that impression Mr. McDonald, one of the petitioners, applied to the Government for the excess, and deposited his money for the lease. Upon an investigation taking place, it was found that the allegations were correct, and that instead of Mr. Archbold having 640 acres he had 1000 acres. The then Provincial Secretary (Mr. Howe,) requested Mr. Archbold to relinquish the portion that exceeded the mile square, which he did, and that was the portion that the petitioners now claimed. At the time the relinquishment was made, McDonald the petitioner, was the only person that had a claim filed in the Crown Land Department, and of course was the only person entitled to the lease. But it appears that a Mr. LeCain, a relation of Mr. Archbold, and a partner in a Company working mines in Cape Breton, had applied for a lease of an area some distance from this place, which had been decided against them, and that after the petitioner had applied for the lease now in dispute, LeCain filed his petition for the same area, and two days afterwards obtained his lease.

These were the circumstances, and he (Mr. McDonald) contended that the moment Mr. Archbold had relinquished his right, that the petitioner, having his money lodged, became entitled to the lease.

This matter had been submitted to a Committee of the House last session, who reported against the petitioners, and that report had been adopted by the House, and the ground upon which he asked for a re-investigation of the matter, was that the Committee reported under a misapprehension of the facts. He thought that the petitioner was entitled to have his grievance investigated by a select committee of the House.

Hon. ATTY. GEN said that the hon. Provincial Secretary, who was not present was more conversant with the facts of this case. As far as he was aware, the facts were as follows:

Mr. Archbold applied for a mining area of a square mile in extent. It was surveyed, and he obtained his lease. It was found out that by a mistake on the part of the Surveyor, a larger amount had been given him than was contained within a square mile. In the meantime, Mr. Archbold had entered into arrangements with an American company—who had established large works, and erected extensive buildings—and spent some thousands of pounds in making a harbour at Little Glace Bay—which it would be seen by the plan comprized the area in dispute. The application of the petitioners was founded upon the assumption of the illegality of granting an area of more than a mile in extent. This he denied, and he did not know upon what grounds the late government required Mr. Archbold to relinquish the excess. It was true that the general rule was not to grant more than a mile area, and the reason was to prevent monopoly, and persons or companies obtaining more space than they were able to work—but no such reason existed in this case, for the parties were able and willing to work a larger area.

He did not think this was a case calling for re-consideration. It had been decided by a committee of the House, and passed upon by the late government, and he did not think there was anything that demanded a re hearing.

A long discussion then ensued, in which Mr. James McDonald, Mr. Miller, Mr. McDonnell, and Mr. Chas Campbell, strenuously argued the right of the petitioners to have their case reheard. And Mr. MacFarlane, the hon. Provincial Secretary, and the Attorney General, opposed it. After which Mr. McDonald's motion to appoint a select committee was lost, 19 to 15.

Then the House adjourned until 11 o'clock the next day.

FRIDAY, 1st April.

MISCELLANEOUS.

The House met at three o'clock, and went into Committee of the whole and passed the following Bills:—To incorporate the Sisters of Charity; Relative to Harbour master in Pictou; To incorporate Yarmouth seminary.

The Registration Bill was next taken up, and on motion of the Speaker, clergymen were allowed a fee of 25 cents for the returns they are obliged to make. The fee for the registration of births was made a county instead of a personal charge. Other amendments were also made in the bill which passed and the Committee rose and reported.

Mr. Colin Campbell, Chairman of Colchester Election Committee, reported that the sitting members, Messrs. Archibald and Parker, were entitled to their seats.

The House went into Committee and took up the Statute Labour Law.

After considerable debate, Mr. S. Campbell moved that the House re-consider the clause exempting certain counties.

This being agreed to, Hon. Mr. Henry moved that the clause be struck out.

Mr. KAULBACK expressed himself in earnest terms against the motion which was lost 20 to 27.

The bill then as amended passed and the Committee adjourned.

Hon. Mr. McFARLANE moved that the bill be re-committed for the purpose of striking out the clause exempting certain counties. Lost on the following division:

Yeas: Hatfield, Allison, McKay, D. Fraser, S. Campbell, Heffernan, Whisman, McLellan, Archibald, Blackwood, Locke, Donkin, J. McDonald, Longley, Robertson, J. Fraser, McFarlane, Parker, E. L. Brown, Sol. Gen.

Nays: S. McDonnell, Kaulback, Bill, Churchill, Fin. Sec, Tobin, More, Hamilton, Slocumb, Jost, Miller, Tupper, Bourinot, Blanchard, Balcom, Smyth, Rose, Colin Campbell, Robicheau, Caldwell, King, Cowie, S. Campbell, Shannon, C. J. Campbell, Attorney General.

The bill then passed.

Hon. PRO. SEC laid on the table returns of answers from the Clerks of the Peace in the several counties as to whether steps have been taken for putting the franchise law into operation. Some counties have taken steps for that purpose, and others have not.

RIGHT OF SEARCH.

Mr. BLANCHARD presented a petition from Mr. Charles J. Campbell in reference to a right of search, and moved for a Select Committee to investigate the circumstances of the case. Mr. Blanchard stated that petitioner complains that he applied for a license to search for coal in the county of Cape Breton, and paid in his money, and subsequent to his application another party made another, and paid in the money; but owing to some omission or mistake on the part of the Crown Land Department, Mr. Campbell was deprived of his right to the license.

Hon. PROV. SECR. said that this had been one of the subjects adjudicated upon by the late Government.

Mr. BLANCHARD.—I have seen the records of the Crown Lands, and it appears that Mr. Campbell made his application on the 14th of Sept. for a right to search for minerals at Glace Bay. I find that the money was offered to be paid, but the plans connected with that portion of the country being in the possession of Mr. Hendry then absent, the ground could not be specifically located. It was determined, however, that the money should be considered as paid.—Subsequently the requisite information was obtained by Mr. Campbell from Cape Breton, and sent to the Crown Land Office. In the meantime, application was sent in for land in the same neighborhood by some gentlemen from the States. However, Mr. Campbell's money was paid in before these parties did the same. Subsequently a report was made by Mr. Fairbanks to the Government, and I find that by some inadvertency a 2 was put instead of a 27 in the date, and it was made to appear that the application had been made first by the Americans. There was also an error respecting the relative time of the payment of the money. Under these circumstances the Government were misled as to the real facts of the case, and the license to search was not given to Mr. Campbell. I understand no labor has been expended on the property in dispute. I think notice should be given the parties in possession that when their license has expired this matter shall be taken up and decided by the Government.

Hon. PROV. SECR. said he dissented altogether from the principle laid down by the member for Inverness, that the remedy would lie in the destruction of the title. The Government had given a legal title to the property—for the right to search was tantamount to that—and it would be most unjust to take it away when the parties who held it had fulfilled all the required stipulations. He contended such a course would be most detrimental to the public interests. He thought the hon. gentleman should show what remedy was possible under the circumstances of the case. He did not see that relief could be given, or of what avail a Committee would be.

After some further remarks on the subject, it was referred to a Special Committee, consisting of Donkin, Slocumb, McKay, Miller, and Stewart Campbell.

The House adjourned.

EVENING SESSION.

The House resumed at $\frac{1}{4}$ to 8 o'clock.

Hon. ATTY. GENL.—From the Committee to whom was referred a number of Bills on the subject of the incorporation of Coal Mining Companies reported several with amendments.

The amendments of the Council to the law relating to officers of the Customs were considered. The law as sent up, prevents collectors of Customs from engaging in trade in any way. The amendment of the Council was that the clause should not apply to any officers whose salaries did not exceed \$200.

After some discussion the matter dropped for the present. The general impression appeared to be in favor of going back to the old law.

The amendment of the Council to the Sheriff's Bill which substitutes the old law for that passed by the House on motion of the Atty. General was not agreed to. The amendment to the chapter of the preservation of useful birds and animals was not agreed to. The amendment was evidently a mistake as it excepted wild cats, bears, and loup-cerviers from the operation of the bill.

The amendment to the chapter on absconding debtors was not agreed to.

The House then went into Committee and was occupied for some time with the bill to incorporate Spring Hill Company.

The House adjourned at 9.

FRIDAY, April 8.

The House resumed at 8 o'clock.

RAILWAY BILL.

Mr. JAS. McDONALD moved the third reading of a Bill relating to railways in the R. S.

In reply to an enquiry from Mr. Miller, Mr. McDonald stated that the amendments proposed in this Bill did not confer any additional powers upon the government, but they merely authorized them in case they should find it more advantageous to do so, to enter into arrangements with private companies to construct the lines now contemplated by law instead of having them built as government works.

Mr. MILLER pointed out the vagueness of the act, and spoke of the impropriety of allowing the government any additional power to pledge the revenues after they had just past an act involving an expenditure of over £20,000 a year.

Mr. KILLAM said that the question now stood in a different position from when the Pictou Railway Bill was passed. Then the Government announced their intention of withdrawing the Intercolonial Railway Bill—but since then a member of the Government in the upper House had stated that the repealing act would not be introduced, so that in reality there were now two railway acts on the Statute Book. And in addition to this, the member for Pictou, (Mr. Jas. McDonald) now brought in another resolution, giving the Government power to incur still further liabilities, and without any reference to the people's representatives, to enter into contracts with private companies to build railroads to the frontier of New Brunswick, or anywhere they pleased. This, in his opinion, was going entirely too far, and was giving a dangerous power to

the Government, but he supposed it was no use to labor the question—all he could do was simply to protest against the measure, so that the country could see that he had performed his duty. In his opinion no action should be taken, until the time allowed in the Act for the other Colonies to come in had elapsed.

Hon. ATTORNEY GENERAL said that he was astonished at the course pursued by the member for Yarmouth: Persistency and perseverance were certainly virtues, but there was a point after which they ceased to become such, and he thought the member for Yarmouth had passed that point in his opposition to the railway policy of the Government. The hon. gentleman then referred to the analogy sought to be drawn by the member for Yarmouth between the course pursued by the Government in refusing to repeal the Dalhousie College Act and their action on the Intercolonial Railway question—the difference being that in the one case the law had been acted upon, and in the other the bargain had never been consummated. He denied most positively that the question stood in a different position from when the Pictou railway passed, and contradicted the assertion most emphatically that the Government had withdrawn the bill to repeal the Intercolonial Railway Act.

Mr. KILLAM said that he differed from the view taken of the assumed clause of this bill by the introducer (Mr. Jas. McDONALD). That hon. gentleman said that no action could be taken under it in reference to the Trunk line, without the approval of the Legislature. In his (Mr. K's) opinion there was nothing to prevent the Government from going on with that line on their own responsibility.

Mr. LOCKE expressed himself as of the same opinion, and he was opposed to giving the Government the large powers contemplated by the Act.

Mr. CHAS CAMPBELL would like the Government to explain thoroughly what powers the Bill gave them. He had had great difficulty in making up his mind to vote for the Pictou Railway Bill, and he only did so to save his friends from embarrassment. He felt that Cape Breton had all along been obliged to pay a large sum for railway interest, for public works from which she received no benefit, and he did not feel disposed to back the Government up in incurring any further liabilities—such as those contemplated by the resolution before the House.

Hon. PROV. SEC. said that the Government had no wish to embarrass the member for Victoria, or anybody else. The hon. gentleman explained that the object of the proposed bill was to give the Government the power to build the roads on more advantageous terms, if they could make a bargain with private companies. The Government had no wish to escape any responsibility. They were amenable to the House for their acts, and it would not be to their own interests to make any bargain with any company on disadvantageous terms for the Province, for if they did they would speedily have to answer to the people for it.

The hon. gentleman went on to point out the inconsistency of the course pursued by the member for Yarmouth. One day he denounced the Intercolonial Railroad, and another day he advocated it; and so with the Pictou road that he was now opposing so persistently. He had heard that hon. gentleman on the floors of the House announce his attention of going home to reconcile his constituents to that measure.

Mr. KILLAM here explained that he had merely announced his preference to the Pictou road over the European and North American.

Dr. TUPPER denied that he had so qualified it, and continued to denounce Mr. Killam's policy on railway matters.

To-day he was found violently opposing the principle of building railways by companies which he had all his lifetime advocated in preference to their construction as government works. And so in every respect that hon. gentleman's course had been marked by inconsistency and the abandonment of every principle he had once advocated.

The hon. Prov. Secy., in conclusion, pointed out that the member for Yarmouth in his new born zeal for the Intercolonial project was wanting to incur greater liabilities than the government intended under the measures they had submitted, and that if he had his own way he would build not only our own roads, but into the heart of New Brunswick as well.

Mr. KILLAM complained of being misrepresented by the Pro. Sec'y. What he had said before was that the government had induced some of their supporters to vote for the Pictou railroad bill on a pledge that they would introduce an act to repeal the Intercolonial Railway and that having passed that measure in this House one of their supporters withdrew it from the upper branch.

Hon. ATTY GENL.—No, I deny it.

Mr. KILLAM—The published reports of the proceedings of that House proved that the statement is correct, and he did not think that that was the proper course for the Government to pursue.

Hon. PROV. SECY. would like to know why the hon. member did not vote for the repeal of the Intercolonial Act.

Mr. KILLAM thought he did, but was not certain, as he took but little interest in it, and let the Govt. have their own way. As regards the charges of inconsistency there were others open to it as well himself, and he could name some who had made pledges they had not carried out; he repeated that he did not feel inclined to give the Govt. the power contemplated by the resolution, as he had no confidence in them. It was emphatically a lawyer Government, composed of five lawyers, who might be well enough in the profession, but they were not the practical men who in his opinion were fit to carry on a Govt.—The hon. gentleman went on to point out that nearly every office of emolument was filled by a lawyer, and stated that he came to Halifax last summer to assist in forming a Government, and when he came he found it already formed, and he with others turned away disgusted.

Hon. Prov. Secy. stated that by referring to the Journals he found he was correct in stating that the hon. member for Yarmouth had left the benches when the vote was taken on the repeal of the Intercolonial Act.

He did not wish to take up the time of the House by replying to that hon. gentleman's onslaught on the government, but he would say, it was strange that he did not discover their incompetency before, and that he should only find it out now after having sat with them for four years and after having been sent back by his constituency to support them.

The hon. gentleman concluded by accusing Mr. Killam of having announced his intention of supporting the resolution when it was first submitted to the House.

Mr. KILLAM said he might have done so, but upon reflection he had become convinced of the impropriety of doing so.

Hon. ATTY. GENL. congratulated the member for Yarmouth upon the change in his opinion as regards the remunerative character of Railroads. He was now so convinced of their paying qualities as to be unwilling to let companies have anything to do with them.

Mr. ARCHIBALD said it had been better understood as to whether the Government authorized the withdrawal of the act repealing the Intercolonial Bill from the upper house.

Hon. ATTY. GEN. said that no person had any authority to do so.

Mr. ARCHIBALD said it was reported to have been done by a member of the Government, and unless it was correct that the whole government was represented by the Pro. Secy and Atty. Gen., he supposed that that gentleman had as much right to do it as they had.

Hon. Prov. Sec. said that an explanation was necessary as a misunderstanding had arisen in reference to the matter.

The Government had always considered the question of the repeal of the Intercolonial act, as a matter of no importance inasmuch as it was inoperative and so much waste paper, and therefore they had agreed the more readily to its repeal.

When the question came up in the Upper Branch, it was well known that the Government were anxious to obtain the passage of the Pictou Railway Bill, and therefore when the Rec. General moved that Bill, and the leader of the Opposition stated that they ought to dispose of the repealing bill first, and if the Government withdrew that he would withdraw any opposition to the second reading of the Pictou bill, the Receiver General, under a misapprehension of the nature of an interview which had taken place with him (the Prov. Sec.) and being aware how little importance the Government attached to that measure, stated that there would be no objection to withdraw it. This was done under an implied pledge that no opposition would be offered to the Pictou Railway Bill, so that when the Leader of the Opposition reserved to himself the right of moving amendments in Committee, which might go to destroy the bill, of course the Receiver General considered himself absolved from the pledge that was stated to have been given.

After a few further remarks from Mr. Killam as to the difference of opinion that existed among the supporters of the measure as to the powers given by the Resolution to the Government, Mr. Miller stated that he would be obliged to oppose the resolution upon the grounds that it conferred unlimited power upon the Government, and would enable them to incur liabilities of greater extent than the present finances of the country would allow. After some further discussion the debate was adjourned without any decision having been come to.

Then the House adjourned.

MONDAY, April 11.

The House met at 11 o'clock.

MISCELLANEOUS.

Mr. PRYOR, chairman of city bills, reported up a bill to provide for improved sewerage in the city of Halifax.

This is the last city bill before the house.

The house then adjourned, and resumed at 8.

An act to build a bridge and open a road in the county of Guysboro' was introduced and read a second time.

Hon. Mr. McFARLANE introduced a bill in reference to agriculture, to take the place of the act now in the statutes. It establishes a Central Board of Agriculture, consisting of 11 persons, of whom five shall reside in Halifax or its vicinity, and the remainder in the rural districts. The Superintendent of Education, and the Principal of the Normal School, shall, *ex officio*, be members of such Board. Four of the members of this Board shall annually retire, and others be elected in their place, who shall be nominated by the greatest number of societies. Agricultural societies may be organized in each of the counties wherever 40 members or more shall become members thereof. The county society, where but one exists in a county, and the several societies, where more than one is established therein, shall be requested to hold an annual show for the exhibition of agricultural and horticultural produce, &c. The Central Board is, among other things, authorized to publish a quarterly or semi-annual journal for the diffusion of agricultural and horticultural information,—to take measures to obtain from other countries, animals of new or improved breeds, new varieties of grains, &c,—to hold every third year, or oftener, if deemed advisable, in some central and suitable locality, a general Provincial Exhibition.

Several bills were read a third time.

Hon. Mr. LEVESCONTS reported from the committee on fisheries. It considers the exaction of duties on the Labrador coast as unjust, and advises our government to look into the subject.

Mr. COLIN CAMPBELL presented a petition, and introduced a bill, in reference to a cemetery in the town of Digby.

Mr. C. J. CAMPBELL made some enquiries respecting the interchange of products with Newfoundland. He said he understood that that province put a tax of 1s. a ton upon our coal.

Hon. Prov. Sec. said that it was very desirable that any privileges that we might grant Newfoundland should be reciprocated by that province

RAILWAY EXTENSION.

Hon. Prov. Sec brought in a resolution embodying the substance of the clause proposed as an addition to the railway bill, on which considerable discussion took place on Friday. He said he thought this was the best course to deal with the matter as it would leave the old railway bill to stand on its own merits. The object of this resolution was to put it in the power of the Government to extend our railways by means of private capital, when it can be done on terms advantageous to the Province. He alluded to the desirability of having railway communication with the States and with the Provinces.—He also said that the government had some reason to believe in connection with what was going on in Canada, New Brunswick, and the States that some proposals might be made by which our railways could be extended to the borders. Under these circumstances the government felt that it was necessary they should have the power given them by the resolution which he read as follows :—

“Resolved that the Executive Government be authorized to secure the construction of the railway from Truro, or from the point of junction with the Main line to the border of New Brunswick, through the agency of any responsible company, provided no greater liability is incurred than four per cent per annum, upon a capital of ten thousand pounds currency per mile, for a period not to exceed twenty years, and provided connection is thereby secured with the railway from St. John to Shediac, and that the Government be authorized to procure the construction of the line, west of Windsor, in the same manner to the extent of four per cent. on a capital of six thousand pounds per mile.”

Mr. MILLER argued that the resolution gave too dangerous a power to the Government, and moved the following amendment :—

“Whereas the revenues of this Province is now burthened with a liability of about £60,000 annually, for interest on the money invested in our existing lines of railway. And whereas the Act of this session, providing for the construction of the line to Pictou, will entail a further charge of at least £25,000 annually—Therefore resolved that it is unwise, at the present time, to pledge the public credit to the extent required by the resolution before the House.”

Mr. LOCKE also spoke against the power which would be placed in the hands of the Government by the resolution in question.

Mr. KILLAM expressed his disapproval of the attempts of the Government to commit the House to a ruinous railway policy. He then went on to say he had no confidence in the Government, and that the manner in which they had been formed last summer was an insult to the people. The Government was formed by two or three gentlemen, and the people's representatives, who had been summoned for the purpose of arranging the *personnel*, were hardly consulted on the subject. They were not even allowed time to go apart from their leaders and consider a matter which was of such vital importance. The Government said the mail closed for England on the day the party met

together in caucus, and the names of the men composing it must be sent to the Colonial Secretary without delay. By the course they pursued they insulted not only the representatives of the people, but the electors themselves who had chosen them to come here and form an Administration. Nearly every man, on the occasion in question, went away thoroughly disgusted with a course of procedure, so foreign to the interests of the country, and so insulting to the party whom the people had at the election returned to control public affairs. Under these circumstances he could not but feel surprised that gentlemen should continue to support a Government that had treated them so contemptuously. He asked the House to consider the shameless manner in which they had bartered every public principle to which they had pledged themselves to the people. What had become of the declarations of public policy to which they had bound themselves? Not a single step had been taken in the direction of retrenchment, or any other measure to which they were solemnly pledged. If he was to believe what was currently reported, a new officer was to be appointed at a large expense to the people of the Province. It was believed that the Attorney General was now considerably swayed and influenced by the fact that he expected to receive the office in question. He wished to know what was to be done with the Government if its leader should be shelled. Was the Solicitor General who was so subject to bilious attacks to control our public affairs. He never saw a Government so little deserving of public confidence. The hon. Solicitor General was away half the time and unable to attend to the public business. The hon. member for Halifax (Mr. Shannon) was also incapacitated from illness from attending to the public business.—That gentleman, it was well known, was entirely controlled by the Provincial Secretary. Some of the Government were quite incompetent to manage public affairs—some of them hardly knew how many shillings were in ten dollars. He was curious to know how the Government had managed to bring up their supporters to support the proposition now before the House. Had the “big brother” the Solicitor General again been about with his little memorandum book, as had been the case when the Pictou scheme was under consideration?

Hon. PRO. SECRETARY—The position which the hon. member for Yarmouth has occupied in this House renders it necessary that I should make a few observations in reply to the very extraordinary speech with which he has honored this House. I have sat here a good many years and I rejoice to say, notwithstanding all the asperity of party that has prevailed, I have been a stranger to such an exhibition as has been presented by the hon. member. I have heard a good many gentlemen,—and I have been perhaps myself guilty of the same fault,—make observations, under the influence of excitement, that they afterwards regretted; but I have never seen, until to-day, a gentleman of standing and experience in this House rising up, and in the presence of this Legislature, openly and defiantly revealing the secrets and betraying the confidence with which he had been entrusted by his party. (Hear, hear.) I hope whilst I have a seat in this House I shall never

again witness so humiliating a spectacle, so painful an exhibition. The hon. gentleman talks about "billious attacks." He forgets in the excitement of his animosity against the Government the real cause that is at the bottom of this gross attack. The great fault against the Government in his estimation, is that he is unable to destroy it. That is the head and front of our offending. Whilst he believed that he could stand behind the throne and wield a power greater than the throne he was content to be one of the most steady and unflinching supporters of the men whom he has now thought fit to assail and insult. By his own mouth and with his own tongue he has told his own shame to the people of this country. He has stood up to-day and told the people of Nova Scotia that the member for Yarmouth is a man who has the most contemptible opinion that is possible for any man to entertain of the men of whom he has been the most unflinching supporter—with whom he co-operated forty years—whom he has done his utmost to uphold and constitute the Government of this country. He has stood here for ten years using every energy in his power to place the Government in the hands of these public men.—I shall not stoop to follow him into the revelations of those things which men of honour and character everywhere hold to be sacred, but I will tell him this, because it is violating no confidence, that if the hon. member is not satisfied with the construction of the Government no one is more to blame than himself. The statement he has made as to the mode in which the Government was formed is not true. I tell him no man knows better than himself what are the real facts. Instead of obeying the summons given him by the gentlemen entrusted with the formation of the Government, so inflated was he with the idea of his own importance, that the whole world ought to revolve around him—that he came a day after the time for which he was summoned for the purpose of consulting with the representatives of the people in reference to the formation of the Government. Therefore, if the party had not the benefit of his counsel, no one is to blame except himself. Had he informed us that he would be here at a subsequent time to that appointed, it is probable the gentlemen who had sent him the summons would have waited and deferred to his views. But, as it was, did they show any want of consideration for the West, or for the hon. gentlemen? No, sir, a seat was reserved in the Executive Council for the hon. gentleman. What will the House think of a man who was thus honored by his party, and yet stands up and holds the language he does to-day. "No," he said, "I will not go into the Government, but I will remain outside, and control it." Having declined to take a seat in the Executive, the hon. member knows that it was offered to one of his friends in the Upper Branch who resides in the extreme West of the Province. Under these circumstances he comes up to Halifax and instead of telling the government that he had withdrawn his confidence from them he met them daily in consultation; and he is willing to remain their supporter until he attempts to take a position which no man for the interests of the country should occupy—that is, while avoiding all responsibility, of standing

behind the government and wielding a power greater than the government. It was not until the hon. gentleman found that the government would not occupy the humiliating position that he would thus have it occupy, that he took it upon himself to pursue the course he has of late. Instead of coming here and meeting us in manly conflict on the floors of the House, you found him day—and I am not betraying any confidence as he has, but stating facts well known—creeping about the lobbies of this Legislature and offering every bribe he could imagine to one and another in order that they might be induced to become the impotent tools of the hon. member for Yarmouth. (Hear, hear.) When the time for the struggle came—when he saw that the course he pursued only brought down upon him the contempt of the parties he wished to corrupt, what did he do? Why, he begged us as we now see him, ready to combine with any body—with the very parties whom he spent a life in denouncing—and to slander and revile the very men whom he has declared again and again were worthy of the confidence of the people of this country. My hon. friend the leader of the Government is now the object of his contempt and his obprobrium. He, we are told, is ready to sacrifice the interests of the country to his own selfish aggrandisement. I did not think there was a man in this House who would use his tongue to utter language like that. The hon. member for Yarmouth has been himself a living witness that there is not a man in this country who has passed by the highest objects of his ambition—who has turned his back on that which he would wish to grasp, more readily than the Atty. Gen. And for what? That on this arena he might be in a position to defend the interests of his country, its rights and privileges. Yet the hon. member was so much under the influence of these billious attacks as to forget what was due to his own self-respect, and address a sneer against a man whose reputation is built upon the services of a lifetime—upon the exhibition of principles that have adorned this Legislature? I care not for the remarks which he has made in reference to myself; for I have not the claims upon the country that are possessed by my hon. friend the leader of the Government. But the hon. member has sat here for twenty years, and I ask him to show you a man who has devoted his time and talents, such as they are, more constantly to the public service than I have done since I had the honor of a seat in this House. I ask him to name the man who has been more constantly here at his post than I have been for the past eight years—that has attended more regularly to the office which I have the honor to hold, than I have. The hon. member may look through his spectacles until he is tired, but I challenge him not to deal in mere insinuations—in mere vague, general assertions, but to put his hand on a single act of mine that exhibits inconsistency or insincerity.

The hon. gentleman has ventured to refer to retrenchment, yet he was the first man in this House to oppose and put down retrenchment. He knows that consistently with the views which he has himself advocated, we applied that

principle to the collector at Yarmouth. We proposed to reduce a salary that he knows could be better touched without injuring the public interests than any other in the country; but he and his friends combined with the opposition and defeated our action. The less the Hon. member says upon that subject the better. You may spend the whole money of the country in Yarmouth and the member for Yarmouth is content; but the moment any retrenchment is attempted in that quarter, he is up in arms. I cannot but express my surprise that he should attack my hon. friend from Halifax. He has been confined to his house for some time by severe illness, and yet the honorable member for Yarmouth, forgetting the common decencies of life, points the finger of scorn at my hon. friend. What does he (Mr. Shannon) draw from the public purse for the time he devotes to the public service? Not a single shilling. Without any remuneration whatever, he devotes week after week to the onerous duties of his position; discharging ably the business of the country without fee or reward.—Who does not know that among the men who are invariably here prepared to take their share of the public business, the hon. member for Halifax is the foremost? Yet the hon. member for Yarmouth makes him the object of his ob- jurgation because Providence has laid his hand upon him. Sir, I have to-day witnessed a spectacle that I trust never to see again—a gentleman so blinded by his own impotency to defeat that which an overwhelming vote of the Legis- lature has demanded, as to forget everything that is due not only to his old friends and com- patriots who have fought valiantly by his side for many long years, but what is due to this House and the people of this country.

Mr. KILLAM.—I said a few days ago that it is impossible for me to compete with the hon. Provincial Secretary in talking. All I can at- tempt to do is to express my meaning as plainly and succinctly as my abilities enable me to do. On the present occasion, I have simply made a statement of facts. We have been dealing with a subject of the very gravest importance that can be presented to the people of this country. The hon. member for Cumberland should know that my action in respect to the resolution be- fore the House is only induced by a sincere con- viction of the principles that should guide me as a public man. I am here to watch over the in- terests of the people who have sent me to this Legislature. He says I was offered a seat in the Executive Council. I do not deny it, but let me tell him that I was asked to sit with gentle- men with whom he and his friends knew I could not work. Deeds, sir, speak stronger than words; and I am quite ready to let the people of Nova Scotia judge between the Provincial Secretary and myself. My whole public career is before them, and I have little doubt that I shall receive justice in the long run. What the Provincial Secretary has said of me to day, he has said of others before, and they have man- aged to survive it all. What I am doing now is only in accordance with the principles that I have always professed. If I have supported the party now in power it was because I thought they were upholding those principles most ne-

cessary for the public interests, but is it to be expected that when they attempt to abandon those principles that I shall support them. My remarks in reference to the Government went only to show that they did not fairly represent the different sections of the country. I believe the Provincial Secretary at the time this Gov- ernment was formed, did not want me; he only wanted a government that he could man- age as he thought proper. It requires no dis- criminating eye to see what is really the position of the whole matter.

Hon. SOLICITOR GENERAL.—After what fell from the hon. Prov. Sec'y. touching the hon. member for Yarmouth, it would not become me to attempt anything like severity. The hon. gentleman, let me say, has made such an exhibi- tion of himself before the House and country, that I do not know but I would rather weaken the effect by saying anything. It might be quite sufficient to let the people judge of the hon- gentleman by his own language—language which, I must confess, with all my experience of parliamentary life, is such as, I hope, will not be often uttered in this House, but my silence might be misunderstood. I can easily under- stand the cause of the bile of the hon. member for Yarmouth. Whilst the Pictou railway was under consideration, and the hon. member was attending the confidential meetings of the party, I knew that he was going away from these meet- ings and divulging the secret communications of the party who trusted him, to the Opposition from time to time. I knew that he was hawk- ing about sums of money, and offers of seats in the Executive and Government offices, for the purpose of influencing members. I felt, then, it was my duty to tell him that I knew what he was about, and I did so in the presence of several gentlemen. The hon. gentleman knows that this "big brother" of whom he professes to have so contemptuous an opinion, was the great barrier in the way of his insidious disguise—that he it was who prevented his machinations being successful. But he tells us that the hon. Soli- citor General carried about his memorandum book. Does he forget that he himself carried about a little book offering every bribe he could think of? Why, do we not know that the hon. gentleman opened his heart to an ex- tent that he never did before, and with unparal- led generosity gave at his residence a cham- pagne entertainment.

Mr. TOBIN.—The gentlemen attended the meeting, drank the wine, but they did not vote. (Laughter.)

Hon. SOLICITOR GENERAL.—Not a gentleman east of Halifax was asked, except one, I believe, from one of the most distant counties. How, then, can the hon. gentleman talk to us about memorandum books. Whatever position I took in reference to the Railway was induced by the belief that I was promoting the best interests of the country. Whatever I have done, I have not attended the private meetings of any party, and then violated the confidence reposed in me. I tell him that he is doing the gentlemen who support the government a foul injustice when he says that they went away disgusted from this city last summer. He cares little what he now says about them, for he has in vain at-

tempted to draw them away from their allegiance; for to their honour be it said, they have had too much independence of purpose and conviction of what is right to listen to his wheedling. Their votes and their conduct generally since this House met give the most ample contradiction to the statements made by the hon member here to-day. He may have acted the hypocrite—may have falsely led the government to suppose up to the very last moment, while insidiously plotting against them, that he was their friend; but he does the gentlemen around great injustice when he insinuates that they have been actuated by the same unworthy feelings as himself. I ask you who is this gentleman who has so villified the government, and said that some of them could not tell how many pounds shillings and pence were in ten dollars. He is a successful shipbuilder, I confess; but is he anything else? Take the hon. gentleman's speeches in this House and let me ask what are they? Are they English? No. When the hon. gentleman gets up and attacks the government, he throws down the gauntlet, and he must not complain if it is taken up. I tell him that when he comes here with his broken English he ought to be more careful of what he says on this arena. He talks about gentlemen being absent from their duties. Let me tell him that there are some gentlemen in this House who could be absent two-thirds of the time and yet do more good in the other third than the hon. gentleman in the whole session. I have done this session four times the amount of work he has been able to do in this House, and yet he assails me for a temporary absence caused by sickness of two or three days. We heard it said a few days ago that the hon. gentleman was going away. Well, I can only say to him, that I think we could get on very well without him, and I do not think either the House or country would have much cause for complaint if he did go.

Considerable discussion then ensued in reference to the Resolution before the House.

Mr. LONGLEY said that he was very much in favor of the Resolution before the House, and that he looked upon it as susceptible of being advocated even by the most inefficient debater. He considered it was deserving of the support of every gentleman in the House; for he was of opinion that the time had arrived when we should endeavour to get rid of mere sectional feelings that had obtained in times gone by.—He thought that it could be most amply proved that the Pictou railway was deserving of support on the ground that it would at a very early period pay largely over the expenses. He then went into various calculations to show the advantages of railways to the country.

Mr. BLANCHARD said that it was urged by gentlemen on the opposite side on Friday last that under the resolution then proposed, the Government were powerless to build a mile of railway beyond what was called the common Trunk line. It was urged that they could not build a single mile to Victoria Beach or to Pictou, or to the border under the clause. He wished now to know what had come over the spit of their dream since the time alluded to. Now, the Provincial Secretary came forward and asked the House to give the Government

power to extend our railways to the borders and to the Victoria Beach. Whatever might be the effects of a railway to the States, as depicted by the Provincial Secretary, he (Mr. Blanchard) doubted very much whether the Government were prepared to build a railway of a hundred miles west. It was stated in the Governor's Speech that our railways were to be extended, and the Government came in and said all they could do was to go to Pictou. The bill for that extension was introduced and passed; and now at this late period of the session they came in and asked the House to give them powers to extend our railways as they might deem most expedient. The House and the country would now learn that the Government had abandoned all hope of an Intercolonial Railway on any terms. The Provincial Secretary had said that such a road would be a most ruinous speculation as regards its profits. Now, the European and North American Railway was that to which they had turned their attention. He (Mr. B.) would call upon the members for Cape Breton to know whether they were prepared to pay one-fifth of this additional £76,000 a year that the measure proposed would involve. He, for one, was not prepared to put it in the power of any Government to do any such thing. He regretted that the discussion had not been carried on free from acrimony and personality. When the hon. Prov. Sec'y. and Sol. General reflected on the position which the hon member for Yarmouth occupied for many years, they might have spared much of what they had said. He thought allusions to the "English" of any gentleman were most indecorous, and ought to be put down, if the dignity of the House was to be preserved. He remembered times gone by, when he had heard the Provincial Secretary and Solicitor General laud, in no measured terms, the financeering ability of the member for Yarmouth, and yet he was now declared to be incapable of speaking English.

Hon. PRO SEC.—What refined distinction is there between a gentleman who calls in question another's knowledge of arithmetic, and one who disputes another's grammatical propriety?

Mr. BLANCHARD said that he thought the hon member for Yarmouth only spoke in a jocular way.

Mr. KILLAM said that he did not think he was wrong in handling the subject as he had done. Perhaps he had gone too far, but his desire had simply been to use such language as would best show the character of the government to the country. The people had to be told by some one or other.

Mr. TOBIN said that family quarrels were always troublesome and to be regretted. He hardly knew how to deal with this matter. There had been an exhibition of personalities that were really offensive to him at all events. He supposed the hon. member for Yarmouth was really talking about some future government, which might be formed when the hon. member for Annapolis should leave the arena of politics. He was sorry that the Solicitor General who was really very good natured, should have uttered the very hard things that he had. He (Mr. T.) had been afraid to speak of railways once, for it would be said that he as one

of the representatives of Halifax was pushing the matter beyond its true limits, in order to promote the interests of his constituents; but now he heard the hon. member for Annapolis coming forward and making a railway speech which few men would have dared to make a few years ago. He (Mr. T.) was satisfied that let the roads in question be constructed, and in a very few years our revenue would be doubled. In 1851—before we commenced to construct railways—the revenue was only £95,000, whereas in 1883 it was £295,000. That one fact, in his mind, settled the question at once. Railways, he was confident, would bring in that population we wanted, and thereby largely increase our revenue.

Mr. BOVARTON said after the pointed appeal made to him by the hon. member for Inverness, he felt it his duty to state his reasons for supporting the resolution before the House. He regretted that many extraneous matters had been introduced into the debate, but under existing circumstances he thought it not inadvisable for him to say something with respect to the formation of the Government. When the Government was about being formed, he in common with others was requested to attend a meeting of the party to be held in Halifax; but owing to reasons which he stated at the time, he had found it impossible to be present. He heard afterwards of what had been done, and he would here state distinctly that he did not approve of the *personnel* of the Administration; but when he came up to the meeting of Parliament he went to the deliberations of the party with which he had been associated, and was entrusted with its secrets. The measures of the Government were submitted at these deliberations, and they were of a character that met his approval. The moment he became identified with the Government he considered it his duty to give them his support as long as it was consistent with the interests of his constituents, and their course commended itself to his sense of what was just and right.—So far he had been consistent.

Now he would add a few words with regard to the question immediately before the House.—When the Pictou railway was up for consideration, it would be within the recollection of some gentlemen that he stated his reasons for supporting that scheme. He stated at the time that he would have been ready to sacrifice even that extension, if there was any probability of the Intercolonial road being built, for he had long looked upon that great work as of paramount importance in an intercolonial and national point of view. But when he found that there were great if not insurmountable obstacles in the way of the completion of this great project, he determined to push forward the next best thing—the extension to Pictou. The question had now arisen whether the members for Cape Breton ought to give their support to the proposition now before the House, and he would reply at once that he thought they could consistently do so. Taking a wide view of the question—not that narrow, sectional view which many gentlemen seemed to entertain,—he believed that the extension of our railways would tend to aggrandize our country. It

would place us in a position to become a nation, instead of a little Province. If we wished to keep up with the great countries beyond us,—if we wished to become prosperous and great, we must extend our railways. By this means our existing lines would become more productive, and release us from the burdens they now imposed upon us. He would not delay the House any longer, but would merely add, that as a member for Cape Breton,—as a representative of the Province of Nova Scotia, he cordially gave his support to a measure which he was confident would be, if carried out, productive of incalculable advantages to the people at large.

Mr. JAMES McDONALD was surprised at the character of the arguments that had been used against the passage of the resolution before the House. It was not opposed because any gentlemen considered the principle of building railways by companies was wrong, or that the subsidy proposed was not of a most beneficial character. The only reasons adduced were those which were in effect urged by the hon. members for Yarmouth and Inverness—that they had no confidence in the Government. He was confident that such an argument would not avail much with the intelligent people of this country. He then went on to point out the great advantages that would result from railway intercourse with the United States and Canada. He thought that no man who was not blinded by prejudice could fail to see the beneficial results that must accrue from such railways as were alluded to in the resolution. At the present moment the want of greater facilities for trade with the countries beyond us was very generally felt.

Mr. PARKER spoke briefly in favor of Railway extension generally, but expressed his doubts as to the propriety of conferring the large powers upon the government that this resolution contemplated. He preferred the system of building them as government works, rather than by private companies.

Mr. COFFIN was opposed to any further railway liability being incurred at present although he had no doubt as the country increased in resources and wealth that the extension referred to would be desirable. Although he was not against railway extension wherever practicable, he would remind the government that there was another mode of travel which deserved encouragement at their hands. He alluded to steam communication; and if the government would promise to subsidize a line of steamers to Yarmouth, and another to the Eastward calling at the principal gold fields, he was not prepared to say but what it might affect his vote on this question. He had taken a stand against the Pictou railroad, not so much because he was opposed to it on its own merits, but because he thought its passage destroyed the chance of the Intercolonial road. He thought that the government had enough on their hands at present without asking for more power.

Mr. ANNAND said that when the Pictou Railroad Bill was first submitted, he inquired of the leader of the Government what was meant by the expression, *lines* of railroad, and whether it was intended to submit any other measure than that, and he was told that it was not. Now he found

a proposition to subsidize companies to connect with the frontier of New Brunswick, and west to Victoria Beach.

Hon. PROV. SEC. explained that the word lines was a clerical error.

Mr. ANNAND continued to point out the dangerous character of the resolution, which would give the Government power to incur liabilities to the extent of the whole road and school grant of the country. It used to be said that Halifax was railway mad. He thought that the remark applied with greater force to the present government and their supporters.

Mr. JOSE explained as regards the position of his constituents on the railway question that they had always been opposed to building them as government works, but they were built in spite of them, and all they could do now was to make the best of them, and by extending them to Pictou and the borders of New Brunswick, endeavour to make them pay. That was the way the County of Lunenburg was canvassed at the last election. He would vote for the resolution before the House, because he thought it would enable the Government to build the roads at a cheaper rate, and thus decrease the annual liability of the Province. He presumed the Government would act with prudence and reason, and not plunge rashly into debt—and for these reasons he thought the power asked for should be given.

Hon. SOL. GENL. gave the House figures to show that even if the government built the whole three lines they would not incur greater liabilities than if the Province built its share of the Intercolonial about which the opponents of this resolution were so anxious.

Some debate ensued as to the propriety of closing the debate that evening—several members expressed a wish to have it adjourned, but the Hon. Pro Sec'y on the part of the government said that the proposition had been now for some time before the House and had been fully explained and debated, and while he had no wish to shut out any gentleman from explaining his views, yet he was averse to postponing the debate, as it would only lead to another day being lost and a reiteration of the same arguments. He was quite ready to hear any gentleman who wished to address them.

Dr. STOCOMBS said that he had no wish to inflict a railway speech upon the House, he merely wished to enquire of the Government whether, in the event of arrangements being made with any company to construct a railroad west to Victoria Beach, it was intended to select the line now surveyed.

Hon. PRO. SECY. replied that the Government were committed to no particular line. That would be selected which was best for the interests of the country.

Mr. KILLAM again argued in favour of delaying any action for a year. He could easily understand why the Government were anxious to extend their power east and west—to attain their own ends, and although he was called stubborn and obstinate, that would not deter him from doing his duty.

Hon. ATTY. GENERAL said that the hon. gentleman no doubt was stubborn enough in his opposition to railroads, but he was remarkably flexible in his opinion as to their mode of construction. He had listened with amazement to him when he (Mr. K) said that he preferred that the Government should build them, so that the people might own them, as he knew that that opinion was contrary to the principles of his past life. He thought that this subject had been thoroughly discussed, and the question ought to be taken.

Mr. BLACKWOOD said that he considered it due to his constituents not to give a silent vote on the question now under discussion. When the Pictou railroad bill was brought down, he understood that that was to be the only one submitted this session. Now, he found that the House was asked to pass a resolution giving the Government power to build roads east and west. This was giving them very large powers, if it was going to be acted upon. If it was not, where was the use of putting it on the statute book? He took it for granted that the Government were going to act upon the power given, and would build the roads to the borders and to Victoria Beach. This was giving them powers which he did not think the people contemplated, and which he had no idea of legislating upon. Sometimes it was true that governments had to yield to pressure from without, but it did not appear that such was the case in this instance, and he thought that the Pictou road would give them quite enough to do. He was in favor of Railway extension it was true, but not to incur liabilities which the country was unable to bear, and which he thought would be the result if this resolution was passed. This resolution contemplated opening up a connection with the railroad of the United States, which in his opinion bore no comparison in point of importance to the Intercolonial line. In the latter case we would be developing our own resources in time of peace and increasing the security of our country in time of war. He would suppose that the event should take place which many people thought by no means improbable. He alluded to a war with the United States. Of what advantage would the European and North American road be then? and would we not have to tear up the rails in order to prevent them from bringing into the country the means of our own destruction?

On the other hand the Intercolonial would be the great highway between these North American Colonies, adding to their prosperity in time of peace, and affording them the means of defence in the hour of danger. But the advantages of the Intercolonial line had been so often and so ably brought before the house that it was useless for him to occupy more time on the subject. He merely wished to show the country that he had not acted inconsistently on this question. He had voted for the Pictou road because he thought there was no present probability of obtaining the Intercolonial, but he had not changed his opinion as to the permanent importance of that line, and he yet hoped to see the day when it would be accomplished. He could not however vote for the resolution before the House, because

he considered it conferred too much power upon the Government.

The question was then taken on Mr. Miller's amendment, (given above,) which was lost, 20 to 16. The names have been published.

Mr. KILLAM said that he would be able to submit an amendment to the effect that the Government should during the recess ascertain upon what terms the Railways could be built, and submit their resolution to the house.

Hon. FINL SECRETARY said that the member for Yarmouth appeared to be under the misapprehension that the resolution obliged the Government to accept the terms of any company; as had been explained before, it merely gave them power, in case they had an opportunity during the recess, to make a good bargain with a company, to do so.

After some further desultory debate, the question was taken upon Mr. Killam's amendment, which was lost by 35 to 8.

After the division, Mr. Blackwood stated that his vote was given under a misapprehension, and his name by common consent was withdrawn from the minority.

The original resolution then passed, 27 to 7.—
For—Messrs. Hill, Pryor, Bourinot, McFarlane, Jost, McKinnon, Slocumb, Tobin, Atty. General, Bill, Solicitor General, Colin Campbell, McKay, D. Fraser, Churchill, Lawrence, More, J. Campbell, Provl. Secy., King, Smyth, Jas. McDonald.
Against—Ross, Parker, Allison, Blackwood, Killam, Blanchard, S. Campbell.
Then the House adjourned.

TUESDAY, 12th April, 1862.

BILLS INTRODUCED.

The House met at three o'clock.

Hon. SOL. GEN. introduced a bill relative to steam boat inspection. He explained that the object was to enable the Governor in Council to appoint a competent person as Inspector to hold a survey upon any steamer carrying passengers (men of war and regular mail steamers being excepted) from any port in the Province. Such Inspectors existed in New Brunswick and Canada, and were appointed permanently.

Mr. COWIE introduced a bill to enable the Commissioners for deepening the harbour of Liverpool to raise additional funds.

Hon. Mr. SHANNON introduced a bill to incorporate the Historical Society of Halifax.

The three foregoing bills were read a second time.

RAILWAY MATTERS.

Mr. STEWART CAMPBELL asked for a paper he had moved for some weeks ago, relative to the passes granted over the railway.

Mr. JAS. McDONALD said that there was no record kept in the Railway office by which he could furnish the information required. When he assumed office he found there was no such record in existence, but he had ordered one to be kept. Under these circumstances he would be placed in a position next session to afford any such information as had been asked for.

