

THE
DEBATES AND PROCEEDINGS
OF THE
HOUSE OF ASSEMBLY,

DURING THE
SECOND SESSION OF THE TWENTY-SECOND PARLIAMENT

OF THE
Province of Nova Scotia.

1861.

JOHN GEORGE BOURINOT,
REPORTER OF HOUSE OF ASSEMBLY.

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THURSDAY, Jan'y 31st, 1861.

The second session of the Twenty-second Parliament of the Province of Nova Scotia, was this day opened at half-past two o'clock, P. M., by His Excellency the EARL OF MULGRAVE, Lieutenant Governor, with the following Speech:

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

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

The year which has just closed will be ever honorably distinguished, by the visit to this continent of His Royal Highness the Prince of Wales. In no part of Her Majesty's dominions was the reception of the Heir Apparent more tasteful and appropriate, or more loyal and enthusiastic than in this Province; and it affords me infinite pleasure to be able to assure you that His Royal Highness returned to England most favorably impressed with the scenes through which he passed, with the unanimity that characterized, and the order which controlled our public displays; and above all with the attachment to the Throne, and veneration for the virtues which adorn it, so universally diffused among the population of Nova Scotia.

It will, I am sure, be gratifying to you, to learn that this year we shall again be honored by a visit from another member of the Royal Family; as Her Majesty's ship St. George, in which His Royal Highness Prince Alfred is serving as a Midshipman, has been ordered to join the North American Squadron, and will visit Halifax next Summer.

The Legislature, during the last Session, having placed at my disposal the means necessary for the formation and organization of Volunteer Corps, I have not failed to use my best endeavors to encourage the loyal spirit which has been evinced by the inhabitants of this Colony, who, at considerable pecuniary sacrifice, have voluntarily enrolled themselves for the defence of their country. It affords me much satisfaction to inform you, that the movement, although still in its infancy, is progressing most favorably. In the rural districts twenty-one Companies have already been formed. Duly qualified Instructors have been appointed to superintend their training, and by this means, I trust they will shortly equal in efficiency those metropolitan corps, whose appearance and discipline during the late visit of His Royal Highness the Prince of Wales, reflected so much credit on the Colony, and elicited the praise of all who saw them.

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

The Public Accounts of the past, and the estimates for the current year, shall be laid before you without delay.

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

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

It affords me great satisfaction to be able to inform you that the Revenues of the past year are far in excess of those collected in any preceding year of our Provincial history. They have been amply sufficient to meet all the obligations of the Government at home and abroad—to cover the services not likely to recur—and to justify the conviction, that, in providing liberally for internal improvements, the resources of Nova Scotia

have not been miscalculated or her credit overstrained.

You will learn, with satisfaction, that while our Railways have been worked, without serious accident, or loss of life, a judicious economy, in the management of them, has restored confidence in their productive power.

The extension of the Railway system is anxiously looked for by the population that lie beyond their present termini; and it will be for you to judge, when you have had time to examine the state of the revenue, whether you can with due regard to the public credit resume operations in the spring.

Much inconvenience has been felt by the stoppage of the trains at Richmond, and a heavy tax is paid for the transportation of passengers, country produce and merchandize to and from the centre of the City.

A survey has been conducted, with a view to provide greater facilities, and when the plans and estimates are submitted, you will be able to decide whether the country can afford to give to its industry this further measure of relief.

Shortly after the close of the last Session, the attention of the Government was called to the unsatisfactory condition of the Provincial Hospital for the Insane. A rigid enquiry was instituted into its management, which was found to be very extravagant. The financial administration was promptly transferred to the Board of Works, and you will be pleased to learn, that while harmony has been restored in the internal economy of the institution, a large saving has been effected in the annual expenditure.

Your attention will be called to a measure for connecting the Island of Cape Breton with the mainland, by a Steam Ferry across the Strait of Canso, and for connecting, by steam, Hantsport, Cornwallis, and Cumberland, with the Railway terminus at Windsor. You will also be asked to sanction the erection of a public Wharf at Digby, the completion of new Roads from Mills Village to La Have, from Plaister Cove towards Baddeck, and other public works, for which the ordinary resources of the Counties have been hitherto found inadequate to provide.

In accordance with the policy suggested in a despatch received from the Right Hon. the Secretary of State for the Colonies, I have caused a Board of Statistics to be duly organized, under the laws of the Province; and proceedings are in progress for taking a Census on the thirtieth day of March next.

The anomalies, so apparent in the representation, and the imperfections in the Act of 1859, suggest a new adjustment of the division line of districts, and redistribution of the franchise.

Your attention will be directed to these subjects, and to a measure, based upon the English Statutes, for ensuring greater purity in the conduct of elections.

While our neighbors are passing through trials the most severe, and are menaced with civil war, we ought, in resuming our Legislative labors, to be thankful to the Giver of all Good, for the permanence of our Institutions, and for the freedom and tranquility they secure.

On their return the Speaker, following the usual form, read the Speech to the House.

ELECTION RETURNS.

The returns of the elections in the Counties of Cumberland and Victoria were then read by the Clerk. R. Donkin and C. Campbell Esqrs. the newly elected members for these counties, were

then conducted by Dr. Tupper and Messrs. Townsend, Bourinot and McFarlane to the table, where they took the requisite oath.

RESIGNATION OF THE SPEAKER.

The Hon. the SPEAKER then said: In consequence of circumstances of a strictly private and personal nature which have occurred since we last met in this place, I feel it incumbent upon me to ask the permission of this House to resign the Chair. Upon the assumption that such permission will be accorded me, I beg to assure you that, in retiring from the high and responsible situation which I have held among you for three successive Parliaments, I shall ever retain a grateful sense of the generous manner in which I have been uniformly sustained in the discharge of my official duties.

Hon. PROV. SECRETARY moved: In accordance with the precedent established a few years ago, Resolved, That the House accept the resignation of Stewart Campbell, Esq., of the office of Speaker, and that the said office is hereby declared vacant; and that the Hon. Attorney General, Hon. Mr. Johnston and Financial Secretary be a Committee to wait on His Excellency and acquaint him that this House is without a Speaker.

Hon. Mr. JOHNSTON declined being one of the committee, and Mr. Townsend was appointed in his place.

The committee having been appointed and performed their duty, the members of the House, on the receipt of a message from His Excellency, went up again to the Council, and were requested to elect a Speaker.

SPEAKER ELECTED.

On their return a call of the House was had, and Mr. A. C. McDonald was unanimously elected Speaker, and conducted to the Chair by the Hon. Prov. Secretary and Mr. Heffernan.

The Speaker then tendered his most sincere and heartfelt thanks for the honor conferred upon him, and expressed his desire to perform faithfully and impartially the duties of his office.

CHAPLAIN APPOINTED.

The PROV. SECRETARY alluded to the death of the late Chaplain of the House, the Rev. Dr. Twining, and the regret all naturally felt at his loss. He proposed the Rev. J. C. Cochran as his successor.

Hon. Mr. JOHNSTON, who was inaudible in the gallery, also expressed his regret at the decease of their late venerable Chaplain, and was glad to second the nomination just made.

Rev. J. C. Cochran was accordingly elected Chaplain of the House unanimously.

ANNOUNCEMENT.

Hon. PROV. SECRETARY said: It becomes my duty, Mr. Speaker, to announce to the House that in consequence of the elevation of Mr. Young to the position of Chief Justice of this Province, which made vacant the office of President of the Council and Leader of the Government, His Excellency has seen fit, with the approbation of my colleagues, to bestow that office upon me. I purpose taking the earliest opportunity of propounding to the House the views and policy of the Government, and therefore shall not occupy the time of the House at any length to-day, but will content myself with remarking that I do not think that, in the judgment of gentlemen on either side, will it be considered that I have unduly aspired to the honor that has been conferred upon me.

I may say that I have grown into the office. From 1840 to 1848, though a large amount of the

labor and responsibility of Government devolved upon me, as a member of Lord Falkland's Council, I claimed no other distinction than my colleagues enjoyed. When in 1848 I came into this office at the head of a large majority, gathered to a considerable extent by my own personal exertions, I was content to serve under my hon. friend, Mr. Uniacke, and yield to him the highest position, perhaps, which a subject in this country can fill. It will be recollected, also, that under the late Administration I was content to serve under my hon. friend who has recently been elevated to the Chief Justiceship, and therefore I think that gentlemen on both sides of the House will acquit me of inordinate ambition, or of reaching the position which I now fill by any unfair contrivance or intrigue.

Perhaps the House will indulge me while I say that, when looking around these benches, it is with regret that I find myself almost the father of the House, for with the exception of my hon. friend, Mr. Chipman, I sit here its oldest member,—a member of twenty-five years standing. My age and standing, therefore, if not my abilities, might justify the appointment to which I have referred. But, Mr. Speaker, while I look hopefully forward to the development of a successful policy, to the passage of good measures, and the progress and advancement of the country, my thoughts involuntarily flow backward, and the brilliant galaxy of noble men who sat around me years ago presents itself to my mind's eye; and I almost feel to-day that however high the position may be, these memories dash its attainment with sadness.

When I recollect the late Mr. Archibald, whose presence filled, and whose person for a long period adorned, that chair—whose brilliant talents charmed all who knew him, and whose silver tones seem yet ringing in my ear; when I recollect that that charm is broken and that eloquent voice is hushed, an involuntary sadness shadows the memory. Again, when I recollect my hon. friend, Mr. Uniacke,—with the person of an Antinous, the grace of a gentleman, the eloquence of an Irish orator, and the common sense of an educated Nova Scotian—who so long dignified this House by his presence; when I recollect my old friend, Herbert Huntington, with his rough exterior, but honest integrity—that noble, incorruptible man who stood beside me during the earlier periods of my life—I cannot refrain from pausing to drop a tear over the memories of those who have departed forever from amongst us. The beautiful language of Moore rises to my lips, and

“I feel like one who treads alone

Some banquet hall deserted;

Whose lights are fled, whose garland's dead,

And all but he departed.”

From such reflections on the the past, lessons of wisdom as well as feelings of sadness, may be evolved. But a short time will elapse before we may anticipate that hon. gentlemen opposite will engage us in manly encounter, for with every desire to advance the interests of the country, however successful my statesmanship, however winning and seductive my blandishments—I can hardly expect always to convince or convert the hon. gentlemen who sit on the Opposition benches; but however this may be, in glancing retrospectively at the occurrences of past years, I may say, in all sincerity, that I have forgotten the sharp retorts, the biting sarcasms, the hard names and heavy charges which have diversified our legislative discussions,—but I have not forgotten the public courtesies, manly consideration and chivalrous spirit that marked and characterised

the transaction of public business while the men to whom I have adverted, moved on this stage. From their example, then, let us derive a lesson.—Let us show that we have not deteriorated—that though differences of opinion do exist, though party conflicts must take place, we have not lost that decorum of conduct, nor forgotten to practice those amenities which dignity and elevate, while they adorn alike public and private life.

Mr. McLELLAN then brought in (*pro forma*) a bill to regulate the currency.

ENQUIRY.

Hon. Mr. JOHNSTON then arose, and asked if the late Speaker had also resigned his seat in the house.

Hon. PROV. SECRETARY replied he was not aware of it. A change in his circumstances made it incumbent upon him, for the maintenance of his position, that he should devote all the time he could possibly to his private business.

Hon. Mr. JOHNSTON then gave notice of a motion for a commission to investigate the subject matter of the charges.

ANSWER TO ADDRESS.

Mr. BLANCHARD then moved the answer to the Address, calling attention to the more prominent features in it. He first referred to the visit of His Royal Highness, who had been received with so many evidences of loyalty throughout this and the other colonies. This visit could not but do much good; and British people had at length learned that Nova Scotia was not a mere adjunct of Canada. British statesmen saw that there is a British colony occupying this peninsula of no mean importance, and possessing at least the elements of future greatness, and yielding to no other people in their attachment to the Throne and Constitution of the mother country.