Mr. S. CAMPBELL said that he had been under the impression that the privilege in question was

becoming very largely used, and he thought it the duty of the Chairman to restrain it as much as possible.

Mr. McDONALD said that since he had been in the office he had been very careful in respect to passes, and he regretted that he had not before adopted the course which he had since the beginning of the year, so that the House might have the evidence before it of the truth of the fact he was stating. He had only passed those persons whom it was customary to pass over railroads—members of Government and public officers, and persons connected with railway works; and in no case had he favored any for personal reasons.

Hon. Pao. Secy. congratulated the hon. member for Guysborough for his new-born zeal in respect to the railway, and then went on to state that the administration of the department under the present Commissioner had been attended with results which were the best evidence of attention and assiduity on his part. He, (Dr. T.) had called attention a few days previous to the fact that down to the hour the late Chief Commissioner left office there was a deficiency month by month as compared with the former year; but strange to say he had no sooner turned his back upon the department than the tide turned and the department at once exhibited results of the most gratifying character, which continued up to the present hour. Not only the deficiency was covered, but there was a large surplus at the end of the past year. He now held in his hand a statement of the results of the first quarter of the present year, and the house would be delighted to see that in the month of January there was an increase of \$1921 over the same month 1863; in February, \$1316.19; and in March, \$2944.55; making a total increase of \$6191.74.

Mr. S. CAMPBELL said that the hon. Provincial Secretary must not expect to prevent him by the display of any irony from making any enquiries that he thought advisable. He considered he had not been treated with that courtesy which he had deserved in respect to the present matter, for it was six weeks since he had made the enquiry. He pointed out the fact that it was not the management that made railways productive so much as growth of trade. It was the gradual development of our resources, and the industry of the people of this country that gave us such satisfactory results to the railway. Our gold fields especially had tended to swell the revenue of the road.

Mr. McDONALD stated that he had prepared a paper immediately after the enquiry was made giving the same answer that he had given that day, and he had thought he handed it to the Provincial Secretary to lay it on the table.

Mr. BLANCHARD said that this was the second occasion that the hon. Provincial Secretary had undertaken to sneer at the late railway commissioner. He contended that the management of this or that Commissioner had little to do with increased receipts. The Commissioner had nothing to do with the receipt of monies; the returns were made up now by the same officer as under the late Commissioner. He pointed to the fact that the receipts of 1862 over those of 1861 were far larger than those of 1863 over

1862, and stated that the Provincial Secretary had often affirmed that swelled receipts, were not consequent upon the good management of the Commissioner, but were owing to fluctuations of trade.

Hon. Pro. Sec. said that he had called attention to the facts he had adduced from the circumstance that the late government and its friends undertook time and again to claim credit for the increase of receipts on the ground of improved management. He felt a degree of satisfaction which he could hardly express when he found that he had driven these gentlemen now to declare that such statements were idle fallacies—mere attempts on the part of the late government to delude the House and people. He alluded to the statement of the hon. member for Inverness that it was impossible for the Chairman of the Railway Board to receive a single dollar that did not go through the hands of a particular officer of the department, and then went on to say that on one occasion the officer in question had been before the Railway Committee, and it was proved that the late Commissioner could receive money for the carriage of passengers without the knowledge of the former. He did not mean to insinuate such was the case, but merely alluded to the fact for the purpose of correcting the hon. gentleman.

Mr. McDONALD said that he had abstained both in and out of the house from saying anything that might be looked upon as drawing an invidious distinction with the late management; but after what had fallen from the hon. member for Inverness he could not help saying a few words on the present occasion. The increase, for the last quarter bore nothing more than a fair comparison to the amount of increase from the time he entered upon the duties of the office. He had every belief that at the end of the year, should the increase go on in the same rates, there will be a large excess of revenue over the last year.

The subject then dropped, after a few remarks from Mr. Miller, etc.

CORRESPONDENCE WITH MR. JUSTICE BLISS.

Hon. PROV. SECTY. laid on the table copy of correspondence that had taken place between Judge Bliss and the Government, which was read at the table.

Mr. Justice Bliss, in his letter, states that in consequence of the infirm and delicate state of his health he cannot hope to take any great share in the future in the duties entrusted to the Judges. He proposes under the circumstances to resign, provided he is given a retiring allowance of £400 a year. He observes: "I shall say nothing of any claim which I might make, after a service of thirty years on the Bench—during which I may observe, the labours and duties of my office have been more than doubled; not merely from the ordinary and natural increase of business, but by the abolition first of the inferior courts, and next of the court of Chancery; the whole business of both being thrown upon the Supreme Court. Looking at the matter in a public point of view alone, I cannot doubt that it will be thought highly desirable to secure at so small a cost the higher and more effective dis-

charge of those duties, which my age and broken health will no longer enable me to perform as I could wish, and as the exigencies of the country require."

And he adds that should his retirement not be accepted on the terms he offered, he must continue to hold his office, "performing such services as health and strength will permit."

The Government reply—that they are deeply sensible of his great claims upon the Public, and are only prepared from meeting his wishes respecting the proposed pension by the strong objections which exist against the establishment of such a precedent, but that they will consider it their duty to provide for the efficient administration of Justice without interfering with that consideration for his health and comfort which they are happy to know the people of this Province will be most anxious should be bestowed.

BILL FOR THE APPOINTMENT OF AN EQUITY JUDGE.

Hon. PROV. SECTY. laid on the table returns from the different counties in the Province showing the number of causes at the Supreme Court ready for trial, the number postponed for want of time to take them up. Also a return from the Prothonotary in this city, showing the number of causes that were ready for argument at the last sitting of the Court, as well as those that were disposed of and postponed for want of time.

He then begged leave to present a bill entitled "An act to provide for the appointment of a Judge of Equity." In doing so, he said that he was quite satisfied that the universal feeling in the House would be that one of the first duties of a Government was to provide for the efficient administration of justice in the country. The House, by an examination of the correspondence and of the returns just laid on the table, would come at once to the conclusion that the Government would fail in its duty to the country if they did not in the existing condition of circumstances, provide other means for the administration of justice than was now afforded. The number of Judges in the Supreme Court had remained the same for a very long period, during which the population of the country, its business transactions, and naturally and necessarily the amount of litigation had increased very largely. It must not be forgotten that in addition to these facts, it had been the policy of the Legislature to abolish the inferior courts of the Province. These courts comprised four Judges, and he thought at the time that act was passed, an additional Judge was given to the Supreme court.

Now, for the last twenty years the present five judges had not only to perform the duties with which they were originally charged, but also the immense business that was transacted in the Chancery Court. He was not disposed to discuss at that time how far it was a wise move to abolish the inferior courts, but he was satisfied that whatever might be the views entertained on this question in the House, there was an overflowing feeling in the country that that movement interfered with the efficient administration of justice, and that it largely increased the business that was thrown on the Supreme Court. But the House was aware that the business in the Supreme

Court had not only been largely augmented from that cause, but additional duties were devolved upon it by the abolition of the Chancery Court. He was acquainted sufficiently with legal business to know that the last measure named imposed duties which many of the judges in the Supreme Court were opposed to undertaking. Many eminent judges who sat on the bench at that time did not hesitate to declare that duties were imposed upon them which they did not feel justified in discharging, in consequence of their want of familiarity with equity business.

The letter which he had just read from an eminent Judge, gave the House the evidence, were other evidence wanting, of the necessity of taking speedy measures to afford the people that means of obtaining justice speedily, which was now necessarily wanting. He need not say to the House that a delay of justice was in many cases a denial of justice, especially in the case of poor suitors.

The hon. gentleman then read the following figures from an abstract of Prothonotaries' returns of the October sittings and Michaelmas Term of the Supreme Court, A. D., 1863 :

County.	No. of causes for trial or argument.	Causes disposed of.	Causes postponed for want of time.
Annapolis,	23	5	18
Antigonish,	8	8	0
Cape Breton,	17	5	12
Colchester,	15	9	6
Cumberland,	51	1	50
Digby,			12
Guyaborough,	2	2	0
Inverness,	23	1	22
Halifax,	74	45	29
Hants,	11	2	9
Kings,	10	10	0
Keneburg,	11	11	0
Pictou,	19	19	0
Queen's,	14	6	8
Richmond,	25	21	4
Shelburne,	13	13	0
Victoria,	1	1	0
Yarmouth,	2	2	0
Arguments at Halifax,	62	20	42
Total,	381	181	212

It was altogether unnecessary for him, he felt, to dwell on the injurious consequences that must result from the condition of things exemplified by the figures he had adduced. He then went on to say that any talents that he might possess would be inadequate to pronounce such an eulogium upon the distinguished Judge whose letter had just been read, as his great services demanded ; but the House and the country would agree with him that the Bench of Nova Scotia could not lose a greater ornament than Judge Bliss,—that no greater misfortune could have fallen to the administration of justice in this country than that the condition of that eminent gentleman's health should be such as to prevent him from efficiently discharging those duties which he had so long and so ably fulfilled. He was sure that the House would concur in the statement made by the Government in the letter just read of the great claims of that hon. gentleman to consideration—claims founded on 80 years of unremitting duty. Whilst the Government felt that Judge Bliss had the best

claims upon the Legislature possible for any person to possess, yet they felt that the objections to the proposal he had made were of such a character as to prevent their entertaining it. The House was perfectly well aware that although such a precedent was established many years ago—Judge Monok having received a retiring pension—yet that had happened so long since, and the circumstances of the country had so entirely changed as to render it very inadvisable to follow this example.

Under these circumstances—looking at the question in all its bearings,—to the pressing necessity of providing for the speedy and satisfactory administration of justice—looking at it with a true regard to the public interests, the government had thought it advisable to recommend the appointment of an additional Judge. In doing so, they felt that they were providing not only for the relief of the eminent Judge, whose health was so precarious, but also for a great public necessity.—In the preparation of the measure regard had been had to difficulties which had presented themselves since the abolition of the Court of Chancery. He believed that laymen as well as legal gentlemen were familiar with the fact that since that Court was abolished, equity proceedings were not only rendered infinitely more tardy but more expensive than before. For instance, under the jurisdiction of our old Equity Court, the maximum expenses in foreclosing a mortgage, seldom, if ever, exceeded £20 to £30 ; whilst they were now sometimes as high as £60. The bill provided that whilst the Chancery Court should not be re-enacted, the same principle that prevailed in New Brunswick should be carried out—that there should be a Judge in the Supreme Court who should be not only one of its Judges, but should, in addition, have separate charge of Equity Jurisdiction. Thus the country would have the advantage of having one member of the Bench who, in addition to the ordinary judiciary duties, shall turn his attention specially to the consideration of Equity cases which, in many respects, are known to differ materially from the common law practice. It was proposed to style this Judge " Chief Justice in Equity" who shall have co-ordinate rank with the Chief Justice of the Supreme Court, and shall preside in all Equity cases, whether appeals, hearings, re-hearings, &c., but in all other cases the latter shall preside. He trusted that this bill would commend itself to the favorable consideration of the house and country, as one fully warranted by the circumstances of the country. It would be unconstitutional and improper were he to allude in his remarks in the Legislature, to the mode in which this appointment would be filled up provided the bill passed ; but if he could do so, he would make a statement to the house that would not only obtain universal favour from gentlemen on both sides, but from the large body of the people in this country.

MISCELLANEOUS.

The House then went into Committee and took up the Magistrates' Bill in the R. S. Considerable conversation occurred, and various amendments were suggested. Mr. Tobin moved that imprisonment on mesne process be abolished, which motion was carried by 17 to 18 ; but sub-

sequently it was thought advisable not to adopt the amendment so hastily. It was accordingly reconsidered and struck out. Mr. Longley moved that all judgments above \$20 may be recorded, and shall bind real estate in the same way as in the Supreme Court, which motion was carried by 15 to 20. After some discussion in which Mr. James McDonald, Mr. Kaulback, hon. Mr. Le Vesconte, and hon. Mr. Henry urged their objections to the powers given to the magistracy under the bill, the house adjourned, and resumed at a quarter to eight o'clock in the evening, and took up the bill and passed it through—the amendment made by Mr. Longley being understood to be dropped for the present. The following bills were also passed:—To amend Act for better regulation of town marsh of Annapolis;—To provide for a bridge over a certain creek and open a road in Guysboro';—To enable Commissioners of Liverpool harbor to raise additional funds;—To change the name of Little River in Richmond Co.; To incorporate Mutual Bank of Nova Scotia.—The house then adjourned at ten o'clock.

WEDNESDAY, April 13.

MISCELLANEOUS.

The House met at 11, and hon. Mr. Henry introduced a bill to change the name of Little River, in the county of Antigonishe. The House then went into committee on bills and passed the following:—To incorporate the Historical Society of Halifax; to provide for the inspection of steam-boats.

Some discussion took place in reference to a bill relative to the township of Chester. Messrs. Kaulback, Slocumb, and Jost supported the bill, and Messrs. Blanchard and Locke opposed it.

The bill repeals the act of last year, by which the township of Chester was made a separate district, with a Custos and Sessions. Several petitions both *pro* and *con*. were before the Legislature.

Mr. KAULBACK said that a very large majority of the people never desired to be separated from the General Sessions of the county. He said the legislation of last year was effected through the influence of a few individuals who wished to assume power and influence, and ready to make any overtures to the Government in order to accomplish their ends. The petitions now before the House showed a majority of at least four hundred praying for the action he was now taking. He admitted some parties had signed the petitions in opposition, for whom he entertained respect, believing they were influenced by right motives. The sessions created last year was composed of a majority of persons avowing principles in opposition to the large majority of the people. Four Justices were created at the time for purposes which the people fully understand. Every one knew how far party feeling generally blends itself with the action of courts of sessions. He could judge that the people of Chester township would never submit to be dictated to and controlled by a sessions created under such circumstances. No doubt to have this pet scheme destroyed would annoy the few individuals who had endeavored to obstruct this bill. The Justices most fit to take prominent part in the public business of the

township, and in whom the public trust was centred, would not countenance the sessions or confer with those who had created and now composed it. He was fully supported by his colleagues in this matter, and believed he and they were acting for the general good of the people of Chester township.

Mr. BLANCHARD said that it appeared to him to be childish to pass the act as it was only last year that the parties came here by petition and requested a separation; and now on a change of representatives they or some of them came here and asked to repeal the act.

Mr. K. designated the parties who had petitioned against the bill as a small clique about the town of Chester.

Mr. B. stated that he had in his hand a letter from one of the most respectable men in Chester, asserting that a large majority of the people in Chester were opposed to repeal the bill.

Mr. KAULBACK—Name.

Mr. B.—The Rev. C. J. Shreve of Chester. And he then asked Mr. K. if Mr. Shreve was one of this small clique and was J. Whitford, Esq., also. The hon. member also argued strongly against the bill as taking away from the people of Chester a great advantage without any adequate reason or explanation.

Mr. LOCKE followed, using, to a large extent, same arguments.

The bill finally passed without a division, and the House adjourned.

AFTERNOON SESSION.

On resuming at three, the House again went into Committee on Bills and took up the bill providing for the appointment of Stipendiary Magistrates in the country. The introducer, Mr. James McDonald, explained that it was intended to do away with the necessity for a number of bills being introduced to appoint Stipendiary Magistrates in those towns, villages and districts that might wish one. It enables the general sessions on the petition of any number of freeholders, not less than 50, to appoint a Committee to enquire into the necessity of the appointment. Upon the report of the Committee, steps are taken to appoint one or more magistrates residing within the limits of the district that has petitioned, a stipendiary magistrate, as well as constable or constables to assist such justices.

Hon. Mr. LEVESCONTE opposed the bill, which he thought was not requisite. The county of Richmond, he was convinced, was quite satisfied with the administration of justice as it is now a ranged; and he was unwilling to put the people to any such expense as it would involve. He moved that the rate-payers in the district have the right of appointing the magistrate, which motion was negatived.

After some suggestions from Mr. Henry, Mr. Blanchard, and other hon. gentlemen, some amendments were made in the bill which then passed.

A message was received from the Legislative Council stating that they had agreed to the Statute Labour Act, with amendments. One strikes out the clause exempting certain counties.

Mr. BLANCHARD was opposed to adopting the amendment, and suggested that the House refuse to agree to it.

Mr. BOURINOT moved that the amendment be not accepted by the House.

Hon. PRO. SECR. stated that he did not think it was of much use to send the bill back to the Council, judging by their experience in reference to other bills.

On a division, the motion was lost, 18 by 24. *Yeas*—Blanchard, Hamilton, Bill, More, Miller, Jost, Bourinot, M'Donnell, Fin. Sec., Robicheau, Colin Campbell, Ross, Annand, Balcum, King, John Campbell, Attorney General, Kaulback.

Nays—Hatfield, Shannon, McKay, Killam, D. Fraser, Blackwood, Whitman, Pryor, Tobin, Allison, Donkin, Longley, Parker, J. M'Donald, Prov. Secy., McLelan, Locke, S. Campbell, Heffernan, Robertson, E. L. Brown, McKinnon, Coffin, Cowie.

Mr. KAULBACK gave notice to rescind.

The bill relating to mines and minerals was next taken up, and Hon. Mr. Henry said that experience had shown that such an Inspector as was proposed under the bill was absolutely indispensable. A variety of disputes and difficulties had arisen from the want of such an officer, who would give his whole time and attention to our coal fields. The Crown Land Department had enough to do to attend to its legitimate duties. By the change proposed a thorough organization of our mines and minerals department would be effected.

Mr. BLANCHARD said that the report of Mr. Fairbanks, whilst suggesting the propriety of selecting some person to inspect mining operations, stated that it would be more convenient to continue in the Crown Land department every other branch of the work with which it is now charged.

Hon. Mr. HENRY pointed out that the system as at present arranged, was altogether insufficient for the satisfactory management of the important interest under consideration.

Hon. PROV. SEC. said that Mr. Fairbanks had complained time and again that he was taxed to an extent that no public officer ought to be taxed.

A number of clauses were passed, and the Committee rose and reported progress.

Mr. MILLER introduced a bill to incorporate the Charitable Irish Society of Halifax, and the House adjourned, and resumed at half past 7.

The Mines and Mineral Bill was next taken up, and a large number of clauses were passed after some desultory debate, in which Hon. Mr. Henry, Mr. Annand, Mr. A. Archibald, and Dr. Slocumb, chiefly took part, upon the 33rd clause which provides that all leases in one gold district shall be as one, and the work for all may be done on one or more, as deemed most desirable, by the lessee. Messrs. Archibald, S. Campbell, and Churchill, were afraid this provision might tend to monopoly; but Mr. Henry and Mr. Annand showed that it was absolutely indispensable for the satisfactory working of our mines. Mr. Henry stated that experience had shown the Gold Commissioner that it would be a wise change to make in the law. The object of the bill, as now framed, was to impose no more restrictions upon the persons working the mines than was necessary for the security of the public interests.

An amendment was made to the bill, which limits the number of areas which one company can get in one district, to 24 areas.

In the 45th clause, providing that within the time allowed a party shall have the right to select areas, an amendment was made to add the words "not to exceed in extent one quarter of a mile on the lode, &c."

The House adjourned at ten.

THURSDAY, April 14, 1864.

MORNING SESSION.

The House met at eleven.

Mr. ROBERTSON introduced a bill relating to Juries.

Hon. FIN. SEC. laid on the table a resolution relative to the close of the financial year.

Mr. BOURINOT moved that the amendment made by the Council to the Statute Labour Law—striking out the clause exempting certain counties—be not agreed to.

On a division, the motion was carried by 22 to 18.

Yeas—Kaulback, Churchill, Hamilton, C. J. Campbell, Lawrence, King, Bill, More, Miller, M'Donnell, Jost, Slocumb, Bourinot, Fin. Sec., John Campbell, Smyth, Robicheau, Balcum, Colin Campbell, Ross, Annand, Attorney General.

Nays—Killam, Heffernan, Hatfield, Parker, Whitman, Allison, Longley, Tobin, Donkin, McFarlane, J. Fraser, McLelan, Blackwood, S. Campbell, Robertson, McKinnon, Coffin, Archibald.

Mr. Locke, who came in at the close of the division, wished his name added, but Mr. Kaulback objected.

Hon. Mr. JOHNSTON introduced a bill postponing the sittings of the Supreme Court at Halifax and on the western shore circuit for a fortnight.

Mr. PRYOR, chairman of Militia Committee, reported up the Militia Bill with amendments. Also introduced a bill to amend the act authorizing a loan for the erection of a county jail in Halifax.

Some debate then took place in reference to amendment proposed by Hon. Attorney General to the City Bills, to prevent groceries retailing spirituous liquors.

Mr. LONGLEY wished the whole matter referred to a special committee, for the purpose of perfecting the law.

Messrs. PRYOR and TOBIN thought it inadvisable to bring in an amendment at that time of the session which affected such large interests in the city of Halifax.

Mr. LONGLEY would be quite ready to give them the power if they would take and put in force the amended License Law, and spoke strongly against the injury inflicted on society by the establishments in question. He said he could point to cases of young men whose sudden decease was owing to the habits contracted in these places. He regretted that there was so little sympathy for temperance principles in the House; but despite all this, he was determined ever to fight for those principles on which he believed the welfare of society so largely depended.

Mr. TOBIN said—This question of License was a vexed one and was constantly coming before the House in one shape or another. The hon. member for Annapolis always got on his feet when any reference was made to it. Now while the policy prevailed of legalizing the importation of Wines and Spirits the distribution must be legalized also. If the hon. gentleman wants to deal with it he must put the axe to the root, and not be endeavoring to lop off the branches, for when the Spring comes they grow again. No doubt bread is the staff of life but Wine and the other members of that happy family are its soul, its fire, and its nobility. What would an Englishman be without the beer barrel? his life watery, rapid, and ineffectual.—Says the old Anacreontic poet—everything drinks: the sea drinks, the sun drinks, and man must drink, to take his share in this fair and thirsty creation. There was only one time when the world was said to have had enough, and then the survivors immediately went to work to mend the liquor. However, sir, this is not a question of the individual who drinks the malt. But if the hon. member for Annapolis does not drink the malt, does he not grow the barley?

There must be a peculiar atmosphere in Annapolis. I should like to hear the hon. gentleman addressing his constituents on bread and cheese, or bacon and cabbage, or tea and coffee. Sir, he cannot; he must have a little cider, if nothing stronger, (otherwise there would be no speculation in his eyes or revelation in his brain—nothing but a hard lump in his stomach. Only think of a little cider, or something stronger, pouring through a thousand gills down the throats and up the brains of acres of dull intellect clothing it with a verdure not its own.

Sir, this is a choice occasion to make an attack on the city of Halifax. I assert, without fear of contradiction, that it is one of the quietest and most orderly cities on this continent. I have travelled a great deal, and I have not seen a more sober, orderly, and better behaved people anywhere. Contrast the city with the country, and what do you find? Why, in the country they cannot get up a cattle show—exhibit their grains, cereals or fruits, without having the most disorderly spectacle. Ask the hon. gentlemen opposite what was to be seen in the middle of the fair in an agricultural county. Such a scene of dissipation I never witnessed. But, sir, I can tell you of another. A few years ago I went with a number of gentlemen to Windsor to meet the Boat from St. John, and take passage in her. It was on a Saturday, and the boat was not expected till about 12 o'clock. We were sitting quietly in the room, at 8 o'clock, suddenly there arose a tremendous clamor: we went out into the hall, the street door was burst in with a crash, when in rushed ten or fifteen young men, with sticks and fire arms, driving the hotel-keeper and servants down stairs,—when they rallied and returned with sticks, togs, and pokers. The fight commenced and lasted till 12 o'clock,—the hotel was taken and retaken several times, and the Commissioner of Crown Lands, who was one of our company, lost the tail of his dress-coat. The Boat, however arrived at 12 o'clock, and when the crew came ashore, the enemy retreated. Talk, sir,

of the City of Halifax after that! We never have anything in this city but sobriety, order, and decorum, except when the House is in session. Who is he that can keep from being intoxicated with such powerful eloquence as is poured forth from day to day in this House? What a happiness it will be for the citizens to have us relieved from our labors as soon as possible!

After some further remarks on the subject from Mr. Miller and Mr. Longley, Hon. Attorney General proposed to adopt an amendment to the effect—That the City Council shall have power to make rules for the sale of spirituous liquors in the city of Halifax, under such penalties as they may deem proper, but not to exceed the amendment proscribed by law.

Mr. LONGLEY did not approve of the amendment, and proposed another, more in accordance with his views.

Hon. Mr. JOHNSTON thought his amendment would arrive at the same object his hon. friend wished to attain. On a division Hon. Attorney General's motion was carried by 9 to 16.

AFTERNOON SESSION.

The House resumed at three o'clock.

Mr. LONGLEY reported up from the Committee on the Railway, in favor of certain claims.

Mr. PARKER presented a petition in reference to some damages sustained on the Railway, which it was understood should have been handed to the Chairman of Railways.

The House then went into Committee on the Agricultural Bill, and considerable conversation took place as respects the construction of the Central Board, but no definite result appeared to be arrived at. It was agreed that the October meetings shall be held alternately at Windsor and Truro. All the clauses were read over, but the bill was still left in Committee for the present.

The following bills were then passed: To legalize jury panels; to change the name of Little River, in the County of Antigonish; to postpone the Sittings of the Supreme Court in certain counties; to amend the act authorizing a Loan for the erection of a County Court House in Halifax.

The Committee then rose and reported progress, and the House adjourned.

FRIDAY, April 18, 1864.

House met at 11 o'clock.

Mr. LOCKE introduced a bill relating to Assessment Rolls in the county of Shelburne.

The House went into committee on Bills, and passed the following bills:—

“Of Estates Tail,” as amended. The amendment provides that all estates tail on which no valid remainder is limited, are avoided.

“Of bills of real and personal estate.”

“Of joint tenancy and tenancy in common.”

“Of the sale of lands under foreclosure of mortgage.”

“Of evidence, and the proof of written documents.”

In this latter act the Hon. Att'y. Gen'l. proposed an important amendment in reference to the law allowing parties to be witnesses in their own causes. The substance of it is to prevent

executors and administrators in cases where the transaction is solely within the knowledge of themselves and the deceased, to substantiate their case solely by their own evidence. The rest of the bill passed with some slight alterations.

Then the committee adjourned, and the House adjourned until 8 o'clock.

ARTERNOON SESSION.

The House resumed at 3 o'clock.

Mr. JAMES McDONALD, Chairman of Private Bill Committee, reported up a bill to amend the act incorporating a Presbyterian Church in Cape Breton.

Mr. BOURINOT asked whether it was the intention of the Government to have a Geological Survey of the Province during the present year. In view of the development of our mineral resources such a measure was in his opinion most desirable.

Hon. PROV. SEC. replied:—When I visited Canada last summer, I had an opportunity of conferring at some length with Sir William Logan on the subject, and I found that he was quite willing, without any remuneration, to give his assistance in such a survey. I had hoped that a staff could have been organized to carry out our wishes, but I found on further information that it was very doubtful whether we could do so. We have also thought whether it would not be advisable to have such a survey made, distinct from that of Canada, which has been so ably conducted for some years by the gentleman alluded to. The Government have therefore come to the conclusion not to ask the Legislature this year for authority to organize this staff, but to endeavor to collect such further information as will enable them to place the whole question more satisfactorily under the consideration of this Legislature at its next session. The bill which is now on the table relating to Mines, provides for the inspection of Mines, and it is intended to get a gentleman from abroad who will be thoroughly qualified for his office, and able very likely to be of considerable assistance in case a survey is decided upon.

Dr. SLOCUMB laid on the table a large number of very beautiful specimens of Gold-bearing Quartz which attracted considerable encomiums from those who inspected them. He had stated that they were taken from that much abused locality, the "Ovens," and were by no means of the largest character, but were selected because they exhibited very clearly the natural distribution of gold throughout as taken by the miner from the pit or quarry.

The Prov. Sec'y said that the hon. gentleman had taken a very effectual means of disabusing the House of the impression that gold was not to be found in remunerative quantities at the "Ovens." The specimens he had brought forward were of an exceedingly interesting character, and afforded reason for hoping that the "Ovens" would be eventually a productive gold field.

Dr. SLOCUMB, in reply to a question put by the gentleman just named, stated that there were a variety of reasons which had led to the "Ovens" being despised. One reason was the mode in which the "Ovens" diggings were laid

off at the commencement. It was well known that areas of from 20 to 25 feet only were first laid off, and a large number of these were quickly taken up. Subsequently they were increased to three quarters of an acre. These were taken up by individuals who had little or no capital, and who eventually were obliged to give them up in despair. They commenced in a most unscientific way, and carried on a trenching system which was found in the end most ruinous. Then he might add as another reason the high price which was placed upon the private lands, and the difficulties that constantly arose between the proprietors and the miners. Consequently the whole of the "Ovens" had got as it were into disrepute, and the impression had gone abroad that the diggings were unproductive. He was certain that successful mining could be carried on with sufficient capital. So far there had been no attempt at anything like scientific mining. Dr. SLOCUMB also stated that difficulties had arisen from the fact that in the neighborhood of the "Ovens" there were a multiplicity of mineral substances which had a strong affinity with mercury. That was a reason why the amalgamating could not take up a large amount of gold which might be in the rock. He himself, by a process known to himself, had been able to take out nearly double the quantity that had been taken by any one else. He also mentioned that the veins ranged from one to six inches thick—increasing as they went downwards.

Hon. Dr. TEPPEL moved the second reading of the Bill providing for the appointment of an Equity Judge, but subsequently withdrew his motion at the request of Mr. Archibald who said he would not be prepared to deal with the subject until to-morrow. The Prov. Sec'y on this occasion, stated most emphatically that the statement of the *Chronicle* that it was contemplated previous to the last general election to bring in such a measure was an entire fabrication. As far as he knew, no two gentlemen in the Conservative party had conferred together upon the subject. He expressed his satisfaction at finding that the contemplated measure gave very general satisfaction in all quarters outside, and especially to members of the legal profession.

He also referred to the fact that previous to the bill being introduced a paper in this city, published by the late Queen's Printer—who could not be supposed to be very friendly disposed towards the Government—delimited the whole scheme that was now before the House, and advocated it on the ground that it was required by the exigencies of the public service.

At the request of Mr. ROSS, a special Committee was appointed to prepare the road scale for his county.

The House then went into committee on bills, and took up the Mines and Minerals Bill, and the clause referring to forfeiture of leases caused some discussion. Mr. Archibald stated that the act of last session did not give the Gold Commissioner the absolute power of declaring forfeiture in all cases. He was restricted to very particular cases—was, in fact, prevented from acting in any case without the sanction of the Governor in Council. His first act was to

report from time to time to His Excellency all cases of alleged forfeiture; therefore, before any lease could be forfeited at all, he had to report it to the Governor in Council, who would direct what proceedings were to be taken. If it was a matter not cognizable by the Gold Commissioner, the Governor in Council might direct the proceedings which should be taken, but if it came within the cases which were intended to come within the provisions of the act, then the proceedings were to be taken before the officer in question. If this were the law—and he contended it was—not a single step could be taken until the course he mentioned was adopted. He was strongly inclined to think that the Gold Commissioner, in exercising his discretion, had acted in an arbitrary manner, though he did not mean to say he did so with any wrong intentions. That officer should, he argued, have first consulted the Crown Officers before taking the course which it was known he had taken. He doubted very much whether there was any part of Her Majesty's dominions where leases of this kind were granted, in which a subordinate officer without authority could take any part of that property and hand it over to another.

Hon. PROV. SEC. said the officer of the late Government did it again and again, when the leases became forfeited.

Hon. SOLICITOR GENERAL said that the present Gold Commissioner, in the course he had pursued, had only followed the system of his predecessor. The difficulties, however, that had arisen in the past would be prevented henceforth he hoped by the provisions of the new law. He argued that the Gold Commissioner had acted in accordance with the law, and read some papers to show that he had followed the practice of his predecessor. He wished to know if the Governor in Council had considered one of these cases which had been dealt with by the late Commissioner. Under these circumstances he wished to know why complaints should be made against the present gentleman in charge of our gold mines. If any wrong had been done, where did it originate? Not with the present Commissioner.

Mr. ARCHIBALD said he would like to see the returns of the leases forfeited by the late Commissioner.

Hon. SOL. GEN'L. said of all the forfeitures declared by the late officer, there was not the slightest record of any one of them having been first reported to the Governor in Council.

Mr. TOBIN said this was a matter under the consideration of a committee of the House, and could not be discussed with propriety at that time.

The subject then dropped, and the rest of the bill relating to gold mines passed. The committee then rose and reported.

The House adjourned till the next day, at 11 o'clock.

SATURDAY, April 16.

BILL FOR THE APPOINTMENT OF AN EQUITY JUDGE.

The House met at eleven o'clock.

Hon. PROV. SEC. moved the second reading of the Equity Bill, and in doing so stated that it

was not the intention of the government to increase the number of Judges. The provision of an additional Judge was only made to meet the existing emergency caused by the expressed inability of Judge Bliss to perform all the duties entrusted to him.

SPEECH OF MR. ARCHIBALD.

Mr. ARCHIBALD then rose and spoke substantially as follows:—I must confess that the announcement just made by the Provincial Secretary has taken me by surprise, and removes some portion of the objections which I would otherwise have to the bill. I would consider the permanent entailment of an office of £800 a year, which represents a large capital, a very serious thing as compared with an appointment for the life of any one gentleman. Although I consider one objectionable feature has been removed, still I feel it is right for me to ask the attention of this House for a few moments to ascertain whether they believe, under all the circumstances, that a bill which ought to pass the House. I had not an opportunity of hearing the gentleman when he introduced this bill some days ago, but I presume I may take the reasons urged in the organ of the government as those assigned by him why this step is necessary. It is stated that this bill has arisen from the fact of Judge Bliss having announced to the government his inability to continue his duties with the vigour which formerly characterized him, and it therefore became necessary to provide for the emergency. The Provincial Secretary has further stated that no two gentlemen belonging to the party before the last general election entertained the idea of introducing a bill of this kind; and if this be so, I must say it is one of those events which sometimes happen, and which if they are not miracles, are exceedingly unaccountable.

I will now call your attention to the facts as stated in the Press. On the 16th May last the announcement was made in the *Morning Chronicle*, "if the Opposition succeed at the election, we have it upon authority upon which we can rely, that the intention among other things is to provide a place and salary for Mr. Johnston, who is to be saddled upon Nova Scotia for life, at a salary of \$3,200 per annum, as an Equity Judge of the Supreme Court." It is a curious thing that on the 16th May, 1863, a gentleman belonging to another party in this Province had such remarkable sagacity that he had foretold that at this sitting of the Legislature not only was such a measure to be introduced, but also predicted the very amount of salary to be given. This argues on the part of the gentleman who conducts the *Morning Chronicle* such an amount of sagacity and actual prophetic power, that I have no doubt when the Provincial Secretary tells us, as he will, that no intention existed at the time to create such an office; will compel us all to exclaim, in language formerly applied to the father of one of the same name—"Is Jonathan among the Prophets?" The Provincial Sec. has proved that this gentleman is not only sagacious but is inspired with a prophetic power of not only telling what his own party would do on a given contingency, but of telling what his opponents would do, giving the very features

and lineaments of the bantling that is to proceed from the loins of the hon. gentlemen opposite.—The Prov. Secy. declares that no such measure ever entered into the mind of gentlemen of the then opposition. The reply which comes out on the 19th May gives evidence of parentage so strong that I think we see upon the very lineaments of the child the proof of its paternity. The *Colonist* of that date says: "We warn the people against false issues." So little did the hon. gentleman then consider Jonathan among the prophets, that he calls the attention of the people to the falsity of this remarkable prophecy: "One of the most atrocious of these fabrications of McCully appears in the *Chronicle* of Saturday last, wherein he gives as an item of the policy of the opposition that in the anticipated change of government, Mr. Johnston is to be made a judge of equity. This is the first we ever heard of it; this is the first that was ever heard of it by any man in Nova Scotia,—in short, the idea is the creation of the writer's, and is as false as the heart of Jonathan McCully itself." Has anybody a doubt of the parentage of such a production? It bears the lineaments of the hon. gentleman so strikingly, that, although it may not have been produced in lawful marriage, no doubt of the father can exist. "With this contradiction on our part," continues the *Colonist*, "we feel quite assured that every elector in this Province will esteem this statement in the *Chronicle* at its true value—as an unmanly, sneaking, electioneering, dodge—a groundless falsehood, coined, without adulteration, out of the dark, mischief-making materials which teem in the brain of Jonathan McCully."

This goes to the hustings at the general election as a proof of the horrible enormities to which the press then supporting the government were resorting. Why was it characterized as a mere *electioneering dodge*—and scouted as a *monstrous falsehood*? Was it not because he felt that if any such statement had been promulgated on the hustings, the supporters of the Atty. Gen. would have scouted it with indignation as one of those things that could only be conceived in the horrible mischief-making brain of Mr. McCully. Now that *atrocious falsehood*—that thing which could only exist *where falsehood exists*—comes from what brain? From that of the Government of which the hon. Provincial Secretary is a member. If it is atrocious when springing from the brain of McCully, what is it when from the brain of the Provincial Secretary?

Let me now call the attention of the House for a few moments to the history of the court, and the reason and necessity that exist for this bill. If there be any necessity for it, then the Provincial Secretary has a case to submit to the House. From the first settlement of this country up to 1855 we had two distinct classes of cases of which jurisdiction was had in two separate courts. We derived this notion entirely from the Parent State, where it had grown up from remote times, and had engrafted itself upon the legal minds of the country. There is no country in the world, except England, where a party having a right to go into a court and to prevail because his cause is right, is placed in this position: that although the case

is just and he ought to succeed, yet because he has not gone into the right Court he may fail in a right case. This state of things which has grown up is entirely artificial in its character. What is the abstract idea of a Court of Justice? Is it not that it should be a tribunal where a person having a righteous cause should go in and enforce that right? But early in the history of this Province, in accordance with the practice that had grown up in England, it might occur that a person went into a Court of Justice with a just case, and was turned out as if he had been in the wrong, because he went into the wrong Court. From an early period in the history of this country, an appreciation of this absurdity began, and the feeling of its unsuitableness to our circumstances grew till it culminated in 1855. At first our Equity Court was presided over by the Governor as Chancellor, who, with one or two Judges, heard causes coming within the equity jurisdiction. In 1826 a Master of the Rolls was appointed for this class of cases, who was the responsible head of the Court, with a salary of £600 per annum, and who presided over it up to the year 1855. In 1855, after the matter had been brought before the Legislature,—after the attention of the people had been called to the anomaly of two separate Courts of Justice—it was felt that the time had come when it was necessary to strike down these artificial distinctions and introduce a tribunal which should have a single jurisdiction, and to which any litigant having a just cause had a right to resort and to obtain a decision according to the justice of his case. The two Courts were then amalgamated, and we obtained the right to try all cases, whether of legal or equitable jurisdiction, in the Supreme Court.

I am free to confess that at the time this step was taken a great many difficulties were anticipated in bringing the new machinery to work freely; and I believe the Judges themselves who were on the bench at the time had their doubts how far they would be able to adapt themselves to the new principles entrusted to them. Gradually these principles have become familiar, and now the system has so adapted itself to the circumstances of the country, that it is, I believe, the opinion not only of the Crown officers themselves but of the very Judges who were at first opposed to the introduction of this change, that we have now a system more perfect, more suitable to public necessities than any that exists in any other part of Her Majesty's dominions. The bill passed through the House of Assembly without any difference of opinion on the principle of amalgamation.

The Atty. General, the same gentleman who is now at the head of the government, sustained the principle of it. He felt that it was absurd to carry out here the artificial distinctions that existed in the mother country, and that in adopting the new system we were adopting that which would be more suitable to our peculiar circumstances.

I have had some curiosity in looking back at the legislation on this subject, to see what opinions were entertained in regard to this bill when it came under consideration in 1855. When I find after this bill has been in operation for nine years, and the machinery is working satisfactorily,

ry, that the Attorney General allows a measure to be introduced for the appointment of two Chief Justices, I ask what did the same gentleman do in 1855. When this bill was passing the hon. gentleman voted for a resolution moved by Mr. Wilkins to this effect: "*Whereas* the judges of the Supreme Court are equal in authority, and exercise the same functions, and the title of the Chief Justice is nothing more than an honorary title, and is to a certain extent calculated to become offensive and invidious, and on that account ought to be abolished; And *whereas*, there is no reason why in the case of public servants, each performing the same duty, one of them should receive a much larger salary, and £700 currency is, in the opinion of the House, a sufficient remuneration for the services of a Judge of the Supreme Court; *Therefore Resolved*—when a vacancy shall occur in the bench, by the retirement of Chief Justice Haliburton, the title and distinction of Chief Justice shall cease, and the person appointed shall receive an annual salary of £700 currency, and no more, and the Judges hereafter to be appointed shall receive that amount of salary, and no more."

I am sorry for the character of this country that this resolution is on the journals of this house. For in future times it will stand side by side with this bill. Two years afterwards the hon. gentleman came into power and we heard nothing of his resolution,—although in 1855, he had declared there was no necessity for a Chief Justice, yet in 1857, when power came into his hands, he took no steps to carry out his belief. In 1860 he goes out of power, and when he returns in 1864 he declares not only that there is need of two Chief Justices in a court where he formerly thought one too many, but also that a salary of £700 a year is too small, though but two years had elapsed since he had declared £600 sufficient for a Judge. I should have refrained from making a personal allusion in this debate, but when I find in the organ of the present Government published this morning an article extracted from another paper, giving an outline of and arguing for this bill, and see there a statement that it is intended to appoint the Attorney General to the office, it is obvious that it is nothing more nor less than providing a pension for the hon. leader of the Government. I am more satisfied of that from the announcement made to-day.

The Provincial Secretary, feeling the force of the argument against this bill, if it was to place upon the statute book a law which rendered it necessary to take £800 a year from the finances of this country for all time to come, comes in and quietly announces to this House that it is not intended to make the office perpetual—that it is only intended to have five judges after a vacancy shall occur. This is precisely what the paper which has been quoted by the Government organ this morning has delineated. I do feely admit that the hon. gentleman who leads the Government, and who has devoted so much time to the services of the country for the last twenty-five years, is entitled to anything his party can legitimately give him. Had he years ago, when he had it in his power, ascended the Equity Bench, and assumed the position of Master of the Rolls—

an office for which then as now he was well-qualified—he would have done so with the entire assent of the Province of Nova Scotia. I am sure that if there is any position to which he can legitimately be promoted, and thereby obtain that *otium cum dignitate* which is desirable to men after a long public career, no people in this country will say he is not entitled to it. But are his party, because he is entitled to their gratitude, and is worthy of any position they can justly give him, to come in here and introduce an act of such personal legislation as the one now before us.

If the only object in view is to give assistance to the Supreme Court—to afford an equitable mind to that tribunal, and the bill is not for the purpose of providing a position for the Attorney General, I can suggest a mode by which this can be done in a far more legitimate manner. All the Attorney General has to do is to adopt his own resolution, and transfer the late Master of the Rolls to the Supreme Court. We are now paying that officer a pension of £400 a year. By placing him in the Supreme Court, we would only have to increase his salary £300. Here you would have a far more economical mode of meeting the emergency that is now said to exist. It is not needful for me to say anything of the ability and peculiar qualifications of the hon. gentleman in question to fill the position. The hon. Attorney General has himself described in most complimentary terms the fitness which a practice from '46 to '55 on the Equity Bench had given to that gentleman for the discharge of his office, when he moved the resolution to transfer him to the Supreme Court, along with the business of the Court of Chancery. Therefore, without derogating at all from the powers and ability of the hon. Attorney General, he himself will not undertake to say that nine years' devotion to the business of Equity from 1846 to 1855, has not prepared that gentleman for the discharge of the duties proposed by the bill, as efficiently as the leader of the Government himself could perform them.

When the bill in 1855 was being passed, great objections were made, as the House would recollect, to the transfer of so large an amount of equity business to the Supreme Court, and it was urged that the effect would be to clog the entire machinery of that court. An application was made for a return of all the equitable cases brought before the Master of the Rolls from 1851 to 1855, and many of the older members will perhaps remember the return that came in, showing the amount of business done by the court. By turning to the Journals of 1855, page 145, of the appendix, you will find the entire list of cases that for four years before the transfer of the jurisdiction was transacted in the court; and what do they amount to? With the exception of foreclosure cases which are mere matters of routine, the entire equity business amounted to twenty cases; that is to say, there was an average of five cases a year. Therefore in the transfer, all the additional business that was thrown into the common Law Courts, was five cases a year, excepting those relating to foreclosure of mortgages. I should have been exceedingly glad when this bill was brought before

the house to have had laid on the table an accurate return of the number of equity suits that have been tried during the last three or four years in order to see to what extent a Judge in Equity is necessary; but the bill was only introduced on Tuesday, and was not published till Thursday. On Friday its second reading was moved, and was only postponed at my special request, in order to enable me to make some enquiries in connection with the subject. I regret that the short time allowed me, has prevented me from obtaining official returns of the number of Equity cases in the Supreme Court for the last three years, but I have talked the matter over with a gentleman of the bar who is extensively acquainted with the business of the Court, and he has given me the assurance that the paper which I hold in my hand contains a statement on which I may rely, of the amount of Equitable business that is done at the Supreme Court. This statement I shall place at the disposal of the Attorney General, who will be able to correct it if it is wrong. On the faith of this statement, which comes from unquestionable authority—from a gentleman who has taken notes of most of the cases—it appears that the number of Equitable causes heard and decided in the Province in 1861 were 2; in 1862, 5, and in 1863, 3. Therefore, in the three years last past the amount of Equity business has only reached ten cases, or an average of a little over three a year. And for the purpose of trying three causes we are going to saddle this Province with a salary of eight hundred pounds a year. Now, I ask is that right? But I am told in addition to the Equitable causes a certain number of Probate Appeals will come before the Court. Now I find from the same statement that there were of such cases in 1861, 2; in 1862, 7, and in 1863, none at all. Therefore, in the past three years there were nine cases of this character which came before the Supreme Court for decision—or three a year. Therefore, adding these to the Equitable causes, you have only an average of six per year, and to have these argued and decided you are going to pay \$3200, or over \$500 for each.

I am assuming that the work of the new judge is required simply for the disposal of that business. But I go further and state that it is my belief that there is force enough on the Bench to do the entire business that devolves on the Judiciary, still leaving a large amount of leisure in the possession of the judges. I can only speak from facts open to every gentleman—from the number of judges and the knowledge of the duties devolved upon them; and I regret that I have not been able again, in consequence of the haste with which the hon. Provincial Secretary has pressed forward this measure, to calculate with entire accuracy a matter which is easy of calculation, and only requires a little time to do it. The business of the judges consist first of attending Courts twice a year in the eighteen counties. This makes 36 Courts of a week each. In several counties they have the power to extend the term to double the time, and in Halifax it is three weeks long. I have, therefore, thrown into the calculation nine additional weeks, as representing the probable amount of additional work

caused in this way. That, then, will make up 45 weeks as the entire work done on Circuit. If you divide the work equally, these 45 weeks, distributed among the five judges, allot to each nine weeks as his proportion of the labor. But in addition to the Circuit work which each judge does separately, there is a portion of the duties of the Judiciary which consists in hearing arguments in term—once in Trinity and again in Michaelmas. I have added six weeks for each judge for this work. Thus we have in all 15 weeks as the time which each judge would have to spend in the public Courts, if the work were equally distributed among them.

But in making a calculation we ought to allow for everything which forms a demand on the time of a Judge, and therefore we must add the Chamber days, and these amount, deducting the Trinity and Michaelmas terms, and the sittings at Halifax, probably to forty, or about a week to each Judge, in the course of the year. If this be correct, the entire occupation in the business of presiding in the courts during each year assigned to a Judge, is about sixteen weeks. But I do not pretend that the entire business of a Judge consists of sitting in court. He has also to inform himself on various points which come before him for decision. Allowing him ten additional weeks for this purpose, you find that during the entire year he is not employed more than half his time. If that be the fact, then I ask you, what is the need for this additional Judge. If, then, the gentlemen who hold the position of Judges, who are paid a handsome salary, such a salary as gentlemen who have arrived at their time of life, on retiring from the onerous duties of their profession, have a right to receive—are not worked more than one half of their time, I think the House will say that they have not a right to complain of the amount of burthen imposed upon them.

But I go further—I undertake to say that not only do the Judges not complain of the work they have to do, but they are anxious to discharge their duties to the satisfaction of the country. It is my belief—a belief not founded on mere speculation, but from practical experience—that the accumulation of legal business which has taken place in this country, has not arisen from the neglect of the Judges, or their inability to overtake it. They wish to free the dockets of the accumulation of business. Two years ago we introduced a bill which became law, and it provides a remedy for all the difficulties now complained of. It provides that whenever there is a surplus of cases a Judge may appoint a court for the purpose of clearing them off; and I ask any gentleman in this House to give me a single instance where such an application has been made and refused. If that be the case upon whose shoulders lies the blame of this accumulation of business in the country? Not upon the Judges, not upon the Legislature, but upon those gentlemen of the profession, who have the charge of the legal business of the country, who either don't wish or don't ask that it be disposed of as the law allows. Then I ask you if you have fifty Judges would you be in a better position with regard to the arrearages. I ask the Attorney General, were he to appoint,

to-morrow, an additional Judge what effect would it have upon the accumulation of cases that now exists. None whatever. Don't we recollect that when the bill in question was brought into the House, a question arose whether it would not be better to give a fortnight to each court; and this was accordingly done; but when the bill went up to the Legislative Council, this provision was altered to a week, not at the request of the Judges but through the influence of a gentleman from that very county where the largest accumulation takes place; I allude to a professional gentleman in extensive practice in Cumberland, having a seat in the Upper Branch. If, however, a week is not sufficient to clear off these arrearages, let the House extend the time.

It is stated in the *Colonist*, and I assume was stated by the Prov. Secretary on introducing the bill, that there are over 42 arguments at Halifax not disposed of last term. But how is the appointment of an additional Judge to remedy that? Suppose he takes six of these, as belonging to the equity court, there are 36 still to be disposed of. Does anybody believe that the decision of a single Judge will be sufficient when that of six can be obtained? Therefore, though you may have a Judge sitting in equity, under the bill placed upon your table, still an appeal lies from that Judge to the other Judges—and every case of importance, or considered by the parties of importance, will lead to an appeal. And then, as regards the other 36 cases, saying nothing of the six equity cases, suppose you had fifty Judges, they have all to bear the arguments and decide upon the question. How, then, does the number of Judges shorten the argument or hasten the decision?

I am not arguing this question as a party man. I think it will be admitted that I have not sought in this session to give factious opposition to any bill which the hon. gentleman on the opposite side has brought up. If I ask the House to consider my views, I do so because I believe them to be sound. I feel that although I may not gain the votes, I would like to affect the judgments of gentlemen opposite. What I say must, I think, commend itself to their sense of what is right.

I repeat, suppose you had 41 arguments to go before a court of five Judges, how much will it facilitate their discussion if you had one more Judge. The answer is obvious. Therefore, I say, when you introduce this bill for the appointment of another Judge, not providing a remedy for the evils of what you complain, you are merely purposing to provide a place for a political friend, a place for which there is no earthly necessity, other than to make such provision. I ask you if you have force enough to do the entire judicial work of the country—if the remedy for the difficulties that clog the business at the present moment is not to be found in the appointment of a new Judge, why do you pass this bill? Why entail a large expense upon the public finances? Recollect that \$8200 a year added to the civil list, even for the life-time of one gentleman, represents a large capital, and is worthy of serious consideration. The case would have been much worse if the introducer of the bill had left it as it was first brought in. We would have then been asked to vote away the interest of a capital which exceeds \$50,-

000. I must confess that the bill is shorn of some of its obnoxious features by the amendment which the Prov. Secretary has consented to make.

Let me now go back to the announcement made in 1863, and ask why was it that the organ of the Provincial Secretary denounced with such virulence the statements made in the "Chronicle"? Was it not because the party were then going to the hustings setting themselves forth as the men who were to retrench the public expenses, and declaring that the government of the day was extravagant beyond measure? They felt what a commentary would an appointment such as that predicted be upon the speeches which these gentlemen had time and again delivered in this House in favour of retrenchment. No one who goes back to the debates of 1862 and 1863, but must feel how the hon. gentlemen would have stood if they had gone to the country with such a bill as part of their policy. The speeches they delivered in this House declared that ruin and bankruptcy were threatening this country—that retrenchment alone could save us. We heard the Provincial Secretary introduce a scheme which he stated was the only alternative left us. I ask you with such speeches before the people of this Province, what position would these hon. gentlemen have been in if they had presented themselves before their constituencies with such a scheme as that now proposed?

I will now turn to the speeches of the Provincial Secretary and other gentlemen in 1863. It is refreshing to me to cite these models of earnest and forcible elocution on this occasion.—The hon. Prov. Sec'y, in 1863, used the following language:—

"It was stated when I brought down my retrenchment scheme that I was not sincere—When the late Provincial Secretary offered me a seat in the Cabinet, how did I meet that proposal? I met the proposition as a courteous offer ought to be met, but I told him that it was impossible for me to combine with him after the course he had taken with reference to the question of economy and retrenchment. Therefore I gave the country the best proof that ever could be given, when I determined to forego any personal advantages in the service of the people. Sir, "I have placed my hand to the plough, and I and those who sustain me are determined never to "look back." We believe that there is extravagance in the public expenditure that ought to be retrenched, and we are prepared to co-operate only with those who will aid us in this work.—If this resolution passes I am prepared to propose large reductions in the estimates, which I believe may be effected without in the slightest degree impairing the efficiency of the public service."

In March, 1862, the hon. gentleman had made another speech, in which he had said, with great force:—

"I am flying a kite, am I? I tell him that this scheme of retrenchment is a solemn league with the people of Nova Scotia. We must do one of two things, either retrench our expenditure, or go on as before, and be prepared to encounter Provincial Bankruptcy at an early day. Shall gentlemen, who have pledged themselves on the

hustings before their constituents to sustain retrenchment, come forward under mistaken ideas, and place themselves in a position to go back to the country with the fact staring them in the face that they have voted down a comprehensive scheme, which aims at reducing the public expenditure? However, whether I succeed in my desire or not, "I stand before this House and this country, solemnly pledged as a public man not to assist in the formation of any Government that does not carry out the principles which I have advocated to-night."

And again, in 1863, he says: "The expenditure of this Province has constantly and steadily increased of late years, and is in my opinion unnecessarily extravagant."

Now, sir, who would have thought that the author of so much elegant literature in 1862 and 1863 would in 1864 have carried through the Legislature that which he has already induced his friends to vote for. What has he asked you to do? First then he has asked you to build a railway to Pictou which is to cost \$1,600,000. Suppose the Provincial Secretary had gone to Lunenburg and said: Though we are great apostles of Retrenchment—though we have always denounced Railway construction and the Government that carried it on, elect us and we will build railways not only to Pictou, but we will pledge your finances to the extent of \$76,800 for the purpose of constructing a road to the West and \$112,000 more for a railway to the North. I ask you what would have been the answer of that constituency? I ask the hon. member for Lunenburg, if he had made such a speech as that to his constituents how many votes would he have polled.

Dr. SLOCUMB—Over 2000.

Mr. ARCHIBALD—I do not believe it. The people of his country, I could find hope, are not the men he describes them to be. Suppose the hon. member for Annapolis had made such a speech—suppose he had said,—who have declared that the country would be destroyed by the building of railways, are going to build more railways than any other government ever attempted,—we are going to double the debt of the country—we are going to lavish the revenues of the Province broadcast on its surface how many votes would the hon. gentleman have got? I hope he is not going to pronounce on the men of Annapolis the same libel which the hon. member for Lunenburg has pronounced on his constituents. Suppose the Apostle of Economy—the man who had made a solemn league, and covenant with the people for retrenchment, who had put his hand to the plough and would never go back, supposed he had said not only am I going to fasten upon the revenues of the Province this immense railway expenditure, but I am going to create a body of officers and to pay them large salaries out of the public funds. I am going to send over the country a large number of Commissioners appointed by the Government, and to devote to their payment \$3000 of year money. I am going to make an additional officer of education, and give him \$1200 a year. I intend spending \$5200, not in paying the schoolmasters, but in the mere working of the ma-

chinery of education. I do not say, Mr. Speaker, whether these expenditures are or are not valuable; but I ask you if he had made a speech like that after delivering the oration of which I have read extracts, could he have expected the people to vote for him. If he had said in addition to all this, that he was going to introduce a bill to create another office, and to pay at least \$2,000 a year to an Inspector of Mines—perhaps more than that. If he had said also, that whilst the late Government were content that the discussions of this House should find their way into the country by means of private enterprise, that he and his friends the moment they obtained power would fasten an expense of \$2,200 a year upon the country for the purpose of reporting the debates. Suppose he had said all this, what would have been the answer? Need I pause for a reply? I have added all these sums up, and I find that they represent an immense amount, and yet I have not added the \$3,200 a year which this bill in its first inception proposed to add for all time coming to the burdens of the country, and which even as altered, will add for a life time to our expenses.

I would ask the hon. gentleman how he can reconcile these facts with the pledges he has given to the country. I ask him how he has maintained the principles he has avowed before this House and country. I will now turn to speeches of other gentlemen connected with the government. Here we have one from Mr. Shannon in 1862 in which he states that "the country has already reached the limits of taxation"—a sentiment which I notice is contained in almost every one of the speeches made upon the subject by the hon. gentlemen on that side. The hon. Provincial Secretary makes it, Mr. Shannon makes it, Mr. Longley makes it, and yet they have not even the merit of originality in the conception; for the Prov. Sec'y tells us he stole the idea from a speech of the present Chief Justice when Atty. Genl. and leader of the Govt. in this House. The hon. gentleman (Mr. Shannon) also complains that the Legislative Expenses are too large, but has he attempted to reduce them. I suggested a mode by which a single item \$8000 could have been saved. Instead of spending 30 days in mutilating the work of the Commissioners for Revising the Statutes, the entire code could have been passed in 10 days, in a shape that could have made it useful. The hon. gentleman can calculate the saving of 20 days of this Legislature at \$400 a day. But the hon. gentleman also stated that "the civil list had been settled on terms too extravagant." Let me ask him if since he became a member of the government he has made any effort to alter that arrangement.

Next comes the speech of the hon. member for Annapolis, (Mr. Longley,) who says that he could take the receipts from our gold mines, and appropriate them towards payment of the railway debt. He says 'he had never given a vote in this House in reference to Public Expenditure that had not economy in view. He therefore felt that he was justified in the position he had assumed now, as well as at last session, in reference to Retrenchment.' This was in 1863.

This year we hear nothing in respect to any appropriation of gold revenues, or any other revenues, to pay the debt. On the contrary, when they have obtained a large revenue by no act of their own—when they come into an overflowing treasury provided for them by no labors of their own—do they provide any thing for the diminution of this debt? No, they do nothing of the kind. They seem to act as men who had come into a fortune which they never deserved. The entire revenues are scattered with a profusion which is entirely unexampled in the history of the country. It would appear as if they could not find work enough on the surface of the country, but they must go and actually throw away \$16,000 in digging a hole in the ground in the island of Cape Breton, which is perfectly useless. No person in his heart believes that this appropriation can be of any avail, or that it might not be just as well for any purpose of utility thrown into the streets. I believe the hon. gentlemen—I have a right to think so—when they made all these promises to the people concerning retrenchment were only flying kites, and were not sincere. Coming in as they have as a Retrenchment Government, they have shown themselves more profuse and extravagant than the most extravagant government that ever existed in this country.

How were we situated in 1862? In 1861 the revenue fell off in consequence of the troubles in the United States, and the expenditure had considerably exceeded our estimate, and we were in debt to the extent of \$136,000. Then came up this famous retrenchment scheme. These statesmen who now undertake to guide the destinies of this country, told you that this was not a temporary reverse—that the country was not going to return to its normal condition as respects trade. The hon. member for Halifax, (Mr. Shannon) quotes the opinion of a merchant he happened to meet, that such was to be the case. I tell you that if these gentlemen, looking at the state of things which then existed, could not foretell what was likely to happen they were sadly wanting in sagacity. I don't often invite the attention of the House to anything I may have said here, but I would like very much to turn their attention for a moment to a speech of mine, which is reported in the *Morning Chronicle* of the 25th March, 1862, which predicted with a great accuracy what did occur. I have the gratification in reading that speech in the light of the past to feel that I displayed some knowledge as a business man, of what was likely to result.

We imposed a duty of 2½ per cent., and provided that the sum derived from that source should be sacredly appropriated for the purpose of paying off our debt. Now the total amount derived from that additional duty was only \$66,000, and \$70,000 of the debt remained. If we had followed the example of the gentlemen opposite when we found we had \$70,000 increase in the ordinary Revenue, we would have spent the money in grants East and West, in sums scattered all over the country, until we had left ourselves without shift. But we did nothing of the kind; at the close of our term of administration we had

the proud gratification in handing over the Treasury to our successors, to know that we had not during our term of office spent a farthing more than the resources of the country permitted, or added a dollar to the Public debt. Though the special fund gave us only \$66,000, yet we paid off the entire debt, and left a balance in the Treasury. If these gentlemen had desired to carry out the system of retrenchment, the advocacy of which has put them in their present position, what should have been their first duty, when they have a surplus revenue of \$100,000? They are engaged in the construction of a large Provincial building in this neighbourhood, which was to cost the Province some \$100,000, and is to be paid by money borrowed. Why was not the surplus revenue devoted to paying off this obligation? Do they consider that a debt ought not to be incurred, unless it is necessary? or do they feel about this as they do in respect of all their solemn covenants? No, with them the question is not whether they shall pay their debts and keep up the credit of the country, but what kite they can fly to keep themselves in office. Accordingly they have hoisted their kites—they have scattered the money of the people broad-cast over the country, and have called upon us to incur an immense amount of debt. I ask these gentlemen, in the face of the speeches which they have delivered, how they can reconcile their course to their own sense of what is consistent and right?

(As it was one o'clock, the House adjourned until three, when Mr. Archibald continued as follows:—)

When the House adjourned I was endeavoring to call attention to the professions of gentlemen opposite when in opposition, and contrasting them with their acts now when in power. I have quoted from their speeches as reported in the press which represents their sentiments. Therefore I may fairly presume that these speeches reflect the opinions of these several gentlemen. I am only sorry that some other gentlemen holding a seat in the government were not in the House when this great scheme was introduced and advocated. I feel convinced, however, that the hon. Fin. Sec., apt pupil as he is of the Provincial Secretary, would have preached exactly the same doctrine which I understand he did on the hustings. I regret that I have not a report of that speech, but I believe I could easily improvise just such an address as he would have delivered. But as I am not drawing on my imagination for my facts, I regret that I am obliged to leave him out of the Portrait Gallery which I have been giving to the House and country.

There is one gentleman who is remarkable in this House for his zeal for retrenchment. He is the only one that has sacrificed position and rank in order that he might show his sincere desire to retrench. I allude now to the hon. member for Digby, (Mr. Colin Campbell). Let me quote the speech delivered by the hon. gentleman, when he felt himself under a constraining influence to save the public money. Two years ago all eyes in the House were fixed upon him, when he arose to announce the principles for which he had felt it his duty to give up his position. Hear what he says:—

"He was pledged before his constituents to support economy in the public expenditures. No other course was open to him than to resign his seat in the Executive and vote against them. "Retrenchment had always been his policy," and he was gratified to know that he "had effected a saving of thousands." He did not wish others to follow his course. "Let every man follow the dictates of his own conscience." He was influenced by a desire to act for the best interests of the country." (Applause in the Galleries)

Now I do not for one moment question the truth of the convictions operating on the hon. gentleman. He may have expressed what he sincerely believed at the time. He had been listening to the powerful orations delivered by the gentlemen opposite in favor of retrenchment, and he probably was convinced they meant what they said, and deserted the Government. Were we then largely increasing the expenses of the country? No. The estimate of 1862 was less than that of the preceding year. All that we were doing was standing up to prevent the public departments being thrown into confusion. The hon. gentleman, however, under the influence of the powerful rhetoric that had been addressed to him came down and voluntarily stripped himself of his position.

I ask him how he can now support the men who have deserted all the principles he valued so highly. Suppose I had gone to the hon. member for Halifax (Mr. Tobin,) and preached to him the doctrines of the Protestant faith with such fervour and earnestness, that I actually got him to adopt my creed. Suppose that the moment he was brought over, and was taking the road to Poplar Grove, he found me on my way to St. Mary's, what ought he to think of me? The Provincial Secretary preached economy and retrenchment, and the moment Mr. Campbell believed him, the hon. gentlemen deserted his converts, and recants every doctrine that he had ever held. Yet this martyr to conscientious conviction, this man who could strip himself of place and power to secure his peace of mind, where do we find him now?

Last, though not least, we come to the hon. Attorney General himself. When he arose on the floors of this House on the subject of Retrenchment in 1862, he was listened to with great curiosity. Everybody felt a desire to hear what would fall from his lips. I recollect I listened with an intentness which I never felt on any other occasion. I had heard the Attorney General speak in language so eloquent with regard to many matters that came under consideration in that resolution, that I was curious to know in what way he was going to acquit himself in his new function. I could see that that hon. gentleman felt he was in a position that was not natural to his style of eloquence in this House. Had he been coming up to speak of the vested rights which these gentlemen possessed—of the necessity for preserving the public faith—of maintaining pledges given by the Legislature of this country, of preserving our public integrity, no man could have addressed the House in accents of more thrilling eloquence; but with the case on hand he could not speak with his usual force. He said:

"The amount of our population is small, and we are called upon to exercise prudence in the management of our affairs in every way possible. Let me suppose the case of a person holding the position of a Judge in Nova Scotia, or some other possessed of fortune. I can easily imagine that such an individual would rather take £700 than £800, if at the same time he felt by that sacrifice he will help in preventing the country where his property is from "being precipitated step by step into bankruptcy." Every man will feel convinced of retrenchment who has property at stake, and who "looks upon a debt to be one as not quite so insignificant as a thing as the Hon. Attorney General seems to consider it."

This speech was taking exception to some arguments I had then addressed to the House. I had never considered the debt insignificant. I had never thought £60,000 a year added to the burthens of this country as small for our resources; but I did feel it was a debt which the energies of the country could well struggle against. But would you believe that two years after he made that speech a bill is introduced by the hon. gentleman himself to double that entire debt. In 1862 the Government according to him were leading the country into the mire of despond, were going step by step to bankruptcy, with the debt by the hand; but in 1864 he asks the House to go not step by step but at railway speed into the very course he was then deprecating.

I challenge any one to produce an example of grosser inconsistency in the life of any public man anywhere.

But what further does the hon. gentleman say:

"Let the House weigh carefully the exigencies of the time, and enquire whether it is really wise with the Attorney General to trust to hope—to mere chance. We on this side say that we do not think it wise or faithful to the people of Nova Scotia to depend on mere speculations."

How changed now. Two years ago with only £60,000 a year on our resources, with the maximum of taxation reached, we were on the borders of bankruptcy—we were trusting only to hope. To what are we trusting now? To what is the hon. gentleman trusting, who, within so short a period has revolutionized his entire character, and asks us confidently in 1864 to assume *doubt's* the debt which in 1862 was enough to ruin us.

But there is one further remark of the Provincial Secretary made in 1862 to which I would like to call the attention of the House. The hon. gentleman's sincerity was constantly called in question. He had been told a great deal about kite flying. He had deprecated this in various forms which I have recalled to the recollection of the House. Here is still another.

"They talk of kite flying? What will the House think of a man that flies a kite that would cost half a million of money. When did ever we endeavor to fly such a kite as that for the purpose of maintaining ourselves in power."

Let me ask the hon. gentleman to compare the strength of his kite with ours. If our Whall's Mill railway, as he calls it, were a kite, it is only eleven miles long, while he has one kite

all the way to Pictou, one all the way to New Brunswick and one all the way to Victoria Beach. The tails of his kites are 200 miles long at the least; and even if we were to concede to the hon. gentleman that our little Railway was a kite, at all events it is moderate in dimensions compared with those the apostle of Retrenchment has flown during the present session.

Now I have placed before this House and country a few of the speeches made by hon. gentlemen in '62 and '63; but I feel it is proper that I should notice an observation which I presume will be made by the Prov. Secretary, because it was made by him on a previous day. He says when he made his speech in '62 he left for himself a loop hole, by stating that the reductions which he then proposed were the result of the exigency of the moment, and that when it ceased he would have much pleasure in restoring the gentlemen to their former salaries—That expression might have been used in this House, but I have carefully read over his speech as it passed under his own hand, corrected for the press by himself, and published in the *Colonist*, and distributed over the face of the land, to indicate and embody the policy to which he and his friends were committed. In that speech, so corrected, and so distributed, I have looked in vain for any qualification of his retrenchment views. I look, therefore, as his party at the time looked at the epoch, as a manifesto presented to the people of this country positively that salaries were too highly paid—that retrenchment ought to be made, independently altogether of the financial condition of Nova Scotia. I hold then that even if the speeches of 1863 which were made after the exigency had passed away had never been made, the hon. gentleman and the gentlemen who support him, came in to sustain the principles on which the party went to the country,—that every gentleman supporting the Government were bound by the sentiments which were expressed in this House, and on the faith of which they were returned to their seats here. Do you think that if the members for Lunenburg had told their constituents that they intended to vote for an expenditure enormously exceeding that of which they were complaining, that they would have been returned to this House under the cry of Retrenchment. If they say they would, then I say they would libel their constituents; and when the time comes when they have to appear before them again they will find them not quite so destitute of common intelligence, or the principles of public morality, as they have been described to be by the gentlemen whom they have sent here to represent them.

I shall be told that retrenchment has been introduced into the public expenditure. Now I hold in my hand the Estimates, and I have gone through the various items, and so far as I have been able to ascertain the result, there appears to be in some cases an increase—a clerk or a revenue officer here and there being added to the list—but in very rare cases do I find the slightest diminution in the expenses. It is said there is a reduction of the amount charged for telegraphic messages in the Secretary's office; but that was never in the Estimates. Does the P. S. mean to tell

me that the expenses of his office have anything to do with his salary or come out of his own pocket? The charge for incidental expenses does not belong to the officer. If there are expenses they come out of the fund. If the expenses exceed the fund the overplus must be paid out of the revenue, so that after all it is merely taking it from one hand and putting it in the other, and amounts to nothing.

Then, there is a reduction of a few pounds effected in reducing the salary of the second clerk of the Receiver General, of which we have heard a good deal. Is this the thing that the Provincial Secretary ought to boast of? He declares by his speeches in 1862 and '63, that his own and the other salaries are too large, and he retrenches them by reducing those of his subordinates. Instead of making reductions where he ought to make them, he does the very acts for which formerly he denounced with such vehemence the chairman of the Railway Board—he reduces the salaries of the inferior officers who are obliged to spend the whole amount of their incomes in the expenses of living. Does the Financial Secretary, who is said to have stated in most emphatic terms that no public officer could properly take more than £500, mean to assert he now takes £600? Does he give as an excuse for this that a despatch was received from the Colonial Secretary which prevented him from leaving the additional £100 in the treasury, or from devoting it to some charitable purpose?

(Mr. Archibald then went on to show how largely the tariff was at the mercy of events we could not control, and which might occur without warning. He showed that of the revenue of 1862 over \$340,000 consisted of duties yielded by the goods paying 10 per cent. *ad valorem*, the prices of which had been doubled by the American war. Let peace return, and prices resume their former position, and in a single line of the tariff there would be a reduction of some \$170,000. Under these circumstances the assumption of the heavy liabilities which the Government were willing to come under, was not so free from risk as some gentlemen imagined, and he could easily foresee, with such liabilities on our shoulders, much financial embarrassment resulting from events that a week or a month at any time might bring to pass.)

But what I feel is beyond all these financial calculations. Such matters may be of importance, but they are insignificant as compared with the real issue before us. If gentlemen in bidding for popularity shall go to the country, and on every hustings in the province proclaim a set of principles upon which they ask to form a government, and demand that the people shall turn out the men who are not the exponents of these principles,—if these same gentlemen, when they come into office on this cry, are to be free to abandon all their pledges—if they may then adopt and advocate everything that they had previously denounced—what, I ask you, must be the effect of all this upon the moral sense of the community? That is a matter far above the mere pecuniary calculations bearing upon this question; and it is because I feel such is the case—because I feel that the present bill is one instance of this abandonment of all principle, because it is a measure which they themselves have scouted as the most

villainous creation that could come from a "mischief-making brain"—a measure so repugnant to their principles that the mere imputation of an intention to introduce it they themselves have characterized as an "electioneering dodge."—it is because I feel all this that I have expressed myself as I have done to-day. I have endeavored to present this case to the country in its true aspects. I have no desire unnecessarily to wound the feelings of any gentlemen; but I feel that no member of this House can justly take offence at being reminded of the public exposition of his policy made on the floors of this Assembly and disseminated through the country. If when they come here they change their minds and feel that circumstances justify their doing so, it is a matter for them, not for me, to explain. Therefore I feel, in bringing this matter before the House, I have done nothing more than my duty.

I consider that there is no need for the Bill. I consider that whatever may be the evils of which complaint is made, this is not the cure for them. I consider that the effect of this Bill, which is largely to burden the Provincial revenues, is entirely inconsistent with the principles on which the present Government attained their position,—inconsistent with the principles of economy which ought to govern any Administration,—and it is because I take these views, and not because I have any objection to the elevation of the gentleman whom the Bill is to serve, that I have felt it my duty to give the measure my uncompromising opposition.

(For continuation of debate see page 241.)

SUMMARY REPORT.

TUESDAY, April 19, 1864.

The Hon. Prov. Sec'y. called the attention of the House to an article in a late number of the *New York World*, on the subject of the introduction of the South American potato into the States. The article in question contained an account of the proceedings of the New York State Agricultural Society, and referred to a presentation to a Mr. Goodrich as being the first person to recommend the growth of that potato in the state of New York. He was not aware at what time Mr. Goodrich first brought the subject forward, but it would be in the recollection of the House that Mr. Joel Denamore, a native of the county of Hants, in this Province, some year or two ago endeavored to impress the late Government with the importance of introducing the potato from South America as a means of remedying the potato rot. He must confess that he and others thought that Mr. Denamore had become rather fanatical on the subject, and his proposition was not thought much of; but it appears now that the society in New York, which composed the most scientific agriculturists in the country, approved of the idea, and it was but just that it should be known that a native of this Province deserved the credit of having been the first to propose what now appeared likely to prove a valuable addition to the agricultural productions of North America. He would move that the committee on Agriculture take the subject into consideration.

Hon Mr. MacFarlane said that the committee had the subject before them, and would probably recommend the experiment to be tried in another year.

After some further discussion the subject dropped.

Hon. Prov. Sec'y. called attention to the report of his remarks upon the railway extension resolution, which were correctly reported in two of the papers paid by the house, but in the *Morning Chronicle*, which was also paid for publishing the debates, one half of his speech had been cut off, and the remainder had been tacked on to the speech of another hon gentleman.

Mr. Blackwood that he had the honor of having his speech amalgamated with that of the hon Prov. Sec., and upon calling upon the printer he was told that a mistake had inadvertently occurred in the office, which would be rectified.

Dr. Tupper expressed himself satisfied that it was a mistake.

Hon. Mr. Henry also complained that his speech had been mutilated.

Mr. Miller said that in introducing his amendment upon the resolution referred to, he had spoken about ten minutes, but had not been given a line.

Mr. Archibald presented a petition from Sherbrooke and Goldenville, against the amendment in the gold act, which alters the number of days' labor required by law to be performed upon any part of the areas comprised under one lease.

Dr. Slocumb enquired of the Government whether they had yet entered into any correspondence with the Government of Newfoundland upon the subject of the exaction of duty by that Government upon the outfit of Nova Scotia Fishermen. He said that the reason he made the enquiry was that the fishermen were under the impression that the Government were apathetic in the matter; and he had received a letter the night before, stating that the fishermen were preparing to arm themselves to resist what they considered an invasion of their rights.

The hon Finl. Sec'y replied that the committee on Fisheries had had the matter under their consideration, and on the 11th April had reported to the House that they considered the exaction of the duty referred to as unjust, and they recommended that the Government place themselves in communication with the Newfoundland Government, and remonstrate with them on the subject. No opportunity had yet occurred of doing so, but the matter was in the hands of the Government, and would receive prompt attention. He deprecated the idea of our fishermen resorting to violence, which would only place them in a worse position.

After some further desultory debate, it was agreed to leave the matter in the hands of the Government.

Mr. Archibald from the committee on the amendment of the laws, reported against a bill relating to petty offences. This bill, in addition to certain offences now punishable by law, provides penalties for boys engaging in games on the public highways, so as to obstruct passers by. Considerable discussion occurred—the hon. Prov. Sec'y. and others contending that the law was necessary, and Mr. Archibald and others thought that there was sufficient law

already upon the statute book to meet the case. The bill was deferred 18 to 12.

Hon. Prov. Sec'y., by command, laid on the table certain correspondence between the British Consul at Boston, Lord Lyons, and the Administrator of the Government relative to an alleged scheme for recruiting the armies of the United States in the British Provinces. The British Consul states that the agent at Boston called upon him and stated that he was employed to obtain some three or four hundred men in the Provinces to work in brickyards at Boston, and asked for a certificate that it was a bona fide transaction. As he suspected it was a recruiting lodge, he refused to do so."

Hon. ATTY. GEN. said that this matter had not been brought to the notice of the House any too soon. He had been applied to in several instances by parents whose sons had been deluded into joining the American army under various pretences, but he was not aware that the thing had been attempted on so large a scale. It would be bad enough for our young men to be exposed to all the dangers and privations of war if our country should be unhappily involved in strife, but to be deluded into incurring these dangers in a quarrel in which they had no interest, was a matter deserving the serious consideration of the House.

After some further remarks from Mr. Archibald and the Provincial Secretary, the subject dropped.

Mr. Kaulback moved the third reading of a bill relative to the township of Chester.

This bill was debated on its second reading, but Mr. Archibald was absent then, and he now stated that information had been placed in his hands which he would give to the House, and which he thought should operate against the passage of this bill. The hon. gentleman argued against the bill on the ground that it would be a great inconvenience for the people of Chester to have to go to Lunenburg to transact their local business.

He was replied to by the members for Lunenburg.

Mr. Jost stated that the majority of the inhabitants of Chester wished the repeal of the bill; they had never asked for the division of that township, and they were now anxious to come back. The division had taken place at the instances of a small minority for political purposes. After some further debate the bill passed its third reading.

The house then went into Committee on bills and passed the Equity bill with some slight amendments in the details. Upon the motion of the hon. Pro. Sec'y the first clause was amended by providing that in the case of the death of the senior justice no appointment shall be made in his place. This is to carry out the statement made in the debate that it was not intended permanently to increase the number of judges.

Then the house adjourned until half-past 7 o'clock in the evening.

EVENING SESSION.

House resumed at half past 7 p. m.

The house went into committee on bills, and passed the remainder of the mines' bill without discussion.

The militia bill was then taken up and a number of clauses passed with some slight modifications.

The house adjourned at half-past 10 o'clock until 11 o'clock the next day.

WEDNESDAY, 20th April.

The house met at eleven o'clock and went into committee on the Militia Law, which was passed with a few amendments.

On resuming at three o'clock, the Prov. Sec. laid on the table the Report of the Inspector of Light houses as to the necessity of a new light at Sambro.

Mr. Bourinot said that it was believed that the government had in their possession a despatch in reference to an address got up to President Lincoln by persons in this city. It was also stated that the despatch deprecated this step, and it would be well if this despatch, (if it was in existence,) should be laid on the table.

Hon. Mr. Henry would enquire into the matter.

The Equity Court bill was then taken up and read a third time, and sent to the Council for its concurrence.

The bill relating to Mines and Minerals was also taken up. The salary for the Inspector of mines was put down "not to exceed \$1600."

Mr. Blanchard thought it inadvisable to limit the amount to so small a sum.

Mr. Bourinot said the sum was too small for such a man as would be required, and expressed his satisfaction at finding that the government had adopted his views in reference to the necessity of a thoroughly qualified inspector.

Dr. Brown differed from the two former gentlemen.

The Atty General said that the hon. member for Cape Breton was quite right in the opinions he expressed in reference to this subject.

Mr. Allison was in favor of \$2000 being given for a man of scientific qualifications.

As the \$1600 was stated to be exclusive of travelling expenses, it was agreed to fill up the blank with that sum.

The bill was then read a third time and sent to the Council.

Hon. Prov. Sec. laid on the table a return of Joint Stock Bank and Insurance Companies, asked for by the hon. member for Shelburne.

The house then resolved itself into committee on bills, and passed the railway act in the U. S.

The old preamble which had been struck out previously was re-enacted.

The following chapters in the R. S. were also passed: Relative to Importation of Goods; Warehousing of Goods; Post Office, &c.

The Legislative Council, by message, informed the house that they had passed a bill to incorporate the Broad Cove Mining Company—and they sent down 13 bills assented to without amendments—and 8 with amendments.

The house adjourned till 8 o'clock next day.

THURSDAY, April 21, 1864.

The House met at 3 o'clock.

Dr. Hamilton introduced a bill to incorporate the Harborville Wharf Company, and Mr. S.

Campbell one in reference to Assessment in the District of St. Ma y's, Guysboro.

Mr Archibald, from the Committee on the Amendments to Laws, reported that a bill relating to the County 'ail be deferred, inasmuch as there was no necessity for it at the present moment—which motion was agreed to. Also reported up a bill to amend Chap R. S., relating to Patens and Useful Inventions, for the consideration of the House.

Several bills were read a third time, and some amendments made by the Legislative Council to several bills of Incorporation were agreed to, and others were not.

One amendment from the Council to a bill to fund certain moneys in the City of Halifax, was agreed to with an amendment added by Mr. Pryor

The House then went into Committee on Bills, and took up the Agricultural Bill. An amendment, making the Central Board to consist of sixteen persons, and dividing the Province into six sections, of which Halifax and the county shall form one, was passed. Halifax appoints four, and each other section two persons. The Superintendent of Education and the Principal of the Normal School remain *ex officio* members of the Board. The Districts are: 1 Halifax city and county; 2 Kings, Annapolis, and Digby; 3, Lunenburg, Queens, Shelburne, and Yarmouth; 4, Hants, Colchester, and Cumberland; 5, Guysboro, Antigonishe, and Pictou; 6, Cape Breton, Inverness, Richmond, and Victoria.

The following bills also passed: To amend act to incorporate Presbyterian Church at Cape North; to amend chap. 65 of Commissioners of Streets; to vest the titles of certain lands in the Commissioners of the Poor for the city of Halifax.

In reference to the last bill Mr. Donkin said that he found that the city and county of Halifax drew from the public treasury £2000, whilst the whole Province received only £1500. Under these circumstances he thought it would be well to relieve the Province from this burthen, and let each county support its own poor. The Provincial Secretary stated that this money was not intended for the support of local poor, but for transient paupers, and that if the suggestion of the hon. member was carried out, the Province would actually lose. He also added that the transient poor were supported more cheaply in Halifax than in any other part of the Province.

The Committee rose and reported and the House adjourned till three o'clock

EQUITY COURT BILL.

SPEECH OF HON SOLICITOR GENERAL.

Hon Mr. HENRY said:—I have listened for nearly three hours to the address of the hon. member for Colchester on the important subject which is now under the consideration of this House. One portion of his address, however, touched matters altogether foreign to the matter really before us. The bill under consideration engaged his attention about one-third of the time that he has thought proper to address this House. The hon. member leaving the subject legitimately

before us, entertained this House with extracts from speeches of gentlemen on the Government side made in 1862 and 1863, on a subject totally disconnected with that which ought to engross the attention of gentlemen here. The hon. member has taken a wide range, and certainly I listened to him with every desire if possible to ascertain what three-fourths of his speech had to do with the subject properly under consideration, and I must acknowledge I totally failed to understand it. The hon. member complained yesterday, that we should go into a debate on this question, and told us that he had not time to read the bill introduced some days ago. I felt that perhaps the hon. member had not got up his brief, and was for one disposed to give him time, but I must say that if I had thought that the hon. member was going to ask the attention of the House for two hours, on matters entirely foreign to the bill, I would not have so readily agreed to its postponement. The hon. member complains of not having had sufficient time for preparation, and stated that if he had had a day instead of an hour he could have given us a great deal more matter; but gentlemen around these benches will not fail to remember that for the last three weeks the hon. member has given intimation to the House that it was his intention to move a resolution on the subject of tenure of office, and the subject of retrenchment legitimately connected with it. The hon. member, however, has failed to place on the table any resolution touching one or other of these questions. I presume he has taken the opportunity now presented by the consideration of this bill, for the purpose of making a grand political attack upon the Government for what he considers the absence of retrenchment, as propounded by the members of the Government in '62 and '63. I may here say that I could not help being amused this forenoon when the hon. member was about closing, a friend of his suggested that he should stop for the present and continue after the recess, and that he should speak yet for an hour at least. It reminded me of a story of a gentleman who wished to fit up a library. He sent his servant to a book-seller, and he said, "I want some works, to fill up the shelves in my master's library. I don't care for anything that is under the cover, but I want so many yards of books of a certain height, and binding." I must say if the hon. member had closed in the morning, he would not have been so much like the person who wanted quantity and not quality in the matter of the books. His remarks this afternoon, were pretty nearly a repetition of those he made in the forenoon. Before turning to the subject of the bill, and the remarks made by the hon. member upon it, let me say to him at once that the resolution of 1862 was founded upon a state of things that then existed. It was intended as a measure to provide for a particular emergency, and was declared, by every one who spoke on the subject, not to have a permanent place on our Statute Book. When it was found that the Government, according to their own declarations, had run the country into debt to the extent of \$136,000, the party then in opposition felt it their duty to propose retrenchment rather than a measure of further taxation. That scheme might have been practicable or not. It was a proposition that was intended to relieve the

country in a pressing emergency, but the gentlemen then in power refused even to consider it—The persons who introduced it might have been wrong—some items might on mature deliberation, have been found impracticable of reduction; but what can be said of any Government, in the then existing condition of the country, that would put down every effort to consider the subject of retrenchment—who said they would not allow the matter to be even discussed. Yet these gentlemen who would not even look at it, complain to-day, that the party now in power do not come here and carry out the views which these same gentlemen two years ago, so violently opposed and declared to be unsound. There may be some gentlemen who wished to carry out retrenchment, but is it for the hon. member for Colchester to raise the question? Does he not feel when he makes these charges of inconsistency against gentlemen, that the same charges apply doubly against himself? This is a question that is plain and simple, and I do not wish to take up more time than is necessary in answering the remarks of the hon. member, for I feel, as must every one who listened to him, that he wandered entirely from the subject—that it was one he could not grasp—that it was one which the more he touched the worse it became for him, and that he therefore felt obliged to touch very slightly upon the main question and to deal with matters entirely irrelevant.

The hon. member has talked about miracles. He says that the "Morning Chronicle," in foretelling that this appointment was to be made, displayed a remarkable amount of sagacity and actual prophetic knowledge. Now, there is a variety of ways in which some men endeavor to obtain a character for prophecy. Having obtained previous knowledge that something is likely to occur, they undertake to give it publicity in the shape of a prophecy, and if the prophecy is verified they try to make it out a miracle. But how was it in the present case? Let me ask if it was not in the power of the gentlemen themselves to create such an officer? Was it not wished to create such an officer among themselves? Then if it were not so, they were misrepresented a year ago. What more easy thing than for these gentlemen to endeavor to make political capital out of a matter which they intended to do themselves? What could be easier than to attribute to their adversaries what they intended perpetrating themselves? This is a very simple, and I believe true, solution of the manner in which they came to the knowledge of what was intended to be done. If that is really the case, I do not imagine that it is necessary to class the gentleman referred to among the prophets. The hon. gentleman has quoted the "Colonist" of May 9; and in it you will find an emphatic denial of the charge. The story was got up, in the first place, for an electioneering dodge, and if my information is correct, in the county represented by the hon. Attorney General canvass was made upon it. It was said, Don't elect him, for if you do you will not have him long, for an equity judgeship at eight hundred pounds a year will be provided for him. That was a very good electioneering dodge, but it was not successful.

But the strange conclusion come to by the hon. member for Colchester is this, because the *Colonist*

denied the statement, therefore it must be true.—This may be true in respect to some papers that are published in this country—as a general rule the opposite of what they say should be believed; but I will here add my poor testimony to that of the Provincial Secretary that so far as I know the first intimation I had of any such measure as that in question, was when I saw the article in the *Morning Chronicle*. I looked at it and said, this is a very good dodge now; let it have its run. It is a good dodge because it is plausible. The country may require such an officer as is proposed, and therefore the gentlemen who influence that paper have sought to make political capital out of it.—The hon. member says, If it is good now, why was it scouted then? Does the hon. member make the slightest allowance for the altered circumstances of the case? Does he not see that four Judges are not able to do as much work as five? If we had not the letter of Judge Bliss, and had not upon the consideration of it come to the conclusion that the country must be deprived of his valuable services, the circumstances would be very different. Then the hon. member for Colchester would have some ground to work upon; but what is the state of the country in respect to its judiciary? From the returns we have before us we find 212 cases on the circuit which could not be tried because there were not Judges enough to try them. Out of 66 arguments which were in *banco* last December term, 40 remained not argued.

Now it will be borne in mind that this state of things existed with five judges who were able to perform their duties. But what is the condition of things now? With all this accumulation of business—with this heavy list of arguments, we have the judiciary less able by one-fifth of its number, to go through the work. How then is it to be got through? Is the business of the country to be left undone? If a man finds five men absolutely necessary for him to carry on his business satisfactorily, what is he to do if one of them die, or is incapacitated from working? Is he to leave his business undone? I ask you if there is more work than five judges can do—if one of these five is actually unable to perform his share of his duties, what becomes of the hon. gentleman's objections? The hon. gentleman is not in a position of responsibility; and he can therefore argue in the manner he does and display no disposition to take measures to meet the exigencies of the country. I tell him that four men cannot do the work of five. If five cannot do it, we require six. This Bill is not intended, however, to add six, but to provide for a necessity arising from the sickness, temporary or permanent, of the distinguished judge who is now prevented from attending to his judicial duties. Therefore it is plain that the business of the country requires us to provide a substitute. It is sufficient for the Government to know that the services of such a substitute are requisite, and to appoint one immediately with full powers. Not only is this necessary, but the Government would be false to the duty that devolves upon them if they did not provide additional assistance without delay.

This bill contains a clause which requires the Judge to be appointed to go on circuit whenever

a Judge is unable from sickness, or other cause, from attending to his duties. What is the complaint through the country at the present time? That is the consequence of the circuits being too few, the time allowed for each sitting in each county is so short that the work cannot be accomplished. Let me say that it is the intention of the Government, if this bill passes, to make a new division of the circuits to enable the work to be done more satisfactorily to the country at large.

We all know that delay of justice is in a variety of cases a denial of it, and a poor man who is put off three or four terms without getting a trial may be ruined. It is the duty of the Government, therefore, to provide against such a state of things. The hon member himself must see if we have five circuits instead of four they can be shortened, and there will be a large amount of time appropriated for the arguments at Halifax, which cannot now be done. We have a circuit that it takes seven weeks to get through, for in Antigonish the term may last for two weeks, and often does. That brings the Judge, who presides at that circuit, up to the third Tuesday of July before he can get back to Halifax, and therefore a number of cases cannot be looked at until next term, and in some cases they have to stand over for several terms.—I am concerned now in cases which have been held over for two years and upwards, in consequence of our not being able to get them up for argument for want of time. Is that the position in which the judiciary should be allowed to remain? Shorten that circuit by three weeks—make an additional circuit and distribute the labour of four circuits into five, and you will then bring them all within the compass of a month's work. You will get through the whole work in the month of June, and you will have all July for arguments, instead of a fortnight's time as at present. Last December one third of the whole term was occupied by chancery business, notwithstanding the suggestions to the contrary of the hon. gentleman. Take the Fall Circuit; let them go through it in October and then you would have November and December to devote to arguments. Now they cannot sit until December, and they are obliged to adjourn at Christmas or New Year's, leaving heavy arrears. Some of these arguments are lengthy, and if you have a list of 70, or 80 you cannot get through a third of them in the time that is now allowed. Independently of the sickness of the Judge, I believe it is the duty of the Government to take the matter into consideration, and, if necessary, appoint another Judge; and in doing so, they would not be amenable to the charge of extravagance.

I tell the hon gentleman that it was not the cry of retrenchment that put his Government out. If I wanted to go into all these matters I could give him sufficient reasons why the confidence of the country was turned away from them, and such an unequivocal expression of opinion was given against them. It was not the story of retrenchment, but their determination *not to consider the question at all*, that helped with plenty other reasons to seal their fate.—We did not pretend we could touch the Governor's or Judges' salary without their permission. But we could have asked them whether, under existing circumstances, with an immense debt

staring us in the face, they would not be willing to give up a small portion of their salary for a year or two, in order to relieve the country.—We did not intend to work miracles with this resolution; but we wanted to go into Committee on the general state of the Province, that we might see how far we might go in the direction of Retrenchment. But, no, sir, these gentlemen would not allow us to consider the matter at all. The sum of their answer was, "Retrenchment is unworthy of our consideration. We cannot brook the idea of listening to the remarks made in favour of it." If they had gone into committee they might now have raised with some degree of consistency, the objections which they have urged to-day; but they came forward and gave an unqualified dissent to the proposition. "No," they said, "we will have no reduction of salaries, though the country is so largely in debt." Yet the hon. gentleman comes forward and charges the Government with a dereliction of principle when we have an immense revenue which, I am proud to say, enables us to give such a large amount to roads and bridges, to education, and the other great services in which the people take so deep an interest, to the extent of over fifty per cent. above any previous grants. Therefore I say the hon. gentleman has entirely failed to make out an argument upon which he can stand for a moment, or in fact, to urge a single thing that bears the semblance of an argument.