He next alluded to the volunteer movement. He was certain that he expressed the sentiments of the members of the House when he said that His Excellency deserved great credit for the interest he had taken in these organizations which had now attained such efficiency throughout the Province, and thithered a due respect to the officers and men of these corps for the time and means which they had expended in attaining the so desirable appearance which they have presented that day. He trusted the time will never come when these volunteers shall be drawn up in battle's magnificently stern array—but if any enemy should attack us, he had no doubt they will be found a valuable nucleus for a more extensive organization.

His Excellency had also called the attention of the Legislature, in his address, to the railways of the country. It was gratifying to find that there had been an increase in the revenue derived from the railway. He (Mr. B.) had always thought, too, that before such works could be considered as having been fairly tested, there should be a branch to touch the Gulf of St. Lawrence; and he hoped that this would be brought before the House ere its close.

It was equally gratifying to be informed

that during the past season there had been a most unexampled increase in the revenue, and that a larger revenue had been derived than had ever been known in the preceding history of the Province, notwithstanding a most unexampled depression in trade during the past season. A large saving has also been effected in the management of the Lunatic Asylum which last session had caused much annoyance. The members for Cape Breton would rejoice when they heard that there was a prospect of their having a steamer across the Strait of Canso. Such a convenience had been long wanted. The new road from Bedeque to Plaister Cove would afford the people an accommodation that had been long wanted; as it would save them some 26 miles of unnecessary travel. He would not at present touch upon the other points of the address. In conclusion, he would express his gratification that His Excellency had thought proper to open the Legislature with a speech containing so many valuable suggestions. Mr. Blanchard then read the following reply:

To His Excellency the Right Honorable the EARL OF MULGRAVE, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Provinces, and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

1. We thank your Excellency for the Speech with which you have been pleased to open the present session;

2. We are much pleased to learn that the efforts made by the Province to give a fitting welcome to the son of their Sovereign, have favorably impressed His Royal Highness, and we have had sincere gratification in the opportunity which has been afforded us of evincing the loyal attachment to the throne which distinguishes our entire population.

3. We learn with pleasure that this Province will, during the ensuing season, be honored by a visit from His Royal Highness Prince Alfred.

4. It affords us much gratification to be informed that the aid extended by the Legislature at its last session towards the organization of Volunteer Companies has been attended by so large a measure of success; and we learn with pleasure of the commendation elicited by the appearance and discipline of the Halifax Volunteers on the occasion of the visit of his Royal Highness.

5. We are sincerely gratified to be informed of the large increase in Revenue, and we learn with great satisfaction that the government have been able to meet out of our annual income the whole of the obligations of the past year.

6. It gives us great pleasure to learn that the Provincial Railways have been worked without accident, and that economy in their management has restored confidence in their productive power.

7. When the papers exhibiting the state of the Revenue are laid before us, and the surveys conducted by the Government have been submitted, the question of railway ex-

tension shall receive our careful and deliberate consideration.

8. We are pleased to learn that the investigation into the condition of the Hospital for the Insane, to which the attention of the Government was invited, has resulted in placing the affairs of that Institution on a more satisfactory footing, both as regards the expense of its support and the harmony of its internal economy.

9. We have great pleasure in giving our earnest consideration to the various local improvements to which your Excellency has invited our attention, and for which the ordinary resources of the country are inadequate.

10. We are pleased to learn that proceedings are in progress for taking the Census during the present year.

11. When the measures for the adjustment of the Division Lines of Districts for a redistribution of the franchise, and for ensuring greater purity at Elections, are laid before us they shall receive careful consideration.

12. We unite with your Excellency in rendering fervent thanks to the Giver of all Good, that for a time when the neighboring States are passing through severe trouble and trial we are secured by our Institutions in the blessings of freedom and tranquility.

Mr. COCHRAN seconded it.

SPEECH OF DR. TUPPER.

Dr. TUPPER next addressed the House. He thought it would be readily conceded by all that it is of the first importance to every free country or community possessed of free representative institutions, that it should possess a legal and constitutional government—that the government should be in the hands of gentlemen associated together, possessed of confidence in each other, united by a common policy on any questions of any import, and prepared to sustain that policy in the Legislature and before the country.

Now he might be permitted to state that during the last session of the Legislature, on the formation of the present Administration, he characterized it as illegal and unconstitutional. He took the ground that it was illegal because it was based upon a majority of the House obtained in violation of the laws on the Statute Book. He would not go into that question again; but would simply refer to the united opinion of all the law officers in Nova Scotia and those in England, who in clear and express terms had stated that the gentlemen in the position of those who composed the majority upon which the Government was formed, could only take their seats in defiance of the laws as recorded on the Statute Book.

He had been told in Minutes from the Executive Council, published in the *Royal Gazette*, that His Grace the Duke of Newcastle had settled that story; that he had placed it out of the power of any man to question the legality of the position occupied by these gentlemen referred to. This was rather strange language to come from those who had always pretended to advocate the principle that the power of the people is the so-

vereign power, and that it is that power before whom the Legislature should always bow.

Now, whilst he was desirous of paying every respect and every reverence to the high position of the Duke of Newcastle, yet, as one of the people of Nova Scotia, he must question the right of His Grace or any other man to lay down *diva* to settle questions beyond the people of Nova Scotia. The people had a perfect right to call any men to account for their public acts.

But he would here observe, if His Grace the Duke had undertaken to settle the question, and to place it beyond the consideration of the people of this country, he has receded from the position he occupied last year; for not only had they the authority of the law officers of the Crown, but they had it even endorsed by his Grace himself. When the latter was asked by his Excellency the Lieutenant-Governor if these men could come into the Legislature and record their votes, he answered in clear terms, that they could not; for it would be in defiance of the laws which have been passed by the Legislature of this country. And he also gave an answer which every intelligent man would expect to the second enquiry, What is my duty as Lieutenant-Governor of this Province, provided that the law is ignored—that they come in and prevent themselves by their own votes, from being dealt with by the House itself, and then change the Government? His Grace replied—If they forget what is due to the people, you must dissolve them and refer the question back to the people themselves, to enable them to protect their rights and their institutions.

He was therefore in a position that day to charge the Government with having formed themselves by a majority illegally chosen and having violated the Constitution of the country in the very construction.

Dr. Tupper then referred to the election in Cumberland. The leader of the Government, the President of the Council, leaving the Administrative affairs of the country, condescended to become a humble canvasser in that county, and spent some weeks in organizing it. It was gratifying that he did so, for it showed the people that with all his eloquence and unbounded resources in electioneering tactics, he could avail nothing against the feeling of indignation in the county. He was obliged to get his friend the Financial Secretary, and others, to assist him. But he went further. He so far forgot his position as President of the Council, as to get into a back settlement and take money which belongs to members of the county—money which the House entitled them alone to dispose of, and lay it out on roads not even authorized.

He 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 wanting, 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 ride, and put the whole thing into operation.

But even that was not sufficient. As he (Dr. T.) had stated on the hustings without contradiction, the Queen's Printer—the gentleman who had charge of the money bag—was sent with a letter from the Prov. Secretary to a private gentleman, as a notice, telling him what a great man Mr. Howe was,—that he had swept out Executive Councillors, prostrated Governors, and taken the land from the proprietors in P. E. I.,—and unless Mr. Seaman, the gentleman to be intimidated, withheld his influence in support of the party he had always sustained, Mr. Howe would disfranchise his tenants and relieve him of his estates. He (Dr. T.) challenged the President of the Council with these facts, and he was obliged to admit them, saying Mr. Seaman had been opposing his Government for twenty years, and he thought it was time to give him a warning.

These facts showed that the Government were conscious how much was at stake, and that their very existence almost depended upon the late election in the County of Cumberland. Therefore he was in a position to say that day that he considered the triumphant return of Mr. Donkin by a majority of nearly 200—one of the largest ever known—as a proof that the Administration was unfairly formed, in violation of the present Constitution, and represented a party that was in a minority.

The appointment of the Solicitor-General was next alluded to. A gentleman was chosen to that office who, by his position in the Council, could evade the voice of the people. But the Government had even the assurance to tell the people that the appointment would save the country £125!

In 1859 the late Solicitor-General performed his duties for the salary of £125. In 1860 Mr. Henry received some £170 for performing the same duties which a Solicitor General should have performed. This did not look as if the Government had saved anything by the appointment of the late Mr. McCully.

When they appealed to Victoria, what was the result? The same unequivocal condemnation of the acts of the Administration was given in that county, which at a former election had returned its supporters by a large majority. Was this not an all-sufficient proof that the subsequent acts of the Government have been such as to force the people to reverse their former decision, and to record their verdict in favor of the Opposition?

But he could further show that the Government were acting in violation of law. In the speech read that day they were found taking credit to themselves for acts which would tarnish their reputation as statesmen.

They had referred to their management of the railway. Why, they knew full well that the present chairman has been acting in violation of the law; and though it has always been expected in new countries that a railway would double the receipts in three years, yet what has been the case with us? Notwithstanding the visit of the Prince and the Great Eastern: notwithstanding a year of unexampled trade—we have closed the year with the paltry and insignificant sum of \$10,000. Such a result, instead of being a subject of congratulation, must rather bring dismay to those who have been hopefully looking forward to the future of this great work.

One of the first duties of a free and intelligent people should be to protect, with the most scrupulous legislation, those institutions which have the care of persons who, bereft of their reason, cannot take care of themselves. A law was passed unanimously, and again confirmed at the last session, that the Insane Asylum should have the supervision of nine gentlemen of influence and respectability, chosen in the community, irrespective of any party consideration altogether. Where is the law now? Treated with the utmost disregard, and the Asylum is managed without a single Commissioner. How is that? The late Government discharged their duty when they appointed the nine gentlemen representing various professions. Where are those gentlemen now?

It was known that they resigned their commissions because the Government had violated the law. He was positive that the people would repudiate any course which endangered the stability of so important an institution as the Lunatic Asylum. But not only had they struck down the officers to whom he had referred—the secretary, the steward and the matron, all of whom had the confidence of the commissioners,—but they retained the only man who was responsible for any extravagance that might have existed, proving that they had other motives but those of economy.

The recent election in Victoria and Cumberland placed the Government in this position: that all the majority they had claimed at the General Election in Nova Scotia, and that which they had obtained by the action of a committee of the House, had been swept away by the action of the electors in those countries.

But there were two gentlemen in the House who, having been returned to support the late Government, had gone to the support of the present. It became, therefore, of great importance to know whether the constituencies which those gentlemen represented sanctioned the course which they had taken. Now the evidence was unmistakably before the country that the constituencies of Digby and Argyle were all but unanimous in condemning the Government and their representatives who supported it.

He did not intend, however, to refer at any length to these gentlemen on the present occasion, because it was well known to every

one present that the voice of those constituencies had been so expressed that they had no choice except to return to the party they were first pledged to support, or else resign the seats which they had received from the people.

One of these gentlemen had stated that if his constituents were dissatisfied with his conduct, and if 600 of them would sign a requisition asking him to retire, he would do so. Mr. Colin Campbell had received a communication from the gentleman to whom he gave a written pledge to the effect just stated, in which he was informed that more than that number of those who voted for him had signed such a requisition. Still he sat in defiance of the voice of his constituency, and he had even placed his name as a member of the Government to an official communication in last evening's *Gazette*, in which he asserts that he little values the action of the meetings in Digby.

But more; these gentlemen on the third day of February last, voted in favor of a resolution which expressed their disapprobation of the course of the present Government in regard to the ineligible members. Now they set up themselves as supporters of an Administration which, after full discussion, they determined were acting in full defiance of the laws of the country, and of the rights of this House. And yet the Government present themselves to the people and to this House as resting upon no other foundation than the support which they derive from the two gentlemen who have, by their vote recorded on the Journals of the House, expressed their unequivocal condemnation of the course its members had pursued.

But that was not all. In the presence of some 400 of his constituents, Mr. Campbell stated that if the present Administration undertook to build an inch of railway, he would at once abandon them. And yet he stood that day one of the members of a Government who had proposed an extension of the railway; and the mover of the Address states that it is the intention of the Government to take the first step towards Pictou, and that they intended bringing the railway into Halifax. Mr. Campbell distinctly pledged himself also at the Weymouth meeting to abandon the Government and vote against them if it was true that they had employed at the public expense, engineers to survey the horse railway into Halifax.

Mr. Campbell had showed his opinion of his colleagues and their party by another statement: he said before a large meeting at Weymouth, where he (Dr. T.) had not referred to the subject, that one of the Government, Mr. Archibald, was guilty of bribery, and that he had insisted, as one of the committee on the case, that he should pay the penalty of £100.

(Dr. Tupper here turned to Mr. Campbell to prove if it was not so, and Mr. C. said,—I did say so.)

These gentlemen called themselves a Government! Why, the sooner the President of the Council disbands such a Council as

that, and threw himself into the hands of the people, the better would be his position before the country. Otherwise he will be considered as a man who would sink his public honor, his every principle, his public character, in order that he may continue to grasp office, in defiance of the well-understood and clearly expressed will of the people.

After a few more remarks Dr. Tupper closed again by reiterating that every intelligent man knew full well that the Government was an illegal Government, and that they held their power in contravention of the most important principles of the constitution.

[Dr. Tupper, during his speech, was several times interrupted by applause from the people's gallery.]

REPLY OF HON. PROV. SECRETARY, &c.

HON. PROV. SECRETARY would be most reluctant to have the galleries cleared, but it was essential that order should be preserved, and, if subjected to further interruption, he should insist on circumscribing the privileges of the public. He would have preferred deferring any defense of executive action or development of the policy of the administration, at least for a day or two, but as the hon. member for Cumberland had thought proper, in the exercise of his discretion, to arraign him as well as the administration, and had also made personal allusions to some hon. gentlemen whom he (Mr. H.) highly respected, a short reply seemed called for. That hon. gentleman (Dr. Tupper) referred to a resolution supported by Mr. Campbell and Mr. Hatfield; he (Mr. H.) could easily imagine the use made of it in Digby and Argyle. Consider the inequality: there was the hon. member for Cumberland, with his fluency of speech, plausibility of manner and parliamentary experience, pitted against his hon. friend Mr. Campbell, who was accustomed to commerce, agriculture, and to live in peace and harmony with his neighbors, but was not much accustomed to public speaking. Fancy a gathering—he would not say of ignorant Frenchmen, for he highly respected the people of Digby for their intelligence—but of the inhabitants of that county, with the member for Cumberland on one side, and his hon. friend on the other. The issue of such a contest could scarcely be doubted. Boys at school were apt to cry out when a big fellow maltreated a smaller—"Fight with your match"; he would tender the same advice to the member for Cumberland, who now exulted in his supposed victory. But, when going, he might have sent his card, with a polite invitation to the Attorney General or the President of Council to attend and confute him if they could. No such thing. Off he started alone, to hold one-sided meetings and arraign Mr. Campbell, who, he was aware, was "not his match." To-day a letter had been presented to that gentleman signed by 40 persons out of a meeting of 60, who declared that never did hold up their hands, as stated, for the hon. member's resolution.

MR. WADE—Names.

HON. PROVINCIAL SECRETARY.—You will get the names in due time. But suppose the people of Argyle had been deluded with a too sanguine belief in the infallibility and accuracy of the hon. gentleman's statements, surely they ought to be afforded an opportunity for recanting their errors. Did he, in discussing the Lunatic Asylum, turn to the report brought in by the hon. and learned member for Inverness, Mr. H. McDonald, one of the co-religionists of the people of Digby, a gentleman who, while in this house, had commanded the respect of all parties? No! he would read what Mr. McDonald had reported.

(The hon. gentleman here read from the Report statements, to the effect that the mode in which the affairs of the Asylum were conducted excluded pauper lunatics; and recommended a reduction in the establishment.)

But what next? On the 12th of May Mr. McLellan moved the following resolution:

Resolved—That the attention of the government be drawn to the management and expenditure of the Lunatic Asylum, with a view to the reduction of the cost of its maintenance, within such limits as will secure efficient superintendence without waste of the public funds."

Were these two passages in the legislative action of the house read to the men of Digby? Did the member for Cumberland say: "Your pauper countrymen are excluded from all benefit in that Institution—its usefulness is circumscribed?" Did he tell them that the Government never touched the Lunatic Asylum until the Board of Commissioners came to the Executive and demanded an inquiry into the condition of the Asylum? Dissatisfaction was unknown to the Government until disclosed by the parties in charge. The superintendent, the steward, &c., all were seemingly at war, and at last the Chief Justice, himself and the Attorney General were appointed a committee to investigate the state of affairs. Did he wish to amuse the house, a description of the condition in which that public building was found would afford ample material. George Coleman the younger, in one of his humorous poems, satirizes certain persons in the following lines, applicable to the state of the Hospital:

Some would have thought the holy friars
In peace and love dwelt here eternally,
Whoever told you so were cursed liars,
The holy friars quarrelled most infernally.

(Roars of laughter.)

For nearly nine months the Medical Superintendent, the Matron and Steward, had been deadly and bitter enemies; there was scarcely a lunatic in the cells who was not cognizant of these disputes, and that Dr. De Wolf and Amos Black were uncompromising enemies. Among the records of the paper war were to be found some curious documents. For instance, one from the doctor,

couched in the following terms: Pray, madam, may I have the use of a servant maid?" (Laughter.) And then the lady replies that "the maids are entirely under her supervision, and she alone can control them?"—(Laughter.) Following which comes another diplomatic letter from the Doctor, in which he says, "Do I understand you, madam, that you assume the fearful responsibility of resisting my wish and refusing to allow your maids to their proper work?" (Laughter.) And then Mr. Black is consulted, and, after deliberation, he decides that his wife has charge, and unless she consents, no work such as is required by the Superintendent, can be performed by the maids. So that from day to day charges and refutations, criminations and recriminations, followed thick and fast, one upon the other, all among themselves, and all concealed from the Government! Balaklava was nothing to it! (Laughter.) Three horses were kept in the establishment; complaints were made by the steward that he was prevented from receiving the ordinances of religion for five weeks, and when brought to the notice of the suprd t., his answer was that "never rode the horses, God forbid!—that Black and his wife rode them all the time." (Renewed laughter.) When the member from Londonderry showed the extravagance of the institution, we sat all aghast; nine Commissioners were supposed to be very essential.

Dr. TUPPER—Under the law.

HON. PROVINCIAL SECRETARY was looking to the profits as well as the law. (Laughter.) Could the member for Cumberland shew that, when in the government, he had saved a bad thousand pounds by ignoring a bad law, which he looked to the Legislature to repeal, small blame would attach to him. The Hospital was for the insane, not a plaything for nine gentlemen to toy with. Designed to harbor the afflicted, to afford refuge to those whom the Creator, for his own purposes had bereft of reason. Now, its legitimate object was being fulfilled; its expenses were economised and brought within a reasonable compass. Before there was a gardener employed at £8 per month, to plant cabbages in winter, when there was nothing to plant and nothing would grow if planted.—(Laughter.) Pharaoh had a chief butler and a chief baker,—his example had been copied in the arrangements of the Lunatic Asylum, nor was the analogy wanting in other respects for either the butler or the baker "came to grief" (Laughter.) In this case the butler was dismissed, and the baker made baker and steward. The Superintendent and Mr. Black being at sword's point, it was impossible to retain both. The Government felt like the gentleman between the two young ladies, who says to himself—

"How happy could I be with either,
Were to her dear charmer away." (Laughter.)

One must be discharged, and the administration thought it wiser to give the principal a fair trial. The nine gentlemen referred to have not been employed for nine months.

they have not been wanted—their absence has occasioned no inconvenience. While the institution which last year had 60 patients, has this year 90; and the cost, instead of being £60 per annum, rates but at 14. A secretary and treasurer have been discharged; the institution has been open to the inspection and supervision of clergymen and of the public at large; and yet no fault has been found. The discussions formerly existing have been allayed, the excrescences removed, and over £1000 has been saved to the province by the action of the government; and yet the member for Cumberland assails us because we we had the fearlessness to rectify the abuses existing in that institution, in the absence of ten lines of a statute, which is all that is required to legalize our action. Let it be recollected that the evils were only brought to the notice of the Government after the last session had closed, and the administration had either to assume the responsibility of acting or allow these evils to exist for a whole year, crippling the efficiency of the institution.

A word or two respecting the Chief Justice. Now that the party conflicts in which that gentleman had engaged were over—after he had assumed his seat on the bench, it seemed scarcely just or generous hon. gentlemen should indulge there and elsewhere, in reiterated personal attacks on him. He (Mr. H.'s) mind reverted to a period when, in the midst of the warmest party conflicts, a vacancy occurred in the situation of Master of the Rolls, and a rumor reached the house that the member for Annapolis was to take the office. The recollection of the lull in the conflict that ensued was still fresh in his mind—as for several days he watched that gentleman sitting opposite, and thought—“Will he take it or not?” And if on his death bed he (Mr. H.) would still affirm that, while he so reflected, he had looked into his heart and asked the question of himself—“Will you have christian charity enough to forbear, should he accept the office, from following him to his position and assailing him there?” and his heart had given him the response, for he had said to himself—“If, by the chances and fortunes of party, he goes on the bench, from that hour will my lips be closed against attacking him—his name shall never again be mentioned with disrespect.” Judge Dodd was elevated to the bench; when in the house time and again had they fought the battles of their party and mingled in the strife as political opponents; but, after the Judge took his seat on the bench, no man had heard him open his lips in disparagement of that gentleman. Instead of benefit, he thought these assaults did injury to hon. gentlemen opposite. The strains of his hon. friend's eloquence were yet reverberating in their ears; and the inquiry often preferred was—“How are we to supply the gap his absence has created?” His indomitable industry, his legal acumen, his constitutional information, had been invaluable, whether for his forensic eloquence, his acquired lore, or his legislative ability; the

Chief Justice had been alike distinguished; his life was devoted to the development of great public questions; his voice and vote were ever on the side of progress—the courtesy of his demeanor and the style of his speeches were remarkable;—it was hardly fair, then, to drag him in on all occasions aiming shafts at one who had no weapon of defence—no means of repelling an attack. The rancor and bitterness of past struggles should now be forgotten.

Mr. McCully's name had been frequently brought up last winter. Seven days of debate were spent in regard to his merits. The present opposition said, Mr. McCully, for sooth, cannot manage railways without Mosse. Well, he had managed; whilst Mr. Mosse has been very beneficently employed collecting money for the Church. Both Moir and Marshall have managed the road at moderate salaries, without the loss of a single life, except that of a poor idiot child who had wandered on the track. He would mention a few insignificant facts. In 1859 it cost \$303 a quarter to uphold every mile of road. In the last quarter under Mr. McCully's management, the road was upheld for \$64 32, by contract. So in the upholdence of the road itself he saves upwards of fourteen thousand dollars a year. Take the article of fuel, again. Mr. McCully found that the late board were buying cord wood, and and having sawed and shifted at a large expense. He thereupon instituted a change, advertised it by contract, and has succeeded in saving a good deal of money in this way. But he has also made another useful change. When he came into charge, there was a mail train which started at an early hour in the morning, but nobody could take any freight by it. An old woman might have a sack of corn; she might go herself, but could not take the corn. Mr. McCully seeing the inconvenience arising from this mail train, instituted the system of mixed trains; and now any old woman could take the sack of corn, whatever she wished with her. A large amount of advantage had been given to the country in this way.

But the hon. member for Cumberland alluded to the fact of Mr. McCully's holding the Solicitor Generalship, and said it was monstrous that such an office should be taken from the other branch. Why the hon. Mr. McDougall sat in the Legislative Council and held the office of Solicitor General for some time. But the hon. member had given a piece of information. He said that when his friend (Mr. Henry) did all the work of Solicitor General, he only charged £125; and now he had only done a part of it and charged £170. He (Prov. Secretary) was very much obliged for the information, and would take very good care it did not happen again. If it was cheaper to have a Solicitor General they would have one very quick.