The hon member has told us about the amalgamation of the Chancery Court with the Supreme Court. I remember the difficulty that met myself and others in accomplishing that object. I believe the change was sound and good; I believe it was an improvement of a valuable nature,—that it is better calculated to subservise the true interests of the country. I believe it is a very good system that we have in operation, but it is not without its inconveniences and troublesome delays. Now what is the course pursued? A writ is issued. After the pleas are put in the Judge has to make an order for determining the issues to be submitted to a Jury—six or seven months must elapse before the issues can be tried, and if the Defendant is not willing to try the cause it is put off to another term, and it is often twelve months before an issue of the most simple nature can be determined; but what may be done under this bill? A Judge in equity having ascertained what the issues are, may determine an issue to be tried before himself at any time, and as the large amount of work must be done in Halifax where transactions requiring Equity jurisdiction principally take place, he would have it in his power on the issues being determined to have them forthwith tried by a Jury. There are also other highly valuable improvements which I need not detain the house in showing. The hon. member said that the system was now ample and better than any that exists in any other part of Her Majesty's dominions. I believe that is true to a certain extent; but there are various important changes which can still be made in the practice of Equity jurisdiction, and I feel satisfied that by the appointment of an Equity judge, whose peculiar duty it will be to oversee the de-

isions in this court, large and valuable improvements may be made, which will be calculated to give increased facility to the decision and final settlement of cases that may come before that court.

The hon. gentleman, in the course of his rhetoric, turned attention to the resolution of 1855, touching the appointment of a Chief Justice.—The hon. member said he was sorry to see it on the Journals. That may be; but he must bear in mind that ten years may alter the circumstances of a country so as to produce a necessity for a very different organization in reference to the administration of justice. What might have been good in 1855 may not be so good in 1864. Our experience since the Courts were amalgamated may have shown gentlemen that there is necessity for a different state of things now. I am fully satisfied that that resolution might have been passed in 1855, and gentlemen might vote consistently for the bill under consideration.

The hon. member says that he is bound to believe that the bill is intended to give a retiring allowance to the Hon. Atty. General. I will tell him that it is intended for the performance of duties that are of the highest character, and is absolutely required to meet the exigencies of the country. It is the performance of a high duty by the Government, because it will give the country a Court that will do its business rapidly and efficiently, and at the same time provide against increased delays on the circuit; and it may, and probably will be, the right of my hon. friend to accept that appointment—for his services for the last quarter of a century entitle him to it beyond any other man in Nova Scotia. Twenty years ago he gave an earnest of his desire to remain in public life, and promote the public weal, when promotion to the Bench was his for the asking. The people of all parties would say that the hon. Attorney General is entitled to the emoluments of that office without one-fourth of the duty which this bill will impose upon him. I believe the hon. gentleman has a practice which gives him a far larger salary than he can receive under this bill; therefore he is making a sacrifice if he accepts it; and instead of the compliment being paid to him, he, by acceptance of the office, makes the obligation on the other side. What is it he has to do? To hold a court in Halifax weekly for equity business, and to take one of the circuits whenever necessary; to do chamber business, and sit during the whole court when necessary to hear arguments. Can it be said, then, that the hon. member will be under any compliment to the Governor or Legislature if it offers him this office, after his long parliamentary career and public services? The hon. gentleman, in accepting this position, gives us another earnest that he is still desirous, in this new sphere, of working hard for the country. I have no hesitation in saying that if there is a compliment on either side, it is, in my opinion, the people themselves who are laid under it.

The hon. member says that the Attorney General merits all that can be legitimately given him—and that if it can be shown that this office is legitimately given to him he will be satisfied

I will endeavour now to show that there was not one argument used by him to convince this House or country that it was not legitimate to pass this bill. He says it is necessary to have another Judge why not appoint the late Master of the Rolls, and by that means you will only, says he, require an expenditure of £300 a year in addition to his pension. I do not know if the hon. member has the confidence of the late Master of the Rolls or not, and is able to state if that gentleman would accept the office? I take it that at the period of life to which that gentleman has arrived, and in the state of his health, you would ask him in vain to accept this position for any salary you would offer him, and thus I answer that suggestion.

Gentlemen know the wide distinction between arguing a question in a party and a non-party aspect. The hon. gentleman says his course is sufficient to show that in several government matters he has not been actuated by party spirit. Well these professions are very good in their way, but actions speak louder than words. I will not weary the House by entering upon any commentary on the course of the hon. member; but I may say there were several questions which came up here on which his policy was stereotyped before the country, and if he had not supported them although originating with the Government he would have been grossly inconsistent. I say to him, therefore, that he cannot lay claim to so very much credit on that score after all.

The hon. member gave us some statistics of cases from some gentleman with whom he is acquainted, and told us that with the exception of foreclosures there were but 20 cases in the Equity Court for four years, previous to 1855. I believe no person who is acquainted with the Court of Chancery under the old system, but must see there is a great accumulation of business since that period. There is a large amount of business done in the country which is not exhibited at all in Halifax. The hon. member has given us a list of what has taken place in Halifax, but I tell him there is a very considerable amount of business in addition done in every county, and a great deal has been settled without appearing on the records in Halifax at all. The reason is this, that in the case of small operations to which equity might be applied, the court previously to '55 was a sealed court. A man would lose a matter of £40 or £50, rather than go into the court with all its delays and expenses. This is what prevented a number of persons going into the Chancery Court; but since that period a large number of cases have been brought in that court in consequence of the change that was made. But I say that is no reason why we should not pass this bill. If we can provide for the business that is necessary—if we can enable an individual to get his business settled in a shorter time, and more reasonably, we shall save the people four times the salary given by this bill. Look at the expense of witnesses in a single case—sometimes they amount to £10 or £12, or even £20 for a term. Take the 212 cases that are left over, and put £10 to each, and you will obtain a sum that will pay for more than two judges. If that be the case, and who so rash to deny it, are you not

actually effecting by this Bill a saving for the country? Witnesses are often obliged to attend two or three courts, at considerable expense and inconvenience, and if you can remedy that evil, is it not our duty to do so? It should be the policy of this House to use every effort to have the business of the country done as expeditiously and cheaply as possible.

The hon. member then undertook to tell us that under the system proposed it will cost over \$60 for each case that is to be tried. Let me tell him that I practice in 6 counties in Nova Scotia, and I am confident they alone will show more than double the amount of business that is set down by him as appertaining to Equity. If it is not so, I will undertake to pay the salary out of my own pocket for the next two years. The hon. member has also gone into an elaborate calculation and endeavored to show us that the judges are occupied only half their time.—He says that the Judges will only have nine weeks of work on circuit; but his whole calculation was based on the idea that we had five Judges. I assert that this is all we want. We accept your calculations; give us the five Judges, and we will be able to go through the business; but reduce the number to four, and they cannot compass it. The improvement which this bill will give us in reference to the arguments in Halifax will be this: that by the addition of a Judge in Equity you will enable the Judges to sit ten instead of six weeks. Therefore by the addition of a Judge you will nearly double the amount of time they can devote to this important portion of their duties. Even then the Judges will be nearly the hardest worked men in the country. The hon. member, in his calculations, allowed the Judges ten weeks for making up their judgments; but I believe that if he himself should hear the arguments, read up in reference to them, and attend to chamber practice, and summary business besides, he would find that there would be little time at his disposal.

I hold that the Judges are tied down as much as any other public servants in the Province. They cannot leave the Province without asking leave, and having half their salary stopped if it is thought proper. The fact is, you give them a retiring allowance, with most arduous work to perform; therefore the situation of the judges is not to be envied by any gentleman of the legal profession who has a large and lucrative practice. I say to the hon. member that men are often too apt to hold ideas in respect to certain positions, which, on practical experience, are found entirely visionary.

The hon. member says if the business is not done, it is not the fault of the judge. He ought to know that during the sitting of the Legislature a great many professional men are engaged in this House and the upper one, and it is impossible for them to attend to their own business and that of the country at the same time. To attend circuits and the Legislature at one and the same time, is impracticable. How would gentlemen sitting in this House like to be called upon to leave their duties here in the winter to go on circuit. The hon. gentleman will therefore see he has suggested what is an impossibility to perform—or at least what can-

not be done without ruining the business of the country, which should be considered over and above everything else. We have been told that the calling out of the Militia, at certain seasons, is most injurious to the country districts; and for the same reason it is better that suits should stand over than that the people should be called from their haying, from their harvesting, and other agricultural operations, and fishermen from their fishing grounds. All these difficulties, however, will be remedied by the arrangements of which I have spoken in reference to the circuits. Whilst we have only four judges we cannot expect the business of the country to be transacted with anything like a satisfactory system, for with but four circuits the necessary arrangements cannot be made.

I will now turn to the hon. gentleman's references to Retrenchment, and here let me express my regret that we had not known he was going to favour us with a constitutional debate on that subject. If we had been aware of it, we might have been prepared with some materials that would not be very welcome to the hon. gentleman. I think we could take some speeches of his own delivered in '62 and '63, in respect to retrenchment, which would not give us, in the light of his present action, a very high opinion of his sincerity and consistency. I believe that the hon. member has not been able to bring any charges against myself in connection with this matter, or to quote any "elegant extracts" from my speeches; but if he will turn to my vote he will find that I voted in favour of making enquiries into the feasibility of Retrenchment. But without dwelling on his references to other gentlemen which I presume will be satisfactorily disposed of by them, let me say a few words with respect to his remarks on the matter of railway extension. He says that the construction of the railway to Pictou is entirely opposed to retrenchment, and I must express my surprise to hear the observations he has made. Does not the hon. gentleman remember his own course in the past? has it, too, passed into that oblivion into which he would sink his opposition to all enquiry into retrenchment? Perhaps we could go back previous to the general election of 1859, and bring up not mere hearsay evidence, but the reported speeches of gentlemen who pledged themselves not to sustain any government that would not build the railway to Pictou. Well, on the faith of these pledges these gentlemen returned to power; but did they carry out their pledges? No, they procrastinated from day to day, from year to year, and at last all their grand pledges culminated in a dubious railway measure for eleven miles. Let me ask him now, in the language of his own papers, who have been the "Pharisees and Hypocrites?" I tell the hon. gentleman, this reference to the Pictou railway is one that he ought to be ashamed to make in the face of this House and country, under the circumstances of their broken pledges and violated promises.

Let me here ask, how is it that gentlemen opposite so carefully ignore their own connection with this question of retrenchment? Have they forgotten that responsibility must attach to them now, as well as when they were in power.—They cannot fly kites!—they are not liable to

the charge of inconsistency? because, say they we are not now in power, and therefore not responsible—that is what they would make the country believe. They may now take a course entirely antagonistic to that they held before; and it is all right. I think I need not press the point further—the inference is too obvious.

(Mr. Henry here referred to the action of Mr. Archibald and his friends previous to the election of 1859 and subsequently in reference to the Pictou Railway, and their voting this session in favour of it, and asked how these gentlemen could now in view of their past action stigmatize the present government because they now came forward and extended the Railway to Pictou. He then continued:)

The hon. member has undertaken to make up a list of the liabilities incurred by the present government. We showed him the other day that the whole of these liabilities did not exceed the amount of liability which he intended to incur by his Intercolonial Railway Bill last winter. We have not proposed as he did to build 60 or 70 miles of railway out of the Province. Let me ask him, too, what position does the hon. member himself occupy in respect to the Pictou Railway? He voted for it himself, and yet he comes forward and denounces the government for having introduced a measure which met his own entire approval and support. He also finds fault with us in respect to the Inspectors of Schools; but did he not support the bill and express his warm approval of the appointment of such officers? Was there ever a more glaring evidence of a man wishing to make political capital out of everything, without any regard to his own expressed opinions? We have not yet settled the Mines' Bill, but I await with considerable curiosity to see what action he will take in respect to the Inspector proposed. He says, however, that the appointment will cause a charge of \$2000 a year upon the revenue; and to this I may say at once that if the government intend giving a smaller sum, they ought not to be charged with a lavish expenditure of the public funds. Certainly they would be justified, after what he has suggested as the worth of such a man as will be requisite, in giving \$2000 a year for a service indispensably necessary.

The hon. member has also brought up the item of reporting the debates. I ask him, was he not here when the resolution authorising this expenditure was brought in. The committee to which the subject was referred, was composed, among others, of two gentlemen who were members of the late government; and the committee unanimously reported that it was for the interests of the country that an efficient Reporter should be engaged. That report was brought into the House, and adopted without a dissentient voice. Therefore I say if he sits quietly in his place, and hears a report read, and does not object to it, he acquiesces in it. It is his duty, if he disapproves of it, to rise and express that disapproval, or else he is wanting in the performance of his duty as a public man. He did not do so, but on the contrary by his silence gave consent, and now attacks the Government for doing as he himself did. It may be wise or not to expend that money; it may be

that the interests of the country can be better subserved by leaving the matter to private enterprise, but as the matter was decided by the two sides of the House, he cannot now complain. A difference of opinion existed on this subject two years ago, and the late Government moved a resolution in this house to discontinue the official reporting. I may say at once to the hon. member that the late Government are not entitled to any credit for retrenchment on that score. That Government, I have a very strong suspicion, had other and more potent reasons for their course. Perhaps they had a feeling that it was not altogether advisable to allow the speeches of their opponents to go side by side with their own, in their own organs, to the country—perhaps they thought it was not a bad plan, previous to a General Election, to prepare the people by garbled reports of what was going on in the Legislature! Take up their papers of that session, and you will find that they left out the speeches of members in opposition, or else got them up in a way to serve their own purposes. They felt that if the House had an official Reporter, the speeches of both sides would have to be published in their own papers, and placed before the people of the country in an impartial manner. Feeling that this would never answer the object that they had in view, they determined to discontinue a system which would at least give the country a guarantee that the reports were impartial. Now, however, when these gentlemen are out of power, and wish that their speeches should go to the country in the press of both parties, they do not come forward and oppose a resolution providing for accurate reports. I say, therefore, in view of the altered circumstances, the hon. member had a good party reason for the course he pursued in 1862 and in 1864 as well. These are matters which the country can very well understand, when properly referred to them.

The hon. gentleman said that he suggested a course in reference to the revised statutes which would have saved \$8000. He wanted to pass them *en bloc*. That is, after passing the statutes, the House was to be occupied in passing bills in amendment of those in the code. Why, is it not evident such a course would largely increase our printing expenses, and lead to inextricable difficulty and confusion. Now, however, under the plan pursued, a person taking up the volume of the R. S. can say, Here is the whole law of the Province. There is no necessity for turning to another volume of acts passed in the session of 1864 in amendment of those in the Statutes passed the same session. A man sees the whole law at a glance in the code. In the past, the Legislature have committed the folly and inconsistency of passing the R. S. and cutting them all to pieces, and destroying them as law, in the same session. That was the course proposed by the hon. member. I tell him that if we followed his suggestions we would have caused a large expenditure for printing, and in addition have published a comparatively useless book, and one highly calculated to mislead, instead of saving £2000 a year, as he has intimated.

The hon. member next got into the question of the Revenue. He says we came into possession

sion of that with which we had nothing to do. I remember after the late Government were formed, and were able to show some small increase in the revenue, they took great credit to themselves for the vigilance which they asserted had induced this increase. "We have exercised a vigilance that the late Government did not;" that was the burthen of their song. Well, I tell them, I accept this argument as sound, and ask them if the Government are not entitled to great credit for their vigilance, since they have succeeded in securing so large a revenue. But, says the hon. member, Why don't you pay your debts with the money you have got? Well, the Estimate of the Financial Secretary was brought here, and was under consideration, and I told him if there was a single item in it of which he did not approve, it was his duty to have moved against it. Now that the votes have passed, it is not proper for him to complain. This is the way that I think the country will look at the course of the hon. gentleman.

Mr. ARCHIBALD.—Surely the hon. gentleman does not wish to misrepresent me. I moved a resolution in Committee of Supply against the grant of \$16000 for the St. Peter's Canal.

Hon. SOL. GENL.—As I understood the hon. gentleman he was not opposed to the Canal but only objected to the estimate because it was too small.

Hon. PROV. SEC.—The hon. member for Colchester is quite correct—he seemed quite determined to do everything he could to defeat the estimate for the Canal.

Hon. SOL. GENL.—I listened to the hon. gentleman's remarks, and they produced the impression on my mind as I have stated. However, that was but a small item in the Estimates, and he opposed none of the rest at all events.

(Mr. Henry here denied that there was any extravagance on the part of the present Government, and said he could bring abundant evidence to prove that the late Government were alone amenable to that charge. It was nothing, under the late régime, to order a hundred pounds here and there, without the sanction of the Legislature. A gentleman could patronize a club in London to a considerable amount without any authority, and it was all right then. He said he could refer to certain large grants given to the Western Counties for services done to the late Government by particular members. Provision, for instance, was made for a celebrated township, where a gentleman had deserted his party. The hon. member for Colchester was the last one in the House to talk of "flying kites." That hon. gentleman had got a large grant himself in the Estimates for an anticipated road. Did he consider a road to Tatumagouche and Point Brule a kite? Mr. Henry then continued:)

Does the hon. member consider the extra money given for the important services of Roads and Bridges, Education, and Navigation Securities, a mere "kite." I think I can show that no gentleman has got a pound in his county that ought not to be rather raised to £10 if the interests of the country were considered and the revenue permitted. Call these kites indeed!

They are at all events nothing like the railway kites they flew. All I can say is, I would like to have such kites to exhibit frequently to the people. It would have been well for the hon. gentleman and his colleagues, if they had had such kites last year before the 29th of May, to present to the constituencies of this Province.

The hon. member then goes into the consideration of the question of the difficulties that are likely to arise in case of peace being brought about on any terms between North and South. He says, you are expending the public money recklessly—you are hastening on to ruin and bankruptcy. But the hon. gentleman need not imagine he is going to frighten us with these mere generalities. He told us—and this was the only point that bore the semblance of an argument—that the ten per cents. must decrease in value if the war closes, and bring about a decrease, as a matter of course, in the revenue. He says these articles are now all doubled in price, and if peace ensues, down goes the price of cotton goods at once. If the hon. member would give us more figures on this point—something else than such vague assertions, we might think there was some weight in the argument. But after all there is not much in it, for cotton goods bear a small proportion to the other articles which pay a duty of ten per cent. I would ask the hon. member to look at other articles in the ten per cents, and tell me if they are likely to decrease in value. However, whatever happens, we have the power of regulating the revenue, and no danger need be apprehended from our appropriations this year. We go into committee of supply every session, and see what sums are requisite to meet the public necessities. I hold that next year if we come back and find that matters are in that state that it is necessary to restrain expenditure, it is in our power to do so, or we can if necessary do as they did raise the duties. Does not the hon. member see how much reason we have for believing that our present satisfactory condition will continue? Does he wink out of sight the remarkable development of our mines—especially in Cape Breton? Capital is flowing into and opening up the resources of that fine portion of the Province, to an extent we could hardly have anticipated a few years ago. The gold and other mines will employ thousands to work them. I contend, therefore, in view of the increase of trade, that this development must create, we need not fear any sudden revulsion in our present financial condition, and that the fears of the hon. member are entirely baseless.

The hon. Solicitor General concluded by expressing his regret that the course pursued by the leader of the opposition in dragging into the debate matter totally irrelevant, and unconnected with the question under discussion, had rendered it necessary for him to address the House at greater length than he would otherwise have done.

See page 249.

SUMMARY REPORT.

FRIDAY, April 22.

The House met at three o'clock.

Dr. FLOUMB introduced a Bill to encourage the Fisheries of Nova Scotia. It proposes to subsidize our fishermen out of the Treasury.

Hon. PROV. SEC. said the Bill properly come under the rule in reference to the initiation of money votes, and could not be introduced by any one except the Government. He was glad, however, the hon. gentleman had called attention to the matter, and he trusted the Government would be able to give it some consideration during the recess.

The Bill was allowed to lie over for the present.

Mr. PRYOR brought in the report of the Militia Committee. It recommended that Sergt. Major Breckin's salary be increased to \$500 a year, in consideration for his valuable services; that an extra grant of \$5000 for the Militia service be given, and that the Adjutant General's salary be \$1300, and that of inspecting Field Offices \$1200 each—no allowance to be made for forage.

Hon. Mr. MCKINNON brought in the report of the Committee on Indian Affairs.

Mr. ROBICHEAU reported finally from the Committee on Navigation Securities. It recommends an improved light for Sambro, a fog-horn at the entrance of Halifax Harbor, and a light-house at Little Hope.

Mr. COWIE expressed his gratification that a want had at last been supplied—namely, a light-house at Little Hope.

Mr. PRYOR expressed his regret that the Committee had not seen the necessity of constructing a light at Peggy's Cove—a subject which had been before the House for many years.

Hon. FIN. SEC. brought in a bill to defray certain expenses of the Civil Government of this Province, which was read a second time.

The House then went into Committee on bills, and disposed of the following bills: Relative to Militia;—To improve Sewerage in the City of Halifax.

Hon. PROV. SEC., by special leave, introduced a bill to change the name of Portertown, in the county of Cumberland, to Hastings.

The hon. gentleman also introduced a bill to incorporate the South Joggins Freestone and Grindstone Quarry Company. In doing so he stated that he would have introduced the measure before but for the absence of one of the parties in the United States.

The principle of the bill was the same as that adopted in other bills of a similar nature, and he therefore would move that the bill be read a second time, and committed to a committee of the whole House. The existence of the celebrated free stone quarries at the South Joggins was well known, and the exportation of the stone raised from them had done more to bring the Province into notice abroad than any other branch of industry. The proprietor of these mines, Mr. Seaman, had realized a large fortune from his successful operations, and it was necessary to carry on the works on a more extended scale, in order to supply the rapidly increasing

demand for this kind of stone. It was proposed under this bill to organize a company, with a large capital, to engage in the enterprise.

The bill was read a first and second time.

The Council, by message, informed the House that they had agreed to bills to incorporate the Nova Scotia Gold Amalgamating Company—to incorporate the Mutual Bank of Nova Scotia—relating to steam navigation—as amended.

Hon. Mr. SHANNON, Chairman of the Committee on the Record Commission, reported.

Then the House adjourned until 11 o'clock the next day.

SATURDAY, 23d April, 1864.

MORNING SESSION.

The house met at eleven o'clock.

Hon. FIN. SEC. moved the following resolution, of which he had given notice some days previous: Whereas, in consequence of the financial year ending on the 31st December, it is found necessary to postpone the calling together of the Legislature until February, therefore, Resolved, that the financial year end on the 30th September in each year, and that the public accounts be made up accordingly." The motion was unanimously agreed to.

The house then went into committee on bills, and took up the chap. in R.S. relative to Registrars of Deeds.

To the latter bill an amendment was made to the effect that no practicing barrister or attorney shall hold the office of Registrar of Deeds; this provision, however, not to affect any present incumbent in the practice of the law.

The bill to defray certain expenses of the civil government of the Province; one to change a name, and one to incorporate South Joggins Free Stone and Grindstone Quarry Company, and several chapters in the R.S., were passed through committee.

The house adjourned at one and resumed at three, and went into committee on the R.S.

The house adjourned over at six until eleven on Tuesday.

TUESDAY, 26th April.

The House met at 11 o'clock.

Several chapters in the R.S. were read a third time and sent to the Council.

The House then went into Committee and was occupied for some time with the Practice Act, in the R.S.

The House adjourned at one until 3.

AFTERNOON SESSION.

The House resumed at 3 o'clock, and took up the Chap. on Evidence, in the R.S., which passed its third reading.

The House then went into Committee on Bills, and took up the Act relative to the Jurisdiction of Magistrates in Civil Cases, on motion of Mr. Bourinot. This Chapter having passed, the Practice Act was again taken up and disposed of. A Bill in reference to Assessment in the District of St. Mary's, Guysboro, was also passed.

The House adjourned at a quarter to six.

EQUITY COURT BILL.

REMARKS OF MR. MILLER.

Mr. MILLER said as he believed it was the desire of many hon gentlemen to bring the debate to an early close, he did not intend to inflict on the house a speech on the bill before it. What he had to say, he could convey in a very few sentences. He thought the discussion had become quite irrelevant, by the introduction of extraneous matters which should be separately dealt with. He did not intend to refer to these, or allow them to have any influence on his mind in connection with this bill. The session had become much protracted, and all should feel desirous to bring it to a termination. After the explanation of the Provincial Secretary this morning, he was in favor of the measure before them, and would give it his support. In view of the facts which had been adduced to the house, and in view of others which had not been mentioned, he was prepared to take this course. Possessing, as might be supposed, some acquaintance with the position of business in the Supreme Court in many counties of the Province—he had no hesitation in saying that he was convinced the administration of public justice—the exigencies of the country at the present time, demanded the step proposed. If he were not unwilling to occupy time, for the reason already given, he thought, by going into details he could show good grounds for his opinion. He would only add, if at any time hereafter in this house or elsewhere, his action should be challenged, he felt satisfied he would be able to justify the vote he intended to give. He thought this subject should not be made a party question. All matters affecting the Judiciary should be decided on their own merits, and it was injudicious to approach them with any view to political capital. Occupying an independent or neutral position, there was nothing to prevent him to bring impartially at the subject, and he felt assured the circumstances of the country required what was contemplated by the bill.

SPEECH OF H. N. FINANCIAL SECRETARY.

Hon. Mr. Le VESCOMTE addressed the house substantially as follows:—The hon leader of the Opposition in the course of his lengthened address has thought proper to assail the government of which I am a member, upon various grounds,—some of these do not personally concern myself and I shall therefore leave them to be answered by my colleagues—but upon that portion of his remarks which referred to my own department I am quite prepared to join issue with him, and to defend the estimates I had the honor of submitting, to this legislature, before this house and the people of this country. He has charged this government with recklessness and extravagance, and with having squandered the public money upon unworthy objects. Let me detail the house for a few moments while I examine in detail some of the services which we have provided for, and upon which the hon. gentleman charges us with having wasted the people's money. In the first place we have increased the general road grant throughout the Province by \$32,000. This we have done from a conviction that the surplus revenue of the country could not be

better applied than in enabling our hardy and industrious population to find easy and commodious access to the various markets, and because we believe an improved communication between many of the rural districts has become an actual want.

We are charged with having given the county of Cape Breton the sum of \$1000 on main post road, for new bridges, \$1,900; also, three thousand dollars to open up and improve the roads to the new mines—Cow Bay, Bridgeport, Little and Big Grace Bay—and Schooner Pond—in order to induce the people to devote their energies to develop the mineral resources of the country, and to afford them a ready mode of access to their works.

To this charge then we plead guilty.

To the people of Mira we have given \$700 for a road, to Gatus, and to the inhabitants of Little Bras d'Or we have given \$400 to establish a ferry.

In the county of Victoria we have given, for opening new roads and building new bridges, \$4000—and to this further charge of extravagance, we plead guilty.

Then again we have appropriated the sum of \$16 000 for the St. Peter's canal—to dig a hole in the ground, as has been said by the hon. leader of the opposition. I think that hon. and learned member has dug a hole for himself in the minds of the people of Cape Breton which it will tax all his legal ingenuity to enable him to creep out of. The people of Cape Breton know now who are their friends and who their foes.

They know now how rightly to estimate those, who in times past have deceived them with fair promises, and bonied words, and when the cup was to their lips, dashed it down. They have at least received a portion of that measure of justice to which they were fairly entitled, and which, I am convinced, the people of Nova Scotia will not complain of. In the county of Richmond we have given \$1000—special grant on post road. And in Inverness, for the various roads and bridges, we have given \$5000 extra. Among other grants in this county, I note a sum for road from Cheticamp to Margaree, and I would ask the hon. and learned member who more particularly represents that district, if he would like to try out the question with me before the people of Cheticamp as to whether this is also an instance of the reckless expenditure of the people's money.

We have increased the grant to the Ferry across the Strait of Canso to \$600,—and we have not done as the late government did,—appropriate it to a useless steamer, without even contracting for the carriage of the mails, but have given it to the hardy and industrious men, who have, for years, at all times and seasons of the year, been employed in conducting passengers across the Strait. This is another part of the indictment to which we plead guilty, and which we are prepared to defend before the people of this country.

To continue the list—we have given, for deepening the harbors at Antigonish and Harbor Bouche, \$4000. Then we come to the county of Guysborough, and here the house and the country will see in what a different spirit we have acted in the distribution of the public monies, from that which animated our predecessors. Here is a

county which returned two members against us. We did not say you have nothing to expect from us—you have no part in the loaves and fishes. No, sir, we met them in a fair and manly spirit and said here is \$5000 to open up your roads and develop your internal resources. To this part of the indictment again we have to plead guilty.

Next we have Eastern Halifax, to which we have given an extra grant of \$400 for the roads and bridges. Did we ask for any return for this? Did we seek to extort any promise from its representatives to vote for the Picton railroad? No, sir—but believing that the roads in that district had been long neglected, and being convinced that the wants of the people required it, we gave them the extra grant. Thus it will be seen as I proceed that we have discharged our duty fearlessly and impartially, and with no other desire than to subserve the public interests.

To Western Halifax we have given \$4000—and in Colchester, represented by the hon. leader of the Opposition, we have provided the sum of \$1000, for a road from Truro to Tatamagouche; for a road to Acadia Iron Works \$1000, and for building a wharf at Brule \$600 in order to facilitate steam communication with Prince Edward Island. Did we make any stipulations in making these grants? No, sir. We felt we were only doing our duty in providing for these great public services—and this is another instance of the way in which we have squandered the public money.

In Cumberland we have given \$3000 for a bridge at Pugwash; \$800 for a bridge across the Nappan river, and \$2000 for one across the Wallace river, and for other services \$1300. And I should like very much to meet the leader of the opposition on the hustings in that county and ask the people whether these are useless services or not.

To the county of Hants we have given extra for roads and bridges \$1700—together with the sum of \$4000 for an Aboiteaux at Hantsport.

Kings County has received \$8000—and Lunenburg \$11,400—together with the sum of \$600 for a light house at Battery point—and I should like very much indeed to be present on the hustings at Lunenburg and hear him taunt the government with extravagance in expending the sum of \$11,400 upon the long neglected roads of that county and the sum of \$600 for making secure the entrance to the harbor of Lunenburg—and enabling the hardy mariners of that county to enter their Port at night without dread of disaster.

Next we come to Queens—to this County we have given \$4000 for opening up and finishing roads which are much required and which are of great importance to the neighbouring counties as well—we have also appropriated \$600 for building a dam at Indian gardens and \$2400 for deepening and improving Liverpool Harbour.

In Annapolis county we have appropriated \$4000 for a Low wharf in the town of Annapolis, \$400 for a breakwater at Port William—and three thousand dollars on Maitland Roads also the sum of \$12,000 Bear River Bridge a work much needed and long asked for, but which I suppose the leader of the opposition classes amongst the instances of reckless expenditure. I should like to ask the intelligent constituency

of that noble County, whether in this instance the government have done their duty or not.

Next we come to Digby to which County we have given \$3960 for roads and bridges, and \$1500 for a Light House at Petit Passage which had been long promised by the late government, but like the St Peter's Canal never got any further than promises.

Next we come to Yarmouth, and I am proud to say that although the government has been violently opposed by one of its representatives, we have taken care of that County to the tune of \$8520, besides the grant to Bear River Bridge. I would ask this house if that looks like using the public monies to buy votes or obtain support.

The county of Shelburne stands next upon the list and to that we have given \$4000 for the great roads and bridges and \$2000 for Navigation securities. This last item is for placing buoys in Barrington passage, Rigged Island harbor and Grog rock &c. and was placed upon the estimate at the especial request of the member for Shelburne and his friends, and yet he had the assurance to get up, and characterize the estimate as flat sale and unprobable—All I can say is that if it is so, he has himself to blame, for the government imagining that he and his colleagues were the best qualified to judge of the mode of appropriating this grant, were guided by their advice.

I have now run through the different items of expenditure throughout the Province amounting altogether to \$169,400, and I challenge any hon. gentleman to put his finger upon a single grant, by which the leader of the opposition can substantiate the charge of recklessness and extravagance. I ask if it is not far better that the public money should be so spent in developing our own internal improvements and opening up our resources than in building 63 miles of railroad (costing annually for interest \$101,000) in the Province of New Brunswick:

And sir with all the estimated expenditures for these great public services and providing for all the charges in the various departments of the public service we estimate a balance in favour of the Province for the current year of \$63,000.

The hon. leader of the Opposition told us that we must not count upon the continued prosperity of our revenue—that if peace were suddenly proclaimed in the neighboring republic, our trade would fall off and our revenue decrease. I differ with him entirely as to the result that would follow. I believe that instead of decreasing our trade, that event would largely increase it; for it would throw open the Southern ports, which are now closed to us, and thus extend the market for our exports. I do not at all admit that our prosperity is due to the misfortunes of our neighbors, but I believe it is due to the increased energy and enterprise of our people, and the natural growth of our population. I will now refer for a moment to a subject that has been introduced into this debate—the question of retrenchment; and as especial reference has been made on more than one occasion to my speech on the hustings at Richmond, it is but just that I should set myself right before the House and the country. What I did state on that occasion to the people of the County of Richmond, in speaking of this question was, that the late Government, when the

country was plunged in debt, instead of retrenching the public expenditure and reducing their own salaries, increased the burdens of the people, who were already taxed to the fullest extent, and endeavored to wring from their pockets the last penny. And I put this instance to them. I asked: What would a merchant, who had been engaged in some unfortunate speculation—or a farmer who had had a bad harvest—do under the circumstances? Would they borrow money, or would they not rather, as prudent men, commence to retrench their expenses until more prosperous times arrived?

And now, sir, I am taunted with having accepted an office of £600 a year, and am told that I have been recerant to my pledges.

Sir, I have forfeited no pledge, for none was asked of me. And I think it does not lie in the mouth of gentlemen opposite, to charge us with not carrying out the retrenchment scheme, when they, by their own action, prevented the possibility of our doing so. I have already said that it was in consequence of no pledge for retrenchment that I was elected. None such was required. It was sufficient for me to say that I was opposed to the existing Government—that it was enough; and the result of the elections throughout the Province was that the people swept our predecessors from office, and hurled them from power, unwept, unhonored and unsung.

What took place when we assumed office and went back to our constituents for their approval? The Hon. Solicitor General was returned by acclamation; the Provincial Secretary the same; the Attorney General the same; and I myself had the same honour. Did that look like shrinking from the ordeal of public opinion? Did we do as the former Government did—create a new office, for the leader who was afraid to face his constituents? Were we obliged, as they were, to choose a Solicitor General from the Upper House, because, like them, we had not a single lawyer who dared go back to the country? No, sir; but we manfully faced our constituents and obtained their approval of our conduct.

But, sir, I have been taunted with being dumb. Sir, the people of Richmond know better than that. They have heard me before now, and they know that when occasion requires I can speak my sentiments. On the hustings at Richmond, I stated that I had accepted office, under this Government, and I explained the principles by which it was to be guided, and I challenged my opponents to question me as to the action I had taken; and they stood dumb before me.

I shall not follow this subject any further, or detain the House by any further observations; but I cannot sit here day after day and be taunted with being dumb. I can tell the hon. leader of the Opposition, that I am here to watch over the welfare of my own county, and to maintain the credit of the Province; and whenever the interests of the one, or the honor of the other is assailed, he will hear my voice lifted in their behalf.

SPEECH OF MR. BLANCHARD.

Mr. BLANCHARD said that his constant attention on the business of the house, and the hurry of other engagements, had prevented him from turning his thoughts to this subject, and from

giving it that attention which its importance demanded, but he would endeavor briefly, and perhaps imperfectly, to lay his views before the house and the country.

He would not follow the Hon. Fin. Sec. through the remarks he had made, but would leave it to the hon. leader of the opposition, to whom he assumed the usual right of reply would be granted, to vindicate himself from the attack which had been made upon him. There was one remark, however, which dropped from that hon. gentleman, which he would notice. In speaking of the special grants that the Government had provided in the estimate for roads and bridges in various localities, he alluded to one from Big Interval to Cheticamp, and mentioned it as an instance of the magnanimity of the Government, inasmuch as he stated that he (Mr. B.) particularly represented that district. I represent, sir, not only that district, but the whole county of Inverness; and I assume that the grant referred to is more due to the division made by my colleagues and myself, than to any assistance of the Financial Secretary. It would be in the recollection of the House that during the last four years, the hon. Prov. Sec., the hon. Atty. Gen. and others, were in the habit of constantly charging him with misrepresenting the views of his constituents, with having betrayed them, and with being afraid to face them on any occasion, and he should never forget when on one occasion the present Atty. Gen. described him as having come into the house mounted upon a majestic steed, and that he was then, when desiring to divide his county, about to manufacture a little pony, upon which to ride into this house; and stated that he (Mr. B.) did not dare to meet his former constituents, but was going to cut off a small corner from the county, and make a little pocket borough for himself. Well, all he could say was that he had gone back to the same constituency that had elected him before, and whom it was said he was afraid to face, and he had been returned by a larger majority than any other member who sat in that house; and he would tell the Finl. Sec. that every man in Cheticamp voted for him, and out of 3,500 votes in the whole county, he polled all except about 600. He was not fond of talking about himself, but the hon. Fin. Sec. had given him an opportunity of vindicating himself before the house and the country from the charge so often repeated, that he had deceived his constituents, and was afraid to face them.

The Fin. Sec. said he would go to Cheticamp and try the question, as to whether this road appropriation was a useless waste of the public monies. He (Mr. B.) was afraid that he would have to decline for two reasons: first, it could not be denied that the road in question was a valuable road to the people of that locality, and had been long needed; and secondly, the Fin. Sec. would have the advantage over him, inasmuch as he spoke the language of the inhabitants.

He would refrain, however, from following that hon. gentleman any further in his remarks; nor would he suffer himself to be diverted from the question before the house by that of retrenchment, or any other extraneous matter, but would confine his observations strictly to the Bill before the house. (Hear, hear.)

He would enquire first, what was the position of this bill, and what were the circumstances connected with its introduction at this time? And this was the more pertinent, as the question had been raised as to when the Government first contemplated this creation of a new Judgeship. Was it while they were in opposition just previous to the last election, and was it then decided upon as one of the measures they would submit if they obtained power, or was it brought about by the proposed resignation of Judge Bliss? It was positively asserted by both the Prov. Secy. and the Sol. General, that but for the resignation of Judge Bliss, this bill would never have been brought forward, and was never thought of until the Judge's letter was handed in. He had turned to the returns of the Prothonotaries of the different counties, and he found that nearly a month before the sitting of the House, the hon. Provincial Secretary had addressed circulars to these Prothonotaries, calling upon them to make returns of the arrearages of business in their respective counties, evidently with the purpose of basing upon it an argument in favor of the appointment of an additional Judge. These returns had never been called for before, and nobody had asked for them. They were demanded upon the mere motion of the Government. He had a right, then, to assume that this idea of creating a new Judgeship existed in the minds of the hon. Provincial Secretary and his colleagues, as long ago as a month before the meeting of the Legislature.

The hon. Sol. General had thought fit to read a homily to the leader of the opposition upon the nature of the address he had made on this question, and told him that the quantity far exceeded the quality. He (Mr. B.) was afraid that the hon. gentleman was not altogether free from the same charge, and that his speech was very like his own story of the books for the Library—more remarkable for its size than its contents.

He would now turn to the argument, and the only argument by which the Prov. Secy. and Sol. Genl. sought to justify this bill, viz.,—that the business of the country was so much in arrears as to require the services of another Judge. And it might not here be out of place for him to express the regret which he in common with the rest of the profession felt at the prospect of losing the services of so eminent a man as Judge Bliss from the Bench. It would indeed be a great public misfortune, a loss not only to the public, but to the Province of Nova Scotia, and it would be long before the country would see his like again (Hear, hear.) He had often observed during the 20 years he had practised before him, that instead of age appearing to impair the vigor of his intellect, or to diminish the acuteness of his legal knowledge, he appeared to improve year by year, and it was generally admitted that he was a better Judge, more patient, pains-taking, and impartial now, than he was 20 years ago.

To return—he could not understand how the accumulation of business which now existed under the five Judges was to be remedied under the proposed system, for he was struck with the remark of the hon. Prov. Secretary that this bill did not propose to increase the number of Judges—and he was also struck by the way in which

the hon. Sol. General avoided any reference to that point.

Hon. SOL. GENL. denied having done so.

Mr. Blanchard continued—It so struck me; and I now read his words as taken down at the moment—"The Government might do well to appoint a sixth Judge." The hon. Sol. General talked a good deal about prophets—and another kind of profits, spelt in a different way. Were there no profits, he would ask, dangling before the vision of certain hon. gentlemen whom he could name, to induce them to give their support to this bill? Were there no profits dangling before the eyes of the hon. Sol. General himself? No Expectations of an Attorney General's office at once; and no visions of a wig in prospective? No calculation as to the difference between £700 and £125 a year? No thoughts or hopes of professional preferment? And no lingering longings to obtain that Judgeship, which was on former occasions just within his grasp.

But to return again to the argument of the hon. Sol. Genl. If the bill only contemplates five Judges, as we have now, how was it expected, he would ask, that they would do better than the last five? We lose the superior mind of Judge Bliss, and put the hon. Atty. Genl. in his place, and he thought he was saying nothing derogatory to that hon. gentleman's acknowledged ability when he said that he did not believe he was capable of doing more work than Judge Bliss performed before he was overtaken by illness. What advantage then could be expected from the new system? Would we not have the same accumulation of business as we have now?

The hon. Sol. Genl. says that he is going to cut out a new circuit. We are to have an additional Court in the Eastern part of the Province. How is that going to improve the matter? and what has that to do with this bill? Is Cumberland or Antigonish to have more than a fortnight? They have the privilege of sitting a fortnight now, and every one who knew anything about country courts knew that it was impossible to keep the court together more than a fortnight.

Again, as to the accumulation of business upon the argument list during Term time at Halifax. This bill will not lessen that at all, for five Judges cannot get through the list any faster than four, and if there were fifty upon the Bench the matter would not be improved. But, says the Solicitor General, all the equity business will be transacted by the Equity Judge, and thus a great deal of time will be saved. Here, again, his argument is a fallacy. What does the act say?—"On petition of either party hearings in equity causes may be had before the Chief Justice in Equity, with two other Judges of the Supreme Court associated with him." Again—"There shall be an appeal from the decision of the Chief Justice in Equity, and also from the decision of the Chief Justice in Equity and the associated Judges, to the full Bench of the Supreme Court and the Chief Justice in Equity." Here, again, we have no advantages over the present system, for at the present moment any suitor has the privilege of getting his case heard before three Judges in Equity—and as to the amount of this kind of business, he would say, that during the last five years there were only five applications for arguments to be

heard out of Term—and all these were promptly granted and the cases promptly decided. Again, the act says—“This court, except in vacation, shall be always open as if in term.” Will any person tell the House what this means. It is pretty evident that this bill is the handiwork of the hon. Prov. Secretary, who is so clever that he assumes to be as familiar with courts and law as he is with medicine. Will he kindly inform me what these words mean. Whenever any court is not in term it is vacation. The only meaning these words can have, then, is, that the court is only to be open in term—and I rather think this is not *what is intended*.

A great deal had been said in the course of this debate about the present state of the jurisprudence of the country and the necessity for some revision. H. (Mr. B.) remembered having been present, not many months ago, in the Court House at Halifax, when a conversation occurred on this subject. The hon. Attorney General was addressing the court upon some rule of the courts, when Judge Wilkins observed that we had in this country now a more admirable system of jurisprudence than any other British colony. Judge Bliss endorsed the statement, and the hon. Atty. General acquiesced. If such is the case, why meddle with it? If the statement then made—and nothing had occurred since to alter it—was correct, why interfere with it. Why not leave it as it was.—acknowledged by the highest authority to be the best system of jurisprudence in these Provinces.

He (Mr. B.) could understand the argument of the Sol. General and the Prov. Secretary—if it was proposed to increase the number of Judges to six—but how it could be shown that after the new appointment five Judges could do any more work than the last five, he could not understand. The Sol. General said that the business of the country is delayed from the want of Judges.—That he (Mr. B.) denied. The Judges were always ready to try the causes. The delay arose partly from the want of time. There was also another reason, which had a greater effect, and that was the delay of counsel in getting their causes ready. He had practised in a county for twenty years, and they had always despatched the business in three or four days. Lately, however, the business had fallen behind hand, in consequence of suitors or their lawyers not being ready. This was also the case to a certain extent in the counties of Sydney and Richmond.

It had been stated that in Halifax 42 cases stood over last term unargued. On looking over the list he found that this was slightly inaccurate, although the error did not amount to much.—There were 41, and since then two had been argued, so that in reality there were only 39 standing over.

The hon. Sol. General stated that he had had arguments standing over for two and three years. This was, no doubt, the case, but it was in consequence of the hon. gentleman not being ready himself, and not the fault of the Judges. He had frequently observed that cases of the Sol. General had to be put at the bottom of the list because he was not ready.

Hon. Sol. Genl. denied the statement.

(Mr. BLANCHARD mentioned a particular case, which Mr. Henry explained was put at the bottom for other reasons.)

Mr. BLANCHARD continued—If there was not time to get through the docket, the simple remedy was to extend the term to four or five weeks. He had known the Judges anxious to continue longer, but they were controlled by the law, and were obliged to leave cases undisposed of. At all events this bill would not put us in a better position than before; the appointment of another Judge instead of Judge Bliss would not tend to diminish the accumulation of business, nor remove any of the evils that were alleged to exist.

It had been said that it would never do to give Judge Bliss a pension of £400 a year—the country could never stand that; and yet this bill proposes to add another salary of £800 a year for an Equity Judge, and leave Judge Bliss with his £812 a year. Surely it would be better to pension Judge Bliss and appoint another Judge in his place, for then a saving of over £500 would be effected to the country, and all the objects contemplated by the bill would be accomplished. But it must be evident to anybody that this bill was not designed to improve the jurisprudence of the country, or to remove the arrears of business. It is simply a measure to place the gentleman who will be selected to fill the office over the heads of the four Judges, including Judge Bliss, and to make him co-ordinate in rank with the present Chief Justice. That was the plain and unmistakeable meaning of the act, and therefore it was folly to talk about its improving the judiciary in any way. We were to have, what they have in no other British colony, or in any country of the world, the monstrous absurdity of a court with two heads—two Chief Justices in one court! Was such a thing ever heard of before in any civilized country? There was a man once in his county who exhibited a calf with two heads, and made some money by the transaction—but that was nothing to this monstrosity—a court with two heads,—could anything be more absurd? He would imagine a case that might occur in this double headed court—and he would do so in familiar language, so that anybody could understand it. A few years ago, a law was passed which gave the defendant in an action power not only to put in a legal defence, but to put in equitable pleas.

The hon. gentleman then put the following case: Suppose A B were to bring an action of ejectment against C D. The defendant pleads first denying the title of the plaintiff; and, secondly, an equitable plea, and we will suppose that he says in equity, you A B are not entitled to this land, because 20 years ago I bought it from Y Z, and paid him for it, but instead of giving me a deed as he was bound to do, he gave the conveyance to you, and you, A B, well knowing the facts, received it from him in fraud. On the trial of this case, the first thing A B must do is to make out a legal title to the lands. The counsel of C D believing on the trial that this has not been done, moves for a nonsuit, but the plaintiff refuses to become a nonsuit, as he has a right to do, and the point is reserved for argument before the five Judges. The issue in equity is then tried out, and a

verdict given, it matters not for which party, but this point must in all cases come up for argument. Which of the Chief Justices would preside in such a case. The bill says—"The Chief Justice in Equity shall preside in all equitable cases, and the Chief Justice of common law in all legal proceedings." Here is a mixed question of law and equity. When the counsel for the defendant moves for a nonsuit on the point reserved, the common law Chief Justice presides, but the moment the equitable part of the case comes up the Chief Justice in Equity says—"Stand aside; you cannot preside here; this is my part of the case." What a farce is this.

Take another case: A plaintiff can now by statute join nearly all kinds of actions in one writ, and he can especially join a court in law and a court in equity in the same writ. Who is to try this case; and after trial, and the case comes up for argument, who is to preside at the argument? How are you going to manage it? One counsel says this is law, the other, no, it is equity. The two Chief Justices at once stand upon their dignity. Who is to decide the point of precedence, and how is the matter to be settled between the rival Judges? Will any lawyer in this House answer me? The two headed calf was a monster, but this bill is a more monstrous monster.

Hon. PROV. SECY.—In the medical profession, we would manage it easily enough. It is a simple case of the delivery of twins. (Laughter.)

Mr. BLANCHARD—Yes; with this difference, that with twins, one always comes first; and the right of precedence and primogeniture is easily settled. (Renewed laughter.)

But joking apart—was this not making a mockery of justice; could any parallel be found for it in any country under the face of the sun? Create this double headed monster, and you will excite perpetual jealousies and bickerings between the two Chief Justices, and endless differences of opinion as to the nature of the causes to be tried before them.

Then, again, the bill gives the Chief Justice power to make rules which shall control the rest of the Judges, lawyers, and suitors, and shall have the effect of law.

Hon. PROV. SECY.—The hon. gentleman will see that they do not become law until they have received the assent of both Houses of Parliament.

Mr. BLANCHARD—(Read the bill and denied that this view was correct. The rules are only to be laid before Parliament, and have the force of law the moment they are passed) Surely, then, it is most unwise to give one Judge power to make rules to control not only his own court, but the other Judges)—It was argued that this new system would expedite business because the Chief Justice could hear cases by himself. It was true that the bill gave him that power, but virtually it amounted to nothing, for it puts it in the power of any plaintiff or defendant to ask to have two other Judges to sit with him—a privilege which, of course, in all important cases would be demanded, as suitors would rather have the benefit of three minds than one. And then when these three sit together, this allows an appeal from their decision to the five Judges *in banco*—an appeal

from the decision of three who form a quorum to the judgment of five,—so that after all you come back to the present system, and it was absurd to tell the House that the Chief Justice in Equity would do any business by himself, for any client who knew that he could obtain three Judges to try his cause, would prefer them to one.

(The hon. gentleman commented upon the clause of the bill referring to the time when the Equity court was to be kept open, and pointed out some incongruities.) The bill says—"The court is to be always open as if in term, except in vacation." Will any gentleman tell me the meaning of this? The hon. gentleman concluded by saying that he would not at that time go any further into the details of the bill. He had shown, he hoped, to the satisfaction of the House that it could not accomplish the objects it professed,—that it would not expedite the public business, nor wipe off the arrears that had accumulated.

A good deal had been said about the orphans and the widows whose interests were being ruined all for the want of a Judge in Equity. He supposed this bill was intended to be a panacea for every ill, and to regenerate the whole system of jurisprudence—but was confident that it would answer no such purpose; indeed he was confident that its advocates knew better, and that their object was very different from this. He would not weary the House by any further remarks, but reserve anything he had to say upon its details until it went into committee.

Hon. PROV. SECY.—Then I assume the hon. gentleman only objects to the details, and that he will give his assent to its going into committee, where I have no doubt any suggestions he may make will receive every consideration.

Mr. BLANCHARD said that he gave the Prov. Secretary credit for a good deal of assumption—but he had said nothing of the kind.

SPEECH OF MR. S. MACDONNELL.

Mr. MACDONNELL said,—I consider it my duty to say a few words in reference to some remarks which have fallen from my hon. colleague who has just sat down. That hon. gentleman, in commenting upon the speech of the hon. Fin. Sec., said he had the satisfaction of informing the house that there was not a vote in the district of Cheticamp which he did not carry, and that he came into the house possessed of the largest majority of any member who holds a seat in this legislature. As this may surprise hon. gentlemen around these benches, and very naturally; and as this hon. gentleman made this boast in connection with some observations on the position held by the late government in the estimation of the people of this Province, he being a supporter of such government, I will ask the hon. gentleman a simple question, which is, whether the majority of votes carried by him at the last election was due to the popularity of the late government, or to his own popularity in the county of Inverness; or, on the other hand, to different causes which I am able to explain to the house—

Mr. BLANCHARD.—I do not think that the hon. gentleman has a right to question me across the floors of the house, but I will tell him that my majority was largely owing to my own popularity,

and I may add that his return was not owing to his popularity.

Mr. McDONNELL.—As the hon. gentleman has been pleased to boast of his large majority, and to attribute it to his *own popularity*, and not to other reasons, it may not be out of place for me to make a few remarks in explanation. I do not desire, sir, to say anything that may violate that friendly relation which has existed between the hon. gentleman and myself, apart from our political relations. I am proud to be able to say that hitherto we have co-operated in every duty that came before us in connection with our duty in this house most cordially and harmoniously, but nevertheless, I consider it due to myself, to my other hon. colleague Mr. Smyth, to the electors of the county of Inverness, whom I have the honor of representing here, and to this house, that I should explain how that hon. gentleman came to possess the majority of votes, of which he has so boasted and so proudly ascribed to his *own popularity*. It is known to this house, sir, that the late member for Inverness, Mr. H. McDonald, was expected again to run for this county at the last election, and that he did not signify a contrary intention until within a few days before nomination day. So short was the time between learning that Mr. McDonald had decided not to come into the county and nomination day, that no person in the conservative interest would come forward to run with Mr. Smyth and myself, consequently two only out of three candidates were nominated to support this side of the house. Between my hon. friend Mr. Blanchard and the other gentleman in the field, whose position as to his connection with either party was not defined, the preference was accorded to Mr. Blanchard, and an arrangement was made and a combination entered into between the leading men and friends of both parties in the county that the ticket should be Smyth, Blanchard and McDunnell, and that the supporters of either party should vote for those three.

Let me now call the attention of the House to the manner in which this arrangement was carried out, and it will then be in a position to judge whether the hon. gentleman's majority or large number of votes was owing to his own popularity or to other causes, not creditable to my hon. colleague. Sir, whatever may have been the discretion exercised by the parties entering into this combination, I cannot but feel a pride and satisfaction in being able to tell this House that having entered it, the friends and supporters of the Conservative party acted to the full extent of their pledges, and polled their votes accordingly.—(Hear, hear.) But, sir, what of the other side? The House can judge when I tell it that while on the whole my hon. friend, Mr. Smyth, and myself, got no more than two or three plumpers in the whole county, my hon. colleague opposite polled nearly one hundred and fifty in one district. (Oh, oh!)

This was, effected, sir, by one of Mr. Blanchard's most effective agents going through the district on the evening before the election day, and after the arrangement referred to had been intimated to the electors and agreed to by them, contradicted the fact of such arrangement being

made, and counteracting all canvass previously made for the ticket agreed on.

Mr. BLANCHARD—I was sixty miles away, and knew nothing about it.

Mr. McDONNELL.—It was done at all events by Mr. B.'s most active friends; and as I only desire to shew to this House whether the hon. gentleman polled so great a majority by his own popularity, to which he has been pleased to attribute, I care not whether he was privy to the act or not. (Hear, hear.) Yet more, sir, while my hon. friend Mr. Smyth's sons and his servants voted for Mr. Blanchard, pursuant to the arrangement entered into and while my clerk studying in my office voted for him, Mr. Blanchard's only brother in the county voted for and supported our common opponent. This, sir, is the manner by which the hon. gentleman obtained his vaunted majority and not by his own popularity—and I repeat, that I consider it due to Mr. Smyth and myself, I consider it due to my friends in the county I have the honor to represent, that the explanation should be made. It is due, however, to some of the friends of the hon. gentleman that I should not make the charge against all the friends of the Opposition in the county, many of whom expressed personally to myself their regret and disapproval of the conduct referred to, and who manfully and honorably supported the candidates agreed on. I have not made these explanations, sir, to wound the feelings of my hon. colleague, and I hope I have not done so; but having been often asked by hon. gentlemen around these benches, how it was that the hon. gentleman came into this House with his majority, I deemed it my duty to enlighten the House, particularly as he declined admitting any cause except his own popularity.

I arose, Mr. Speaker, particularly to state these facts in connection with the election for Inverness, and would not have done so but for the boast of my hon. colleague (Mr. B.)—but while I am on my feet I will say a word or two upon the Bill before the House,—and first I must express astonishment at the character the debate has assumed. The hon. leader of the opposition has introduced every possible subject—Retrenchment, Railroads, Education, and everything that he thought could be brought to bear against the Government. This proves at all events that the hon. gentleman had little to say against the Bill immediately under discussion. The hon. leader of the opposition has also endeavoured to place the hon. Provincial Secretary in an awkward position, as regards an article which appeared in the *Morning Chronicle* before the last election, predicting that a new Judgeship would be created, and he argued from that that this Equity Judgeship was contemplated at that time. I do not believe that any such idea existed in the minds of the Government until after Judge Bliss intimated his intention to resign, and I think the Government would have done wrong if they introduced this bill in the absence of this event.

It was a strong argument in favor of this Bill, that the organ of the opposition so long ago had seen the necessity for an additional Judge. I was rather surprised to hear the hon. gentle-

men of the opposition speak of the paucity of the number of Equity cases in the country; he said that there were only ten in the courts of a year. I myself, in the course of my short practice, have had half that number, and have two or three now for hearing.

I admit that the present union of the common law and Equity court works well, but not so well, as to be incapable of improvement, and it is improvement which this Bill before the House contemplates. I can see nothing in the argument of my hon. colleague against the propriety of having two Chief Justices:—Common Law and Equity; and why should there not be a Chief Justice to preside over each.

The hon. gentleman concluded by saying that he thought that the necessary or some steps being taken to expand the judicial business of the country was admitted on all hands, and as to the proposed incumbent, there was no question as to his eminent fitness for the office. His great talents, and distinguished ability pointed him out, as the man for the place; and every one felt that in relinquishing the large professional income he enjoyed, he was not bettering his position by taking a seat on the Bench.

SPEECH OF MR. BOURINOT.

Mr. BOURINOT said:—As a lay member of this house I am desirous of offering a few of my views before the members of this legislature. Probably it would be better for me to leave the question entirely in the hands of legal gentlemen, but I do not know if it would be right for me to do so, for it affects all classes of people in this country. As I understand this bill, it is intended to create an Equity Judge, for the purpose of especially attending to equitable cases as well as otherwise facilitating the legal business of the country. A difference of opinion, however, appears to exist as to the propriety of establishing this court. I have heard the hon. member for Colchester, the leader of the opposition, as well as the hon. Solicitor General, upon the subject, and I have come, after due reflection, to the conclusion that this is a bill absolutely required to meet the public exigencies. It must be known that for many years I have appeared before this house as an advocate of the extension of the jurisdiction of magistrates in civil cases, on the simple ground that the duties of the Supreme Court could not be satisfactorily performed because cases of a trivial nature had to be tried before it. I was met by the argument that the greater proportion of the cases could be disposed of, and I moved for the returns a few years ago, to show that the judges of the Supreme Court could not deal with the cases brought before them, and the returns, when produced, corroborated these statements which I have so frequently made here. You are aware that the whole legal profession united against me for the purpose of preventing me extending the jurisdiction of justices, but that this opposition availed nothing against the conviction which prevailed among a majority of the house that the step I proposed was absolutely requisite in view of the public exigencies. The same feeling that has induced me to combat so earnestly for this measure—namely, that it is required to facilitate the

legal business of the people—now prompts me to support the bill before the house.

I regret exceedingly the main cause that has led to the introduction of this Equity Bill—that Mr. Justice Bliss is unable to preside in the Supreme Court in consequence of the impaired state of his health. I regret it, because he is a gentleman who has established a reputation second to none in this province. From the earliest history of Nova Scotia he has stood acknowledged as pre-eminent for his legal attainments, and I am proud to be able to bear this testimony to that gentleman's worth.

It is unnecessary for me to dwell on the facts that have been submitted to the house, showing the necessity of this measure. It is obvious, however, that another judge is absolutely required to settle the many cases that are now lying over for want of sufficient force on the bench. Though only a layman, I am sufficiently acquainted with legal matters to come to the conclusion that if the equity business had long ere this been separated from the Supreme Court, people would not now have to complain of so many cases all over the country remaining untried, as we have seen from the returns on the table.

It has been stated by the opponents of this measure that it is only intended to create a court for the purpose of placing a gentleman now in this house at its head—to give him co-ordinate rank with the Chief Justice. That is not the true reason, I contend. We must look to the facts as they exist, and if we find that there are a large number of cases remaining untried, because the judges are insufficient to bring them up, we cannot but come to the conclusion that it is the duty—even the imperative duty—of the government of this country to provide a remedy without delay; and that remedy, I believe, is to be found in the bill before us for our consideration. It matters not who is the gentleman who is to fill this position,—it is sufficient for us to know that the public necessities require it. If the minds of men turn to the present leader of the government, is it not because they feel that it is only due to his position in this country—to his long and arduous public services—that his party should confer this office upon him. This has not been denied by the hon. member for Colchester himself.

I must express my surprise at the course pursued by the hon. leader of the opposition in opening the debate. The greater portion of his remarks were entirely irrelevant to the main subject before us. I heard him, instead of dealing with the question at issue, launch forth into a variety of topics. I feel some unwillingness in following his example, but as others have done so, it may not be out of place for me, especially as matters connected with the island of Cape Breton have been brought up.

I am one of the representatives of the island of Cape Breton, and I am proud to acknowledge it. When I heard the hon. member for South Colchester say that the money granted to the St. Peter's canal was thrown away for the purpose of digging a mere hole, I confess I was surprised. I heard my hon. friend from Antigonish, the Sol. Gen., state here that that hon. gentleman had simply proposed the canal upon grounds which

I shall explain. It is true that the hon. Fin. Sec. introduced his estimate, and that the hon. leader of the opposition did not object to it at the outset; but two or three days after he came forward with a motion for the purpose of throwing strife into the midst of the members for Cape Breton. (Hear, hear.) He proposed to expend the money, \$16,000, among the several counties instead of devoting it to the St. Peter's canal, because he thought the work impracticable; but the members for Cape Breton knew that it was not the interests of the island that the hon. gentleman had so much at heart. No, sir, his object was to create division among us, but, true to the interests of Cape Breton, we stood firm and resisted all his advances; and the hon. gentleman was foiled in his designs. Whatever our political opinions, whatever our differences may be, at all events we are true to the St. Peter's canal—a work which I feel confident will soon be a fact. We are told that there are impracticabilities in the way of its completion. Who can affirm that in the advanced state of science anything is impracticable? I told the hon. gentleman at the time, that however inviting his proposal might be, I would stand faithful to the best interests of Cape Breton,—that I only wished the grant was in pounds instead of dollars, and that I believed the time will come when the St. Peter's canal will be navigable to the inmost waters of the Bras d'Or Lake.

Speaking of Cape Breton reminds me of the time when Cape Breton was only represented by two members. I remember a story that is told of some remarks that were made in this House many years ago, and I daresay the hon. member for Colchester may also recollect them, after the contemptuous manner in which he has spoken of the St. Peter's Canal. We are told of an hon. gentleman, a member for Halifax, who rose and stated that "Cape Breton was a tin kettle tied on to a dog's tail." (Laughter.) Then my hon. predecessor—a man who has been an honor to Nova Scotia,—whose eloquent voice has often been heard in this House, and once heard could never be forgotten—the Hon. James Boyle Uniacke, who represented the county of Cape Breton, which I am proud also to represent in this Legislature—got up and said—"No, sir, it is a jewel in a son's snout!" (Roars of Laughter.) And so it is Nova Scotia now cannot fail to appreciate the wealth of resources of Cape Breton, however indifferent she may have been in the past. Look at the bills of incorporation which have been laid on your table this session—bills to incorporate companies for the working of her mines of coal, copper, and iron. This is the island which, in the past, was looked at and spoken of with so much contempt. How is it now? Does not every man in this House acknowledge how much Cape Breton is adding to the wealth of the province—that she is an integral part of Nova Scotia, and not as she was represented in times gone by, by the gentleman I have quoted.

These remarks may be foreign to the real subject before us, but the fact that the hon. gentlemen who have preceded me have followed a similar course, is my excuse. But let me here refer to what has been said in reference to the estimates,

and ask if the grants that have been given are not requisite for the improvements of our roads and bridges, and the other public services. Will not our constituents hail with pleasure the fact that we have now £100 where we had only £20 last year? Is not that an argument more convincing than anything else—than any vague assertion that the expenditure will drive us to ruin? After all, pounds, shillings, and pence are more eloquent than words. Look at the way education has been dealt with. For how many years has education remained in abeyance; but what has the present Government done? They have not stood still, but have brought forward a bill which is a great step in advance. My hon. friend, the Provincial Secretary, has grappled with this question with which public men for years have been afraid to deal; and the time will come when the country will thank him, for it owes him a debt of gratitude for all time to come. But the Government cannot stand still—they must assist the handmaid of education; and pray, sir, what is it? It is one which you must consider as I do—it is postal communication. I find that some portions of this Province have the benefit of a daily communication; whilst others have only a tri-weekly; and I believe the time must come when a daily post must go over the length and breadth of this Province. I do not look upon this service as a source of revenue, but as a means of promoting knowledge among all classes; and I am sure, when the subject comes before this House I will find hon. members agree with the views I have here expressed.

It has been said in an insinuating way that the only object of this Bill was to create an office for an hon. gentleman in this house. I acknowledge if the government could not show the necessity for this office, it would be a wrong committed on the people to impose upon them the expense the bill entails. But I think it has been conclusively shown that this measure is absolutely necessary to supply the wants of the country, and need I tell you—need I tell the hon. member for Colchester that the appointment which all confess must be made will be one of those appointments that will be hailed with pleasure by the whole country. If it is given to a gentleman who has given up the best years of his life to the public business—who has sacrificed his best interests for the public, for the advocacy of those principles which he held dear—do you not think the whole people will, with one acclaim, applaud the step? This country, sir, owes him a debt of gratitude, and this office will be but a reward suitable to his great talents and the position which he has held in this country for many long years. I go for this bill cordially, because it is one which the interests of the people demand—because it is one which enables us to show our appreciation of the services of a gentleman who stands so high in his profession, and who is second to none as a statesman in the colonies of British North America.

Some desultory discussion followed as to the propriety of adjourning the debate over.

Mr. TOMLIN said he thought at this late period of the session it was well not to prolong the debate. Every gentleman must see the necessity of closing up the business of the House

as soon as possible. It was now the 16th of April, and the House had been in session since the 4th February. He knew that the legal gentlemen would talk from this to eternity, if they were allowed to go on. He had heard all the arguments on both sides with regard to the bill, and he believed it was a necessity growing out of the circumstances of the country. It was quite sufficient for him to know that the government would have the responsibility of filling up this high and responsible position. Therefore in arguing this question he had nothing to do with who might or might not fill up the position. All that he wanted to know was that the circumstances of the country demanded the bill. He felt it was not proper for him at that late period of the session to detain the house with any lengthy remarks. It was time the House rose, and honorable gentlemen were allowed to return to their ordinary avocations. He might occupy the House two or three hours with remarks on hustings' speeches and the manner canvassing was conducted throughout the Province, but he felt that was not the way to treat a subject of such importance as that properly before the House. Gentlemen ought, in his opinion, to confine themselves strictly to the question before them.

Mr. JAS. McDONALD said he believed the country would endorse the sentiment of the gentleman who had just spoken. The entire bill had been ventilated by speeches on both sides. There was a great deal of business yet before the House—enough to occupy them for a fortnight; and yet some gentlemen wanted to delay the House with three or four days debate on a subject which was now well understood—in fact repeating over what had been already said. As far as the discussion had already gone it appeared to him that gentlemen had entirely departed from the question before the House.

Hon. PROV. SECY. said there was no doubt a great deal of truth in what the hon. gentlemen who had just spoken had said. A great deal of irrelevant matter had been dragged into the debate, and for that the leader of the Opposition was responsible. He thought, however, that every gentleman should have an opportunity of expressing his opinions freely on the second reading of the Bill.

The hon. gentleman then moved the adjournment, and Mr. Tobin the previous question: the motion for adjournment was declared to have precedence over all others, and it was carried.

The House then adjourned till Monday at 11 o'clock.

MONDAY, April 18.

PROVINCIAL AFFS.

The House met at 11 o'clock.

Hon. SOL. GENERAL said that it would be remembered that in 1862 a Mr. Chase had applied to the Legislature for aid to enable him to make a complete map of the different counties of the Province—which would comprise not only every town and village but all the roads, farm-houses, and places of residence along such roads. The Committee of the House recommended that the House should engage to take a certain number

of copies, and Mr. Chase had since made considerable progress in the work—confining his attention solely to the County of Halifax. He now proposed to include the four counties of Halifax, Hants, Colchester, and Pictou, and he would move that a Select Committee be appointed to consider the proposition.

After some conversational debate the following Committee were appointed: Messrs. Archibald, McFarlane, and S. Campbell.

Mr. ARCHIBALD, from the Committee to whom was referred a Bill obliging Foreign Insurance Companies to deposit a certain amount of Capital as a security for losses that might occur, reported that while they approved of the general policy contained in the Bill, they did not deem it expedient at present to carry it out. They therefore recommended that the Bill be deferred for three months.

SPEECH OF MR. LOCKE.

The adjourned debate upon the Equity Bill was then resumed.

Mr. LOCKE said that as no one seemed disposed to address the House, he could not allow the opportunity to pass without entering his protest against the passage of this Bill, which he considered as nothing more or less than a job, and an attempt to fasten upon the country an additional Judgeship which the public service did not require. He could recommend a much more appropriate title than a Bill to provide for a Chief Justice in Equity without very much drawing on the imagination or straining the sound of the word, viz: a Bill of iniquity. He could not enter upon the discussion of this question as a lawyer could, but it did not require a legal mind to see that it was unnecessary, and would remedy no evil, that it professed to cure. When in 1855 the Legislature abolished the Chancery Court and pensioned off its officers, he had hoped that they were done with it forever, but here was a Bill reviving that Court to all intents and purposes, fastening on the country a salary of £800 a year, and no doubt before long, we should have the same officers connected with the new Court as we had before. And all this for the purpose of shelving an hon. gentleman connected with that House, and providing for him for the rest of his life. In his opinion one of the most obnoxious features of the Bill, was giving the Chief Justice in Equity equal rank—and in certain cases superior rank—to the Chief Justice of the Supreme Court who holds his commission under the Royal sign manual.

It had been clearly proved by the leader of the opposition and the member for Inverness, that the cases in Equity were so few as not to require an extra Judge—and as to the causes in the Supreme Court undisposed of, they amounted in the whole Province to 881, or about 76 to each Judge and if a Judge could not try that number in the course of a year, it did not speak much for his ability.

If this court was necessary, why did not the Government appoint the gentleman who formerly presided over the Chancery Court, and who now enjoys a pension of £400 a year. Surely if this appointment was required, no one could be better qualified to discharge the duties than

one who had such long experience in that particular branch of law. But as he said before, this was nothing more than a job—and such a one as should not be perpetrated in this country.

He did not intend to follow the Fin'l. Secretary through his remarks upon the Estimates, but as he had complained that he (Mr. L.) had characterized them as stale, flat and unprofitable, he would say a word or two in explanation. He did not speak generally of the Estimates but he did complain that in the distribution of the public monies undue preference was given to the eastern counties over the western. Shelburne, it is true, received \$5,000 for the great roads, but these, although located in that county, were common to all the western shore counties, and equally important to them. And because she received this small portion of public favour, were her representatives to be told that they must come like dogs and lick the hands of their master—that they must be thankful for the small mercies they had received, and must not complain. He could tell the Financial Secretary that they did not admit they had received their due, and what they had received of the public monies they demanded as a matter of right and not of favor. The people of Nova Scotia had placed the Government in power to deal out equal justice to all—not to reward particular counties, from which they received political support.

It had been said that this was not the time to bring forward the subject of retrenchment. He knew of no more appropriate time than when an attempt was being made to fasten an additional salary of £800 a year upon the revenues of the country. The Fin'l. Secretary said that he was not pledged to retrenchment, and that if he had been he was prevented from carrying it out by the Duke of Newcastle's despatch. He would like to ask how that despatch, which only referred to the salaries fixed by the Civil List could hinder the Provincial Secretary from carrying out his scheme of 1868? and if they were so very much afraid of that despatch, why did it not hinder them from retrenching the salary of the Governor's private Secretary, which was just as much affected by it as their own. But he asserted most positively that the last elections were run upon the retrenchment question—it was brought up on every hustings, and was in everybody's mouth, and it was useless now to deny it—and what had become of it? Having served its purpose, it was thrust on one side—and the Government stood that day a monument of pledges unfulfilled and promises violated before every constituency of this Province, and, if he mistaked not, as soon as an opportunity occurs, they will speak out in thunder-tones against the party who had so grossly misled them.

REMARKS OF MR. KILLAM.

MR. KILLAM had been waiting for some member of the government to say something in favor of this Bill, but as none seemed disposed to do so he would say a word or two.

The Hon. Prov. Sec'y in introducing this measure had given as a reason that the legal business of the country was in arrears, but on looking over the Bill he could not see any provision

for remedying the evil complained of. It was manifest that the Bill was introduced for some other object than to improve the jurisprudence of the country, and he was afraid that it would not be the only appointment that would follow from it. He presumed that all that could be said in favor of this Bill had been said by the Hon. Sol. Genl., and it appeared that only 5 appeal cases in Equity had occurred in 5 years. He presumed therefore that the majority of Equity cases tried throughout the country had been decided to the satisfaction of all parties, and it hardly seemed to be necessary to create a new Judge for this particular branch of law. He did not think that this Bill was going to add to the harmony of the Bench. Ever since the Chancery Court was abolished in 1855, and the Common Law and Equity Courts were blended together, the system had worked well, and the Judges had since then of course time to gain experience in the new branch of law they were called upon to administer, and were probably now much better qualified to deal with Equity cases than any new man who might be appointed. To put a man then over these Judges, he thought would create jealousies and disturb that harmony which ought to prevail in a legal tribunal.

He thought that the Government were injuring the reputation of the man they professed to serve. No one had been more anxious for the promotion of the Attorney General than he had been. He thought he was entitled to the Chief Justiceship, but he had a rival, and he got it, and it could not be helped; and he thought this attempt to legislate him into an office was not in the legitimate course of promotion, and tended to lower him in the estimation of his friends. He did not think the hon. gentleman himself would have thought of it, if his lawyer Government, who were so anxious for promotion themselves, had not pressed it upon him. If he understood the Bill, it would not effect the object contemplated, it would not bring up the work in arrears. The Hon. Prov. Sec'y said it was not intended permanently to increase the number of Judges: he would like to know if he was correct.

Hon. PROV. SECY. said—In case of a vacancy occurring in the office of the senior puisne Judge, it was not intended to appoint any one in his place.

MR. KILLAM said he could not see how the appointment of another Judge could improve the present state of things. He thought that it was quite time that some policy should be settled for future guidance. Either that a Judge should continue to receive his salary when unfit to perform his duties, or that he should retire in such a case, or that he should receive a pension. It was clear that some policy should be adopted.

He did not approve of this idea, that the party in power must have the control of the Judiciary. See what it would lead to. When the next party attained power, they must have a Chief Justice, too, and he would be Chief Justice General—or they would number them, and they would be Chief Justice No. 1, No. 2, and so on. This attempt to place the Judiciary under the control of the Executive, was a very bad move, and one that the country would not approve of. As to

the salary of the office, he would say that it was inconsistent with the views expressed by the Government in 1862—then they thought £600 a year enough for any Judge. In his opinion—in view of the heavy obligations the Province was assuming—economy in the administration of public affairs was just as necessary now as then.

The hon. gentleman concluded by expressing his disapproval of the course pursued by the Financial Secretary, in reminding hon. gentlemen that they ought to be obliged to the Government for the grants they had received. It was the duty of the Government to provide for every public service, and if they did more than this, they exceeded their duty, and what they gave must be with a corrupt intention. He should vote against the Bill as injurious in itself, and as not calculated to carry out the object contemplated.

SPEECH OF MR. KAULBACK.

Mr. KAULBACK said that he could not allow this Bill to pass without saying a word or two, and at the outset he could not help expressing his regret that some of the preceding speakers had wandered so far from the subject under discussion, and had introduced so much extraneous matter into the debate.

In answer to the remark of the hon. member for Shelburne upon the salary of the Governor's Private Secretary, he would say that it stood in a very different position from the salaries of the departmental officers. No mention whatever was made of it in the Duke of Newcastle's dispatch, and as it had always been an open question, the Government had a right to deal with it as they thought proper—but it did not lie in the mouths of gentlemen opposite to taunt the Government and their supporters, with not carrying out the retrenchment scheme, when they by their own action had so fixed the salaries of the public officers as to place it out of the power of the Government to touch them at all.

But the Government had retrenched in the expenses of the departmental officers and salary of Private Secretary, causing a saving to the country from this alone of over \$3000 a year, as they had shown the House. The hon. gentleman styled this a bill of iniquity and a job. It ill became a member of the late government to talk about jobs. Did not hon. gentleman around these tenches and the country know what jobs they perpetrated when in power. Living monuments of their policy were to be found everywhere. Such remarks tended to awaken feelings which for the sake of their friends had better lie dormant.

The hon. leader of the opposition had rambled over a great deal of ground, and had introduced a great variety of topics foreign to the subject. He had talked about retrenchment, Breakwaters, Light Houses, Commissioners, Roads and Bridges, Reporting the Debates, and Inspector of Mines, and almost every imaginable subject, not omitting a fling at the county of Lunenburg. He did not know what the reason was, but no opportunity was allowed to pass of having a shy at poor Lunenburg. He was not aware what sin they had committed other than that of deciding against them at the hustings;

but whatever the cause was the opposition had a particular grudge against Lunenburg. He was prepared to carry out the principles he had advocated on the hustings, and he defied any one to point out any pledge that he had not fulfilled. If any branch of the public service could be retrenched without interfering with the proper administration of public affairs, he was prepared to advocate such retrenchment; but he would take the opportunity of saying that he never pledged himself to the retrenchment scheme of 1862 as a whole, and never advocated it. At that time an extraordinary emergency occurred—the country was in an embarrassed condition, and the revenue was not equal to the expenditure—we were in a state of bankruptcy—the government of the day proposed to increase the taxes of the people by an additional impost of 2½ per cent., which would fall chiefly on the poorer classes—then it was that the Provincial Secretary, rather than grind the people who were already too heavily oppressed, proposed to reduce the expenses of the various public departments. It was not because he believed the salaries too high, or that he wished to decrease them, but it was simply to meet a pressing emergency and as a temporary expedient, until the revenues of the country had resumed a prosperous position. So much for this retrenchment story. He would now turn for a moment to the charge of the leader of the opposition, that the government had squandered the public monies, and scattered the revenue right and left broadcast over the country. He denied the charge, and defied him to the proof. Take the county of Lunenburg for instance. He would like to ask if the special grant of \$12,000 was too much for her long neglected roads and bridges? If he could get ten times that amount of money, it would not be too much, nor would he find any difficulty in expending it advantageously and for the public good. And then would any one attempt to say that the sum appropriated for a light house at the entrance of Lunenburg harbor was misapplied, or was one that the public service did not demand. He would like those hon. gentlemen who opposed it (if any there be) to ask that class who were engaged in the West India trade, or those hardy and industrious fellows who followed the more laborious and dangerous occupation of the Labrador Fishery, (a branch of industry which benefitted not only the County of Lunenburg, but the whole Province,) whether they considered that the Government had wasted the Public Money in placing a beacon light at the entrance of that harbor to guide them from the dangers of the deep to a harbor of safety.

If these were all the charges that could be brought against him, he felt that he could go back to his constituents confident of receiving their approval and support. He had already received substantial proofs of their approval of his conduct, not only from his own immediate political friends, but also from those who had been his political opponents.

The member for C. Chester had talked about kite-flying,—about the railroad kite, with a tail reaching to Victoria Beach. He would not take up the time of the House in reviewing the rail-

way policy of the late Government, and the kites they raised to delude counties to the Eastward. Why, the late Government would have projected a railway to the moon, if by such a scheme they could have held on to place and power. (Hear, hear.) The hon. member had voted for the Pictou railway himself, as he (Mr. K.) had also done; but he did not do so until he had ascertained that the revenue was in a sufficiently prosperous condition to provide for all the local wants of the country. He did not deny that he would not have voted for that measure, if he had thought that the internal improvement of the Province would have been neglected, for the local necessities of his own county were of more importance to him and his constituents than any railroad.

He would frankly admit when he came to this House, he was obliged to oppose Railways, if his county by their extension was to be deprived of the money that ought to go to open up and improve the roads in the remote settlements. He knew the wants of his county too well to neglect them as they have heretofore been. But when it was shown that the province was in a flourishing condition with a large revenue, and that the wants of the county of Lunenburg would not be overlooked, he consented to vote for the Pictou Railway. Hon. gentlemen opposite say—hear, hear. He would repeat what he said if they wished it. His constituency would also say—hear, hear, and approv. of his action on this question.

Another charge of extravagance brought against the government was the grant for reporting the debates of the House. Every one had heard of the old Council of twelve, which sat with closed doors and never allowed any body to know what they were doing. That policy might do with the late government, who were anxious to conceal their actions from the criticism of public opinion but he thought it was but due to the people that they should know what their representatives were doing, and how they were discharging the trust confided to them. He presumed that the salary proposed for the Inspector of Mines would also be charged upon the government as an instance of the extravagant waste of the public monies. He did not think that the people of Nova Scotia would consider it. In his opinion it was one of the most important services that could be provided for. Not only as a means of protecting the mining interests, but as a safeguard for the lives of those engaged in developing that important branch of provincial industry, and he hoped that the government would not fail to appoint a competent person to fill that office.

He would now briefly advert to the subject more immediately before the House, and in doing so he would say that the Government, in the exercise of that supervision which they were supposed to exert over every branch of the public service, did nothing more than their duty in making the enquiries they did into the state of the Judiciary of the country. He found upon looking over the returns of the Prothonotaries, that in six counties there were over 140 causes undisposed of for want of time, and that there was a large number of arguments at Halifax standing over for the same reason. He thought

that this was owing, to a large extent, to natural causes,—to the increase of population, and to the consequent increase of business of every kind, including legal, and also to the abolition of the Interior Courts some years ago, and more recently the Chancery Court, which had thrown all the business that had been transacted in them upon the Supreme Court. When he found that one of the Judges of the Supreme Court was incapacitated by illness from performing his duties—a circumstance which he in common with the rest of the profession very much regretted—when he found him asking the government to provide for the proper despatch of the Judicial business of the country, he could not see that it was contrary to any idea of retrenchment that they should meet the emergency by bringing in the bill now under discussion; on the contrary, he did not think it would have been honest or just to those whose causes were now being delayed at great expense to themselves, if they had not made provision to supply the deficiency that existed.

He had listened with attention to the remarks of the hon. leader of the opposition, and to the calculations he had submitted to show that if the courts were properly arranged, the business was not too much for the number of Judges, and at first there seemed an air of plausibility about his arguments, but when he came to examine them more closely, he found that they were based upon wrong premises, and of course the conclusions he drew from them were equally fallacious. The whole of his argument was based upon the idea that there were 5 Judges fit for work—whereas, in point of fact, with the illness of Judge Bliss, there were only four. The member for Inverness argued in favour of pensioning Judge Bliss. It was very well for him while in opposition to talk about pensions, but he doubted whether any government, no matter how deserving the person may be, would venture to propose a pension. The feeling against pensions in the minds of the people was deep rooted, and of long standing, and could not easily be eradicated. He still indulged the hope that the country would continue to enjoy the services of Judge Bliss, if no to such an extent as formerly, at all events, occasionally, and however little, that little would be appreciated by the country.

There could hardly be much question as to the necessity for another Judge—the difficulty with gentlemen opposite was about the title—the title of Chief Justice in Equity was the obnoxious thing that troubled them—that was the whole difficulty. When he considered the arduous and important duties attached to the office, he must confess that he could see nothing wrong in the title, neither was it inapplicable as respected the individual who was expected to fill it.—In view of his great legal attainments, his intellectual capacity, and his popularity throughout the country, it was universally conceded that no man was more fitted to discharge the high duties that would devolve upon him, than the present Attorney General.

He could not better conclude than by reading an extract from an article that appeared in a paper antagonistic to the present Government,

which showed that the necessity of this measure was felt as well by the opponents of the Govt. as by its supporters.

Mr. BLANCHARD.—What paper does the hon. gentleman refer to?

Mr. K.—The *Citizen*.

Mr. B.—That is not the organ of the Opposition.

Mr. K.—If not, it ought to be. It violently opposed the present Government, and was edited by the late Queen's Printer, and was full of facts and reasonings conclusive to his mind that another Judge is required. But it even went farther, and advocated the appointment of a Judge in Equity, with rank above the Puisne Judges. The hon. gentleman then read from the *Halifax Citizen*, as follows:

"It must be remembered also, that by the suppression of the Chancery Court a considerable amount of work has been thrown upon the judges which was not contemplated when their scale of salaries was fixed, and for the performance of which they receive no additional remuneration. We are aware that this has always been regarded by the occupants of the bench as an unfair addition to their labours; and as the business of the courts, increasing with the increase of wealth and population in the country seems to render an additional judge necessary, it might be well to consider whether a division of labor could not be devised so as to relieve the Puisne Judges of a portion at least of this part of their duty, and at the same time increase the efficiency of the Bench, and facilitate the transaction of business. The duties of a Judge in Equity would be chiefly in Halifax, but arrangements might be made by which the incumbent would assume a portion of the duties of the other Judges, by occasionally assisting or relieving them on circuit. The position would be one of dignity and great responsibility, entitling the incumbent to rank above the Puisne Judges; it would also be one demanding intellectual and legal acquirements of the highest order in the person filling it. We can scarcely be charged either with fulsome adulation, or with making a distinction invidious or unfair to other gentlemen, when we name the hon. Attorney General as possessing these requirements in a higher degree than any other person now at the bar in this Province. While we have from time to time deemed it our duty to oppose measures which, as a politician he has approved and advocated, yet, want of faith in his political creed, and strong disapproval of many of his political actions has no blinded us to the brilliancy of his intellect, and the solidity of his legal attainments."

Mr. K. said, in conclusion, he would not occupy the time of the House with further remarks on this question. He thought the Government had made out a strong case why this bill should pass, and he believed it would be supported by a large majority in this House and the country.

SPEECH OF MR. STEWART CAMPBELL.

Mr. STEWART CAMPBELL said that as it seemed to be the desire if not the intention of the Government to bring the debate to a close that even-

ing, he would not contravene their purpose, but would at once avail himself of the opportunity which presented itself, of addressing a few observations to the House, upon the important subject then under consideration. He held that it was a leading maxim alike sustained by the principles of logic and those of common sense, that he who advanced an argument, or a proposition, was bound to sustain it, before he called upon his opponents for a reply. He therefore entirely agreed with the hon. member for Yarmouth that it was incumbent upon those who supported the government in this instance to shew the necessity for this measure, before their opponents could be expected to express their opinions. As that, however, had not been done, perhaps because it could not, it became necessary for himself (Mr. C.) as one of the opponents of the Bill, to consider the question as it presented itself to his mind, without reference to any arguments in its favor; and in the absence of these he should endeavor to give his own views upon the merits or rather the demerits of the Bill itself. Before doing this however, and to clear the track, as it were, he would find it necessary to advance another proposition. There was another principle equally as valuable as the one he had stated, and one which was held in high estimation in the profession to which he belonged, as the only safe foundation for a discreet judgment—it was this—that the value of testimony should depend upon the character of the source whence it emanated—it was valuable or otherwise just as it proceeded from disinterested or from interested witnesses. And this brought him to take some notice of the Hon. Sol. General. That hon. gentleman had addressed the House at some length in favor of the present measure; but looking at surrounding circumstances, he (Mr. C.) was afraid that that honorable gentleman did not occupy the position upon this question that ought to entitle his remarks to any weight with the House. It was not attempted to be concealed that in the event of this Bill passing, the hon. Attorney General was to be the recipient of the office to be created by it; and the House did not require to be told, in the presence of so many who knew the fact, that the Honble. Sol. General would immediately become Attorney General. He (Mr. C.) held therefore, that under such circumstances any remarks that were made by the Attorney General *in posse* in favour of the Bill could not be regarded as a proper basis for correct judgment.

There was another reason why his opinion should be looked at in the aspect he had mentioned. When it was proposed about ten years ago to abolish the Chancery Court then in existence, there was no louder advocate for the abolition, or one who was more active in accomplishing that result than the Hon. Solicitor General himself, and now without a word to explain his present practical renunciation of old opinions, he was found strenuously desirous to accomplish the virtual re-establishment of the very same court he was then so instrumental in abolishing. This one fact was enough of itself to throw at least suspicion upon any observations coming from the hon. gentleman with respect to the

measure before the House. But this was not all. The hon. Sol. Gen., in the course of his observations, feeling the weakness of his cause, and in the place and stead of solid reasons in favour of the Bill urged a very curious consideration. He (Mr. C.) would not call it argument as a motive to operate in carrying the Bill. He (the Sol. Gen.) said that the hon. Attorney General had devoted himself to public affairs for the last 20 years, and that his long and valuable services to the Province entitled him to this measure of reward. His (Mr. C.'s) memory could go back through the whole of that long period, but in taking that range it failed to remind him that the Solicitor General had always during that period entertained such a high appreciation of the Attorney General's services as that which he now professed to have. If he was not mistaken, for more than half that time, yes, for two thirds of it, he (the Sol. Gen.) however much he now professed to be sensible of the exalted merits of his hon. colleague, was constantly found asserting that the influence of that hon. gentleman was invariably exerted injuriously rather than beneficially to the interests of the Province; and he (the Sol. Gen.) with those views, would then have done anything to prevent the promotion of the colleague he now styles as his hon. friend. It was manifest then that no reliance could be placed upon the testimony of such a witness, and that the Sol. Gen.'s advocacy of this measure must be explained upon other principles of action; and he (Mr. C.) thought it would have been more in accordance with good taste, if he (the Sol. Gen.) had not taken so active a part in the debate.

And here he (Mr. C.) said it was necessary to make a personal explanation. It was known that the relations he had held with both these hon. gentlemen during the last few years had not been of the most agreeable character, but he trusted that he would not be chargeable with being influenced as respects the measure under consideration by any sentiments growing out of such antagonism, and that his action and public conduct during the present session had proved that no recollection of the past had influenced his demeanour or his votes as a public man. Further he could truly say that as far as he was concerned the past, if not forgotten, was forgiven. He felt it necessary to say this in the presence of that House, (and if any doubt rested upon the minds of these hon. gentlemen induced by his course upon this question) he begged to asseverate the truth of his declaration, and he felt its solemnity as well as its sincerity—for he felt he was speaking in a mightier presence, in the presence of Him "to whom all hearts are open,—all desires known—and from whom no secrets are hid."

He would next turn the attention of the House for a few moments to the Bill itself. This measure according to the statement of the Prov. Secy., came before the House based upon two documents. The flourish of trumpets that preceded the Bill, ushered in two papers, now on the table of the House—one the letter of the Prothonotaries, the other the letter of Judge Bliss. He would endeavour to show the House that there

was nothing in either of these documents to justify the Bill now under discussion. The returns were asked for on the 13th of January and Judge Bliss's letter was not written until 4th April. It was a very extraordinary coincidence that the introduction of this Bill should have followed so closely upon the reception of these returns, at least it looked as if there was some connection between them. He would turn briefly to these returns. The Bill before the House provides for a Judge in Equity. It would be perceived that these returns were not classified—they embodied causes of all descriptions, and it was impossible to say which were equity and which were not.

Hon. PROV. SEC. said that the hon. member was answering himself, for that showed they could not have been asked for with a view to prepare a Bill in Equity.

Mr. CAMPBELL would like to know why they were read at the table just before the Bill was introduced, if it was not intended that they should be considered the ground work of the measure. He was left to grope in the dark as to the nature of these cases. There were 212 cases in arrear. He would ask the Provincial Secretary what proportion of these were Equity cases.

Hon. PROV. SEC.—I don't know.

Mr. CAMPBELL said he ought to have known before he brought the bill forward. He (Mr. C.) was inclined to think that not more than 20 were equity cases. There was therefore no necessity for an additional Judge to try them. And then as to the Probate Court, the appeals from which are to be thrown as a make weight into the jurisdiction of the equity judge, he could only say that he had practised in his county for very nearly thirty years, and during that period there had only been two appeals; and he believed that such appeals taking the Province at large were extremely rare; so that as to the necessity for the creation of such a Judge, based upon the inconvenient amount of Equity and probate business the idea had no foundation in fact. As to the accumulation of business in the common law side of the court, that circumstance might not be difficult of explanation; he would take one County—Cape Breton. At the end of the sittings last fall in consequence of some dozen causes standing over, application was made to the presiding Judge to have a special sitting under the law to clear off the docket, which was granted, and some time in the month of January was fixed for the purpose. The Judge took his seat upon the Bench at the appointed time, and the Court lasted just one hour, not a single cause was ready for trial. Did this shew that the existing arrangements were insufficient—that the Judges were unable or unwilling to overtake the work? did it not rather prove that the existing machinery was adequate, and that the arrearages were chargeable either to the suitors or their professional advisers?

(As the hour for adjournment had now arrived Mr. Campbell agreed to continue his remarks in the afternoon, and the House adjourned until half-past 2 o'clock.)

Mr. CAMPBELL continued as follows:—

He would now call the attention of the house to the letter of Judge Bliss—and in speaking of

that gentleman he would say that there was no one disposed to pay a handsomer tribute to his worth, than he was. He (Mr. C.) had entered the profession a good many years ago, before that distinguished Judge went upon the bench, and since then during a long professional lifetime he had had many opportunities of marking his conduct both on the bench, and off of it, and he could truly say that it would be an evil day for the Province of Nova Scotia when it lost the services of that eminent man. In whatever position he was viewed whether as a Judge, a lawyer, a schooler, a gentleman or a christian, he was alike entitled to the highest eulogium that could be passed upon him.