The hon. Provincial Secretary then referred to the election in Cumberland. He stated on the hustings that the Government could always win Cumberland when they had clever fellows to spare. Having nobody

sufficiently able to fill the present Chief Justice's place, they took a plain country merchant, a worthy respectable man, but hardly of the sort calculated to take up the loose threads of the county left by the talented gentleman that lately represented. But, it is said, he (Prov. Sec.) did something worse; he established a mail route. The circumstances were these: He got into a part of the county which was Liberal, composed of honest, intelligent men. There was a long tract of country from this Vale of Macan to the Five Islands, with a road without a post, which was traversed by the people to a large extent. He found 44 families without communication. He violated no privilege. By the report of the Post Office Committee, it will be seen that the Postmaster General was invested with power to establish mail routes, and Post Offices in the recess. Therefore, in point of fact, he only instructed the Postmaster General to do a most necessary act.

Ten or fifteen settlers complained to him that the Chief Justice had promised to give them £12 for a piece of road, but had not done so. Well, as this might be considered as a last obligation of the Chief Justice's legislative career, he agreed to give them this money for this road for the Gilbert Mountain settlement. If the members for the county did not then place this grant in the road scale, he would ask for a separate vote, or else pay it out of his own pocket.

Having referred to the conduct of Mr. Hatfield and Mr. Colin Campbell as being quite justifiable, he went on to say that all he wanted was a fair opportunity to present his policy and vindicate his conduct. At all events he was never afraid to appeal to the people of Nova Scotia. He had never brought a railway policy forward as a party measure, to rely only upon one side of the house. He would say to the gentlemen opposite that the railway policy was left to the house clearly and distinctly by the executive government. Any gentlemen could vote for or against as they pleased; just as Herbert Huntington voted against it. He wished to bring forward a plain intelligible policy, as an individual member of the house. He knew full well the difficulties and responsibility of carrying a railroad measure. Certainly he would not close the session without giving his sentiments on the railway policy, as fully as possible and necessary. In the meantime he would say that no gentleman would be compromised. The opposite side might not approve of his policy; but at all events they would not be mystified by anything he said.

Mr. Hatfield said—The hon. member for Cumberland (Dr. Tupper) has been holding meetings at Argyle, Tusket, and Pubnico, to endeavor to stir up my constituents against me. At Tusket 14 voted for his resolution, condemning the Government, and 5 against it; the rest of the meeting expressed no opinion. At Pubnico the result was pretty much the same. The people of these districts were satisfied with my conduct and the explanation of my views, until the hon. member

came amongst them with a plausible story about railroads, which we have all heard hundreds of times. I do not pretend to be a public speaker, but to the best of my ability I am prepared to justify my course. I voted, last session, for economizing the railroad expenditure, because I felt it was necessary, and I believe the result will prove it. In the places where the hon. member held his meetings, the people were generally opposed to me, but I want to see those who voted for me sign a petition for my resignation, and then, perhaps, I may think of retiring.

Dr. TUPPER had no wish to press unfairly upon the hon. member who had just sat down, but he could not permit him to invalidate the statements he had made. The meetings at Tusket, Argyle and Pubnico were large and influential, including the most respectable electors of those districts, and the hon. gentleman's former supporters. At Tusket, when the vote was taken, a very large number of hands were held up in favor of the resolution condemning the Government, and only three against it.—Mr. Lent, Mr. Slocumb, and a person he did not know. Mr. Lent attended the meeting at Argyle, but did not vote. Mr. Slocumb, at the meeting at Pubnico, stated that he was convinced Mr. Hatfield's course was wrong, and voted against him. Mr. Hatfield was not present at the Tusket meeting, although notices of it were posted about before he left his home.

Mr. HATFIELD.—I never saw them.

Dr. TUPPER.—At all events notices were placarded throughout the village. He had been informed that Mr. H., on returning home, had approached the place of meeting, with the intention of entering; but when he found such men as Isaac Hatfield, Messrs. Gardner, and others of his most influential constituents taking an active part, he deemed it most prudent to retire.

At Pubnico, when the question was put, not a single man could be found who would vote for Mr. Hatfield or the Government he supports.

Mr. HATFIELD explained that the cause of his absence from the Tusket meeting was that he was obliged to go to Parrington on private business, where he was detained by a snow storm, and on returning home late on the day of meeting, he felt too fatigued to attend, and accordingly did not leave his home.

Mr. TOWNSEND was astonished to hear the hon. gentleman assert that only fourteen hands were held up at the Tusket meeting, in favor of the resolution. He was present himself, and instead of fourteen he was prepared to say that there were at least 150 in favor, and only three against it. At Argyle and Pubnico the vote was entirely unanimous.

Mr. HATFIELD enquired why the hon. gentleman did not attend the meeting called by the constituency of Argyle at Tusket, and give an account of his stewardship. In his opinion enough time had been wasted in this fruitless discussion.

Hon. Mr. WILKS had perceived by the pa

pers that the question was about to be discussed in Yarmouth, whether the member for Cumberland, in his recent visit to that locality, was influenced by the love of country or of office. He had no doubt that the verdict of nineteen twentieths of the people of Nova Scotia, would fully endorse the latter view.

He begged to remind the hon. member for Cumberland that, when charging the Government with violating the law, he should remember that there were certain Divine laws which it was equally necessary to observe; that side by side with the Divine injunctions, "Thou shalt do no murder," "Thou shalt not steal," was to be found another, "Thou shalt not bear false witness against thy neighbor."

Dr. TUPPER had but a word to say in reply. After having been invited by the hon. Prov. Secretary to a fair and courteous discussion of the question under debate, he was astonished to hear a member of the Government rise, and without adducing a single fact to sustain him, or advancing a single argument in support of his position, make use of the ungentlemanly and insulting language he had just heard—language which should be sufficient to exclude him from any respectable assemblage, and which was alike disgraceful to the hon. member himself and to the party to which he belonged.

The SPEAKER.—Order!

Dr. TUPPER.—You, sir, did not call the gentleman to whom I am referring, to order, when he made use of expressions grossly insulting to me, and derogatory to the dignity of the House, and I therefore claim the privilege of reply.

It is time, indeed, that gentlemen on both sides put down such an unwarrantable license. It is so well known that he constantly exceeds the license that gentlemen are accustomed to use, but anything that can fall from him is worthy only of the contempt with which the people of Nova Scotia regard him. When he is found thus exceeding the license of debate, it should be the first duty of his own friends to muzzle him and put him down.

Hon. Mr. WIER.—Mr. Speaker, if I have infringed the decorum of debate, I beg to express my regret; but I have only followed the vile example of the hon. gentleman opposite.

Hon. PROV. SECRETARY hoped that in future the Speaker would promptly repress any approach to unparliamentary language. One word as to these explanations between the hon. member for Cumberland and the member for Argyle. What did they all amount to? Two or three public meetings had been held, and the member for Cumberland, who, as everybody knew, was a clever, fluent, and plausible speaker, had gone down to Digby and harangued the people, and had made them believe almost anything—had carried them away, in fact, merely for the time.

Hon. Mr. JOHNSTON thoroughly understood the question, and thought hon. gentle-

men need not be at such pains to disguise its real character. Two gentlemen had been returned to oppose the then Government, and to support the party then in power; they did support them until the Administration was defeated and the present Government formed, by means which the constituencies of these two gentlemen, as well as themselves, had reprobated. That was the simple fact. What further? These two constituencies had written up, condemning them for their deception.

Hon. gentlemen had said that the constitutional rule in this respect was a humbug. If so, it was because British principle had been ignored and the American rule adopted. The Provincial Secretary referred to past practice; but he well knew that during the period to which he adverted, no single constituency gave expression to sentiments unfavorable to the Government; while the present Administration had been condemned by two constituencies which had returned, at the General Election, two persons supporting the Government, and without whose aid the present Administration could not have been formed.

The Prov. Secretary had said that had he (Mr. J.) been appointed to the bench, he would not have followed him there with vituperation and abuse. He believed that hon. gentleman incapable of doing so. Why should he? If the office had been attained despite the constitution—if he had disgraced himself by lending his support to a violation of the law,—the hon. gentleman would have been justified in following him with the sternest reprobation. So with Judge Dodd—that gentleman was under no obligation to the hon. member because he did not abuse him. His position had been fairly and legally won, and he was entitled to immunity from all attacks.

Mr. CHAMBERS could not understand upon what grounds hon. gentlemen questioned the course pursued by Mr. Campbell and Mr. Hafield, when it was still fresh in the recollection of the House that nine gentlemen—elected to support the Government—had crossed the floors of the House in one day, and defeated that Government. The example then set had not been destitute of fruits, and the members for Cumberland and Annapolis had no right to complain.

Mr. TOBIN referred to the fact that none of these nine gentlemen who went across the floors of the House, were rejected on an appeal to their constituencies. It was patent, he went on to say, that the party in power were formed by an evasion of the Constitution and the law. The hon. gentleman here referred to the action of the Government last year, in regard to the Water Bill for the City of Halifax. The sad fire, the effects of which could be seen from the windows, was a sufficient commentary upon the action of the President of the Council in impeding the passage of this bill.

Hon. PROV. SECRETARY said that no water could have prevented the fire progressing further. There was a disgraceful want of

system and discipline throughout at the fire, as he considered by the action of many of the people of Halifax on that eventful night. He had acted last session in a manner which, he had thought, would best protect the interests of the community. However, if the city brought in a good measure, he would give it his best consideration.

MR. SHANNON stated facts which led him to believe that if there had been more water on the night of the fire, it would never have proceeded so far as it did.

The House then adjourned until 8 o'clock next day.

FRIDAY, Feb. 1.

House met at three o'clock, and sat with closed doors until 4 o'clock.

DEBATE ON THE ADDRESS.

MR. BLANCHARD moved that the Answer to the Lieutenant-Governor's Speech, be passed.

MR. MCFARLANE, (the first part of whose remarks were almost entirely inaudible in the gallery,) said there were one or two clauses in the Answer he should like to call attention to before they were passed. When last session the Legislature gave the Government the power of initiating money votes, he had regarded it as a measure fraught with dangerous consequences, and he was afraid that his fears would prove too well grounded. Any one listening to the speech of the hon. member who moved the Answer to the Address, would imagine that the Administration had announced some measure of great public importance, but upon examination they would be found to dwindle down to utter insignificance.

One of the measures alluded to for connection of Cape Breton with the mainland, by a steam ferry across the Strait of Canso, had engaged the attention of the House for the last four years, and last year £400 was granted towards that object. He felt anxious to know whether the Government intended to exercise the power given to them by selecting certain favored portions of the Province as the recipients of their bounty, to the exclusion of other parts equally entitled to the public money: during the late canvass in Cumberland, the Provincial Secretary stated at a public meeting, that if the constituency would select the Government candidate, they should have a bridge across the Pugwash harbor—this is a most important public improvement, and one which he was prepared to give every assistance in carrying out, but he was afraid, as he saw no allusion to it in the Speech, that, as the Government candidate was rejected, the Prov. Secretary had forgotten his promise, and he supposed, from what fell from that hon. gentleman yesterday, when he alluded to the £12 he had expended on the road to Gilbert settlement, that that was the only public improvement the County of Cumberland could expect from the Government.

Another public measure to be submitted was the erection of a public wharf at Digby.

It was rather significant that the Government should have chosen this time to introduce that question, just when he had received the support of two members from that county, and it rather led to the inference that only those portions of the Province which supported the Government would be included in their bounty.

By another paragraph in the Speech it appears that the Government intend to revise the Representative Bill of 1859. He would ask, Are they in a position to deal properly with a measure of such great importance? Are they sustained as they should be, not only by a majority of this House, but by the great body of the people of this Province? How different is their position from that of the late Government when they introduced the bill, sustained by a large majority, and strong in the confidence of the people. It is well known that the present Government depend for their existence upon the votes of two men who were elected to oppose them, and yet they have the temerity to deal with a question of such magnitude!

He had been informed, before coming to the House, that the hon. Provincial Secretary intended to cut and carve Cumberland to suit his political purposes, and he should therefore look forward with anxiety to the measure they proposed. He felt it necessary thus to express his views of the policy of the Government, before he could allow the answer to pass.

HON. PROV. SECRETARY felt it due to both sides to state that the Government intended to act in good faith with all parties as regards the initiation of money votes, and they would feel it their duty to pay due regard to the wants of every portion of the Province whenever a case had been made out deserving their attention.