In referring to Judge Bliss's letter he would say that there were some portions of it that were entitled to the particular attention of the house, but before commenting upon the letter he would remark that the practice had prevailed as long as he had been acquainted with the business of the Legislature of consulting the Judges upon any proposed change in the Judiciary of the county or in the practice of the courts of the county. This practice had not been followed in this instance why it was not he could not understand, but it was the only case in which he had known it to be departed upon. There were good and substantial reasons why this practice had been originally adopted, for surely there were none so qualified to give opinions to guide us in such legislation as the Judges, whose position removed them from the imputation of being actuated by improper motives, and whose experience eminently qualified them to decide upon the expediency of changes proposed.

He particularly regretted that this had not been done under the existing circumstances for he felt bound to declare that if the measure had been brought down with their approval and acquiescence, it would deserve to have been received by all parties in this house and in the country with greater favour than many would be disposed to accord to it unsupported by their recommendation. As regards Judge Bliss's views, he gathered from that Judge's letter that no such measure as the one before the house had been submitted to him—for he speaks about the successor to his office that is to say his present office—and alludes to the probable event of somebody being appointed in his place. He then entered into a calculation to show that if a successor should be appointed to his office of puisne Judgeship at £700 a year the amount of pension the Province would really have to pay would be only £288 a year. This showed that he at all events did not contemplate the necessity of an Equity Judge at £800 a year, and proved conclusively that his views and those of the government on this subject are by no means identical.

As to the question of pensions, he (Mr. C.) was well aware that they were viewed with disfavour throughout the Province. Because among other things it created a pension, he was opposed to the present bill. There were however two ways of providing a pension—there was the direct open and manly way of doing it—and there was the secret covert and underhand way of accomplishing it.—And he had no doubt that when the people of Nova Scotia came to consider this question calmly they would say as every honest man in

this house would say if he spoke his candid sentiments that under this bill was concealed a pension. It was just as palpable to his mind as if a special bill had been introduced complying with the request of Judge Bliss. He looked upon this as indeed an aggravated case of pension—it created the greatest pension ever before created in this country, a pension of £812 per annum for the lifetime of Judge Bliss, for he took it for granted that if the bill passed, Judge Bliss would never ascend the bench again.

He would now turn the attention of the house to some of the provisions of the bill itself and he would enquire what was the object of the bill—to create a Chief Justice in Equity—There seemed to him something anomalous in this creation, for what could be more ridiculous than to have two Chief Justices in one Court for it is one Court still. Such a thing could not be.—The gentleman who now holds that office, holds it under the sign manual of the crown, and there cannot be two individuals enjoying the same dignity. This was all wrong in essence and in principle. Suppose there were two or a pair of Mayors under our city constitution—what a pretty team they would make. How anomalous and absurd was the position contemplated by this bill—where did the government find any authority for this,—in what country could a parallel be found for it.—He was satisfied that no answer could be given upon such points and that to the present government at all events belonged the credit of the originality of the idea. Again, a Chief Justice presupposed the existence of other judges, but here was a tribunal without any subordinate judges, and yet with a Chief Justice presiding over it; if what Court too was to be Chief Justice?—he could not answer the question, nor did he know who could.

He was sorry that he would have to refer to the hon. gentleman the Atty. General who was not present, but the duty he owed to the country compelled him to do so, and as the remarks he had to make would be in the presence of his immediate friend; and as none would be offered that would not be made in his own presence the house would have a guarantee for their infallibility.

The house was told by the Solicitor General that the bill was to provide an honorable retirement for one who had served his country for twenty years. He had already referred to this.

Hon. SOL. GENL.—said that the hon. gentleman was mistaken—He was answering the remarks of the member for Colchester when he said—"Even if it were so &c.," but he did not make the assertion himself.

Hon. PROV. SECT.—corroborated the statement.

Mr. CAMPBELL.—said that he was in the judgment of the house, whether he was not stating the facts—He took down the words at the time, and the Sol. Genl. cannot deny having made them.—He (Mr. C.) had shown that there was no public exigency demanding this measure. It was manifest then that there would not be any other reason for this measure than to reward the services of the Hon. Atty. General—and he thought it exceedingly prejudicial to the public interests that personal feeling and party obligations should be appealed to, to induce gentlemen

to vote for it. The measure was either right or wrong upon principle—it should be considered upon its intrinsic merits alone, irrespective of other and such other considerations. He (Mr. C.) would undertake to assert that for no other man in Nova Scotia would such a bill have been concocted. This could not be denied,—and in the assent to that assertion he felt that its enormity was admitted. He had said that one of the objects of this bill was to provide for the Hon. Atty. Genl. This was not the only object—there was another plain and palpable—the very type in which the bill is cast seem to be raised, so that the very blind may read as well as the least intelligent understand it. He highly appreciated the pointed remarks of the member for Yarmouth in alluding to this view of the case, when he said that the passage of this measure would be the means of introducing discord and jealousies where all should be harmony and peace. He (Mr. C.) would warn the people of Nova Scotia against the results that would inevitably flow from the passing of the bill. It would not end with placing the Attorney General on the bench; at no distant day something further would take place. What that something was he would not predict, but simply say, what it needed not a prophet to foretell, that if this bill was passed, there was danger in store for the judicial bench of this province.

He had already said that in his opposition to this measure he was influenced by no personal considerations—as a politician and as a professional man, it would be more to his interest that the Attorney General should be removed from that arena and that the Solicitor General should get the promotion he contemplated in his advocacy of this bill.

The loss that the Atty. General's party would sustain would be to the advantage of gentlemen on the side of the House on which he (Mr. C.) sat—the name under which the party who acknowledge his leadership had so long rallied, and which unquestionably was to them such a tower of strength would be lost to them forever and just in proportion as they lost strength, the powers of the opposition would become more effectual and with this measure as their text from being what is now termed a contemptible minority they would soon come to occupy a widely different and a higher if not controlling position.

The hon. Sol. Gen. seemed to think that the question of retrenchment had nothing to do with the subject before the house. He (Mr. C.) had no doubt the hon. Sol. General disliked any reference to that now inconvenient topic, but he (Mr. C.) conceived that the subject was properly before the house.

This bill involved a large additional expenditure being fastened upon the people of this country, and that without the shadow of necessity. It was therefore perfectly legitimate for the hon. member for South Colchester, when discussing this bill, to speak to the government upon a subject upon which they had spoken to the people, before the last elections, and which had made a great impression upon the public mind. He (Mr. C.) thought now, as he had always thought and so had in the past expressed himself, that it was never intended to carry that scheme into ef-

fect. It was introduced for a purpose—it was an electioneering kite—the plan succeeded—the people were deluded into the belief that if they elected the present government to power, they would carry out the fair promises they made. How they have done so let this bill declare. He (Mr. C.) held that under the circumstances it well became the leader of the opposition to point out that the government had abandoned their principles and was acting diametrically opposite to their declared policy. In so doing he uttered the sentiments of his party, if not of others, and he would have been false to the duty he owed to the people of the province if he had failed to have taken the course he did in bringing the past pledges of the present government, and their desertion of them, prominently to the notice of all classes in this country. He (Mr. C.) might have spoken warmly on the present occasion—but he did not speak more warmly than his indignant feelings prompted him. He had no wish to occupy the house at any farther length. He felt that the observations he had made were entitled to some consideration, although he was afraid as far as this house was concerned the passage of the measure might be deemed a foregone conclusion. He did hope, however, that there were some gentlemen on the government side of the question who, only a short twelve months ago, had spoken so warmly in favor of retrenchment had not abandoned all the principles they then advocated, and that they would at least pause and reflect before they passed this bill.

But if this bill did pass that branch of the legislature, he had the consolation of knowing, that it had to pass the ordeal of another Branch where it would be considered irrespective of those considerations which had undue influence and weight in this house. If it passed there which he hoped would not be the case, it would still have to receive the assent of the Queen's Representative, and he thought that the distinguished officer, who now administered the affairs of this Province would hesitate before he placed his hand to an act, which would invalidate and nullify the sign-manual of his sovereign.

Failing all these sources of hope there was another resort—there was the Crown itself and although he as one of the representatives of a free people, had always claimed for them the right to legislate unrestrained upon their own immediate and local affairs, yet there were extreme cases (and he thought this was one of them) where it was necessary for the supreme authority to interfere to prevent a monstrous injustice from being done.

The hon. gentleman concluded by earnestly calling upon the house to pause before it passed a measure fraught with such mischief to the bench and to the people of this country—a measure, which had no public necessity to demand or recommend it—that was induced and advocated solely upon personal grounds, and was such a legislative monstrosity that it had and could have no precedent here or anywhere.

SPEECH OF HON. MR. MACFARLANE.

HON. MR. MACFARLANE.—The bill under discussion demands the serious consideration of the house, and should be calmly debated upon its merits and with respect to the wants of the

country. According to the honorable gentleman who has just preceded me, we are about perpetrating a great job upon the people of Nova Scotia. I deny it; but, sir, are the gentlemen opposite the persons to talk to us about jobs? Let me ask who perpetrated the series of jobs by means of which the present Chief Justice was elevated to the Bench. (Hear, hear.) If the result of this legislation should be to elevate our honorable leader who has sat for many long years the pride and honor of this legislature, the event will, I am satisfied, meet with the approval of nine-tenths of the entire people of this country; and, sir, I wish as much could have been said when the gentleman opposite perpetrated the job to which I have alluded. We were desirous of saying little as to the means by which this gentleman got into his position, but when gentlemen opposite rise in this house and dare to charge us with perpetrating a job they must be prepared to bear the consequences. A job forsooth! Who is it, from their statements, it is intended to elevate by means of a job? I tell them that the position he occupies in this Legislature, at the bar, and in the estimation of the people, eminently qualifies him to discharge the important duties intended by this bill. It will be a proud satisfaction to feel that my honorable friend, if he should be appointed, can go into any county and ascend the tribunal of justice with the confidence of the entire people. Suitors can go before him feeling that his duties will be discharged fearlessly and impartially—that however long he may have been connected with the political parties of this country, no matter how hostile a man's opinions may be, he will entertain the confidence and belief that justice will be done to him. I am sorry to say that this is not the opinion entertained with regard to some gentlemen who have been elevated to the Bench from this political arena.

But, sir, we are charged with seeking to carry the bill from personal motives; that the country does not require it; and there is no necessity for appointing another judge. The leader of the Opposition said it is not required, and adduced proof in support of his statement. He says five judges are quite sufficient to do the business of the country. Admit this to be true, although the returns of causes postponed for want of time to try them prove the contrary, yet he forgets that the number is now reduced to four; and if he can show that four judges can do the work of the country, then I admit that there is no necessity for the bill. But when we have the proof that the fifth judge is actually compelled by failing health to go off the bench, and when it is not according him too high praise to say that he carries with him more than a fifth of the strength of the Bench, is it not evident that unless steps are taken to meet the emergency the country must suffer from the suspension of the business of the Courts and consequent delay of justice. But the opponents of the bill say it will not remedy the condition of the country—that the person who may under its provisions be appointed, will simply sit as an equity judge, and his duties be confined to the decision of equity causes. An examination of the clauses of the bill shows that his duties will be onerous; and while his court will be one of the most useful in the Province, its

head will be one of the hardest worked of the judges.

It is not true that his labor will be limited. Not only has he to preside over the entire equity jurisdiction (which is a large and rapidly increasing branch of the law), but he will also have to discharge, in common with the other judges, the duties which devolve upon them. He will sit at the hearing of arguments in the Supreme Court, and can be called on to go the circuits when the business of the country requires his services.

In the present condition of the legal business of the country, no other course was open to us than that we have adopted. We must either allow the judicial business to get into a state of inextricable confusion, or bring forward a measure of the kind before us. The leader of the Opposition endeavored to prove from an article in the *Chronicle* that the bill was concocted previous to last election, and stated that the article contradicting the shameless falsehood was written in the *Colonist* by my hon. friend, the Provincial Secretary. Now let me say that when the article appeared in the *Chronicle* my hon. friend was staying at my house—for we were preparing for an election in the county—and I know that the reply in the *Colonist* was never seen by my hon. friend until it appeared. It was impossible he could have written it, since the article in the *Chronicle* appeared on a Saturday, and an answer could not have been sent from Cumberland to appear in the *Colonist* of the Tuesday, when the reply actually appeared.

I can only say that so far as this measure is concerned, it is very far from being a job. On the contrary, it is absolutely required to advance the legal business of this country, for it will give that strength to the judiciary which is now wanting on account of the sad cause I have mentioned. It is a measure which I would be prepared to defend anywhere—it is one, I believe, which will commend itself to the good sense of the people at large. The hon. member for Guysboro' hoped, if this house passed the bill, there would be another branch that would reject it; and that if it refused to do so, there was still another power to which he looked. He even went further, and said they would never cease their opposition until they appealed to England. I believe the hon. gentleman's friends outside will be as powerless as they are in this house. I believe that the large majority of the people will approve of this bill, and that it will be only a small minority who will complain. I am not going to weary this house with any lengthened remarks at this late period of the session; I am content to leave this matter in the hands of the intelligent people of this country, knowing that when they consider it calmly and deliberately it will meet with their warm approval.

REMARKS OF MR. BLACKWOOD.

Mr. BLACKWOOD said that he had listened with a good deal of attention to the arguments that had been adduced on both sides of the house. He had paid particular attention to the remarks of the hon. Provincial Secretary in introducing the measure, but he had failed to hear any argument sufficiently strong to induce him to give his support to the measure.

If the business of the country required it, let there be another judge appointed; but the bill did not provide for an additional judge - it simply provided for another Chief Justice; and although he was not a member of the legal profession, he thought it would look strange to see two Chief Justices on the same bench. The only object of the bill appeared to be to create a new title for a gentleman in that house; and the country, already heavily taxed enough, would have to pay for it. The member for Cumberland said that nine-tenths of the people would approve of this measure. He presumed that the hon. gentleman meant nine-tenths of the party to which he belonged; for it could hardly be imagined that the hon. gentleman whom it was designed to elevate to the Bench was entitled to the sympathy of gentlemen on that side of the house.

He was rather amused at the remarks of the hon. member for Lunenburg. He told the house frankly that he would not have supported this measure, nor would he have voted for the Pictou railroad, unless he had been promised a certain share of the public monies—unless, in fact, he had been paid for his services.

He (Mr. B.) had voted for the Pictou road because he believed it was going to benefit the country, but he could not see that this bill was going to accomplish that object.

He thought the government, if they passed the bill, would forfeit the confidence of those who elected them, for he believed if the measure was submitted to the people that they would not approve of it. He should, therefore, oppose the bill, as uncalled for, and as being designed solely for the purpose of providing for a gentleman who possessed the confidence of the government.

SPEECH OF HON. MR. SHANNON.

HON. MR. SHANNON.—Some remarks which have fallen from the hon. member for South Colchester, in the course of this debate, cannot be well passed over by me. He brought forward a number of extracts from speeches of gentlemen who spoke in '62 and '63, on the subject of retrenchment, in order to show their inconsistency. Among other things, he brought forward some remarks of mine in reference to the commercial aspect of matters at the time. He stated that I had said we had reached the limits of taxation, and that it was the opinion of a leading mercantile man with whom I had conversed, that 1862 would be as disastrous, in a financial aspect, as 1861. I think, sir, I was able in 1863 to prove that this "mythical" merchant was in every respect correct. If he looks to the returns in that year he will find that there was a great falling off in the exports in all the ports, except Yarmouth and Pictou,—amounting, in fact, to \$127,000. So, after all, my mythical merchant was not so far off of the way. But why was it that the exports did not fall off in the ports I have named. No one who has followed the course of trade but knows that in consequence of the depredations committed upon American shipping by the cruisers of the Confederate States, the American trade had gone into British bottoms; and hence the great impulse given to shipping in the port of Yarmouth. Again, the railway from Baltimore to Ohio had been broken up, and the vast Cum-

berland coal fields were not accessible, therefore more coal was shipped from this country. But suppose peace should come about, what would be the result? Let me tell the hon. gentleman I consider that he is wrong in reference to the ten per cents. Peace must ensue in one of two ways—either by the subjugation of the South or by the establishment of the Confederacy as an independent State. In the latter case the Northern shipping will return to its former position. The privateers which are now destroying American commerce will at once cease their operations, and it is very probable that American trade will return to American shipping; and therefore, to a certain extent, our interests may be affected. It is, however, obvious that if the Southern States become free, they will require a large amount of our ships, and therefore we may not be very materially affected after all. I do not think, as regards the ten per cents, there will be anything like the change the hon. gentleman fears. He says the increase of duty is due to the increased value of these articles—cotton goods especially. Suppose the Southern States become independent, does it follow that there will be a decrease in the price of cotton? I think not. The cotton crop of '60 was all sent away before the war commenced. The crop of '61 has remained in the Southern States to a certain extent. A very considerable portion has already gone away by blockade runners to England and the Northern States, and a portion has been held by the Confederate Government to secure the payment of the Confederate Scrip which is now in the hands of capitalists in England. Since 1861 there has been hardly a bale raised in the South. The whole organization of the country has been turned in the direction of producing cereals. If peace ensue, there will only be the balance of the cotton crop of '61 on hand, which will soon be swallowed up. Where is all the cotton that is wanted, then, to come from? It will take three or four years for slave labor to bring down the price of cotton to its nominal condition. If, on the contrary, the Northern States should subjugate the South, and introduce free labor there, every one knows, from the experience of Jamaica and other British Colonies, that cotton cannot be produced as cheaply. Free labor cannot compete with slave labor in respect to cheapness. It is true cotton at this moment is produced by the labor of other countries—by Egypt, India, and elsewhere; but not cheaply. The cotton of India cannot come into competition with that of the South—it being a different staple; and costs a great deal more in consequence of want of means of transit to the seaboard, &c. It will take four or five years, therefore, before cotton can be expected to reach its normal condition, under the most favorable circumstances.

The hon. gentleman refers to my speech on retrenchment and taxes me with inconsistency. He stated that I was anxious to reduce the civil list, and asked why I did not carry it out. I may tell him there was no portion of the civil list I was so anxious to retrench as the salary of the Lieutenant Governor. I never felt the judges were overpaid. I stated at the time that the best governors were military governors, and that £2000 would be quite sufficient for their salary.

I am glad to find that what was then considered an atrocious observation has become to be believed in by the people at large. But why did we not retrench? They took the very means of preventing it. We could not prevent Lord Mulgrave drawing the half of his pay up to the other day, because they got a despatch from the Duke of Newcastle which forbade us making any reductions in the civil list. I have endeavored, I may add, to retrench in respect to the franking privilege of members, but as every one knows the house would not retrench, and I accordingly gave it up in despair.

I will now refer to the subject more immediately before us. The hon. member for South Colchester referred to the principles which prevailed in British law, and stated there were two distinct elements—the Common and the Equity element. He cannot think, however, because there may be one jurisdiction and one court, therefore the two principles are amalgamated. They must run as distinct from each other as two separate currents. It is impossible it can be so, until we can bring in a new code, like the "Code Napoleon" for instance. But why was it our ancestors felt it was necessary to have a court of chancery? They felt coming here to administer the British law it was necessary to have the same system. Notwithstanding what the hon. gentleman has said, I may say that I practiced in the chancery court for many years, and a better court I never saw. It was a doubtful change when it was abolished. The business in that court was done properly; every cause, even to the smallest case in connection with foreclosures, was attended to with the greatest care; but it was deemed advisable for some reason or other to amalgamate the court with that of the Supreme Court. And let me ask, why was not the Master of the Rolls transferred to the Supreme Court? It was not considered convenient. How is the law in New Brunswick at the present moment? They did away with the Rolls court, and put on an extra judge. (Neville Parker) and the court of chancery, I am informed, is as much administered by the Supreme court in Fredericton as before.

HON. SOLICITOR GENERAL—They have preserved in New Brunswick the Equity and the Legal side.

HON. MR. SHANNON—What was the result after the Court of Chancery was abolished? I have had some experience since the Equity jurisdiction was handed over to the Supreme Court; and I remember perfectly the first cause which came before Judge Bliss, and how difficult even he found it to go on with it. He said, we must feel our way; this has been thrown upon us; all I can do is to do what is right. From that time to the present we have been feeling our way. The hon. member for South Colchester alluded to the few cases that have been tried before the Supreme Court in Equity. The reason is that no man will come there if he can help himself. I have a case now there, but I did everything that a man could do to prevent it getting into that Court. In that very case we all felt—and the hon. Attorney General was opposed to me in it—that we had not the arrangements or facilities which we had under the old system. Now there is the whole range of foreclosures which come up

in Chambers. My hon. colleague, yesterday, stated that the Chief Justice, only a few days ago, wished that these cases could go before a Master, for he was confident that many difficulties might hereafter ensue in consequence of the want of certainty of process.

Now the hon. gentlemen who have spoken have all referred to that celebrated article in the "Chronicle," which appeared previous to last election. Now how did that article appear there? I can only imagine that the legal minds in the government at that time had been turning over the matter, and came to the conclusion that there would come a time when they would like an Equity Judge; but as the Present Attorney General was then going to the polls, it was thought not to be a very bad electioneering scheme to attribute an intention to his party to elevate him to such an office if they should come into power. The Hongoumont of last election was at Annapolis, and it was thought a very little thing might turn the election there. I can say for myself that such an idea never entered my mind previous to last election. It was not until Judge Bliss sent in his letter of resignation that my attention was called to the matter. Now will any of the members of the government say otherwise. I do not intend to go into any lengthened remarks as to the necessity of the bill, after all that has been said on the subject. I need only say that the Bench is now crippled in consequence of the incapacity of Judge Bliss to continue to perform his duties. When his letter came before the Council, the question arose, how to provide for this gentleman. We could not pension him, believing such an act would be contrary to the feelings of the country. We felt his place must be supplied, and thought it advisable to introduce the system which exists in New Brunswick, in order to place the equitable jurisdiction in a better position, and otherwise advance the legal business of the country. I believe the bill will be productive of a great public benefit. The hon. member for Yarmouth has stated that we do not appear to value the people's money sufficiently. I would never forget this; I would never squander one shilling of their money; but in the present case I believe the small expense involved will be for the people's good.

SUMMARY REPORT.

WEDNESDAY, April 27, 1861.

The House met at 11 o'clock.

The House went into Committee on Bills, and passed the following: To alter the bounds of a polling district in the county of Kings; cap. 134 Rev. Stat. of Juries. At the suggestion of the hon. Speaker an amendment was introduced into the above mentioned act, to the effect that in future a majority of the grand jurors present at any General Session of the Peace, may make presentments and transact all county business, instead of twelve, as at present required. This does not apply to criminal business. An amendment proposed by the hon. Fin. Secy. was also adopted, providing that the expense of special juries be borne by the parties litigant.

The rest of the chapter they passed, with some slight amendments.

Hon. SOL. GEN. introduced a Bill to extend the time for repaying the loan upon certain roads in Antigonish county.

The House resumed at 3 o'clock, and went into Committee on Bills, and passed the following chapters of the Rev. Stat., cap. 112, of the Relief of Insolvent Debtors.

(The Legislative Council by message informed the house they had agreed to the following Bills without amendments: Relating to assessment rolls in Shelburne; to incorporate the Fruit Growers and International Show Society; and to caps. 98 and 119 Rev. Stat., with amendments, and to the Bill to authorize the funding of certain monies due the city of Halifax as amended.)

(Mr. STEWART CAMPBELL in the course of the afternoon, exhibited some beautiful specimens of gold-bearing quartz from the English companies' claims at Snerbrooke.)

Hon. PROV. SEC., from the committee on Education, reported. The Report does not recommend the application on various aged school teachers to free grants of lands.

Mr. LONGLEY, from the committee appointed to adjust the road scale for Victoria, reported.

Mr. WHITMAN, from the committee on Land Damages, reported.

Mr. PRYOR, from the committee on Private Bills, reported a Bill relating to the Oxford marsh in the county of Lanse.

Then the house adjourned until the next day at 11 o'clock.

THURSDAY, 28th April.

MORNING SESSION.

The House met at 11 o'clock.

Hon. Attorney General introduced a bill for the better security of the liberty of the subject. Several clauses are added to remove doubts as to the authority of judges in Chambers, etc.

Mr. S. McDONNELL reported from the Committee on Crown Lands, which was received and adopted.

The House went into Committee, and passed a bill to extend a loan for the county of Antigonish, and a bill relating to Oxbow Marsh, on the St. Croix River. The Committee then adjourned.

Mr. BLANCHARD reported from a Special Committee in favour of giving M. I. Wilkins, Esq., \$200 for labor performed in Revising the Statutes, some years ago, provided he hands over a valuable Index he has prepared. The report was adopted.

Mr. MILLER reported from the Special Committee to whom was referred the petition of Mr. C. J. Campbell, relative to a mining license at Glace Bay, C. B.,—the majority of the Committee consider that the petitioner did not receive justice on the premises, and that he was entitled to priority, and recommend that the Government refuse to renew the licence when it has expired, until arrangements are made to indemnify the petitioner, or make some equitable adjustment. The minority do not agree in the conclusion come to by the majority.

Mr. JAMES FRASER (Downie) introduced a Bill to provide for improving certain roads in the county of Pictou.

The House then went into Committee, and took up the Practice Act in the R. S., having first passed the Act introduced by the Atty. General on the opening of the House.

Some discussion took place as regards the advisability of a preliminary examination for law-students. The Provincial Secretary urged it would be sufficient to have a full examination when the student had closed his studies. The Atty. General pointed out the great advantages of a preliminary examination into the ordinary branches of knowledge. Hon. Mr. SHANNON, and Mr. S. CAMPBELL, and Mr. JAMES McDONALD, took the same side.

AFTERNOON SESSION.

The House resumed at three o'clock.

Hon. Mr. McFARLANE reported favorably from the special Committee in reference to County Maps to be furnished by Mr. CHASE. The report was adopted.

The House went into Committee on Bills and again took up the Practice Act relative to Barristers and Attorneys.

An amendment was made to the bill, allowing a person to be admitted Barrister at the same time he is entered as Attorney.

The Legislative Council by message informed the House that they had agreed to the following bills: To amend the act to incorporate the Presbyterian Church at Cape North—Relating to Commissioners of Streets in the town of Windsor, and to Caps. 70 and 71 Revised Statutes—of "Rail-roads.")

Hon. Attorney General moved to strike out the clause enabling "any of Her Majesty's Subjects to plead in reason" in any of the Courts—better known as Mr. Howe's law. On division the motion was lost. Subsequently the clause was lost on another division. The Practice act chapter then passed.

Chap. 157, of "Madmen and vagrants, &c.," was next taken up and passed, with some slight amendments. The committee rose and reported.

Hon. SOL. GEN. reported from the Post Office committee. The committee among other things recommend that the Government during the recess enquire into the necessity of a daily mail in Cape Breton, &c.

Mr. McLELLAN reported from the committee on Humane institutions.

Hon. PROV. SEC. called attention to a very extraordinary specimen of gold handed to him by Mr. John Campbell, who, he said, was entitled to the credit of having been among the first to discover gold in this Province. He had discovered it in the sand of Sable Island, and had applied to the Government in 1857 for the privilege of mining it there. He had also detected it in the clay near the Asylum. The present specimen was a very curious one, and would be very interesting to geologists, for it showed gold in the position of being in the lower carboniferous strata, in fact incorporated in the old red sandstone. In fact, gold in this Province appeared to exist in quartz, sand, sandstone, and everything.

Some remarks were made by the Provincial Secretary as to the advisability of the papers issuing supplements to contain the debates of the House. He was afraid it might be taken advantage of.

tage of by papers for political reasons. He also called attention to the fact that the *Chronicle* had not corrected his speech on the railway resolution, whereas it had those of other gentlemen.

Mr. McLELAN said the object was to keep up the debates, and prevent them from falling into arrears.

Hon. Mr. JOHNSTON alluded to the necessity of no paper being allowed to impair the efficiency of a system which was intended to afford the country faithful and impartial reports. The hon. gentleman also observed that the *Chronicle*, in its editorial of this morning, had copied a speech taken from the *Free Press*, and stated to have been delivered during the election last year. Now the speech in question had never been delivered by him at all. He regretted he could not acknowledge so eloquent a production; in fact, it flew far higher than he could pretend to. He added, he thought it but right to make this acknowledgement to the *Chronicle* for copying, and to the *Free Press* for making, this speech for him.

Hon. SOLICITOR GENERAL said certain papers, in their summary's, put speeches in the mouths of gentlemen which they never delivered, and seemed to favor the opposition more especially.

The hon. gentleman also stated, in reply to a question put by Mr. Bourinot a few days previously, that the Government had received a communication relative to an address got up to President Lincoln by some parties in this city, but it was of such a nature that it could not be published at the present time.

Friday, 29th April, 1864.

The House met at 11 o'clock.

Hon. Mr. Johnston introduced a bill to incorporate the Nova Scotia Coal Company, which was read a second time.

The House then went into Committee on Bills and passed the bill just referred to. The chapter in the R. S. of "Wills," "Costs and Fees," of "Limitation of actions," were next taken up and passed—the two last with amendments.

Mr. Pryor reported finally from the Committee on Militia affairs.

On the motion of the Hon. Atty. Genl. the amendments of the Council to the act for the winding up of Joint Stock Companies were not agreed to.

Mr. Archibald from the Committee to whom was referred a Bill relating to the River Fisheries reported the Bill with some amendments.

Mr. MILLER moved that the report of the committee upon the petition of C. J. Campbell be received and adopted. The report was read by the clerk. The petitioner complains of the improper granting of the lease of a coal mining area to which he considered he had a prior claim.

The majority of the committee was of opinion that the petitioner had been unjustly dealt with, and they recommended that the lease in question be not renewed until some equitable arrangement be made. A minority of two disagreed, for reasons stated, and refused to sign the report.

After a lengthened debate, upon the question being taken, the motion to adopt the report of the majority was lost by 17 to 16.

Yeas—McKay, D. Fraser, J. Fraser, Jost, Tobin, Slocumb, Bill, McDonnell, Hamilton, Miller, J. McDonald, Allison, Robicheau, Smyth, Kaulback, Hill.

Nays—Donkin, Prov. Sec., Longley, Fin. Sec., Parker, McFarlane, Atty. Gen., Hefernan, McLelan, Robertson, S. Campbell, Cowie, Balcan, Annand, Blackwood, Shannon, Archibald.

Notice to rescind was given.

The House adjourned until 11 o'clock tomorrow.

Saturday, 29th April.

The House met at 11 o'clock.

Hon. Prov. Secy. moved the adoption of the Education Report, which decides unfavorably upon the applications of aged teachers for free grants of land. The hon. gentleman contended that the principle of making these free grants of land opened a door to deception.

Hon. SOL. GEN. thought it hardly fair to refuse these grants without giving due notice to the parties, after the house had adopted the policy for years. He stated that he knew of cases where persons had spent considerable time and money in searching out places where they could get a grant. He moved the following resolution:

Resolved, That that portion of the report which refers to free grants of land to aged schoolmasters be not received; but that the grants as heretofore be made, the petitioners to pay the expenses of survey; but that owing to the largely increasing number of applicants, it is unwise to continue the policy of making free grants hereafter.

Some considerable debate followed, the Fin. Sec., Dr. Brown, Hon. Mr. Johnston, Messrs. James McDonald, Pryor, Miller and Tobin expressing themselves in favor of the amendment, which was finally carried by 22 to 11.

Hon. PROV. SEC. laid on the table a despatch from the Colonial Office, announcing the appointment of Sir R. Graves McDonnell to the vacant Governorship of Nova Scotia; also a despatch relative to the appointment of Mr. E. Cardwell to the office of Secretary of State for the Colonies.

The amendment made by the Council to the Bill relative to the Lutheran Congregation at Bridgewater was agreed to.

Mr. LONGLEY complained that some remarks of his, on a previous occasion, relative to a License question, had not been fully reported, whilst those of Mr. Tobin had been given in full. He said that he felt persuaded the hon. member for Halifax would find that his sentiments in that speech would not meet with much approval from those whose opinion was most to be valued. From the gentlemanly demeanor of the reporter who had charge of the reporting of the debates, he (Mr. L.) felt assured that there was no desire in this matter to do injustice to the gentlemen who took an interest in the advancement of Temperance. He would tell the hon. member for Halifax, however, that notwithstanding what he had declared about the orderly conduct of the city, it was not a very creditable fact that there had been before the police authorities, during the past year, between 1300 and 1400 persons for drunkenness. He (Mr. L.) concluded by expressing his hope that the matter of which he complained would not occur again.

Mr TOBIN expressed his regret that the hon. gentleman should take umbrage at anything he said. He thought it hardly fair, at that late period of the session, for gentlemen to complain of the reporters, who must be overworked. If any one wished to make temperance lectures, let him get the Temperance Hall, and there enunciate his sentiments as fully as he wished. He regretted that some gentlemen should be continually singling out the city of Halifax for the special object of their attacks.

Mr LONGLEY said that his chief reason for saying anything at all then, was the fact that the all important subject of temperance was continually passed over. He would be only too happy to meet the hon. member for Halifax anywhere, and taking issue with him in respect to the statements made in that most extraordinary speech to which he had alluded. He expressed his conviction that if the subject of prohibition were submitted to the people to-morrow, a large majority of the people would be found in favor of it.

Hon. PROV. SEC. said he could not refrain, after what had fallen from hon. gentlemen, from expressing his opinion as one member of the house, that the important service of reporting the debates had never before been discharged in the manner it had been during the present session. He believed gentlemen on both sides would bear him out in the testimony that they had never had the service performed so well with reference either to the fidelity with which the work had been discharged, or to the extent to which it had been carried. He did not pretend to say the system was perfect. It was found impracticable to obtain verbatim reporting, and therein lay the difficulty. On the reporter was devolved the delicate task of condensing the reports at times, and it was not therefore strange that incidental observations were not given that prominence which some gentlemen thought they were entitled to. Let any gentleman come forward and make a definite proposition—introduce a great measure with reference to Temperance, or any other subject—and let set speeches be made on it, and they would receive that amount of consideration, which, in the nature of things, it was found impossible to give to more desultory debates. However erroneous the judgment of the reporter might be found at times, at all events the debates had been reported with great fidelity, and brought up with a promptness which had never been equalled in the history of reporting the Legislative discussions since he had the honor of a seat in the Legislature. When the pamphlet containing the debates was in the hands of members, it would be read with gratification by all, as showing the promptness and fidelity with which the house had discharged the important and arduous duties which had come under its consideration during this session.

He did not consider that the hon. member for Annapolis had much reason to complain. For instance, one of the best speeches he (Dr. T.) believed he had delivered during the session was towards the close of the debate on the Dalhousie College question, but he never took up and read a report with a feeling of greater dissatisfaction. In the absence of the chief reporter, who had an opportunity of taking the very able and lengthy

address (Mr. Longley's) with which the debate was closed, he found not only that the spirit and scope of his own observations were entirely lost, but there were many striking inaccuracies, whilst many remarks to which he attached a great deal of value, did not appear at all; but nevertheless he felt he ought not to complain, for it was quite impossible at all times that every person should get that satisfaction in these matters that he would wish. On the other hand, he took up the speech of his hon. friend, and found it given at length with a fidelity and accuracy that must have been eminently satisfactory to that hon. gentleman. The hon. Prov. Sec. concluded by repeating that the debates of the house had never been more creditable to the house than during the present session, and in saying this he felt he was but expressing the very general sentiment all around the benches. In making these remarks, he added, he had been induced by the belief that it was but an act of justice to the officer who discharged this important service.

Mr. LONGLEY said there could be no diversity of opinion as to the efficiency of the reporter, and nothing that he had said, he hoped, could lead to a different impression. He himself had been under obligations to the reporter on several occasions.

After some further remarks from Mr. Tobin, the house adjourned.

On resuming at 3 o'clock, the house went into committee, and was engaged for some time with the bill for the protection of the river fisheries, in which several amendments were made, chiefly at the suggestion of Mr Donkin and Dr. Slocumb. The latter gentleman strenuously urged upon the government the propriety of obtaining information from abroad, as to the best plans of making dams, that will allow the fish to pass up rivers and streams with ease. By means of such dams a great deal of litigation and trouble would, he felt, be saved in the various counties. If clerks of the peace had a copy of such plans, individuals could get access to them, and build their dams accordingly.

Mr ARCHIBALD stated that the Report which had been presented to the House on the previous day, on the subject of the Fisheries, asked the Government to obtain just such information as was asked for.

The Bill having passed, the Committee rose, and the House adjourned a few minutes before 6.

MONDAY, 2nd May, 1864.

The House met at 11 o'clock.

Mr. TOBIN called the attention of the Government to complaints from persons in Windsor, who had paid railway damages. They stated that as others had not paid and were not amenable to the law, their money ought to be restored. Mr. Tobin also referred to a case of Mr. Doran, which had been before the Railway Committee for a number of years.

Hon. Attorney General referred to the proceedings which had been taken against a number of parties, and stated that they had resulted in law suits under writs of replevin. Judgments were standing against these parties, but he understood there were difficulties with respect to enforcing

them, arising from the bonds under which the replains were issued.

Mr. ARCHIBALD explained the proceedings taken by the late government to enforce the payment of damages.

Hon. PRO. SEC. stated that the impression prevailed in the minds of the public generally that the late government had abandoned the attempt to press the matter. This fact had a very unfortunate effect upon the public mind as regards the conclusion of this matter.

Mr. Archibald explained that the late government had done everything in their power.

In respect to the case of Mr. Doran, it was stated by several gentlemen that he had it in his own power to obtain redress, and that no legislation was needed.

Hon. Mr. Johnston introduced a bill concerning the election of Representatives to serve in general Assembly. It defers the operation of the Franchise Act until June 14, 1865, and provides that any election that may take place in the meantime must take place under the old law.

Mr. Jas. McDonald reported from the Committee on Private Bills an Act to amend the Act passed in 1862, with reference to the property of the United body of Presbyterians. He explained that the majority of the Committee had directed him to report an amended bill, recognizing the principle embodied in the bill submitted to the Committee, but altering the machinery materially. The former bill required an action in the Supreme Court with reference to the property, whereas the present bill required arbitration to decide as to the justness of any rights, and the mode in which they shall be vindicated.

The amendments made by the Council to the Registration Bill were taken up. As the bill was first introduced, the deputy registrars were to make their returns to a county registrar, and he to the Provincial Secretary. The amendments provide that the deputy registrars shall make their returns to the Financial Secretary, and he shall have them all digested, and duplicate returns prepared and re-visited to each county registrar of deeds.

Hon. ATT'Y. GEN'L. said the amendments, in his opinion, improved the bill.

Mr. Archibald pointed out that the whole machinery of the bill, as first introduced, was changed.

Hon. PRO. SEC. said the amendments had been adopted in the Council after full discussion, and passed, not by a party majority, but in accordance with the views of gentlemen on both sides. There could be no doubt that to work out satisfactorily any extended system of registration like the one proposed, it was necessary to have the mind of one person competent to deal with it, and specially devoted to it. Instead of creating additional expense, it would save at least \$1000 to the country. An office in each county would be saved, whilst it could lose nothing as respects the efficiency of the system.

Mr. S. Campbell doubted if the Council had the right to make such amendments, for it could not alter any money bill sent; but the hon. ATT'Y. GEN. pointed out that the course of the Council in the present case was perfectly legitimate.

Mr. ARCHIBALD was opposed to the centralization proposed in the Bill, and thought the localization in the several counties of the information required was the most advisable plan.

Hon. PRO. SEC. said that the hon. gentleman in a former session had introduced a Bill to create a head of department for Registration purposes.

Hon. ATT. GEN. pointed out the advantages of such centralization as the Bill proposed. He stated that if the amendments made by the Council had suggested themselves to him at the outset, he would certainly have embraced them in the Bill.

Dr. SLOCUMB said that his objection to the amendments was that they did injustice to a considerable extent to a number of persons in the counties, since no remuneration was given them.

Hon. ATT. GEN. replied that this could be remedied.

Mr. Archibald said that if his memory served him right the bill alluded to had been only introduced by him *pro forma* at the opening of a session.

Hon. PRO. SEC. read from the Journals to show that the Bill in question had not been introduced *pro forma*, but on the second day of March, 1861, after the House had been in session for something like a month. This bill, he stated, was an elaborate measure, and provided for the appointment of a Registrar-General, and not for the placing (as under the present amendments) of the whole of the information in the hands of the Financial Secretary, who was the Chairman of the Board of Statistics.

The matter was left over until Tuesday.

The House adjourned at 1 o'clock.

On resuming at three o'clock the Provincial Secretary laid on the table copies of despatches received from the Lieut. Governors of New Brunswick and Prince Edward Island relative to the Union of the Maritime Provinces. They include copies of resolutions passed by the Legislatures of these Provinces similar to the one passed here.

Also correspondence relative to the presentation of a telescope to Captain James Lorway, of the "Volant," Sydney, C. B., as a reward for his intrepid conduct in rescuing the captain and crew of the steamer *Flora*, on a recent occasion.

Hon. Mr. McFarlane brought in the Report of the Committee on Agriculture. It recommends that the Government take steps to test the suggestions of Mr. Denmore relative to the potato, and that the funds devoted last year to exhibitions be henceforth directed to the introduction of improved stock, and advocates an improved system of drainage. Mr. McFarlane alluded to the necessity of affording every encouragement to this important branch of industry, and pointed out the example of Canada in this direction. He also stated that Mr. Malcolm had, in this city, established a tile manufactory which was well worthy of support by our farmers, and ended by referring to the advisability of carrying out the suggestion on the report for the introduction of improved stock.

Hon. FIN. SEC. thought since some counties had the benefit of snow last year, those counties which were not so favoured—those in Cape Breton particularly—should be especially considered this year.

Mr. Tobin thought some encouragement should be given to the Fishing interest as well as to Agriculture, and agreed with the remarks of the Financial Secretary.

Dr. Hamilton considered the important subject of Agriculture did not receive that full consideration in the House in which it was entitled.

Mr. Kaulback said the county of Lunenburg was not properly cleared last year, and did not receive full justice.

Messrs. Allison and Hill also advocated the introduction of an improved breed of cattle.

The report was adopted.

The House then went into Committee on Bills, and passed the Chapter on Wills in the R. S., with amendments; also the bill concerning the election of representatives.

The Post-office Report was next taken up.

Hon. Mr. Johnston moved that part of the report recommending the continuance of Mr. King's contract between Windsor and Annapolis be struck out, and that the service be put up to tender and contract. The hon. gentleman stated that he did not do so from any personal motives, but solely from a sense of the duty he owed to the House and the country—as he considered the contract had not been properly performed.

Dr. Slocumb also complained of the manner in which the contract for the conveyance of the mails on the shore route had been performed by Mr. King. He did not wish to do any injustice to Mr. King, he merely wished the service to Shelburne put up to tender and contract.

Mr. Miller supported the motion, and gave personal experience of the inefficient mode in which this service had been performed on both the shore route and western line.

Mr. Stewart Campbell mentioned an instance of personal inconvenience he had experienced this winter in the Eastern part of the Province—having had to travel on a winter night 33 miles in company with Her Majesty's Mails on a wood sled. He thought it was time some supervision was exercised over the performance of the mail service throughout the Province.

Mr. TOBIN spoke of the necessity of always putting up a service of this kind to public competition at the expiration of the contracts.

Mr. BLANCHARD explained that the principle which had always guided the Post Office Committee was to continue the contract to the person who held it, if there were no serious complaints as to its performance. As regards the present case, the Committee recommended that the contract be continued, but they also recommended that the Government be requested to investigate the charges of complaint, and deal with them as they think fit.

The hon. gentleman also stated that the Agent of Mr. King had been before them, and stated that within the last few months they had expended some £200 in procuring new horses and coaches for the line.

Mr. Robertson bore testimony to the efficient mode in which Mr. Davidson performed his contract between Shelburne and Yarmouth. As regards the rest of the road he was not so well competent to speak.

Mr. More also complained of the mode in which Mr. King had performed his contract, and could not see upon what ground the Committee recommended the continuance.

Hon. Solr. General, Chairman of the Committee, who was not present at the commencement of the discussion, explained the circumstances which had led the Committee to report the continuance of the contract. As regarded the service between Windsor and Annapolis he would say that there were serious complaints as to the mode in which the contract had been performed; but as the evidence was to some extent of a hearsay character, and the Committee had not the opportunity of thoroughly investigating them, they recommended that that contract be continued for one year only, and that the Government be requested to investigate the mode in which that service had been performed, and act accordingly.

Hon. Sol. Gen'l. defended the action of the Post Office Committee. The increase of salaries referred to was only in cases where the officer had performed extra duties.—Each case had received strict and impartial consideration.

After some further desultory debate, Hon. Attorney General included the contract between Shelburne and Halifax in his resolution.

On the question being taken, the resolution passed without a division.

Mr. LONGLEY objected to the increase of Postmasters' salaries, and to the principle of increasing the expenses of the postal system generally.

Hon. Prov. Sec. coincided in the views of the member for Annapolis.

Mr. Tobin and Mr. Longley, in reference to the increased votes of money recommended by the Committee, spoke against the policy of increasing the expenses of the Post Office department. They thought that the report should lie on the table for further investigation.

After some further remarks the report was laid on the table, and the House adjourned until 11 o'clock the next day.

EQUITY COURT BILL.

APPEAL OF THE HON. PROV. SECRETARY.

Dr. TUPPER then rose and addressed the House, as follows:—Mr. Speaker, I regret very much that I shall be obliged to ask the indulgence of the House at some length, not because any necessity has arisen that I should use any elaborate arguments in defence of this bill which I have had the honor to introduce, but in consequence of the very extraordinary mode in which the hon. and learned leader of the Opposition has considered it his duty to deal with the measure before the House. I looked for the course which that hon. gentleman would take with reference to this bill with the anxiety which must always be attached on the part of the introducer of an important public measure to the sentiments that are likely to inspire the party comprising Her Majesty's Opposition in any Legislature. And I must say, and regret to be obliged to say, that never on any similar occasion have I listened to an address which I considered more unworthy of the subject—more unworthy of the gentleman who delivered it, or of the Le-

gislature to whom it was addressed. That hon. gentleman having filled the position of a first Crown Officer in this country—a position which would naturally lead the people of this Province, as well as the members of this Legislature, to expect that he would deal with a question of such magnitude on its own merits, and with regard to the great interests that were involved—thought fit to turn aside from the true question under consideration to a general discussion of want of confidence in the Government. Now, that hon. gentleman hardly ever addresses the House without expressing his belief that he has behaved remarkably well during the present session—that his course had been one which entitled him to a great deal of consideration. I believe I have not been backward in acknowledging, from time to time, the spirit in which that gentleman has, during the present session, dealt with the important legislation which has been brought before this House; but I cannot help thinking, after listening to his singular address on this question, that perhaps he is not entitled to as much credit as I have been disposed to give him heretofore. Many persons have doubtless seen, whilst passing through the country, some remarkably quiet looking nag tied up to a post with a halter, and would imagine from his appearance—with his head and tail drooping,—that there was no animation or spirit in the animal; but let the halter be slipped off his head, and soon we see him sniff the air, and with open defiant nostril, with head and tail erect, and flaunting mane, course over the fields as if he had never known restraint. So, sir, I cannot but think that the hon. member works better in a halter; for whilst he held his seat at the mercy of a Conservative Committee, he was prepared to “roar you as gently as a sucking dove,” but when he feels he is once more unrestrained in the open fields, he roars like a very bull of Bashan. (Laughter.)