The different measures alluded to in the Speech had been selected because of more than local interest. The establishment of a steam route across the Gut of Canso would accommodate a large portion of the Eastern part of the Province—so with the steam communication between Hantsport, Cornwallis, Cumberland and Windsor—these were matters of general interest, and although they were introduced in the Speech, it must by no means be inferred that when the necessity existed, the wants of other portions of the country would be overlooked.

The hon. gentleman stated that it was the intention of the Government to aid in the erection of public wharves in Hantsport and Digby, and explained the necessity for public aid towards the road from Plaister Cove to Baddeck, and Mill's Village to La Have. As regards Pugwash he was now in communication with Mr. Bollenhouse on the subject of connecting that place with the Gulf steamers.

MR. BOURINOT had listened with great attention to the remarks of the hon. Prov. Secretary, and although he fully agreed in the value and importance of the establishment of steam communication across the Gut of Canso, he could not help feeling that the interest

of the large and influential constituency he represented, had not been properly treated by the Government. Take, for instance, the St. Peter's Canal, an enterprise of incalculable importance as a means of opening up communication between the interior of Cape Breton and Nova Scotia, they had made promises as regarded that great work which they had failed to fulfil, and it still remained incomplete, and, for all practical purposes, of no avail. Then, as regards the distribution of the road grant of last session, how was Cape Breton treated? Or the £300 taken from the Counties benefitted by the railway, she did not receive a farthing. It was given to counties not half so deserving, as was well known to every one conversant with the wants of the country near Louisburg, Gabaous, and the Narrows. He had no wish to make a personal attack upon the Government, some of whom he had great respect for, and for none more than the hon. Prov. Secretary, whose great talents as a public speaker and writer he had always admired. All he wanted and demanded was justice to Cape Breton.

He would also allude to the clause in the speech that referred to a change in the franchise. He was afraid that the measure about to be introduced by the Government would be framed with a view to their political ascendancy. This was wrong. Let a Representation Bill be framed on a proper basis—representation according to population—and it would receive his cordial support. Then Cape Breton would receive her due, and would be represented in Parliament by four members.

One other subject he would refer to before closing. Last session he presented a memorial to the House on the subject of the anomalies of the Postal system of Cape Breton. The then President of the Council, (the present Chief Justice,) and the Prov. Secretary, who was chairman of the Post Office Committee, agreed with his views, and certain changes and alterations were suggested in the report of the committee, which, he regretted to say, had not been carried out.

Hon. Prov. Sec'y, until that moment, was ignorant of the fact just stated. The Postmaster-General had been instructed to carry out the report of the committee of the House, and he (Mr. H.) thought it had been done. He would immediately send for him and ascertain how the matter stood.

Mr. WADE at the last session had opposed the measure giving the Government the power of initiating money votes, and he did so on principle, and was still of opinion that the country would find to its cost that they had conferred a most dangerous power upon the Executive of whatever party composed. As regards the erection of a public wharf at Digby, it was a matter that had often been before the House, and he (the Prov. Secretary) had truly stated it was a matter of great importance.

The initiation of money votes, for the first time accorded to the Government last session, was a move which he regarded with a

jealous eye. In his opinion, the notice given to the people was too short, it took them by surprise, and was calculated to create much confusion and dissatisfaction. He would like to know what course the Government designed to pursue; they would surely not ignore the claims of various localities merely because, the system being new, the people had not put themselves in a position to have their claims fairly and honorably adjudicated upon?

With respect to his hon. colleague who had differed from him—perhaps on principle—he should say nothing personal. The meetings at Digby and Argyle had been referred to; with respect to that held at Digby, the observations of the hon. member for Cumberland were accurate. The statement, as he gave it, was that his hon. colleague had his hands in the people's pockets; it was asked how? and the reply had been that an engineer was now surveying a line of railway into Halifax. The hon. gentleman then distinctly stated that if that was the case, he would not agree to it. He (Mr. W.) would therefore endorse the statement of the member for Cumberland openly, that through the press it might go to his constituents, who were cognizant of the facts.

He believed that Digby, at that hour, was misrepresented, and for his own part, was prepared to surrender his seat and test the soundness of his position by an appeal to the people. Knowing the ability of the hon. Provincial Secretary, and conscious of the influence he was capable of exerting at an election, he (Mr. W.) was yet willing to run that hon. gentleman, side by side, for any portion of the county he might choose to select—(hear.)—and but little doubt might be entertained as to the result. He knew right well the sentiments and feelings of the people, and was quite content to risk their decision. When his Excellency came to know that a requisition signed by 500 of that constituency—intelligent and independent as they are—calling on his colleague to resign; when he knew that he had pledged himself to do so in such an event, and had failed to fulfil his promise—he (Mr. W.) could scarcely imagine that no action would be taken, and the hon. gentleman be permitted to retain his seat in defiance of the people's wish. (Hear, hear.)

Something had been said about the meetings in Argyle; he would like to test the hon. member for that township by his own statements formally made, previous to the last election.

The hon. gentleman here read from Mr. Hatfield's card:

"As I have been solicited by a majority of the Electors of this Township to be put in Nomination at the approaching Election, I have consented to become a candidate, and as you know my principles have always been Conservative, you have no reason to doubt that I shall be with the present Government, and as you all know my interests real and personal, are so much blended with yours

and a large majority of you are so well acquainted with my judgment and perseverance, that you may be sure, should you honor me with your confidence, no effort on my part would be spared to promote the interest of this Province in general, and my native Township in particular.

“ Praying you may honor me with a majority of your suffrages,

“ That I may become, gentlemen,

“ Your obd't serv't,

“ JOHN V. N. HATFIELD.”

The hon. member had said last evening that he understood petitions were in circulation—if so he was in a position to prevent his friends from signing them by timely warning, but if it should appear that the Township of Argle was misrepresented—he (Mr W.) had yet to be convinced that the sitting member would retain his seat, nor would he believe that that gentleman could so far forget himself, until he saw it.

When the hon. Prov. Secretary yesterday referred to the late Mr. Archibald and Mr. Uniacke, he (Mr. W.) could not refrain from reflecting upon the anomalous and extraordinary position occupied by that hon. gentleman. It had been his pride in former years, when those to whom he alluded had been alive, to speak of Responsible Government as a boon which would be transmitted to his descendants—a boon, because by it was the voice of the people heard. That was the platform on which the hon. gentleman sought, in the earlier portion of his career, to win public confidence and support. How successful he had been, all the House knew; but any man who saw him at the present day boldly vindicating the unconstitutional retention of power by a Government palpably dependent for their existence on the votes of men who had violated solemn pledges, and entirely ignored the wishes of their constituencies, would fail to recognize the reformer of years ago. He (Mr. W.) did not believe that the Representative of the Crown would allow any Government so to misrepresent the people; if he did, the responsibility was his own, and when the time came, the people would know how to act.

As to the railway he had always assumed, and would always be willing to assume his share of responsibility for the introduction of that work, but it would be remembered that the judgments of many members had been influenced by the statements of Mr. Forman, an engineer who had been brought out to this Province by the hon. Provincial Secretary, that the road would only cost £5,000 a mile; but that hon. gentleman had said, in his own peculiar style: I am going to throw before you a railway scheme; it is mine, not the Government's. (Hear, hear.) He had in fact intimated that he was the head and tail of the Administration. With all his ingenuity he thought it would puzzle the hon. gentleman to find a precedent for the course he had pursued.

Was he to be permitted to expend half a

million of money, without the sanction of the Government? (Hear, hear.) The hon. gentleman was remarkable for blinding the eyes of others; he no doubt expected to take a few from this side, who, combined with those of his own supporters willing to sustain his project, might form a majority. He could say to his (Mr. W.'s) hon. colleague, “ You can vote on the other side if you please; we can carry the measure, and your constituents will not blame you.” (Hear.) If any railway scheme were to be submitted, the Government should assume the responsibility legitimately devolving on them, and bring down their measure; but whatever course was adopted, his colleague, being an Executive Councillor, had put in the mouth of the Lieutenant Governor, the sentiments of the speech, and was therefore responsible. (Hear.)

He had not risen for the purpose of making any lengthened observations, and should now resume his seat with the intention of recording his vote against the Address.

HON. COLIN CAMPBELL then spoke to the following effect:

When I first assumed the position of a legislator, I considered myself as it were, a free man, to act as I thought most beneficially for the interests of the Province, and of the County of Digby more particularly; but when I entered the arena, I found two bands of partizans struggling for power, and seeming to forget the immense loss of time and expense they were incurring, and was told, There is the beaten path, follow your leaders—you have no right to exercise your judgment, follow them—that is all that is required of you.

I began to think if this is the state of things, what is the good of the country paying fifty-five members to follow a leader, paying each twenty shillings a day and traveling fees, when the cards of each would do as well in the pockets of said leaders, thereby saving a large amount which could be used for opening up the resources of the Province and for public improvements; thus I became dissatisfied and dared to step out of the ranks and act in accordance with the pledges given on Nomination Day in Digby, when I spoke to the assembly present on that occasion, as follows:

“ I will support the present Government so far as I think them consistent and right, but on a question, for instance, as extension of railways or any other matter wherein I think they are inconsistent, I shall go against them.”

Having referred to the immense debt of the Province, he went on to say that economy and retrenchment had always been his motto; education, temperance, and all other moral matters, should also have his earnest consideration.

These were the extent of his pledges, and not having canvassed the county, but few he remembered but one had asked him the course he intended to pursue, and to him he expressed his views in the manner he before mentioned.

Look at every vote given last session; did they not show for themselves whether he did not support that party in every vote except where money was concerned; and because he dared to vote independent on these matters what was the result? He was furiously attacked by the learned member for Cumberland, previously to the breaking up of the House last spring, in a manner which was unjustifiable and uncalled for, as he thought they were sent to do the business of the country, and not spend their time in fighting. He voted last winter as he would again vote. Dr. Tupper seemed to think, after the vote passed on the 3d February last, that he was doing a great wrong by voting with these gentlemen.

Now, what were the facts of the case? They were as partizans told that they were disqualified, and nothing would keep them from being thrown on their constituencies again, or a dissolution must follow. Associating at first with that party alone, he was led to believe no other class could tell the truth or know anything but themselves—(Hear!)

These members who were said to be disqualified were sustained by committees chosen from both sides of the House, as qualified to sit and vote. Consequently he considered their votes as good as those of the learned member for Cumberland. (Hear, hear.) Now he was slandered for his action on committee. Let any man examine into the facts of Samuel Chipman's case, and then talk of his disqualification. Every one knew that they all concurred in the opinion on the committee, that he was duly qualified.

As to the Attorney-General he did say, and yet said, that he ought to have been fined, (hear, hear, from the Opposition), but that not suiting the committee, it was left to the House to decide—consequently he retained his seat. These were the only committees on which he acted. As to the others called disqualified, they had all been returned from committees as qualified. Now he could see no reason why their votes were not as lawful as any in the House.

Let any man examine the votes given last winter before and after the Government fell, to the very end of the session, and see if his name was not recorded side by side with theirs, except where money was concerned, and there he supported what he thought were the best measures and amendments as they came up.

He told Dr. Tupper he would vote for it providing nothing better came up, and when the amendment came up he advised a combination of the two, but was not listened to. He therefore voted for the amendment, and facts and figures will show that he saved £4,500 by it. He was induced to vote in the first place, knowing it to be right to economize. He did receive credit from the well-thinking and intelligent of his county.

But fancy a colleague—under pretence of doing his constituents bidding—writing requisitions and carrying them around himself, circulating large inaccuracies! Going to those

with whom he had had disputes not political, and even they could not be induced to act in an ungentlemanly manner in the matter, just fancy a man going through the back settlements with a requisition in his hand, and allowing his tongue to slander, could he not get up a requisition with any quantity of names attached to it?

Months had elapsed since they took the requisition in hand, and circulated it in the mean way by which it was shown, that the originators were ashamed of their work. Why not have come out manfully and held public meetings, requiring him to attend and give an account of his stewardship? and if he could not have satisfied them as to his honesty of purpose for the good of his country—then and then only, they should have appointed committees to have gone round with them, and if the desired number of names had been attained in that way, he would have retired.

He could never get a sight at the wording of one of these petitions, although promised several times, a copy. It had been told in different parts of the country that his father would head the concern, which he most positively denies; and told him when he asked him about it, that if he, (Mr. C.), required, he would make affidavit that he never told Mr. Wade or any other living man such a thing.

One of the parties requested to sign it, was told that it was his (Mr. Campbell's) wish to retire, but he could not conscientiously do so without a requisition, and he no doubt obtained names in that way. Another told him that after he had explained to him certain questions, that he was extremely sorry, and that, had he only come and seen him, or even written, he would not have taken or circulated one for any consideration. He considered the whole thing most contemptible, having been got up in a caucus of six or seven—with his learned colleague at their head—circulated in secrecy; and with falsehoods.

Mr. CAMPBELL then briefly referred to the meetings held by Dr. Tupper in Diaby County.

The first intimation he had was from Mr. Wade, who came to his place of business, and told him Dr. Tupper was going to give a lecture in Digby, and asked him to attend. He (Mr. C.) said it was impossible for him to attend, as he was getting a vessel ready for sea, and was going to try and get her off that day, as he was afraid of the ice. But he promised to meet him when he came down, which he did. Now, as to the meeting in Digby, many told him they had notes from parties inviting them to the lecture—as it was termed. And he felt confident many did not know anything about the resolutions until they were announced. He for one did not.

In Clare, where they expected a very large meeting, only 18 attended; and persons who attended and voted against him there came up to him to see him to express their feelings of sympathy, as they had been led away by the Doctor's fine speech.

He had on different occasions since his return home last spring, spoken to many of the respectable and intelligent freeholders of the county of Digby, as regards his actions last winter; and altho' prejudiced by the stories in circulation, they had with the exception of a few strong partizans, justified his actions and votes.

Just imagine Dr. Tupper all the time declaring his language was not personal. "That gentleman," said he, pointing to him (Mr. C.) "has now his arm in the public chest, building railroads," and yesterday, he said, "in making railroad surveys." Oh, how easily was it for that slippery tongue of his to turn things to suit himself.

Mr. Campbell having finished his written remarks, then said:

Now, Mr. Wade, (excuse me for naming him), by whom were you elected to your first seat in the Assembly? (Hear.) Has that gentleman never changed sides? and if he has was he ever called to resign his seat? (Hear, hear.) Changed sides—Yes! not once alone, but twice or thrice; (hear, hear.) and as he had a long legislative life, to preserve my public existence I do not think I can do better than follow his example.

Mr. WADE said that the written statement they just heard contained language they were little accustomed to hear within those walls. As he treated others so he would himself be handled. If he asserted in that paper that the requisition was circulated by himself (Mr. W.) he asserted what was not true. He had nothing to do with circulating it. Mr. Campbell had taken a course which he could by no possibility uphold before the people of Digby. The reflections that he passed upon his (Mr. W.'s) conduct were contemptible. My constituents; he continued, have passed upon my conduct, and justified me before the county. It was well known in 1851 that I put myself upon the hustings, free and independent, and received the votes of the Liberal party, joined with a few of the Conservatives. Then could I have acted as Mr. Campbell has done—receiving votes of one party, and then going to the Assembly and voting directly contrary. No; the course Mr. Campbell or any honest man should have taken was, to go back to his constituents. I was driven to desert my party when they deserted the very principles they had promised to uphold. When I went back to the people again for election I was handsomely returned. In 1857 I had only a majority of fifty, whereas, four years after, I had fully one hundred and fifty-seven. But how different is the position of Mr. Campbell, who stands here, misrepresenting the county of Digby. (Hear.) Can he defend his position? oh, he cannot. There is already a feeling in Digby, I can tell him, which will prevent him ever insulting them again with such tergiversation and violation of pledges.

[Mr. Wade then read a letter of the date of 13th March 1860 written by Mr. Campbell to Mr. Bent, of Digby. Mr. Campbell states that he said most distinctly on nomi-

nation day that he would assist the Government as far as consistent, still if his constituents were dissatisfied with his conduct, and if five hundred of them would sign a requisition asking him to resign, he would do so and give place to another, who, he he trusted, would be more fit to carry party spirit out than he could be. To follow any party through thick and thin to their destruction he would never consent. The Government was not in existence to which he belonged, and he felt likely to take an independent stand, and vote for measures not men.

Mr. Wade next read the requisition signed by over 500 persons of Digby County, asking Mr. Campbell to resign, and also Mr. Campbell's answer declining to do so.]

Hon. C. CAMPBELL here read a memorial of 30 of his constituents, residents at Montagan, which states that, having seen the minutes of a meeting held at that place by Dr. Tupper, in which it is alleged that all present, with one exception, condemned the course pursued by Mr. Campbell during the last session, and that not over 60 persons were present, of whom memorialists formed the largest part,—they conclude by informing His Excellency that they concur and feel perfectly satisfied with the conduct of Mr. Campbell as their representative.

Dr. TUPPER—As a very gross liberty has been taken with me by a member of the Government who has just taken his seat, I shall make a response to him. I think, sir, before I set down I will show that hon. gentleman what a position he holds—I will show him that the people only regard any position as honorable which is characterized by honorable conduct. I will place it beyond his power by any such means as he has used with reference to myself, by assertion without proof, to tarnish the reputation of any man in Nova Scotia. I will, sir, place him in a position before this country that will not only render his word, but his oath impotent to tarnish the character. (Cries of "order"—"order"—and "take down the words" from the ministerial benches.)

Mr. ESSON—No man in Nova Scotia bears a higher character than Mr. Campbell.

"Take the words down" was reiterated, and the Speaker ordered the galleries to be cleared.

Considerable confusion then ensued, as a number of persons in the people's gallery indulged in various cries as they moved out, notwithstanding the strenuous efforts of the officers of the House.

The Assembly sat for some time with closed doors, deliberating on this question of order, and finally adjourned until 3 o'clock the next day (Saturday.)

SATURDAY, Feb. 22, 1861.

The House opened at 3 o'clock.

The SPEAKER said he wished it to be distinctly understood that in future, if there were any manifestations of approval for dis-

approval exhibited by the audience so as to interrupt the business of the House, the galleries would be immediately cleared, and the guilty parties, if detected, would be brought to the Bar of the House, and punished as the House might direct.

MR. BOURINOT enquired of the leader of the Government what action had been taken relative to a memorial sent to them on the subject of destitution prevailing in Louisburg and Mainadieu.

HON. PROV. SECRETARY said that in view of similar applications from other counties, it was necessary that some policy should be adopted. It would be in the recollection of many of the members, that, in past years, large sums had been granted by the House for the object referred to; but the system had been carried so far, that latterly it was found necessary to put a stop to it. The present Government, however, did not feel justified in withholding relief in cases of actual distress. In answer to the enquiry of the hon. member for Cape Breton, he would state that a letter had been written to the Sessions of that county, informing them that if they would raise, £200, the Government would advance an equal amount. That was the way the matter now stood.

MR. BOURINOT—In the meantime, starvation may ensue.

HON. MR. HOWE had no fear of that. The people on the sea coast of the Province need never starve; the harbors being open, fish can be caught at all seasons of the year. The hon. gentleman compared our fishermen with those of Gloucester, Mass.; there, they followed the same avocations as ours did during the summer, but, in the winter, instead of warming their shins by the fireside, some of them fitted out their vessels for the deep sea cod fishery, while others followed trades, such as shoe-making, carpentering, &c.

MR. TOBIN thought the comparison rather unfair. Massachusetts was a manufacturing State, and offered means of employment which Nova Scotia did not.

In proof of the distress amongst fishermen, he instanced a settlement (Terence Bay) which was destitute of everything, even firewood,—the people of which had been mostly supported by private subscription for the last three or four years.

HON. MR. HOWE.—A petition from that settlement is now before the Government.

MR. BLANCHARD moved the first clause of the Address—passed.

DR. TUPPER said that although there was, of course, no difference of opinion as to the propriety of the sentiments expressed, he would like to be informed what course had been pursued in reference to the large expenditure of public money in furnishing Government House for the reception of His Royal Highness. In Canada, with a revenue of \$7,000,000, where large sums had been expended for the same purpose, the Government had not thought it out of place, after

the articles purchased had performed their office, to dispose of them at public auction, the proceeds of which went to reduce the expenditure. He wished to know whether our Government of whose economy he had heard so much, had thought fit to follow so good an example.

HON. MR. HOWE was glad of the opportunity of explanation. In Canada, the Governor-General, who had just lost his only son, was living in a small house outside of Quebec, and it therefore became necessary in that city, as in Toronto, and the other large cities of Canada, to fit up and furnish, temporarily, houses for the reception of His Royal Highness and suite. Of course, after the visit, there was no longer any need for these, and they were dismantled, and the furniture sold as the hon. member had stated. Not so in Nova Scotia. There was only Government House to be prepared, and it was found upon examination that from top to bottom it required refitting to make it suitable for His Royal Highness's reception. It was accordingly carpetted, painted, papered, &c.; and although nothing was stinted to make it worthy of receiving the son of our Queen, a due regard was also had to economy. The management of the whole reception had been entrusted to a committee of 9, 3 of the Executive Government—3 of the City Council—and 3 citizens, and he was confident when the accounts were submitted, that everything would be found to have been properly managed. The city authorities had provided £1500, and of the remaining expenditure, which was about £6000, £1000, had been realized by the sale of Ball tickets so that £5000 was the total cost, of which £2000 had been judiciously expended in the furnishing of Government House, which still remains the property of the public. In New Brunswick, with a less population than ours, £9000 had been expended in the Royal reception.

DR. TUPPER hoped when the public accounts came down it would appear that the expenditure upon Government House, had been properly made in accordance with established custom. He had no doubt the present Government had good reason to feel under obligations to the Lieutenant Governor, but as the public money had been spent it was his duty to see that it had been properly expended.

He had been informed that the matter had been placed in the hands of the Chairman of the Board of Works, and that, without his knowledge or consent, a gentleman of this city, a prominent supporter of the Government, was allowed to run up a bill of about £1000, for articles imported by him from England. This might be a good way of rewarding political supporters, but was not exactly the right way of managing public business.

HON. MR. HOWE said the Lieutenant Governor was not benefitted a single penny. He dare say he could have done with old carpets as well as new, and with dirty paint as well as new, and with dirty paint as well as clean

The question was, whether the house was fit to receive the son of our Queen, and as it was thought not, it was refitted and refurnished, and the results of the expenditure remained for the use of future Lieutenant-Governors. As regards the gentleman alluded to by Dr. Tupper, he explained that, in Sir Gaspard LeMarchant's time, when carpets and other fittings were required for Government House, the parties referred to had been employed to import them, and, as something of the same kind was wanted during the Prince's visit, and there was not much time to lose, he (Mr. H.) had taken the responsibility of giving the order to the same party, and he thought, upon examination, the bill would be found to be correct. He doubted the good taste of discussing matters such as this, in the present debate, especially before the public accounts had been brought down.

The fourth clause of the reply to the speech, which referred to the volunteers, having been read,

Dr. TUPPER said that the character of general fault finding was not one he coveted; but he would do justice to his feelings, as well as to the organization, whose conduct obtained for the Province, on the occasion of the Prince of Wales' visit, more credit than any other branch of the demonstration. If there was anything to which the people of Nova Scotia—the Government or the Legislature could point with pride and unqualified admiration, it was to the display made by the volunteers. He (Dr. T.) was an officer in that body—a non-combatant.

HON. PROV. SECRETARY.—Hardly any person could be found who would give the non-member credit for being a non-combatant. (Laughter.)

Dr. TUPPER, if driven into a corner might be disposed to use the sword which he wore; however, he felt bound to say that the Government, had not, by their conduct, shewn that they appreciated—as did the distinguished visitors who had been in Nova Scotia—the volunteer organization. The Legislature had conferred on the Government power to make the necessary expenditures; a ball was decided on—whether that was a wise move he would not stop to inquire—but it was clear that the course adopted was calculated to wound the feelings of the volunteers, and perhaps to strike a fatal blow at the organization. While every officer of the army and navy in Nova Scotia received a free ticket, and attended the ball as invited guests, the volunteer officers were coolly passed by.—Murmurs of dissatisfaction deep, if not loud, had reached his ears; the indignant feelings of that body had not found public expressions previously, but those feelings were not less prevalent. Had even the staff officers been invited it would have been different. The personal toil and fatigue endured—the attention given—the expenditure incurred by members of that body, far transcended anything that those unacquainted with the subject might suppose, and not only were they passed over without notice, but they had

been openly told that their position was considered utterly insignificant. He thought the Government should have extended more courtesy towards those, who had so largely contributed to the success of the demonstration on the occasion of the Prince's visit. He did not intend taking any action on the subject, but had risen simply to call the attention of the House, to the wide spread feelings of dissatisfaction existing in the volunteer corps, engendered by the slight he had referred to.