I would have no objection, on any occasion to meet that hon. gentleman on the field he has chosen, and on any platform, through the length and breadth of Nova Scotia, engage that hon. gentleman in a discussion upon the issues he has raised. If there was ever a government in any country in the world, if there was ever a party that was better prepared on any platform to meet their opponents face to face in conflict on the great question, whether they deserved the confidence of the people, it is the government with which I have the honour to be connected. I would not have to labor the question myself—I would not have to offer arguments to sustain our position, for I would bring my opponents themselves I would bring the leader of the opposition to prove that in his opinion there was never a government anywhere that more thoroughly deserved the confidence of the people than the present administration of Nova Scotia.

Allow me, sir, to contrast for a few moments the Government that we have succeeded with the Government of the day, whose policy has been so loudly challenged by gentlemen opposite. I ask the House, if it was not admitted on all hands—if it was not acknowledged by every section of the press in the country, when His

Excellency came down and opened this House, that the Government had discharged its duty manfully. That very morning the organ of the Opposition declared we were at variance and had no policy. We were told that very day, with that spirit of prophecy which the prophet Jonathan so eminently possesses, that we were strong only in numbers, and instead of our being a party, capable of dealing with the great interests of this country, of propounding and maintaining any public policy, we were as a rope of sand—that no half dozen men amongst us agreed in any policy—and that nothing could be expected but a beggarly exhibition of empty boxes. But what has been the fact. They have been obliged themselves to admit that never was there an administration that dared to come down and grapple with questions of greater moment. And let us see how these promises have been fulfilled. First take the great question of Education. We saw the leader of the opposition for years proclaiming that we must be put down, and he must be elevated in order that this great question might be dealt with; and when the country took them at their word, and they were brought into power, you had the leader of the late Government declaring on the floor of Parliament that they were too weak to deal with the subject of Education. But what have we done? Here was a question of the most vital importance that can interest the people of any country—one fraught with danger to any Government that should grapple with it beyond any other question that the Legislature has been called upon to deal with; and yet the Government came down and propounded a measure to the House and carried it through this Legislature, not only by the strength of their own friends, but by the aid and co-operation of the leader of the Opposition, who felt that as he valued the public approval of the country, he must give his unqualified support. Then, if I had no other claim to public confidence, I could say to the people that I could call the leader of the Opposition to witness that on a question of the deepest and most vital importance we had discharged our duty on this great question with fidelity to the country.

We are now able to point with pride to a measure which the Press with scarcely an exception declares, surpasses any that has ever been placed on our Statute Book. We have also the Press of the adjoining Province (New Brunswick) admitting that it is a measure far in advance of anything that any government or party in that Province have ever been able to enact. Therefore I say I have brought the ex-Attorney General himself to bear testimony that the government, whose confidence he has challenged, has proved itself by his own action to be one that deserves the support of the people of this country—that it is not like the government they succeeded, content to hold power to occupy places and receive salaries for four years, and at the close of their career be obliged to confess that the Statute Book had not been enriched by a measure calculated to elevate the country or advance its interests. Therefore in that respect we may safely challenge the examination of the people of this country. Does

that look, let me ask, as if the government were solely intent upon their own aggrandisement—as if they considered the means of keeping themselves in office as the chief object they should have in view? But did the late government leave the Statute Book a blank? No, sir, in the desert of nothingness stood out one measure which on its face bore the acknowledgment that all their energy and ability had been expended in an attempt to strike down thousands of our electors at the polls that they might themselves retain power.

Let me now ask the attention of hon. gentlemen for a moment to our policy upon Railway Extension. I have here under my hand the policy propounded by the leader of the opposition,—by the government whose Attorney General he was—the written exposition of their policy, read by the gentleman who led the party in the Upper House, himself a member of the administration, and read by the leader of the Government (Mr. Young) in this House:

“The advantages, or rather the absolute necessity of carrying the railway further on, and especially of securing the Gullt trade for our own Province, at the earliest possible moment, is fully appreciated by the present Government, who recognise this duty as second only to the maintenance of the public credit.

“It is abundantly clear, however, that no Government could attempt, in the present year, a further extension of our railway; but the present administration unhesitatingly pledge themselves to proceed when they can command the means of paying the interest on the additional sum that must be borrowed; and they earnestly hope that the improvements of the railway traffic and a permanent advance in the revenue will justify them at the next session in fulfilling, in this respect, the just expectations of the country.”

At this very time the leader of the late Government took occasion to refer to the powerful influences that had been awakened on the subject of an Intercolonial Railway. And yet with the evidence under his hand that public attention was being turned to that project, he declared on the floors of this Legislature, as the policy to which his government is bound, the construction of a railway to Pictou the moment they had the means at their command. When the next year came, however, and they had the means, they did not carry out their pledge. They did that which they did in reference to every other question—they held the promise to the ear and broke it to the hope. It has been said that we did not go to the country in favor of Railway extension. Now, sir, I find on reference to the very paper, from which the hon. leader of the Opposition, has quoted, that at the time he charged me with writing a certain article in the “Colonist,” I was engaged with a very different duty and in a remote section of the country. After I had left the city and was engaged with my election in Cumberland, I was followed by that which ought to have appeared before I had turned my back on the city—the Manifesto of hon. J. McCully, published to the people of this country as to the great issues before them for their consideration. The moment that document met my eye with such ma-

terials as could lay my hand upon in the country I replied to that manifesto, and stated the sentiments of the Conservative party as they had been held in this House, and as they were prepared to put them before the country. Turn to that reply, and what do you find published on the eve of a General Election and before a vote had been given. You will find that the first consideration with us was the construction of the Intercolonial Railway, and side by side with that the declaration that if we were not prepared to go on with that great project, we would extend the railway to Pictou as soon as we could command the resources. Sir, unlike our predecessors, we have kept that pledge. Therefore, I say, instead of looking to what would keep us in power—for the day when the Government introduced their Railway policy they did not know they had a majority to carry it. Instead of looking to our self-interest or the security of our positions, we considered that we were bound by our public pledges to bring forward those measures that we believed the great interests of the people of this country demanded; and having decided what our duty was in that respect, what did we do? We came down here on the first day of the session, in conformity to the manifesto which had been published to the people, with a declaration that the extension of the lines of railway existing in the country was the first object with the Government. True to those pledges, we brought in a measure to carry them out. And in what position do we stand in reference to this great question? I have shown that in respect to the great subject of Education we carried almost the entire House with us, and so in regard to our measure for Railway Extension, the minority which voted against us was so small as to excite our compassion for the gentlemen who left us had hardly a corporal's guard to co-operate with them.

Again, sir, the question of the Union of the Maritime Colonies has engaged our attention. This was a question fraught with difficulty and danger to any one that would undertake it. But having made up our minds, not to consult our own individual interests, but what the interests of our country demanded—having decided it was a measure which would promote the welfare and prosperity of the people of Nova Scotia, and give them a status abroad not now enjoyed, we came here as men and as statesmen and boldly propounded the policy on which we were prepared to stand or fall. And I may again ask, what has been the result? The hon. member has himself felt it necessary to sustain the present government? No one would suspect him of that; but it is because he feels that the present government is the mouth-piece of the people, and the moment he puts himself in the gap of opposition to the people's wishes, he only places himself there to be ground to powder. But I give that to the House and the country as the best evidence of the fact that the course we have pursued is one that commends itself to the approval not only of the party that placed the government in our hands, but also meets with the approval of our opponents.

Take again the question of Emigration. The bill of last session was a blot on our Statute

Book, and no man could read that Act without coming to the conclusion that it was not adapted to subserve any useful purpose, the present government have given it extension and breadth in the hope that something may be done to promote that great interest; and here again we have not had that hon. gentleman's opposition. Again in reference to the settlement of Crown Lands, the Government have discharged their duty so as to commend their views to both sides of the House. So in reference to Agriculture. The measure that has been brought in here is one that commends itself to this Legislature as vastly superior to anything previously submitted. Then there is the question of Registration of Births, Marriages and Deaths—a question which every country that wishes to occupy a respectable and useful position has dealt with. The hon. member knew that such a measure was necessary, and acknowledged it when he brought in a bill himself and laid it on the table, in a previous session; but instead of making it law, he was content to allow it, like every thing else of importance, to remain in abeyance—to allow session after session to pass in idle and useless discussions because the Government of the day were disposed to cling to power, without making an attempt to carry out that very legislation which they admitted was essential to the public weal. Then there is the subject of Mines and Minerals. The hon. member, yielding to party influences, actually abolished an office that he himself assisted in creating, and which he knew the necessities of the country demanded. He has been willing to jeopardise and sacrifice the great mining interests of this country, in order to promote merely party designs. The mode in which we have dealt with that question has met with universal acquiescence here.

Then the hon. member has had the estimate submitted to him, and in the whole of it there is but one single item that he has ventured to challenge. He has shown by his action in this house that the whole expenditure of the revenue of the country has been so wise and just under the administration of the present Government, that out of the whole of it he was unable to find a single item which he could condemn, except that referring to St. Peter's canal. I do not intend to go into financial matters at any length, for it would be altogether superfluous, after the eloquent and thrilling speech to which the house listened, from the hon. Financial Secretary, on Saturday night. He has been taunted with being "dumb;" but how is it now? It has been admitted that no gentleman has discharged the duties connected with the finances of this country with greater assiduity or ability than he has; but then he could not speak. He had not the flowing eloquence of the hon. member for Colchester, or the dulcet tones of the other gentlemen opposite, but here in his place in Parliament he has, at a single stride, taken his position as a first-rate debater as well as a first-class financier. As I said before, if there was a member here, it was the hon. member for Colchester that ought to have blushed at the obstruction which he has given to our efforts to give to the island of Cape Breton that work, to the construction of which he was himself pledged.

When he and his party attempted to carry a railway policy, they did not hesitate to give the pledge that, provided the members for the island supported that policy, the St. Peter's Canal would be constructed. The hon. member has left that pledge to be carried out by his successors, just as he has left the railway, education, and other great questions to be dealt with by us.

I complained that the hon. gentleman did not take up the question of retrenchment when I threw down the gauntlet in the discussion on the estimates. Sir, there is not a question which I am better prepared to discuss in any part of the country, wherever there is an intelligent people to listen. When I went into the question fully and explicitly on a previous occasion, the hon. member shrank from the encounter, and did not attempt, as he did on Saturday, to grapple with the arguments I adduced; and the reason was obvious—it was because I had the evidence under my hand; because step by step I proved to the house that the position we occupied was not only tenable, but reflected the highest credit upon us as public men.

What did the hon. gentleman do with the "elegant extracts" which he brought into this debate in a manner so irregular? He read from the paper that I had said that I was bound to carry out the principles which I had advocated that night. What were those principles? Were they what the hon. gentleman has put into my mouth? The house very well knows that I have quoted from the *Morning Chronicle* the speech as taken down by my opponents, and that so far from having taken the ground in this house that the public officers were too highly paid, and that I was anxious to reduce their emoluments, I stated there was not a single public officer whom I touched in the retrenchment resolution that I didn't touch with the greatest reluctance; and I went further, and stated that the moment the financial condition of the country warranted it I would have great pleasure in restoring their salaries as before. These were the principles to which I bound myself—the proposals which I made in good faith. How could I have stated that the salaries were too high, when I declared in this house that the salary of my predecessor was one on which I had been myself unable to live? I demanded retrenchment in order to meet a great public exigency, and that was a debt of £38,000 created in one year over and above the whole revenue of the country. I stated that in the existing condition of things the country was not bound to look to what it would like to give to public officers, but what it was able to give. If I had not acted up to those principles I had propounded, as reported in the *Chronicle*, they could have charged me with a most flagrant breach of faith. I stated that there was extravagance in the administration of the government, and I ask the hon. member, before he undertakes to deal with this question—before he tries to place me in a false position because I said, "I have put my hand to the plough, and would not look back,"—to be more certain of his facts. I did not deny the right to increase taxation for special objects. Last session I was ready to continue the 2½ per cent. additional on the *ad valorem* duties, provided the amount arising from it was given to the road and bridge, and

education services, but I denied the right to increase the taxes to meet ordinary expenditure. In what position are we now? Are we only giving to those services a miserable pittance, like our predecessors? We have this session given to the roads and bridges, navigation securities and education \$151,000 over last year. (Hear, hear.) That was the position in which I was placed, and I tell the hon. member that I am prepared here and now, in the face of this country, to be bound to every word and every sentiment I have ever declared, and he will never find me recant in this or any other way. We said there was extravagance, and we have retrenched it, notwithstanding the abundance of our means. With our overflowing treasury, we have in the public services retrenched about \$10,000 a year already. My predecessor drew the same salary as myself, and drew every quarter at the rate of £125 a year for contingencies of the office, and in addition to this the Government paid out of the public purse over \$400 a year for telegraphic messages to and from the Secretary's office. When I was in the office before there was no such charge brought here, and not a farthing was ever asked for that service, and since I went back no such charge has been made. Therefore, in the administration of my office, providing for everything that my predecessor provided for, I have saved £100 a year, and £50 beside in connection with an office created by the late Government—namely, clerk to the Executive Council. Therefore, not at a time when the Government was compelled to come down and acknowledge that they were dragging the country down into bankruptcy and ruin—not at a time when whilst giving a miserable pittance to the great public services they had fastened a debt of £38,000 in one year upon the country—but at a time when we have given \$151,000 more to roads, bridges and schools than was ever given before—with an overflowing revenue, with abounding resources, with the coal, gold and other mines developing beyond what was ever known before, with every branch of industry, and the whole trade of the country expanding and flourishing as it had never done before—at such a time we come down, not to do as they did when they were £40,000 behindhand, but to show that in the Provincial Secretary's and every public department we have saved hundreds of pounds in the current expenditure. Therefore, I say, on this question of retrenchment, here and elsewhere, I am able to meet hon. gentlemen opposite and maintain my consistency.

The hon. member so far forgot himself as to say the measure of railway extension was opposed to retrenchment. I have shown him that the policy we have propounded was one which we advocated before we came here, and one which we would have been false to the people as well as to ourselves if we had not carried out. But the hon. gentleman who taxed me with extravagant railway expenditure actually undertook not only to build to the border of New Brunswick, but 60 miles beyond into the heart of that Province. Who are these gentlemen who tax me with failing to regard the soundness of the principles of economy in the railway policy of this country? They are the men whose first policy in connection with our railways

lies there on the face of our Statute Book, not as a railway to Truro and Windsor, but to Victoria Beach to Pictou and far into New Brunswick. Yet these gentlemen that have put the Government in the position of being obliged, with a regard to the best interests of the country, to go on with railway extension and endeavor to relieve the revenue of the country by making these works productive—these gentlemen tax us with forgetting the principles of economy. Then the hon. gentleman again forgot himself, and taxed me with forgetting the principles of retrenchment in connection with the inspectors of schools. Yet the house will remember when the School Bill was under consideration, the hon. member was compelled to rise up and bear unwilling testimony that this was the best feature in the measure, and one which he would most cordially support. Yet having supported that, he now, with the unworthy object of exciting prejudice against the Government, tramples under foot the very principles he had himself propounded, and condemns his own action.

As to the question of reporting the debates, I would ask if we have not taken a course that would be expected from us in connection with our past history as public men? Does not the hon. member know what we did when he and his government decided that their action as public men must inevitably ruin them if the speeches of members of the opposition went side by side with their own into the country—when they so far forgot themselves as to bring up a party majority to prevent the country knowing accurately what was taking place within these walls? Then we were in opposition—then we were demanding retrenchment; but we stood here as the unflinching advocates of full information being given to the people of the doings of their legislators, and we here voted in a body to retain the official reporting, and to compel both parties in this country to send side by side the statements of both parties in this house to every section and corner of the province. We did so, believing that it was right that the people should know what we were doing here. We believed that the people should be able to judge in whose hands public power could be most safely placed. Now when in the government do we shrink from the position we occupied when in opposition? No, we are anxious and proud that every sentiment we utter, every pledge we make, should go into the most remote sections of the province—that there shall be a full and impartial exhibit to the people of everything that is said on both sides. Therefore the moment we had a majority we have done that which we declared ought to be done—that is, give the people an opportunity of knowing the sentiments and the action of the men who have been sent here to watch over their interests.

Now, the hon. member has stated that if I had said I would provide for all necessary services he could understand my position. I challenge him to put his finger on a single statement in which I ever declared that I was not prepared to maintain every necessary public service. If he cannot find that, then he sweeps away the whole tissue of misrepresentation with which he endeavored to mislead this house. If he cannot say that, can;

ried away by a mad desire to economize, I was prepared to withhold the means of sustaining necessary public services, then I tell him he has not an inch of ground upon which to stand. Sir, when the hon. gentleman can sustain such a charge he will silence me forever as a public man.

He says there is no retrenchment in the Legislative expenses; but I tell the hon. member that there is. Although the pay has not been reduced, the expense has been lessened, for the work has been doubled. I say never was there greater attention paid by both sides of the house to the saving of public time and the advancement of public business, and there never was a session when a Government would have been less justified in coming down and saying: "We will burthen you with four times the amount of work you have ever done before; we will tax your time beyond what it is ordinarily taxed, and yet prevent you receiving the usual consideration." I can say, with the despatch which has been exhibited in reference to public business, the expense of this session will not be one-half what any previous session would show, in connection with the same amount of business.

The hon. member has charged me with a want of sagacity in reference to the resources of the country. Perhaps I did not make in 1862 a sufficient estimate of the impetus that would be given to every branch of industry, to the trade and revenue of the country, by a change of government; but it hardly lies in the mouth of the hon. member to find fault with me on this account, when his own government told us to prepare for a deficit of \$90,000, and were just \$120,000 out of the way. That is not a bustlings or parliamentary speech, but the figures put forward by the government of which the hon. member for Colechester was a member.

As respects the article in the *Colonist* on which the hon. gentleman has so fully descanted, I can only say he is entirely at fault, and therefore the best part of his speech is based on an entire fallacy. Assuming the statement to be true, there is nothing in it I could be ashamed of, although the language is rather more terse than I am in the habit of using either in the press or Legislature. But as far as the facts are concerned, there is nothing to be ashamed of. The invention respecting an Equity Judgeship came out in the *Morning Chronicle* on the eve of an election, when the Attorney General was in Annapolis, and I was in Cumberland, and the leading minds of the party were distributed over the length and breadth of Nova Scotia, and when it was assumed that that article would be read by thousands of persons who would never see a reply, and the *Colonist* came out and denied the story, and said it was an entire invention and so it was. I could have said the same thing, and so could the Attorney General, without the slightest misgiving whatever. I am speaking in the presence of more than twenty gentlemen that I had the honour of co-operating with in opposition, and I say it in their presence,—never was a more groundless statement put in circulation than that the conservative party had arranged such a measure. I will not say, however, that this subject was never discussed in caucus. It was never brought up in any meet-

ing of conservative gentlemen belonging to this house, for they had never heard of it; but I may say that I believe it a fact—that this matter was discussed by a great party then in this house. I believe it had been suggested by the leader of the late government who throughout the last session of this house exhibited great anxiety to know what could be arranged for Mr. Johnston. I ask the ex-Attorney General if I am not correct when I say that the leader of his Government made no secret of his determination to place Mr. Johnston on the Bench of the Supreme Court, if the opportunity offered, and knowing the necessity that existed for an Equity Judge, and Mr. Johnston's high qualifications for the office, it is not unlikely the scheme was arranged to meet the circumstances. No great prophetic power was required. The legal minds knew that the Supreme Court was overburdened with the consideration of Equity business; and they knew by many years of experience that when the Conservative party were in power the first consideration with them has been the care of the public interests; and they had a right to assume, therefore, that when we came into power, and the responsibility of providing for the administration of justice was placed upon our shoulders, that we would also feel the necessity that existed for an Equity Judge, and with the same patriotism and the same public spirit with which our party provided for every essential public service, we would deal with this. Let me ask the house what is the advantage of all the legislation that we may pass if it is not administered? You may pass laws with the wisdom of Solomon, you may publish and distribute them through the country, but if they are not administered they are as useless as so much waste paper; and the country, with all these laws passed, and without the means of having them enforced, would soon lapse into a condition of barbarism such as no man would wish to see, and the lives, and liberty and property of the people would be valueless, because the laws for their protection could not be put into operation.

The hon. member says we ought to show some cause for this bill. Well, I had flattered myself that I had shown him cause—when I submitted returns which declared the fact that 212 causes ready for trial at the last October term, could not be reached for want of time; and that 42 cases were ready for argument at the last Michaelmas term, and of which notice for trial had been given, and yet could not be taken up because the means in the administration of justice were deficient. Is there any public duty that any government can be called upon to perform that does not sink into insignificance in comparison with the responsibility which rests upon them of providing means for the administration of public justice; and it is to meet that necessity that we have brought forward this measure. We have the argument of the hon. member for Colechester that four Judges are sufficient—that there is no necessity for five, and that this is a measure which is entirely uncalled for; but opposed to that assertion we have evidence that I consider a little higher than that of the hon. gentleman. We have the evidence of Judge

Bliss, who states that his sense of public duty in his failing health, compels him to put it in the power of the Government of the day to provide means for meeting the exigency which the public service requires. Hon. gentlemen on both sides have vied with each other in exhausting our language in order to pass encomiums upon that distinguished and talented judge, and will they disbelieve him when he says that due provision for the administration of justice in this country imperatively demands that the Government should have it in their power to make an additional appointment. If you believe him—and you cannot do otherwise—you should give the Government credit for the course it has pursued, when it comes here and asks the House to deal with this question as become an intelligent Legislature.

The hon. member talks about marvellous coincidences, and says he cannot understand how the *Chronicle* could have propounded the question which has been brought here. I am now going to give him a coincidence just as curious, and evidence that he cannot dispose of very readily. A good deal, says the hon. member for Guysboro depends upon the source whence authority comes. I have given him a pretty respectable source for the reason why means should be taken to make the administration of justice more efficient. He says Judge Bliss had not outlined this bill; but the hon. gentleman proved too much—he proved that Judge Bliss when he wrote that letter had never had any communication with any member of the government, and that it took them by surprise, and that they were never called upon to consider the matter until the proposal in question came thus before them in due form. I assume this session would have been closed by this time if this bill and the necessity that originated it, had not been brought to our notice; and let me say when the circumstances stated in Judge Bliss's letter were brought under the consideration of the government, it was impossible for them, with a regard to the public interests, not to make an effort to remedy the difficulty. But the hon. gentleman does not think it strange that Judge Bliss should have been unwilling to dictate to the Government what course they should take. He says the opinion of that learned judge would have very great weight. We have Judge Bliss's statement in clear and unqualified terms—it is your imperative duty, the exigencies of the public service demand that there shall be an additional judge to discharge the duties which I feel I am unable to discharge. What more have we? It is one of those remarkable coincidences that a paper called the "Citizen," published by the late Queen's Printer, a fast friend and ally of the ex. Attorney General,—a gentleman who was probably the most indulged and best paid public servant they had for the past four years—whose position for many years has been one of the strongest antagonism to the party now in power—this paper comes out before the publication of Judge Bliss's letter, and in an elaborate article—one which bears upon it the impress of legal talent, of being written by parties who have the means of being entirely familiar with the necessities of the legal business in this country—declaring to the coun-

try that such a bill is absolutely demanded by the public necessities of the Province—that not only is there an enormous arrear of business on the circuit that cannot be reached, and that with four judges must vastly accumulate, but also that the Supreme Court has been overburdened by the Equity business thrown into it—business with which the judges are hardly yet familiar—and that this is one of the main causes why the work of the Supreme Court has been retarded—why an arrear of 212 causes cannot be tried in the country. You talk about the paltry £100 proposed to be added to the salary of a judge. Have you no consideration for the sufferings and difficulties that must result in a country where the wheels of justice are thus clogged. I have a case in my mind where two respectable farmers in the county I represent have got at issue with reference to a title of land, and I have seen them, with their half dozen stalwart sons,—men whose every hour is necessary to make this country what it should be, to make the wilderness blossom like the rose—coming term after term to the Supreme court, with a crowd of witnesses from a remote section of the county, and I have seen them put to the utmost strait for the means of paying their expenses. The wheels of Justice have been so clogged that their cause could not be touched, and that has gone on year after year. And the same thing is happening in almost every county of the Province year after year. Who, sir, can judge or estimate the misery and ruin thus inflicted upon our people?

The hon. member for Guysborough says—Bring us Judge Bliss's opinion in favour of this measure. I intend to do so. On the occasion of the abolition of the Chancery Court, the gentlemen who had the honour of governing the country then, thought it proper to elicit the opinions of the judges on that measure, and I can only say the experiment was such as to give gentlemen thereafter little inclination to imitate that experiment. I am happy, for the sake of the hon. member for Guysboro', satisfied as he will be with any opinion coming from such authority, to be able to give him also authority which will command the same universal respect from the people of this country, namely, that of the late Chief Justice. I am proud to know that the measure which I have had the honor of introducing to this House has all the authority and weight of the testimony of the two most venerated names connected with the Judiciary of this country—Sir Brenton Halliburton and Mr. Justice Bliss, when consulted on the proposed abolition of the Chancery Court.

Chief Justice Halliburton says:—

The courts of Common Law and Equity have always formed distinct branches of jurisprudence under the English Constitution; and it cannot be doubted that while they remain distinct the Judges of each will be more conversant with the principles of their respective courts than they will be when their attention is divided between the two.

I think such transfer would increase both expense and delay. I am aware that a contrary opinion prevails. It is said that cases in Equity might be commenced in the country and speedily decided by the circuit Judge. My experience of the business in the circuits induces me to think that this would rarely occur. Justice to the jurors would require all issues

to be tried by them should take precedence of cases that were to be argued before the Judge, for it would be hard to keep them idle from their homes while the court was occupied with arguments. It would therefore often happen that the circuit Judge would be obliged to leave the country, and the court be closed before the cause was called; in which case it would remain in statu quo until the next sittings in that county.

If the Judge arrived at it, and the argument proceeded before him, he might feel a difficulty upon some point, which would induce him to reserve it for the consideration of his brethren; or if he decided it, the losing party might be dissatisfied with his decision, and bring it before the court in Halifax.

In either case the expense and delay might be greater than if the cause had been originally brought in the court of chancery, which is always open, and where, under the rules which have been established by the present Master of the Rolls, a diligent suitor or solicitor may generally obtain a speedy decision, from which, if dissatisfied, he can appeal to the Chancellor, who always calls the Judges of the Supreme Court to his aid, and such appeal would often be decided in a shorter time than a case from the circuits would be.

Mr. Justice Bliss says:—

As a difference of opinion exists among the law commissioners with regard to the transfer of the Equity to the common law jurisdiction, I deem it my duty to submit my own view of the matter to Your Excellency in the few following observations:

Those who are in favor of such a measure cannot, I suppose, intend to give merely to the Supreme Court, in addition to its own, the powers and jurisdiction as now exercised by the court of chancery—that would be a nominal but no real or effective change—a transfer only of the same business in the same way from one judge to five; and whatever may be thought of the advantage of having a case decided by several, rather than by a single mind, would scarcely of itself be considered a sufficient reason for so great an alteration of the jurisprudence of the country. Its obvious disadvantages, too, may be fairly opposed to any such supposed benefit. The expense of litigation by the multiplied copies of papers, and in other ways would be increased—the unavoidable delays greater, not only because the judgment of one can be more expeditiously exercised in the investigation of the involved and voluminous matters so often mixed up with cases in Equity, but mainly because the court of common law has its periodical terms at long intervals; whereas the court of chancery sits from week to week, and the adjournment of a cause in its different stages would be attended with very different and serious consequences if the business had to be transacted in the common law court.

Something, too, might be said with respect to imposing new duties on this court, which at present has its whole time fully occupied—of the delays in its own legitimate business, occasioned by the crowding in of that from another court, and of the unreasonableness and, to the suitor, the positive disadvantage of transferring the hearing and decision of cases from one, whose study and experience have been directed to that peculiar branch of our law, to others who are comparative strangers to it, and certainly not familiar with its principles and practice. I can say with no feigned sincerity that this would be the case as regards myself. The court of Exchequer in England had formerly its equity side as well as its common law jurisdiction. This incongruity was removed a few years ago by the former being taken away from it. I shall hardly suppose that we shall make such a retrograde step in legislation as thus again to unite the two here.

I cannot, however, persuade myself that this will produce a diminution of expense to suitors, or greater expedition in disposing of their causes; on the contrary I believe that more frequent grounds of complaints, attributable solely to the new system, will spring up under it than now exist.

It is objected by some to the present court of chancery, that causes from all parts of the Province must be carried from their own locality to the tribunal at Halifax at great inconvenience and expense. These they hope to avoid by giving to the Supreme Court on its circuit in the several counties a chancery jurisdiction. I feel well assured that the evils to which

have adverted would be infinitely multiplied if such were the case. The proceedings in these suits require various steps to be taken, and frequent applications must arise for time; nor can justice be properly administered in many cases without granting it. Two such postponements of a cause on circuit, which the shortness of notice, the necessity of bringing in another party—the mistake of the attorney, and the numerous other legitimate grounds on which it may be sought render it by no means improbable, that a whole year will be spent before the cause is brought to a hearing. If the cause can be heard on a decided then the evil of which some complain—that of chancery matters being determined by a single Judge—would be extended in its most objectionable shape; for without time for consideration, without books to consult, and under other obvious disadvantages the single Judge must give his opinion. But every one knows that causes on circuit, are not, and cannot, even if time permitted, be so well argued as at bar; nor is it likely that the still less familiar cases of Equity, more especially a newly introduced system will form an exception to this. The Judges themselves cannot, on the instant, undertake to decide the questions which will arise; nor if they did would their decisions be satisfactory or submitted to. Whether reserved by themselves or taken by parties under rule, contested points would be brought before the full bench at Halifax, and thus, with additional delay and expense, the business will still ultimately centre in Halifax as before, in defiance of this measure which is intended to prevent it.

Here you have the opinion of those who knew better than any others in this country perhaps what they were saying. We know that their language has been prophetic. The result has been that with reference to the foreclosure of mortgages—and this is a question which comes home to every man—laymen as well as lawyers—expense has been doubled. Every person who knows anything of this system is aware that whereas under the late Master of the Rolls, the expense of foreclosure was something like £20, under the present system it often costs £30 or £40, and sometimes as high as £60. I was astonished to hear the statement made by the ex-Attorney General that the foreclosure of mortgages could be done as efficiently by a Prothonotary in the different counties, and at a nominal cost. Has he not held the position of Attorney General for four years—responsible to the people for the initiation of such laws as are necessary—and now stands forward, when shorn of power, and admits that he was content to hold office in the country, knowing that he could prepare a bill which would thus remedy the delays and expense attendant on the foreclosure of mortgages. Are we to suppose that his interests as an Attorney outweighed his duty as a statesman? I believe no such measure is either wise or practicable, but let the hon. member show me that it is, and he will place himself in one of the worst positions that a public man can occupy—that of having concealed such a fact from the house down to the period when he could only use it for the purpose of obstructing a measure intended to remove delay and lessen expense in such proceedings.

I have given you testimony in support of the principle of this bill higher than which can be found nowhere. I have given you the

testimony of those learned and distinguished judges when it was proposed to make this change and abolish the equity court, and there is not a word of it but what gentlemen familiar with the practice of the courts know to be sound and prophetic. I require no other evidence to prove that this measure, instead of being originated for party purposes—instead of being intended for the elevation of any man in this country,—is one which we cannot hesitate for a moment to approve of—that the proof is clear and unequivocal that it is for the true interests of this country to restore an equity court—that it is necessary to have, not only common law Judges, but also a Judge who shall specially turn his attention to equity cases—who will relieve the courts from that which now clogs the wheels of justice. It is said that there are very few equity cases. I cannot understand that. I have turned back to a record put on the journals many years ago, of the cases in the equity court, and I find that from '51 to '55, less than four years, they amounted to no less than 135 causes. And I find my hon. colleague stating here that the present Chief Justice declared a few days ago that it was not advisable to allow mortgages to be foreclosed in the Supreme Court, as is now the practice, but that they should first pass under the purview of a Master. Therefore, I find on every hand testimony, clear and unequivocal, that if you want to relieve the overburdened Supreme Court, you must have the means of disposing of your equity cases by a man who can devote his time and attention to that branch of legal business more especially.

Having introduced this Bill, it has become necessary for me to ask the attention of the House to questions which on other occasions it would be rather my province to leave to the crown officers of the country. I can, however, bring to the consideration of this question common sense. I have under my hand the proof that the present system leads to endless expense and serious delays,—so ruinous that the man who gets a verdict is generally ruined in consequence of the delay and cost that is forced upon him. Even suppose a man gets a verdict. A rule *nisi* is obtained, and the case is moved to Halifax. Instead of finding that he has got to the end of the case, he is obliged to go to Halifax for argument. Is it then taken up? No, Sir; there are no less than 42 of these unfortunate litigants, in the country told that the docket in Halifax was so crowded at the last term that the judges could not get to their cases at all.

I wish to know whether this is a state of things that should not be dealt with. One cause at the last Michaelmas term had ten or twelve hearings, and that was an Equity case which occupied five or six days. In fact, the whole of these 42 arguments might have been

disposed of but for the cause of *Durphy vs. Wallace*. Therefore I think that if I show you the wheels of justice are so clogged by one of these equity cases, I have given you some idea of the necessity for a judge to attend especially to such matters, and that I have shown the House that instead of this being a party measure, it is one demanded by the necessities of the country from one end to the other.

Now the hon. member for Colchester says that it is very inconsistent to propose to give a salary of £800 a-year—that it is altogether antagonistic to my motion of retrenchment. In connection with this subject he brought up a resolution moved by Mr. Wilkins, and said my hon. friend, the Attorney General, is in a most inconsistent position because ten years ago he voted for that resolution which declares that the title of Chief Justice was merely nominal—that the duties are merely nominal—and that the salary should be the same as that of the other judges. And he added, in the face of this resolution, you propose to give £800 to a Judge under the Equity Bill. Let the hon. gentleman look at my scale of retrenchment, and he will find the present Chief Justice placed at a salary £100 a year above that of the other judges. And why? It was done because he himself is responsible for the act. He was one of the parties in the House who (when it was shown that the title was merely nominal, &c.,) voted down a resolution which was not to touch the existing incumbents. It was a resolution that provided upon the death of the then Chief Justice (Sir B. Halliburton), the rule in question should go into operation. When he voted that down he fastened £800 a year upon the country, and prevented the House placing the Chief Justice, as regards salary, in the position of the other Judges. What am I doing? I am bringing in a bill which is to devolve upon the judge not only the equity jurisdiction, but the duties of a judge of the Supreme Court also—in fact, double the duties which have to be performed by any other gentleman on the Bench. Then I tell the hon. gentleman, in the face of the retrenchment resolution, I am in the position to ask this House to give him the same salary and co-ordinate rank with the present Chief Justice, whose title is nominal, and whose duties do not exceed those of the other judges.

A few words may be said in reference to the able speech of the hon. member for Inverness (Mr. Blatchard), who did address himself to the subject under consideration. He took me to task once for saying that he had made a judge and jury speech. When I listened to the fluent and apparently *memoritor* manner in which that hon. gentleman delivered his ingenious argument, he reminded me

of a story I once heard of a counsel who made a most impassioned appeal upon a particular subject, but to the astonishment of the attorney who had retained him, entirely antagonistic to the side he was engaged on. The attorney stopped him, and told him *sotho voce* he was on the wrong side. Well, he said, gentlemen, I have told you what I would have said had I been on the other side, and what the learned counsel will say; but let me now put this case before you as it should be put—let me place before you the naked facts as they exist. And then he went on, and made a still more eloquent and convincing speech on the opposite side to that he had first descanted upon. I should like to see the hon. gentleman in the same position. How ingeniously he would scatter to the wind all the sophistries in which he indulged in his speech of the other night.

I feel, however, that although I have not the pleasure of getting the hon. member to speak on my side, two-thirds of his argument was really in favor of this bill. The only fault he had with the bill was that it did not go far enough. He labored very strenuously to prove that our bill would not remove the existing difficulties. He even went so far as to prove to the house from his own experience, his own observation, that even another judge would fail to clear the dockets. I appeal to the house if, taking the hon. gentleman's argument from beginning to end, it was not to show that it is absolutely necessary to have six Judges. I am not willing, however, to go that length, whatever may happen when the hon. gentleman gets into power. But the hon. gentleman said Judge Bliss was never more zealous or more successful as a judge than a year ago, and says these arrears accumulated notwithstanding there are five Judges. Then the hon. gentleman's objection is not to the additional judge, but because the bill does not provide for two instead of one.

The hon. gentleman talked about the spectacle our Bench would exhibit when the provisions of this bill are carried out. I imagine that my hon. friend, the Attorney General will be an ornament to any position in which he may be placed, and that he could ascend the Bench of the Supreme Court and take his seat there without finding any superior—without, in the slightest degree, derogating from the dignity which that Bench should present; and I don't think the hon. member was very happy in his illustration with reference to the double headed calf. I am not so familiar with these matters as legal gentlemen, but I fail to see any likelihood of any conflict arising. The hon. member also complained that we intended to take a gentleman out of this house and put him over the judges. What did they themselves do the other day? It is one of the brilliant results of responsible government

that you may have the most able judges—as Judge Bliss, for instance,—and yet it does not follow that the most talented and honored of them will succeed to the Chief Justiceship in case of a vacancy. When the late venerable Chief Justice departed this life, a gentleman was taken from this house and put over the head of every one else in the Supreme Court—a gentleman who was not their superior in any of those qualities that adorn that high position. It is, therefore, a result of our present system; there is no novelty in it; nothing that is regarded as offensive by the other Judges. If the business of the country requires—and I have shown you—it does—that such a step should be taken as that proposed, I ask is there any one who feels that there is going to be anything offensive or derogatory to the Judges when a gentleman possessing such eminent qualifications takes his place beside them.

The hon. member undertook to draw an illustration from a case between A. D. and Y. Z., but it did not appear to me that a Y. Z. had much to do with it. All I can say is that the case he adduces was not, in my opinion, an equity case at all. It appeared to me to be rather a case of fraudulent title. I will assume, however, that the hon. member is right, and I am entirely wrong; and yet I do not see any such difficulty as he anticipates. He would like to insinuate that the Chief Justice would be interfered with, and that the gentleman elevated to the same co-ordinate rank would derogate from his position, and that difficulties would arise in arranging precedence. Now what does the bill provide for. An intermixture of law and equity? No, sir, that a certain portion of the term shall be set apart for the consideration of equity cases, and the remainder for the common law. And the Chief Justice in Equity presides during that portion of the term set apart for the equity side of the court. That at once removes the entire difficulty which the hon. gentleman conjures up, and which, it does not appear to me, would be likely to suggest itself to any person possessing true dignity of character.

The hon. member for Guysboro' addressed this House in a remarkably animated manner. I feel that a good deal that fell from that hon. gentleman was not very judicious, although he boasted of his good taste; and I regret it was said, for it naturally elicited statements from the other side that I confess I had rather had not been made. The hon. member himself must have felt that the course he was pursuing was calculated to invite retaliation. I wish that this measure should be dealt with on its own inherent merits. I have endeavored to give some evidence that the public interests demand this step should be taken. It is a measure of too responsible a character to

be mixed up with the irrelevant discussions that gentlemen opposite have thought proper to introduce. The hon. member for Guyshoro spoke of the quarter whence evidence should come. I have endeavored to give him testimony just as respectable as that the hon. gentleman has himself adduced. He said the judges should have been consulted, and I have given him the sentiments of the most eminent judges that ever adorned our Bench. The hon. member undertook to go a little too far in behalf of Judge Bliss when he said he would never ascend the Bench under this Bill. Where is his authority for such a statement? He says to the Government that he will be ready to accept a pension and retire, and at the same time adds, if it is not given he will remain a judge of the Supreme Court, and discharge to the best of his ability the important duties that his office requires from him. I think the hon. member has no right to assume that the Bench is to be entirely deprived of the valuable services of that Judge; and whilst the Government have thought proper to make such provision for the administration of justice, yet they are not prepared to accept the statement of the hon. member that, if this bill pass, Judge Bliss will not take such a share of the public duty as he can. No man who knows that venerable judge but must feel that his whole life has been marked by a readiness to discharge his public duty; and no one knows it better than myself, having attended him in a professional capacity. I did all I could do recently to prevent him going on the Bench; but all my remonstrances could not deter him from attempting to do what he considered to be his duty, and the result, we all know, was most injurious to his health.

The hon. member went out of his place when he went on to say that he had hopes that this measure demanded by the public interests—brought down here by the government in the discharge of their public duty—to be passed by an overwhelming vote of the people's representatives—by those who are just fresh from the people, and can legitimately claim to represent public sentiment—this measure would be rejected by a branch entirely independent of the popular voice. When the hon. member assumed that the Upper Branch was willing to put themselves in the position before this house and country of being purely obstructive in respect to one of the most solemn duties that the house can be called upon to perform—to provide for the efficient administration of justice—when he assumed that the Upper Branch would place itself in antagonism to the people's representatives,—I say he forgot what was due to himself and this assembly as well as to the Legislative Council. I know that the government are weak there, but although the council may

be independent of the popular voice, although there may be gentlemen in it disposed to assume a factious opposition to the government and House of Assembly, I cannot believe the majority will so far forget themselves and their duty to the country, as to refuse to accede to the wishes of the people's representatives, and to provide for the efficient administration of justice in the Province.

The hon. member went further, and took a still more unwarrantable liberty, when he presumed to say that the Queen's Representative would be justified on a measure purely of local import, on a question touching the administration of justice, in trampling under his feet the wishes of a majority in this House and of the Upper Branch. The hon. member forgot what was due to this Legislature—due to his own self-respect, and to the people he represents. Are these the boasted results of Responsible Government? That the people may speak in a voice of thunder, that the second branch may endorse that action, and yet the representative of Majesty, identified with no party, shall be warranted in trampling down the wishes of both branches. The honourable member also talked about going across the water. The leader of the Opposition has disposed of that matter. The constitution of the country has been altered by the advice of the late Attorney General and Solicitor General—the direct authority which the crown had in the appointment of judges has been entirely removed. However, the suggestion of the hon. member is the last one that should come from any representative of the people who values the people's rights. Such interference with our internal concerns, if it could be practiced for a single hour, would prove that responsible government is but a mockery and a snare.

SUMMARY REPORT.

TUESDAY, May 3rd, 1864.

The House met at 11 o'clock.

A Bill relating to River Fisheries was read a third time—also the chapter “of Wills of Real Estate.”

Hon. Atty. General introduced a bill against illegal enlistment. The hon. gentleman stated that the Bill contained three clauses.—the first is taken almost *verbatim* from the English Foreign Enlistment Act, and is aimed at persons who attempt to enlist, or procure, or hire any persons to enlist in any foreign service. But as this would not meet the case of young persons who are seduced from their homes on other pretences, and afterwards induced, under the influence of liquor, or other means, to enlist, the second clause is framed to meet such a case. The third clause is aimed at persons who shall for any purpose induce minors to leave the Province without the consent of their parents or guardians.

The House went into Committee, and passed the above named Bill.

Several amendments made by the Council to Chapters in the Revised Statutes were next taken up and disposed of, and the House adjourned.

AFTERNOON SESSION.

The House resumed at 3 o'clock.

A message was received from the Legislative Council, stating that they had agreed to an act for the appointment of an Equity Judge with certain amendments.

The amendments to the Registration Bill were taken up.

Mr. ARCHIBALD reiterated his objections of the previous day. He said he was opposed to the centralization principle involved in the bill, and to the appointment of an officer at a large expense, which would necessarily follow. He moved a resolution embodying his views.

Hon. PROV. SECY. said that the bill which passed the House with the sanction of members on both sides, provided that after a registry had taken place in a section of a county, it should be made a second time in the same county. After the bill had passed the House the attention of the Government was called to the fact that it was not so efficient as it would be if it provided that a competent person should have charge of the system. It was pointed out to them that the bill might be so altered as to accomplish the object of securing the efficient assistance of some person who could attend to the working of the measure, and at the same time largely reduce the expense that arose from having 18 county officers largely paid to perform the same work in the same county a second time—that is, after the district officers had performed it. An amendment was introduced into the Council, providing that the district registrars should be required to send their original registers to the Board of Statistics in Halifax, of which the Financial Secretary was the head, who would have copies made of these documents and transmitted to the Registrars of Deeds in every county. By this means it was felt that a large expense would be saved, since as already pointed out, a number of county officers, contemplated under the original bill, were dispensed with, whilst the advantage of having the whole system brought under the purview of one competent person was so obvious as to require no elaborate arguments in its favor. He would also call attention to the fact that the bill, if it had passed as originally framed, would have necessitated the employment of additional assistance in the Post-office department, and therefore, it was evident the passage of the amendments could not lead to any greater expense than was first contemplated.—Under these circumstances, the Government felt called upon to give their consent to the adoption of amendments which so clearly not only improved, but actually lessened the expense of a measure which, it was agreed on all sides, was necessary in this country.

The Provincial Secretary then referred to the position taken by the leader of the Opposition on this subject, and commented strongly on the fact that that hon. gentleman had introduced a bill on March 2nd, 1861—not *pro forma*, as he had stated on the previous day, but nearly a month after

the Legislature had been opened, in his capacity as Attorney General and member of the Government, “to provide for the registration of births, marriages, and deaths.” This bill, which he held in his hand, he said, was carefully prepared, and contained something like 21 clauses, with schedules drawn out in full; and in addition showed throughout the evidence that it had undergone the careful consideration of the Government of the day. The bill stated that “the Governor in Council shall appoint (not the Financial Secretary) but a Registrar General of Births, Marriages, and Deaths, who shall reside in Halifax. More than that, it added—“with suitable salaries for himself and clerk.”

Mr. ARCHIBALD interrupted the hon. gentleman to state that it was not introduced as a Government measure, but merely to bring before the House the subject of registration. It was the production of Dr. Cramp, who asked him to submit it to the House.

Hon. PROV. SECY. said in that case, the position of the hon. gentleman was infinitely more mortifying. The first crown officer of Nova Scotia, and a member of an Administration, acknowledged that he got gentlemen in the country to frame Government measures, and that he was merely the tool and mouth-piece to do that which he could not originate himself. Was it not a most humiliating acknowledgment for him to make, that he actually came into the House, and in the presence of the Legislature, introduced a bill and allowed his name to be put to it, and entered on the Journals,—permitted himself to be held responsible for all time to come for a measure on a most important question, of which he himself knew nothing.

The bill in question also provided, as the present measure did, for district registrars, and not for county registrars. With regard to evidence, it provided that an affidavit made before the Prothonotary in the city of Halifax, by this officer in Halifax, shall be evidence in all the courts of law. And in addition to eating up all the funds arising from the registration, for the heavy expenses entailed, the bill provided machinery for levying and gathering a tax upon the counties to supply all the remaining cost of working the system.—Therefore, he asked the House, was it not a most humiliating attitude for the hon. gentleman, in the face of this bill, to come forward and introduce the resolution he had that day. Never before had he seen a gentleman so eat up all his previous pledges in order to give a factious opposition to a Government.