HON. PROV. SECRETARY regretted that the Volunteer organization had not been kept apart and free from the contamination of party. Hitherto, with the exception of a few unquiet spirits found among the body, and on whom his eye had been fixed, the Volunteers had maintained a steady, proper, and befitting state of mind. Still, from the formation of the existing Administration, a small number had evinced anxiety to make political capital out of the organization, although the infection had not communicated itself to the main body, who knew what was due to the Legislature, the Government, and themselves. The officers were not invited to the ball—why should they have been? The people of Nova Scotia entertained their Prince. Were the Volunteers not part of the people? They were not a soldiery distinct from the citizens, but identified with them, and sharing in the loyal sentiments entertained by the Province at large. The subject had been discussed by the committee, and the result was that the Lieut. Governor, the Admiral, the officers of the squadron and garrison, the Foreign Consuls being themselves foreigners—were invited. But Mr. Wm. Cunard, who although a Foreign Consul was a native of Nova Scotia; Mr. Tobin, a member of the Legislature and Mr. Howe, the Provincial Secretary, purchased and paid for their own tickets. Was it not preposterous that he (Mr. H.) after a service of twenty-five years in the legislature, should pay for his ticket, and Mr. Thingembob, Surgeon-General, or Mr. Sabertashie, who was handling a yard stick should be invited?—(Laughter.)

Had the officers of the Volunteers in the City received invitations of necessity, those belonging to the Companies in the country would have been equally entitled to consideration, and then what was to become of the 7 or 800 old colonels, captains and other officers of militia, who had been doing duty for the last twenty-five or thirty years. The thing was perfectly ridiculous. The Committee decided to give a ball—to sell as many tickets as possible, and if a balance had to be made up the Province was to supply the deficiency. He did not desire to detract from the credit due the Volunteers, and was always pleased to hear of their efficiency and progress, but he would give them a word of advice. Keep the organization apart from politics, otherwise it will be destroyed in less than half a year. As a member of the Government and Legislature he had exerted himself as much as any other to promote their welfare.

did not feel disposed to be dictated to by them.

Dr. TUPPER thought the slight offered to the Volunteers had been increased by the explanation given. The position occupied by the hon. Provincial Secretary was untenable, for if political capital had been made out of the organization, the present Government were the culpable parties, and had been more than once suspected of attempting to make use of the body for their own purposes. The Captain of the Rifle Company to which he belonged, and, he believed, most of the men, were friends and supporters of the Administration; therefore no such charge could be preferred against him. The Volunteers not only in the city but in the country, deeply felt the insult put upon them; not only should the officers in the city have received invitations to the ball, but those belonging to the country Companies were entitled to invitations also. The Prov. Secretary had admitted that the cost of the Prince of Wales' visit would amount to about £5,000—a considerable sum of money. He (Dr. T.) as a member of the Legislature had felt, when passed over, that the slight was not to himself, but to the County of Cumberland which he represented. Surely the people of that large section of the country were entitled to some consideration, and their representative might at least have been placed in the same position as the officers of the army and navy, and not have been compelled to pay for a ticket. He had the honor, at one time, of holding the position of Surgeon General.

Hon. PROV. SEC. was not aware of the fact and disclaimed any personal reference to the member for Cumberland.

Dr. TUPPER did not hold office at the period referred to. When the late hon. Dr. Grigor died, Sir Gaspard LeMarchant insisted on appointing him to that office: he declined and suggested Dr. Black, but Sir Gaspard insisted, averring that he wished to bestow the office upon him as a mark of his personal esteem. He (Dr. T.) then accepted it conditionally, that he should hold it only until after Sir Gaspard's successor arrived. When that event took place he resigned, and Dr. Black was appointed: that gentleman had been put to large expense, and had devoted much time to the duty. On the day of the review Dr. Black was on the field in the suite of the Prince, but in the evening if he wished to attend the ball, was compelled to purchase and pay for his ticket, while the officers of the army received free tickets. In his opinion the officers of the Volunteers had ten times the claim to consideration that those of the army had, from the General down.—(Hear, hear.)

Hon. B. WIER.—The ball was not entirely Provincial; the principal part of the money was derived from the sale of tickets, and the balance was paid by the Government. A ball was decided on. Who were the hosts? The people. Was it proper that Nova Scotians should be invited guests at their own entertainment? Surely not. He could not understand the position assumed by the hon.

member for Cumberland, and thought the time of the House was wasted in useless caviling.

Mr. SHANNON thought an apology should be offered for one thing. On the day the Prince went to Windsor, two companies of Volunteers had been told off as a Guard of Honor; how well they performed the duty was patent to everybody, and yet these poor fellows were left until 11 o'clock in the day, without breakfast or refreshment of any kind. For this neglect he thought an apology, at least, was due.

Hon. PROV. SECRETARY.—Had that been done, an apology would be required. It so happened that but two Companies of Volunteers, for whom provision had been made, were ordered to Windsor, and not only did they go, but one or two hundred others who were not ordered, took it into their heads to go also, and then, after having ridden over the rails for nothing, grumbled because they were not supplied with food and liquor, (laughter) and some of them, by wrangling and fighting, had not improved their respectability.

Dr. TUPPER.—The hon. member for Lunenburg asks, "Where were the hosts?"—a very pertinent question—they were not present. The Government had ignored their existence.

(The hon. gentleman then referred to the course pursued in Canada and New Brunswick, in which Provinces, he said, the members were invited.)

Mr. WIER had been told by a member of the Canadian Legislature at the *dejeuner* at the Grand Trunk, that he was not paid the slightest attention, and had to pay for his ticket.

Dr. TUPPER.—The hon. gentleman knows right well that the Legislature of Canada to a man stood forward and enforced their claims to consideration.

Mr. TOBIN, as a member of the committee, disclaimed for himself and that body any intimation of slighting the members of the Legislature or the Volunteers. After reviewing the question in every light, they decided that it was not only impolitic, but impossible to invite either; they also discussed fully the propriety of inviting the ladies, and he would have been glad to do so, but that, also, was found impracticable—they knew not where to draw the line of demarcation, and therefore invited none.

The City of Halifax had contributed £1,200, and the Government about £6,000—but what else had Halifax done? There was not a man; however humble, who did not go to large expense either in decorating the city or otherwise. To allow the companies sent to Windsor to remain leaning on their muskets until 11 o'clock in the morning, without any refreshment whatever, was certainly improper. Under such circumstances even one glass of brandy and water might intoxicate, and therefore he thought the remarks of the Provincial Secretary might well have been spared.

Mr. TOWNSEND.—The least the Govern-

ment could have done was to invite the members of the Legislature, who, as the representatives of the people, had solicited the Prince to visit the Province, and as the hosts, should have been present at the entertainment. The officers of the Volunteers, representing a body that had spent over £20,000, should also have been paid that compliment.

Mr. LONGREY knew that the Volunteers had expended weeks of their time in order to give the Prince a proper reception, and should, in his opinion, have been invited. To assert that if the officers of the Volunteers were invited, all the officers of the Militia should also have received invitations, was, in his opinion, just about as correct as to say that because the officers of the army were, the soldiery should be, also.

HON. PROV. SECRETARY.—Well, this is indeed a strange statement; let the fact be proclaimed to all the world, that a Nova Scotian volunteer rifleman is starved to death because he has to go once without his breakfast! Thousands of details had to be attended to, and even if it had been omitted to provide breakfast, it was no great crime. There was not a Volunteer in Windsor but had 1s. 6d. in his pocket, and could have paid for his breakfast, if he wished.

The celebrated Capt. Dalgetty was so used to hunger that it was his habit to eat three meals at once, (laughter) and so provide against contingencies. It is not parading on review days that makes the soldier; to bear hunger and thirst, cold and heat, and privations of all kinds, was the soldier's lot, and a fellow who could not do without his breakfast for a few hours, deserved to be shot.—(Laughter.)

Hon. Mr. JOHNSTON said when the time came to perform the duties spoken of by the Prov. Secretary—when it became necessary to hunger and thirst, and to expose their lives and limbs, he would not find the youth of Nova Scotia shrinking from their duty either in field, camp, or trench—fully sustaining, as others of their countrymen have done, their own and their country's honor. (Hear, hear.) He would recollect that the Volunteers went to Windsor on a festive occasion, not on a martial duty—to attend their Prince, and to do him honor.

Did the Provincial Secretary do without his breakfast? He (Mr. J.) saw him enjoying his dinner, and left him in a merry mood, not with the report of the pistol or the rifle, but the sharp crack of the champagne cork, around him. (Laughter.) It was very well for him to talk about abstinence, but if these young men thrown on the streets of Windsor without food, committed a few indiscretions, the fault was not attributable to them, but to those who neglected to provide for them. He saw the Volunteers returning from Windsor in the cars penned up like sheep rather than men. (Hear.)

The sixth clause, relating to the railway, was read.

Dr. TUZZER considered the fact of the railway having only exhibited an increase of near \$10,000, as not very creditable to the

new management. All examples of railways in new countries show that in the second or third years there should be large returns. And yet in Nova Scotia, after a year signalized by the visit of the Prince and the Great Eastern, and by unexampled trade, we had only a beggarly amount exhibited. When the mover of the reply to the Address asked that we should be profoundly grateful for the judicious management, he was surely intending a burlesque on the Address!

Was that judicious economy which draws £700 a year to put into a man's pocket, because he is a supporter of an Administration, and spent several years in vilifying men, and setting one body of Christians against another? What were they told in the Government organ the other day, under his own hand? That Mr. Marshall performed Mr. Mosse's duties and more too, for £300 a year. Now, Mr. Mosse had the entire management. What has Mr. McCully, then, for himself to do? Why nothing at all, except to bepraise the present Government, as he vilified its predecessors. But more; the Province pays for the office where he attends to his professional duties. When Mr. Johnston was Attorney General, who paid the office rent? He paid it himself—an honorable contrast to the Solicitor General.

Here was Mr. McCully literally doing nothing for £700, whilst others had to work hard for less salary. Mr. Howe, for instance, had spent twenty-five years in public life, and had contested many an election. Did he put £700 a year in his pocket, and still attend to his private business? No, he did the very reverse. He not only put himself in a position to get the confidence of a constituency, but he went back again for election, and abandoning his private avocations, devoted his whole attention to the public. How different was Mr. McCully's position! A member of the Legislative Council who never contested an election, he seized £700 a year, kept his private business, and moved his office into one paid for by the country. It might thus be said, with every propriety, that he had thus doubled his very salary. And yet this was what gentlemen opposite called a judicious system of economy. The people of Cumberland and Victoria had resented it, and called it an insult and a sham too palpable and too flagrant to put before the constituency of any county.

The hon. Provincial Secretary had spoken of the upholding of the road during a quarter of the year, when the frost itself upheld it. He believed that when all the documents were before the house, it would be found that the upholding itself had actually cost more during the past year than the year previous. The upholding, too, was let out by contract, a system which must injure the roads, since the contractors would be, in all probability, as anxious to do as little work as possible, disastrous consequences would certainly be the result. False not judicious economy was upheld by Mr. McCully. He cut down the machine department, for example, to the exceeding detriment of the road.

for Mr. Moir, who had charge of the department, told the late commissioners that, if they took one shilling out of it, he would not engage to keep the engines from running off the line. Suppose, then, a train had gone off the line, who would be responsible, but he who would authorize the department to be cut down. But other evidences of such economy might be instanced; such as maintaining his brother-in-law in a salary of £155 a year, whilst men attending to far more important duties had to take fifty. Thus he took fifty pounds off the hundred received by the ticket-masters—men who had the command of large sums of money passing through their hands. One O'Connor said he could not live on that sum, and was obliged to leave his situation, which was filled by a man who did not know enough to give change for a pound note when it was handed to him. He (Dr. T.) believed that economy alone would be truly judicious that paid a public servant a fair, honest remuneration for his services, and placed him beyond speculation.