Mr. ARCHIBALD said that if gentlemen had not been so much accustomed to the hon. gentleman's style of eloquence, they would have thought there was something in the vehement remarks he had just addressed to them. This story of humiliation had been so often repeated, that it was a wonder that the gentlemen opposing the hon. member were not all on their knees by this time. The hon. Prov. Sec. appeared to forget that instead of lecturing others, he was actually censuring himself. The Government, of which the hon. gentleman was a leading mind, had elaborated and passed a measure in the house, and now came forward and declared it was most inefficient. The hon. gentleman had observed that he (Mr. A.)

was responsible for every line of the Bill alluded to ; but surely he knew that every day gentlemen introduced Bills for which they were not responsible. If he introduced the Bill as a private individual, and not as a member of the Government, and in addition to that did not even press the house to carry out its policy, it was obvious that the hon. gentleman's whole argument fell to the ground. Did he mean to uphold the strange doctrine that that was such an endorsement of the whole contents of the Bill that the introducer was for all time thereafter bound to hold his tongue? He told the hon. gentleman that that Bill was never prepared by him ; that the very alterations were not made even by a member of the late Government, but were the pencil marks, he believed, of a gentleman who had long been exceedingly anxious to introduce a system of Registration. Therefore he contended he was never pledged to the policy of the Bill, and he would be exceedingly sorry if it were so. The house, he felt, perfectly appreciated the character of the argument with which the hon. gentleman had favored the house. It was just like the argument a boy addresses to another on the street. He said "You're a — ;" and the answer was, "You're another." Mr. Archibald concluded by reiterating his opinion that the principle was wrong of centralizing the whole system of Registration in Halifax, and that the Government could not consistently ask a majority to change a policy which had been introduced by themselves, and had received the endorsement of the house.

Hon. ATT. GEN. said that he had endeavored on the previous day to show the house that centralization was essential to the satisfactory working of the Bill, and it was therefore needless to go over the same ground again. He had not hesitated to tell the house that in his opinion the amendments made by the Council were an improvement upon the measure as it had first passed through the lower branch. Any one acquainted with the objects of the system, must see that it was not intended to effect anything that was likely to be useful as a county measure ; but it was intended to be beneficial at some future period to the inhabitants at large, unconnected with county organizations. There was no analogy between this system and the registration of deeds in a county. The deed was registered where the land was situated, and where it remained ; but when you registered a birth, marriage or death you were doing something connected with an individual—with something that was not stationary and settled ; you were effecting something which might be useful long after the event had occurred. Such information ought to be centralized at one point, where persons resorting to this country for proof of matters that had occurred years ago, could be satisfied. As respects the Registrars of Deeds, their duties would be almost nominal, but such as they were, they could be easily remunerated by the house.

Dr. Brown said that he had patiently listened to the arguments of both sides on the question before the House, but had heard nothing to convince him that the bill would be improved by the amendments made by the Council. These amendments changed the whole character of the bill, and it was

unreasonable for the Government to expect their supporters to vote in its favor under its present aspect. He had heartily concurred in the bill as prepared by the Government, carefully examined and perfected in committee, and assented to by all parties in the House. The bill sent down by the Council was entirely different, and in many points directly opposite to the bill passed by this House. He would not take up the time of the House by stating his reasons for opposing the bill in its present shape. They were similar to those expressed by other speakers in the course of the debate. He was opposed to centralization. These statistics should be gathered and registered in the different counties where the information was more especially required. The argument as to the similarity of these institutions to the registration of deeds, was, he thought, entirely in point. He had always disapproved of and opposed creating new and expensive departments in Halifax.

Mr. Archibald's amendment was lost on the following division :

For—Heffernan, Parker, Miller, Blackwood, Blanchard, Archibald, S. Campbell, Annand, Robertson, E. L. Brown—11.

Against—Jost, McDonnell, D. Fraser, Prov. Sec., Fin. Sec., J. McDonald, McFarlane, Donkin, McKay, Shannon, Bill, J. Campbell, More, Longley, Hill, Kaulback, Atty. Genl., Slocumb, McKinnon, Smyth, Balcan, King, Caldwell, Sol. Genl.—24.

The amendments then passed. An amendment was also made to pay the Registrars of Deeds 20 cents.

In answer to Mr. Archibald, the Prov. Sec'y stated that the Government did not intend any expense under the bill beyond a margin of \$800, whereas under the original measure the expense exceeded \$2000.

BILL TO INCREASE REPRESENTATION OF CAPE BRETON.

Mr. Caldwell said that in the absence of his hon. colleague (Mr. Bourinot) he would move the second reading of the bill to provide for additional representation for the county of Cape Breton. He alluded to the fact that that county was the third in the Province in respect to population (25,000)—to its immense area of 10,000 square miles, and to its unparalleled resources. He contended that the time had arrived when the house could no longer defer an act of justice to Cape Breton. Both sides of the house, in times past, had confessed that that county was entitled to a larger representation than it now enjoyed, and he trusted that the government would not hesitate for a moment as to the course they ought to pursue.

Messrs. Miller and Blanchard pursued a similar line of argument, and pointed out the anomalies that now existed in respect to representation in the Province.

Mr. McFarlane, Mr. Tobin, Dr. Hamilton and Dr. Brown did not deny the right of Cape Breton to have an additional member, and spoke of the desirability of having a general measure on the subject of representation which would be more equitable than the present system.

Hon. PROV. SEC. said that it was not advisable to increase the representation except on the eve of

a general election. He agreed as to the right of Cape Breton to have an additional representative, and pointed out that both sides of the house had of late years introduced measures to give this right effect.

Mr. BLANCHARD pointed out that in 1832 an act was passed increasing the representation of Cape Breton, and which took effect immediately.

Mr. LONGLEY objected to increasing the number of representatives in the Assembly, and thought it best to wait until a general measure was introduced.

Mr. CALDWELL said he would prefer the Bill having immediate effect; but as the sense of the house appeared to be against it, he would give way.

The Bill was then allowed to go into committee, where it was amended so as to give at next general election another representative to the county.

The Bill having passed through, the committee rose and the house adjourned.

WEDNESDAY, May 4th.

MORNING SESSION.

The house met at 11 o'clock.

The amendments made by the L. C. to the Equity Bill were taken up.

Mr. ARCHIBALD made a few observations which were entirely inaudible.

Hon. ATTY. GENERAL said that he had been engaged on the previous evening in looking over the chapter on equity proceedings, with a view of making those alterations that would be necessary to give efficacy to the bill now before the House, and he had come to the conclusion that the duties that would devolve upon a Judge in Equity were of a character that would task to the utmost the energies and abilities of any one who might occupy the position. No one could make a review of his duties without being convinced that the judges of the Supreme Court would be very largely relieved from the engagements that now interfered with their common law business. He felt persuaded that the Bill would tend to simplify, and bring into a harmonious system and very convenient action, that which at present was exceedingly heterogeneous in its arrangements—that is, the intermixture of law and equity. He was far from thinking that the arrangements contemplated by the Bill were of a temporary character. He believed if the duties were attended to with the degree of attention necessary, the result would be a very great improvement in the administration of justice in our courts of law.

The amendments were then passed.

Mr. S. CAMPBELL brought in the Mines and Minerals report in the absence of Mr. Bourinot, the chairman of the committee, which was received and adopted.

The Post-office report was then taken up.

Mr. LONGLEY took exception to the report on the ground that it entailed a large additional expense. It proposed to raise the salaries of a large number of Postmasters—many of them by fully 50 per cent., which he deemed not advisable at the present time. Twenty-five additional way-offices were to be made post-offices, which would cost, in all likelihood, an additional sum of £6 each;

fifty new rides, at about £15 each, were to be established; the Postmaster at South Sydney was to be given £25 in connection with a loss he had sustained by the dishonesty of a clerk in his office; an increase of salary was recommended for the junior clerks in the post-office here, &c. All the recommendations of the report, Mr. Longley calculated, would create an additional expense of £1071. He was afraid, too, that next year the encouragement given now would induce others to come forward and get an increase of salary, and the establishment of new rides, &c. He fully appreciated the labors of the committee, but still he thought the house should be very careful before it adopted its report. A part of the legislation of the session had not exactly met his ideas of the principles of economy, and he felt compelled to ask the house to consider deliberately what it was doing.

Hon. SOL. GEN. assured the House that every gentleman on the committee had given the matters that came before them an attention which had never before perhaps been given. They had recommended nothing that they did not believe, after careful examination, was necessary in view of the public exigencies. He pointed out that a number of the cases alluded to by the hon. member there was actually a lessening of expense. For instance, many of the rides were shortened, and the routes changed, and the cost necessarily diminished. The committee throughout had endeavored to keep economy in view, as long as it did not interfere with the public convenience and advantage. He was not going to take up every item as he could, and show its necessity as it appeared to the committee. All he could say was, that the matters before them had had an amount of consideration that was rarely given—a fact which he thought should be considered by the House in dealing with the subject.

Mr. BLANCHARD said that the hon. member for Annapolis had turned his back on retrenchment the whole session, and now at the last came up and advocated it. Well, every one knew that there was likely to be an election in Annapolis ere long, and how opportune it would be for the hon. gentleman to go on the hustings and exclaim—"Did I not try to retrench the Post-office reports?"

Mr. Blanchard then went on to say that nothing in 1862 had been more obnoxious to him than the proposal to retrench in the postal service. He was satisfied that the people would rather do without their money for roads and bridges than lose their postal communication. He also pointed to the fact that the revenue of the department was gradually increasing of late years, and stated that in many cases the recommendations of the report, if carried out, would actually reduce the expenses of the service.

Mr. TOBIN took a view similar to that of Mr. Longley. He said he believed that the committee had discharged their duties faithfully, but nevertheless, he hardly thought the House should sanction the additional expense recommended. He believed the postal service was quite efficiently worked under existing circumstances, and that it was not wise to add to its burthens. It should be the object of the House to husband the means of the country in order to provide for any unfortu-

nate contingency that might occur. He concluded by moving the following resolution:—

Resolved, That it is the opinion of this House that the salaries of the Postmasters or Way-officers should not be increased, and no new rides established except considered absolutely necessary by the Government.

Mr. MILLER said the hon. member for Annapolis moved nothing, but simply attacked the report, and started a debate which was going to cost the country £100 at least.

Mr. Archibald said that was the hon. member's idea of retrenchment.

The House adjourned at one.

AFTERNOON SESSION.

The House resumed at 3 o'clock.

The House then went into Committee on Bills and took up the chapter on Proceedings in Equity, and passed the same with amendments.

Upon motion of Mr. Chas. Campbell, a Bill to amend the Act concerning the congregations of the Presbyterian Church of the Lower Provinces of British North America was taken up. The object of the Bill is to enable any person who may have paid any monies towards the erection of any place of worship or manse, belonging to either the Presbyterian Church of Nova Scotia or the Free Church of Nova Scotia before the Union, and who dissented from such Union, to claim the repayment of the same from the Trustees of such church, and in default to have the same referred to arbitration.

Mr. James McDonald, as chairman of the committee to whom this bill was referred, explained that the bill, as originally introduced, empowered any person who belonged to either of the Presbyterian bodies before the union in 1860, who had contributed monies to the erection of churches or manses, and who deserted from such union, to recover back the monies so contributed by an act of law. The committee thought this rather an extreme remedy, and, acting upon the bill introduced by the member for Colchester (Mr. Archibald) in 1862, which recognized the principle that the rights of private individuals should be preserved, but which did not point out the mode, they modified the bill so as to enable the parties to have their rights ascertained by each one appointing an arbitrator, and in case of disagreement, the matter to be decided by an arbitrator to be appointed by a Judge of the Supreme Court.

Mr. Blanchard objected to the bill as a piece of personal legislation, designed to benefit a few individuals belonging to a particular congregation in Cape Breton.

Mr. Archibald expressed his astonishment at the doctrine advocated by the member for Pictou. It amounted to this: that any person who contributed to any benevolent institution, would have the right to claim his donation back again if he became dissatisfied with the mode in which its affairs were conducted.

He could hardly believe that a majority could be found to support this bill. The House was called upon not to enforce any rights that actually existed, (for if there were any, the law of the land was sufficient to vindicate them,) but it was asked to create rights for the purpose

of satisfying a minority of some six or seven persons who would not agree to the action of the majority.

Mr. McFarlane commented upon the gross injustice of the Bill introduced by the member for Colchester in 1862. As regards the bill before the House, although perhaps he would not go the whole length contemplated by it, he could easily imagine the hardships it was designed to remedy.

Hon. Atty. Gen'l expressed himself briefly in favour of the Bill. He considered that where individuals had contributed large sums of money to the support of a particular congregation, and the funds so contributed were handed over to another church from whose doctrines they conscientiously differed, great ground of complaint existed.

Mr. Charles Campbell denied that he had any personal interest in the matter. Whatever his rights were, he did not trouble the House with them. He asserted that the Union of the Churches was brought about for political purposes, and because the minority whose rights he was defending refused to agree to it, a most iniquitous Bill was passed through the Legislature which deprived them of their rights, and vested the property which belonged to them in the hands of others. As regards the small number who had signed the petition, he did not think that affected the question—many more could have been got, but the rights of a few (if they had any,) should be preserved as sacredly as those of a thousand.

Mr. Blackwood was astonished to hear the statement that this Union was accomplished for political purposes. He believed that the men who brought it about were actuated by higher motives. As one of the committee on this Bill, he would say that gentlemen had been before them who declared that no private rights had been sacrificed. Those who had pews could sell them, or use them as they pleased.

Mr. S. McDonald, who was also a member of the Committee, said that the Bill of 1862 recognized the principle that private rights should be preserved; but it neglected to point out the mode. This Bill was therefore only intended to remedy the defect and make perfect the original law.

Hon. Sol General condemned the act of 1862 as one of the most sweeping acts by which private property had been legislated away, that he had ever heard of. Looking upon this question irrespective of any political or religious consideration, he thought that the rights of these parties had been most unjustly interfered with, and that they were entitled to redress.

The debate was then adjourned till the next day; and the House adjourned until 11 o'clock the next day.

THURSDAY, May 5.

MORNING SESSION.

The House met at 11 o'clock, and went into Committee, and took up the bill in reference to the United Presbyterian Church.

Mr. Parker addressed the House against the bill. He contended that property once made over to the church was the church's property,

and that if the bill was carried into effect, it would cause dissension throughout the Province. It would not only work injury to the Presbyterian communities, but would establish a principle which would be productive of infinite harm to all sects in the country.

Mr. Archibald alluded to the unanimity with which the churches had been united. The present bill, he said, was not an attack upon a certain party holding one set of political principles, but upon all parties. He considered that it had its origin solely from personal difficulties and which did not occur in consequence of the Union. Before the Union was consummated the hon. member for Victoria had quarrelled with his clergyman, and even thought it necessary to enforce some rights he had against him by an act of law. If that was the case, if that was the origin of the difficulty, could the House approve of the bill? Was it right to bring a personal quarrel into the Legislature? If such a thing were allowed, the peace of the Presbyterian Church would be disturbed most injuriously. If any injustice had been done to the hon. gentleman, let it be determined upon in a proper and constitutional mode, but the Legislature should not support a measure which was so clearly calculated to throw the firebrand of discord among the communities connected with the Presbyterian Church.

Mr. C. J. Campbell expressed his opinion that there was no desire or intention to create discord among the people.

Hon. Prov. Sec. expressed his regret at being obliged, by a sense of public duty, to take a position antagonistic to the feelings and interests of a warm and energetic supporter of the present government, and then went on to make some references to the separation of the Free church in this Province, and to the subsequent union of the Presbyterian churches. The question which appeared to him to be before the House was, whether this change was one of a character that would preserve the rights of individual members who had given their property to the Free church before the amalgamation. The difficulty that he felt was not with reference to the Presbyterian church, but with regard to the effect upon all church government and arrangements of all denominations in this country. Suppose a member of a Baptist church in Nova Scotia, formed upon independent principles as they all are, gave \$100 to build a house for the clergyman, or a meeting house where the congregation could worship. If he chose to retain the property in his name, he had a perfect right to do so, and no person could interfere with him; but he (Dr. T.) held, in accordance with the general principles of church government that prevailed everywhere, the moment a man gave of his substance to a church organization of any kind, he subjected the control of that property to a majority of that congregation; and he believed if any other principle were introduced into this country, a step would be taken that would work incalculable mischief. He would assume that a member of a Baptist church, that was not associated with the Associated Baptist churches, gave \$100 to the building of a manse or church, and that a majority of the congregation subsequently took

action to become associated with the Associated Baptists;—he would suppose that the individual in question strenuously opposed this step—that he was overruled by a majority, but because he was opposed to this action, and withdrew himself, he could not take his property with him, for he had lost its control when he placed it in the hands of the church. He (Dr. T.) believed that if you introduced a different principle—that because an individual or any set of individuals, not a majority, became dissatisfied, he or they could claim their property—that would be done that would strike at the peace and at the property of every church in Nova Scotia. These were the reasons that operated upon his mind, and forced him to oppose the bill of his h. n. friend from Victoria.

Mr. S. Campbell said that he considered this question not only with reference to the constituents he represented but also with regard to the general interests of the Presbyterian and other denominations in this country. He contended that the principle on which the bill was based was unsound and irreligious. If benefactions were to be watched suspiciously, a most injurious sentiment would be created among all classes of the religious community. To pass the bill would be contrary to the true principles of charity.

Mr. Miller said that there were few men whom he would rather serve than the hon. member for Victoria, but on the present occasion he was obliged by a conviction of what was his public duty to oppose the bill. He considered that the arguments used against it by the hon. member for Colchester and other gentlemen, were all convincing. If the bill was passed, there could be no doubt that it would throw a firebrand among religious sects which would inflict evil for all time to come.

Hon. Sol. Gen'l. argued that no man should be legislated out of his rights, and that when such was done the House should at the first opportunity give redress. He contended that the arguments used by the hon. member for Colchester and the Provincial Secretary, were unsound. If a person or any number of individuals club together and put their money in good faith into a fund for a common object out of which they are to derive benefit up to the latest days of their life, what right had a majority to alter that? There was no power under the principles of law and justice to deny a person the right of placing money in a particular business, and of withdrawing it, if the principles of the partnership were not observed. He fortified his argument by reference to the principles in force in reference to Insurance Companies, &c. He therefore asked the Prov. Sec. if it was right for the House to decide that an individual who had embarked his money on certain principles should be coerced by a majority who acted in contravention of the principles and arrangements under which the money was given. It was not for the House to judge in reference to distinctions of religion, but to keep strictly to the facts of the case before it. To declare that an individual should lose property which he gave under certain principles, because a majority chose to pursue a certain course was to exercise a legislative control that should not be exercised. He

held that the House could not know or decide as to the differences that might exist between any religious bodies. It was sufficient to know that there was a distinction which operated strongly upon the minds of some men. He contended that the bill before the House was intended to do justice to individuals who considered themselves aggrieved by the action which had been taken in reference to their property. He hoped that the difficulty would be settled in some equitable manner, in case the present measure were not pressed.

Hon. Attorney General said that the debate so far had satisfied him of the unsoundness of the views of the opponents of the bill before the House in a legal point of view. He argued, and gave illustrations in support of his argument, that a Court of Chancery would decide that the purpose to which a sum of money was originally devoted was that for which it must be retained without any regard to the numbers. When the Free Church in Scotland seceded, did they take their manse, their churches, their property with them? No; if they had, the glory and halo that surrounded them would have disappeared. It was because they sacrificed property to conscience, and emolument for principle, that they attracted such admiration. Take the church at Bedeque; it was formed as a Free Church Congregation. When the Union took place, the majority united in joining that Union; but there was a minority opposed to it. Suppose the minority was conscientious, and desired to remain associated as members of the Free Church. The question then was, should these persons who had conscientious convictions against this Union lose the property which had been built by contributions for a certain and specific object. He threw out these observations for the purpose of bringing gentlemen to consider the point where the thought the question hinged.

The House adjourned at 1 o'clock.

AFTERNOON SESSION.

The house resumed at three o'clock, and went into committee and took up the bill relating to the United Presbyterian Church.

Mr. C. J. Campbell said that he felt called upon, in justification of himself, to address a few words to the house. The hon. member for Colchester had followed him to his fireside, and dragged in matters which should never be brought before the House. If the hon. member, after his experience in politics, could not stand up and discuss matters dispassionately and without bringing in private affairs, it were better for him to leave the political arena altogether to men who understood their position better. What right had he to mix him (Mr. C.) up in this affair? His name was not appended to the petition. Was he to be denied the privilege of presenting and advocating petitions, that came from his constituents, on the floors of the house? What right had that hon. gentleman to insinuate that this was "a personal affair of the member for Victoria?"—These allusions had devolved a painful duty upon him. They carried him to the origin of this quarrel. The hon. leader of the opposition himself was the promoter of the whole difficulty. He it

was that introduced the Protestant platform which was the origin of his (Mr. C.'s) quarrel with his clergyman, and he should have had more delicacy than to revive this matter in the house. That clergyman was misled by the hon. member, as well as those who sympathized with him. In their zeal they had done acts which no doubt they now regretted. The gentleman in question was doubtless conscientious, and believed the theory set forth by the hon. member for Colchester, and entered heart and hand into politics. He stood his ground, and so did he (Mr. C.) though he was beaten. But since then the men who had opposed him had seen how they had been misled, and had returned him triumphantly to represent their interests in the Legislature. He believed, before many years had passed, the whole people of Victoria, even those who had most violently opposed him, would fully appreciate his conduct as well as that of the hon. member for Colchester, whose influences had been so detrimental to the peace and happiness of the county. That hon. member would find that honesty was the best policy even in politics if he wished to gain the approval of the honest and intelligent people over the length and breadth of this Province.—The hon. gentleman had asserted that the bill before the House would disturb the whole body of the Presbyterian church. If so, that showed that there was rottenness at the bottom of the union, and so he (Mr. C.) had believed from the very first. If that union could not exist and flourish without help from the House of Assembly, the sooner it was shattered the better. He had believed from the first that that union was founded on an unholy basis. Indeed, he had never seen the hon. member for Colchester pass a bill but was full of incongruities and perplexities, and had to be amended session after session. But it was an index of the brain that framed it.

He would tell the hon. member for Guysboro' that he might have carried the question alluded to (the report of the committee on the mining license at Glace Bay) if he had wished, but he had no desire to put his friends in a false position, though the hon. gentleman would have doubtless wished that he had done so. He had got the case a little aired on that occasion, and that was all he wanted. He had not expressed his views, but if he had, he could have thrown some light on it that would have surprised the House.

The Prov. Sec. had also given his ideas on Church Government to the house, but he did not put the case fairly. He had stated that because a member of a congregation became dissatisfied, it was no reason he should get his money back. But the Bill did not contemplate anything of the kind; it would be preposterous if such were the case. The petitioners were coming in and asking that justice should be done to them in reference to an unjustifiable act that was done in the Assembly two years ago—an act for which could not be found a parallel even in the middle ages—not even in the time of Cromwell and the Puritans, when so much tyranny was perpetrated under the guise of religion. The people complained that an act was introduced and passed which had robbed them of their just rights. They were deprived of the church which they had built;

they were the managers and trustees of that property, and the house stepped in and said, "We will deprive you of that which you are entitled to—of those things which you value most highly." Their churches, they were told, were as so much worthless dust. They were deprived of their cemetery, and forbidden to shed a tear over the ashes of their departed friends. They were deprived of the privilege of being buried with their friends, or they were considered as intruders. He appealed to the feelings of the house if that was the position the poor people of Cape Breton should occupy; if you robbed them of their goods it would be nothing, but they had been robbed of that which they held dearest on earth.

This Bill of the hon. member for Colchester had already been the cause of scenes that were disgraceful, and it was only the commencement. It was in human nature for men to seek to redress themselves when it was unjustly refused them. He was ashamed that such scenes should occur among people with whom he was connected, but the hon. member for Colchester was responsible for all of it. If the present question were a personal affair he could have had the table loaded with petitions, and perhaps it would be so next session. He did not like the present Bill, and he therefore felt disposed to withdraw it with the intention of taking steps by next session to frame a measure more in accordance with his views and those of the petitioners.

Mr. ARCHIBALD replied to the hon. member, and said that if it was any gratification to him, he could tell him that the ashes of his friends were in no danger. The cemeteries were just as much the property of individuals as they were before—just as much so as the pews; and the hon. member had a perfect right to be buried in the earth in the place which he might have purchased. There was no desire to do injustice to anybody, and he considered that the act of 1862 sufficiently protected private rights.

Some further debate then took place between Mr. Archibald, hon. Attorney General, Mr. Blanchard and Mr. Tobin—the bill having been withdrawn by common consent.

The chapter in the R. S., with reference to the Supreme Court and its officers, was next taken up and disposed of, changes being introduced in the circuits on motion of the hon. Solicitor General.

The committee having risen, the Sol. Gen. introduced an act to provide for the publication of the Consolidated Laws.

The house adjourned at 6 o'clock.

FRIDAY, May 6, 1864.

MORNING SESSION.

The House met at 11 o'clock.

On motion of Mr. McLelan, the Report on Humane Institutions was adopted.

The Post Office report was again taken up.

Mr. Longley moved the following resolution:

Whereas the report of the Post office committee involves additional expense, and in other respects is open to strong objections:

Therefore Resolved, That so much thereof as relates to increase of salaries to Postmasters or Way office keepers, be not received; and that only such new rides and way offices as the Go-

vernment may find absolutely necessary be established during the present year.

Mr. Longley added, that whilst he had a seat in the House, he was determined to look more strictly than heretofore with regard to the expenses of the Legislature.

Mr. Allison said it was a little singular that the hon. member should have all at once, at this late period of the session, been taken with such an itching for retrenchment, particularly when his votes this year for railway construction and other matters were considered; and then went on to urge strongly the necessity that existed for additional mail communication between Queens and Annapolis, as recommended in the report.

Mr. Longley said he did not wish to be understood as opposing that ride.

Mr. Tobin said it was never too late to do good, and to introduce retrenchment if there was a reason for it. He doubted the necessity of additional mail facilities between Liverpool and Annapolis, and spoke strongly in favour of exercising rigid economy in all matters connected with the public expenditure.

Hon. Sol. Gen. pointed out a number of inaccuracies in the estimate of the hon. member for Annapolis with regard to the report of the committee. He also asked where was the economy in gentlemen detaining the House with mere speculative estimates when they had not the means of knowing whether the report was right or wrong. This debate which gentlemen had raised had already cost not far from two-thirds of the sum that would be required to put all the services mentioned in the report in working order.

Hon. Mr. McFarlane said that gentlemen in considering the subject forgot the growth of the country, and that additional mail facilities were accordingly needed. In many parts where was only a wilderness a few years ago was now to be seen a thriving village, and should not additional means of communication be afforded that village? He pointed out the strong reasons that existed for the ride from Pictou to Amherst.

Mr. Stewart Campbell asked if it was reasonable to ask the House to reject a report based on information derived from full enquiry into Postal matters, and to accept a bald resolution, which was moved by a gentleman who had not the benefit of such information. He also stated that the resolution would be probably inoperative, if it passed, since it referred the whole matter to the Government, of which the Chairman of the Committee, (Mr. Henry,) was himself a prominent member.

Hon. Atty. General said that it was beyond his comprehension how the House could deal with the question before it, since it had not the benefit of the information which had been laid before the Committee, and on which they had based their report. The calculations of his hon. friend (Mr. Longley,) were merely problematical, and were not founded on information as to the facts submitted to the Committee. He considered postal communication as a necessity for a civilized people, and that it was the duty of every country to afford all necessary mail facilities consistent with its circumstances. The hon. gentle-

man pointed out, in conclusion, several recommendations in the report that were most desirable and which were made after reference to the Postmaster General, and upon full enquiry.

Mr. Robertson pointed out the advantages and necessity of a tri-weekly mail to Pubnico—one of the recommendations of the report.

Mr. Longley again made a few remarks in support of the course he had pursued, and stated that he did not wish to be understood as opposing the additional ride between Annapolis and Liverpool. The hon. member for Halifax, he stated, was under a misapprehension as respects the district through which it passed. There were several thriving settlements on the road.

Mr. Blanchard pointed out what he considered were miscalculations of the hon. member for Annapolis, in respect to the expense that would be entailed by the report; and showed the necessity that existed for carrying out the recommendations, all of which he believed were fortified by the approval of the Postmaster General.

Hon. Prov. Sec. said the Postal service had always been, by common consent, exempted from the principle which gave the initiation of money votes to the Government, and it was a subject well worthy of consideration whether this policy should be continued. He regretted that the Committee had been obliged to submit a report which would increase the expense of the Postal service; but it should be remembered that they had only done so after full enquiry into the necessity of the recommendations made. He felt at that late period of the session, without being able to examine into the facts upon which the report was based, it would be unfair and wrong to reject it. He could have no objection to a resolution like that proposed—for it was tantamount to a vote of confidence in the Government; but he thought it would not be doing justice to the Committee to refuse what they recommended, after most full and patient enquiry. He also stated that the House, in dealing with this subject, should consider the amount of advantage and convenience that the people would derive from the great facilities to be afforded them under the report, as well as the fact that the deficiency in the Post Office Department last year had decreased considerably. It was evident from that latter fact that we were travelling in the right direction. He trusted that gentlemen, having ventilated this question, and given publicity to their views, would withdraw these resolutions which it was evident the House did not consider necessary.

After some further conversation on the subject Mr. Tobin withdrew his amendment, saying that the Government had the charge of the finances, and it was their place to oversee them.

The Report of the Committee was then adopted.—Mr. Longley's resolution not having been seconded.

The House adjourned at 1.

AFTERNOON SESSION.

The House resumed at 3 o'clock,

Mr. McKinnon moved that the report of the committee on Indian Affairs be adopted.

Mr. D. Fraser and Mr. Robertson objected to the clause which the majority of the committee recommended, that the amount paid for lands for

Indians at Pictou be taken out of the Provincial funds. The minority thought the amount should be paid out of the sale of the Indian reserves in Cape Breton, as a previous committee of the House had recommended.

After some discussion, the report of the majority was adopted.

Hon. Fin'l. Sec'y. moved several additional grants for various public services omitted in the Estimate.

Mr. Tobin expressed his regret that the Fin'l. Sec'y. had not recommended a grant for the benefit of the Horticultural Society.

Mr. Pryor also expressed the hope that the Government would reconsider the matter, and put a small grant in the Estimate for this most desirable object.

As there appeared to be a general feeling in favor of the grant, the Fin'l. Sec'y. agreed to put in the Estimate a grant of \$400.

Mr. Longley opposed the grant, not from any hostile feeling to the gentlemen who composed the Horticultural Society, but as they enjoyed the grant last year, and the Fruit Growers' Association had this year established greater claims to it, he thought it was unwise policy to give a grant from the public funds to both these institutions.

A lengthened discussion ensued, in the course of which the claims of the Society for assistance from the public funds were strongly urged by Mr. Tobin, the Hon. Atty. General, the Hon. Fin. Sec., Mr. S. Campbell, and Mr. Blanchard.

Mr. Bill said that it was only fair to give a grant to the Horticultural Society as well as to the Fruit Growers' Association, and to do every thing that could be done to prevent irritation and jealousy arising between two associations which had in common the advancement of the country at heart.

A motion of Mr. Allison to strike the grant out of the Estimate was negatived by 28 to 8.

Dr. Tupper, in alluding to the praiseworthy and patriotic efforts of the gentlemen who composed the Horticultural Society, particularly mentioned the exertions of Dr. Cogswell, who had interested himself in the matter, and who, he said, had spent more time and money to advance the interests of his native Province than any man he knew of.

Mr. Miller strongly urged the necessity for a special grant for a haulover at Petit de Gras beach, county of Richmond. The hon. gentleman pointed out the urgent necessity for the appropriation, and stated that he had presented a petition in favor of it, signed by the custos and magistrates, and a large number of other inhabitants of Richmond.

The Hon. Prov. Sec. and the Hon. Fin. Sec'y. in reply stated, that however important the service might be, the hon. gentleman should remember that the Government had dealt liberally with the island of Cape Breton, and the County of Richmond in particular, in granting a large sum towards St. Peter's Canal which rendered it impossible to make any further appropriation.

Amongst the items in the supplemental estimate is a grant of \$600 for a portrait of Sir John Inglis, painted by Mr. Gush, the same artist who painted the portrait of Sir Fenwick Williams.

The hon. Prov. Sec'y., in explaining the circumstances, said that the credit of ordering the picture did not altogether belong to the present Government. He read correspondence between Mr. Gush himself, and Mr. Howe, from which it appeared that altho' Mr. Gush was not specially commissioned by the late Government to perform the work, he was led to believe that an appropriation would be made in the Estimate, and he accordingly painted the picture. Under these circumstances, of course, the Government had no other option than to make the appropriation; but independent of this, he was confident that no one would be found to object to securing the portrait of so distinguished a Nova Scotian, who had unhappily been removed by the hand of death.

The House then resolved itself into committee on bills, and took up the Bill to amend the patent laws.

This Bill is designed to remove the restrictions which now prevent foreign patentees and their assignees from introducing their inventions into the Province. The Provincial Secretary and Mr. Shannon advocated the Bill, but after some debate, in which it was urged that so important a measure could not be properly considered at such a late period of the session, Mr. Jas. McDonald moved that the Bill be deferred for three months, which was carried by a large majority.

Then the House adjourned until 11 o'clock next day.

SATURDAY, May 7, 1864.

The House met at 11 o'clock.

The amendments made by the Legislative Council to the Bill relative to Mines and Minerals were taken up and disposed of.

The most important amendment was one which went to alter the law of this Province in a most important point. Instead of allowing the Government the power of making an absolute decision in respect to an application for a mine, the Council proposed that an applicant might interpose an appeal to a Judge of the Supreme Court, and prevent the grant being made immediately. Hon. Solicitor General and Provincial Secretary contended that it was contrary to the Constitution to take out of the hands of the Government—as was virtually done by the amendment—the right of disposing of the public domains. They showed that there was no necessity for handing over this important right to a single Judge in Chambers, and the prejudicial results that would be likely to arise from such a radical change. Mr. Blanchard, on the other hand, thought the amendment would be of practical benefit. It was finally decided, however to reject it, as it was of too important a character to be disposed of so hastily at that late period of the session.

The House adjourned at one, and resumed at three, when a number of amendments to several chapters in the Revised Statutes, made by the Council, were disposed of.

On the chapter on "Evidence," the hon. Atty. General explained that the Council had rejected a most important amendment made by the house,

in reference to the law allowing parties to be witnesses in their own causes. The substance of it was to prevent persons in causes where the transaction is solely within the knowledge of themselves and deceased individuals substantiating their case solely by their own evidence. This amendment the Council rejected.

The hon. gentleman stated, as he wished the matter to be thoroughly understood, outside the House, that they were under the necessity of deciding either to abandon the amendment or lose the law. Now in the present law considerable amendments had been introduced calculated to be of great practical benefit, and therefore he thought as a matter of prudence that it would be best for the House to surrender its action in reference to the clause under consideration, and yield to the dictation of the Upper Branch. He could not, however, help expressing his extreme regret at the course that body had pursued in this matter.

Mr. James McDonald pointed out the evil results that accrued from the law in question, and said he would have been better pleased if it had been repealed altogether.

Mr. S. Campbell said the amendment that had been struck out by the Council was very desirable.

The amendment of the Council was therefore agreed to.

Hon. Prov. Sec. laid on the table, by command of His Excellency, a Report relative to the Exhibition held in London in 1862. He explained that for several reasons these papers had only recently been printed, and paid a compliment to the Secretary of the Provincial Commissioners, and to Rev. Mr. Honeyman, and A. Uniacke, Esq., for their services in connection with the International Exhibition.

Mr. Tobin and Mr. Blanchard also alluded in complimentary terms to the important services rendered to the Province by Mr. Honeyman.

The amendments made by the Council to the Probate, Jury, Franchise Acts, &c., were taken up and disposed of.

The amendments to the City Law were also taken up. The amendment changing the mode of electing the Mayor—that is, giving the Board of Aldermen the right to elect that functionary—was unanimously rejected.

The amendment giving the Council the power to expel, by a two-third vote, any member of their body guilty of disgraceful or immoral conduct after he has been elected to the Council, was adopted. As also one fixing the salary of the Recorder at £300 a year, and another changing the name of "Mayor's Court" to that of "City Court," at which the Recorder is to preside in the absence of the Mayor.

The House adjourned at 6 until 11 o'clock on Monday.

MONDAY, May 9.

MORNING SESSION.

The House met at 11 o'clock.

Hon. Attorney General introduced an act concerning pleadings and practice in the Supreme Court; also, an act in addition to that on the mines; both to be incorporated in the Consolidated Statutes.

THE DIFFICULTY AT THE SYDNEY MINES.

Hon. Solicitor General introduced a bill in addition to Chap. 167 of offences against the person. He stated that this measure was necessitated by the fact that information had been given of an unlawful combination at the Sydney Mines of persons to prevent the mines being worked, and who it was feared might destroy them altogether. It is based on the English law on the subject, and states that any persons forming a combination or conspiracy respecting mining operations &c., and who shall use violence or threats in pursuance of that conspiracy, and shall prevent persons being employed in the Mines, shall be guilty of misdemeanour, and on conviction shall be liable within the discretion of the Court, to any term of imprisonment not exceeding five years in the Penitentiary or County Jail.

Hon. Atty. Gen. said—Mr. Speaker, this subject is of very great importance, and perhaps it will not be inexpedient if a few observations are made upon it. A combination has for some time been formed at the Sydney Mines of that character which is usually known as a "strike" for wages. I believe that the men at these mines are very favorably dealt with, and that the wages they were receiving were of a very liberal character. At all events the proprietors were not willing that they should be dictated to in the manner they have been by these men, and have refused to recede from their position, and their determination has been confirmed by the General Mining Association in London. The men, however, have not discontinued their unlawful conspiracy but on the contrary have become more bold and daring, and have prevented well disposed men from being employed in the raising of coal. There are abundance of well disposed men who could be procured if they were not prevented by threats from giving assistance—men could be procured from abroad, that is to say, outside of those at the Mines; whilst there are a large number of those who are engaged in the strike who would be willing to go back to their work at their previous wages, but they are intimidated by the ring leaders by threats of violence. These men have gone so far, I say, as not only to prevent men from raising coal but from going down into the pits for the purpose of pumping out water and the foul air. The consequence will be that in a short time the mines will be utterly destroyed by the accumulation of water and unwholesome gases. Besides this, there are now in a state of starvation some 40 horses that are employed below. It becomes necessary, therefore, that attention should be paid to this matter. It is one which effects not only the interests of private individuals, but of the whole Province, because although this combination has shown itself in overt acts in this one mine only, yet it is well ascertained that miners elsewhere are in league with the former, and whilst they are continuing at their work, it is only that they may assist and support the other men who have thrown themselves out of employment. Therefore the combination may ultimately spread itself to and affect all the mines. It happens most unfortunately for the in-

terests of the Province and individuals that this affair has taken place at the present time. Coal has very largely risen in price in England, and I have no doubt the export of coal from this Province would have been exceedingly great had this league not taken place. We also feel the effects of this ourselves, for coal has gone up in Halifax some two or three dollars a chaldron within the last week or two. If some check is not given at once to this unusual and very injurious violation of law, the most serious consequences will result. Perhaps these men hardly appreciate the extent of the offence of which they are guilty. They have a right to go away if they choose. Nobody wishes them to remain, but they will not go. They are in possession of the houses that must be tenanted by the miners, but they will not leave them. Therefore it becomes necessary to teach them that the law is stronger than their lawlessness, and I may say that the Government will be found willing and able to give that efficient assistance as will vindicate the law, the rights of property, and by the steps they take teach others that it is wiser to trust to lawful influences for the purpose of obtaining any object that may be desired than to resort to such open and lawless combinations.

Mr. Blanchard.—Do the Government know if the men are in possession of the arms and ammunition belonging to the volunteer organisation at the Mines?

Hon. Sol. Gen.—They were not on Saturday, when the Government had the last information on this subject.

Mr. Blanchard.—Is it possible to obtain troops to deal with this difficulty?

Hon. Attorney General.—No measure will be neglected that may be necessary, however severe and extreme, for the purpose of putting down the illegal action of these men. General Doyle, I believe, will be found prompt in giving all the aid necessary for that purpose.

After some further explanations on the subject the House went into Committee and passed the foregoing bill, as well the two others previously mentioned in the report.

A message was received from the L. C. stating among other things that they did not adhere to the amendment to the Mines and Minerals Bill negated by the House in Saturday morning's session.

The House adjourned at one o'clock.

AFTERNOON SESSION.

On resuming at three o'clock, amendments made by the Council to several chapters in the R. S. were disposed of.

In reference to the amendments to the bill to increase the Jurisdiction of Magistrates, Hon. Mr. LeVeasconte said he would interpose every rule of the House, and every step he could take in order to prevent this bill passing into law. He looked at the measure as a curse to the country. He believed it would increase expense and litigation in the Province.

Mr. Allison, on the other hand, said the country looked for this measure as a blessing.

Hon. Prov. Sec. hoped the hon. Financial Secretary would not press any rules in reference to the bill, and regretted that the term "curse"

was applied to a measure which had obtained the sanction of so large a majority of the House.

Mr. McKay hoped that no member of the Government would take any steps to prevent the passage of a measure which had passed by so large a majority. If so, it would be well that the country should know it.

Mr. McDonnell and Mr. Miller expressed their determination only to allow the amendment to be read a first time that day.

Mr. Parker and Mr. Lawrence spoke in favour of the bill.

Hon. Mr. LeVeaconte said he considered it was his duty to the country to restrain as far as possible the power of the magistracy.

Mr. James McDonald said he was very much opposed to the principle of the measure, but at the same time he thought it was hardly advisable to shut out by a mere form a measure which had passed by a considerable majority. He thought a year's experience would show the advocates of the bill how injurious it was to the country.

Mr. Tobin thought it would be as well if the measure lay over for a year.

After some further debate the amendments were only read a first time.

A message was received from the Legislative Council, stating that they adhered to their amendment respecting the election of Mayor by the Aldermen.

Mr. Pryor said he would rather lose the law than accept an amendment which took away from the citizens the right of electing their Mayor.

Mr. Miller expressed himself against accepting the amendments of the Council.

Mr. Blanchard was opposed to losing a law which had been revised at so large an expense, and with so much trouble. He moved that the amendments be agreed to.

Hon. Prov. Sec. and Atty. General thought it might be best to accept the amendment for the present, and change the system next year, if necessary.

Mr. Tobin was opposed to accepting so radical a change at the dictation of the Legislative Council.

Hon. Fin. Secy. took a similar line of argument, and said the present system had worked better than the old one now proposed to be established.

On a division, the amendments of the Council were lost by 14 to 9. As this division showed there was not a quorum present, the House stood adjourned until 10 o'clock the next day.

TUESDAY, May 10.

The House met at 10 o'clock.

A bill relative to improper combinations and conspiracies (such as that in force at the Sydney Mines) was introduced and passed. It is intended to supersede the bill passed yesterday, and is the English law on the same subject to a large extent.

Hon. Provincial Secretary said that it was the imperative duty of the government to take every step to enforce the law and put down all lawless combinations in this country such as that which had originated the present law. He also expressed

his regret that so important a station as Halifax should be left for over half the year without a single man-of-war. We had had, he said, during the past twelve months a good many circumstances to show Great Britain that this station should not be left so long in so unsatisfactory a position. He trusted that hereafter the matter will obtain that attention from the British Authorities which he considered it was entitled to.

The Attorney General expressed the same opinion.

The act to provide for the publication of the consolidated statutes was also taken up and passed.

Mr. Parker moved that the amendments made by the Council to the Bill to extend the Jurisdiction of Magistrates in civil cases be accepted by the House. The motion was carried *nem. con.*, and the bill was therefore finally passed as amended.

On motion of the Provincial Secretary the amendments of the Council relative to the mode of electing the Mayor were not agreed to. He stated that it was understood that the Council rather than lose the Revised Laws of the city were willing to recede from their action in this matter, which was creating so much excitement in the city.

Subsequently a message was received from the Council stating that they had agreed to the bill concerning the City, as finally amended; as also to the Act (introduced and passed that day) relative to the combination of workmen; and to the act providing for the publication of the Consolidated Statutes with amendments.

Prorogation of the Legislature.

At 4 o'clock, P. M., His Excellency Major-General Charles Hastings Doyle, Administrator of the Government, etc., came in state to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod was sent to command the immediate attendance of the House of Assembly. The House attended accordingly, and His Excellency was pleased to give his assent to a number of Bills, and to close the Session with the following

SPEECH.

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

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

In relieving you from further attendance in Parliament, I am happy to be able to congratulate you upon the large amount of public business which has been accomplished during a protracted and very laborious Session.

The Consolidation and Revision of all the General Statutes, which have necessarily added very much to the work of the Session; will, I doubt not, be attended with benefits commensurate with the large amount of attention that important subject has received from the Legislature.

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

I have to thank you for the supplies you have granted for the public service. The largely increased provision made for the Educational and Road and Bridge services cannot fail to afford much advantage and satisfaction to the country.

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

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

The measure intended to advance the Educational interests of the Country has received my ready assent, calculated as it is to be of inestimable service to all classes of the people.

The action of the Legislature touching the proposed Union of the Maritime Provinces has been marked by a unanimity which augurs favorably for the future of that great question.

The provision made for the extension of the existing lines of railway, will, I trust, result in rendering the large expenditure already made on these works more useful and productive than it has hitherto been.

The act providing for the appointment of an Equity Judge will, I have reason to believe, materially facilitate the administration of justice, an object of the highest importance to the whole people.

Among a great number of measures of the most valuable character, which have been passed or amended, during the Session now about to close, I may particularly refer to those providing for the

Registration of Births, Marriages, and Deaths; Marine Courts of Enquiry; the Improvement of Agriculture; the Protection of the River Fisheries; the Administration of the Coal and Gold Mines; the amendment of the Laws relating to the Militia, and to the Post Office and Revenue Departments.

In parting with you upon the termination of this first Session of the present Parliament, it affords me no little satisfaction to know that the deliberations of the Representatives of the People have been marked by unusual harmony,—and I fervently pray, that the same disposition to unite in advancing the best interests of this loyal prosperous Colony may be exhibited throughout every section of the Country.

DIVISION ON THE EQUITY BILL.

The House then divided as follows on the second reading of the Equity Bill:—

For the Second Reading—John Campbell, Caldwell, Hatfield, Pryor, Kauback, Whitman, D. Frazer, McKay, Jost, Allison, Lawrence, King, Solicitor General, Bill, Tobin, Hamilton, P. Smyth, McDonnell, Donkin, Miller, Slocumb, McFarlane, Longley, Bourinot, Provincial Secretary, J. Frazer, Financial Secretary, Shannon, More, Hill, Cowie, Robicheau, McKinnon, Colin Campbell, Charles Campbell, 85.

Against it—Heffernan, Blackwood, McLellan, Locke, S. Campbell, Parker, Blanchard, Robertson, Balcom, Coffin, Ross, Archibald Killam, 13.

(The above properly belongs to page 283, but was accidentally omitted.)