Mr. BLANCHARD said that the hon. member for Cumberland scarcely ever arose but he selected the present chairman of the railway for his vituperation, or else the hon. gentleman would turn—he would not say his slippery tongue—his polite attention to himself (Mr. B.) The hon. gentleman said the whole thing was a burlesque. He would tell him what he considered veritable burlesquing; it was when gentlemen gave a rehash of articles in political papers—when they gave the house a rehash of last winter's speeches. It was said the road was going to ruin. Was the hon. gentleman in a position to make such a statement? Certainly not. When the papers were laid on the table, a very different state of affairs would be shown. But allusion was even made to personal matters. How was the hon. member to know a single thing about the rent of anybody's office? Could he undertake to assert, with confidence that Mr. McCully and his partner were not paying rent for their offices? Again, when the papers were before the house, it would be seen, he concluded, that the increase in the railway was nearer nine thousand pounds than nine thousand dollars.

Dr. TUPPER said he was in the judgment of the house if he had used any language that could be called offensive. The only allusion he made to the hon. member for Inverness was that he was the partner of Mr. McCully, and that he was burlesquing the address when he referred to the railway.—Such references, surely, could not be deemed offensive. But how were they met? By a direct insult—"he would not say slippery tongue." No, because he knew that he does not stand in a position in this house to use such language. He would remember the broken pledges by which he himself had deluded the people of Inverness to send him to the house. The hon. member had used of vituperations on Mr. McCully. He (Dr. T.) would ask if he had ever said anything which he would not be justified in using if

Mr. McCully were on the floors of the house? Was he not right in taxing him with taking an improper liberty when he used a public building to do his own private business—a thing never before done in this country? He knew this fact upon the evidence of the government organ, which, when challenged, admitted it.

One of the first things done by Mr. McCully was to stop the speed of the trains, and thus impede railway travel in this country. It was said no accidents had occurred. Why, as a train was going round a sharp curve it ran off, and most providentially no lives were lost. One of the axles was broken, which would never have occurred if a careful superintendence had been kept; and the train, going off, was all but prostrated into the Basin.

He had taken the amount, something less than \$40,000 from the *Royal Gazette*; and he did not think the hon. member from Inverness was in a position to controvert that statement.

Mr. CHARLES CAMPBELL thought the government should give a statement showing the amount of per cent realized upon this railway speculation before they asked the house to pass the address.

Hon. Mr. JOHNSTON—I think the gentlemen opposite have been benefitting themselves by the instructions of the Evangelical Society, and would enforce upon us their cardinal virtues. For we are to take everything upon faith as regards the past, we are to hope everything for the future, and as for the present we are to be as loving as lambs. (Laughter) I am only ashamed to think that faith we have none, that our hope is so little, and our charity so small.

The hon. member for Inverness little understands the character of the country, if he thinks such facts as those brought forward by my hon. friend beside me (Dr. Tupper) are to be upset by such a speech as he has made,—a speech so full of nothing, in answer to one so fragrant with everything that the people of Nova Scotia consider valuable as respects the present government. The people know how little they have to expect from an administration, formed as this has been in violation of every constitutional principle; but they do hope at least that in the matter of the management of the railway they will have their pecuniary interest taken care of. They know that every duty incumbent upon a government, to uphold the law, the constitution, the moral sentiment, has been disregarded; and that everything which should be considered sacred by the people has been violated. But the people did expect economy, at all events, and that there would be something in that way to show. Even that belief has proved to be mere phantasy.

Hon. PROV. SECRETARY always thought the Cardinals were on the other side. (Laughter.) It was remarkable that the hon. member for Cumberland could never rise without attacking the hon. Mr. McCully. A man might be abused too much, and it certainly had been the case with that gentleman in

that House. Mr. McCully's relative, who had been superintendent of the wood department, he had correctly been informed, had been quietly dismissed, as there was no further occasion for him, and did not cost the Province a single shilling. Poor O'Connor was an old soldier recommended by Sir Gaspard LeMarchant. Mr. McCully found the salaries too high, and Mr. O'Connor had to take less or make way for another, and he chose the latter step.

The hon. member said there was only something like \$9,000 of an increase. He assured them that something else was referred to in that paragraph of the Address—the productive power of the railway. The difference between the productive power at this hour and this time last year, it would be found, was worth fully £9,000 a-year. What had Mr. McCully done? The late Government in the last year, spent all the railway earned, and took £2,000 to pay its upholding and expenses. Mr. McCully had made it pay its upholding and working expenses, and put over £6,000 in the public treasury. Here at once was seen the advantage of the new management.

The hon. member for Cumberland stated that Mr. McCully paid no rent for his law office. Well, then, there were several vacancies in that building, and very likely he had his law papers in one of them. But this he (Mr. H.) did happen to know: under Mr. McNab's chairmanship, the late Attorney General was paid a large sum for drawing up certain legal papers, while Mr. McCully had now drawn them up and charged nothing.—If, then, he has saved ninety or a hundred pounds in legal expenses, he could not be entitled to much censure.

He thought, too, the hon. member for Cumberland had treated Mr. McCully unfairly when he made it a charge against him, that he spent time in Court. He had the business of his clients in his hands, and he had to attend to it or else he would be doing them a great injustice. The hon. Prov. Secretary concluded by saying that there was not a more laborious, faithful public servant than Mr. McCully.

Dr. Tupper said that if Mr. McCully had saved anything, he had been forced to do so by the weight of public opinion. The Lieut. Governor propounded as the policy of the late Government to sweep away the whole department, and amalgamate it with the Board of Works, and thus save the salary of the chairman, the whole of the commissioners, and an accountant. That would have been an economy productive of far more real benefit.

Here was a chairman getting an immense salary for doing nothing! The people of Nova Scotia would put down such a gross act of injustice to them; just as they had forced the Government to save Mr. Creed's salary. Had the hon. Prov. Secretary pretended to say that Mr. McCully performed any duties for his salary? No, he could not. He was determined to repeat every statement until it took a firm hold of the public mind. He

would observe that the productive powers of the road were to be tested by the amount of money put into the treasury; taken in connection with the condition of the road, and all knew that the road suffered by the system of economy pursued with regard to it.

If Mr. McCully did not charge for drawing legal papers, it was because he dared not do so; because he, (Dr. T.), had exposed Mr. McCully's conduct as unjustifiable on a former occasion. The hon. gentleman concluded by saying that Mr. McCully's mode of managing the railway had already driven out several useful public servants—Mr. Adams, for instance.

Hon. PROV. SEC. said that the subject of Mr. McCully's salary had been referred to the Legislature, and it was decided that it should remain. The hon. gentleman showed that we have more revenue by £61,000 than we had before the introduction of railways. It was asked, Would railways pay their interest? Last year they did not, and £2,000 was taken out of the funds to pay the upholding. But under the new judicious management it pays its working expenses and £6,000 over for the interest. Let the road go on that way for two or three years, and we will soon see our way clear.

MR. CHAS. CAMPBELL asked what per centage would this work pay on the principle invested. He then went on to show that he had always been opposed to railways, and had lost his seat some years ago, in consequence of his opposition. He alluded to great expectations thrown out with regard to the railway by the hon. Prov. Secretary, and which unfortunately for the Province, had never been realized. He thought there should be a tribunal, as of old, to try those public men who deceived the people.

Hon. Mr. HOWE believed that the mode of destroying tyrants in the olden time was by means of oyster shells. He had no objection to sit down with the hon. gentleman from Victoria over a plate of oysters, provided he threw the shells away. (Laughter.) He remembered an anecdote of Charles the 2nd, who, when remonstrated with by his brother James for walking in the Park without a guard, replied, "Never fear, Jamie, they are not such fools as to kill me for the sake of making you king." So he thought there was not much fear of his being killed, for the same reason.

Hon. Mr. JOHNSTON said the leader of the Government has been boasting how much larger the revenue is than some eight or ten years ago, but he forgot to say how much more the people have been taxed than formerly, and how much they have increased in that time in population, and in the useful arts and sciences.

He wished to have the Government tried before a tribunal of those interested in the result, before a panel which no one had a right to challenge, and then it would be ascertained whether the hon. Prov. Secretary had not been eating the oysters and leaving the people only the shells.

The sixth clause of the Address then passed.

Some conversation ensued as to passing the remaining clauses, but as several members of the Opposition announced their intention of addressing the House,

The hon. ATTORNEY GENERAL stated that the Government had no wish to shut out debate.

Messrs. Chambers and Morrison deprecated the waste of time in discussing irrelevant matter; the latter gentleman offered to resign his seat and go to his constituency, if the hon. Mr. Johnston would do the same, and let the result determine the controversy, or he would exchange constituencies with him on the same conditions.

Hon. Mr. JOHNSTON wished *all* to go back to their constituencies.

Hon. Mr. HOWE moved in amendment that they all go to dinner. (Laughter.)

The debate was adjourned.

And the House adjourned until Monday at 3 o'clock.

MONDAY, Feb. 4th, 1861.

House met at 3 o'clock.

Hon. PROV. SECRETARY in reply to complaints made the other day by the member for Cape Breton, that the recommendation of the Post Office Committee as regards that island had not been carried out, read a letter from the Postmaster General, stating that, in accordance with the instructions received from the Government, he had last year, personally inspected the mail route between Cape Breton and Nova Scotia, and he found that the manner in which the contract was carried out by Mr. Lindsay, would favorably compare with any other mail service in the Province. The hon. gentleman also read details from the Postmaster General's Report in support of his statement.

Mr. BOURINOT still adhered to the statements he had made. He made no allusion to the Postmaster General, and he had no desire to implicate him, for he considered him a most efficient, able, and vigilant officer, and he believed if he was less interfered with by the Government and was left in sole control, that the duties of his office would be better discharged; but he had complained and still complained of the contractor, who, during the last few months, was repeatedly several hours behind his time. Occasionally the Government, and not the contractor, was to blame, as when the Truro train was delayed a couple of hours. But the main thing demanded by the memorial of last year, (in the propriety of which the hon. Prov. Secretary—then chairman of the committee—concurred) was, that relays of horses should be placed every fifteen miles; as regards that, things remained precisely as they had been, and the recommendation of the committee was disregarded. The hon. gentleman mentioned the different stages, some of which were 25 miles and 22 miles in length. If he had known that the hon. President of the

Council was going to address the House on the subject, he would have been prepared with a memorandum, which he had kept, of the arrival of the mails for some months past, and which would show the irregularity of their reception. He regretted being obliged to take up so much time with a local matter, but when there was an attempt to bring against him a charge of misrepresentation, he felt it incumbent to vindicate himself before the county which he represented; and he could assert, in all confidence, that the people of Cape Breton would bear him out in the statements which he had made that day.

Hon. PROV. SECRETARY—It had been asserted by a member of the Opposition, that the Government have improperly interfered with the Postmaster General in the discharge of his duties. He (Mr. H.) would at once write to that officer and enquire whether it was true, or whether on the contrary he had not always been directed to carry out the instructions of the Post Office committee. Last session he had sympathized with the member for Cape Breton, and had promised that his constituents should receive equal justice with other parts of Nova Scotia; he had promised nothing more. As regards the relays of horses,—in Cumberland where he was travelling the other day they did not change horses for 25 miles.

Mr. BOURINOT—How many horses?

Mr. HOWE—four, but the load was heavier—so between Windsor and Kentville there is no change.

Dr. TUPPER—That is disgraceful.

Hon. Mr. HOWE—In a new country you cannot expect the same facilities as in older ones.

Mr. BOURINOT—As regards the interference of the Government with the Postmaster General—stated that one or two parties who were considered unfit by the late Government, in which opinion the Postmaster General had concurred, had yet been appointed by the present Executive to certain Way Offices. Again he had been requested by the Postmaster General to recommend a person as a Way Office Keeper; he did so, but the Government did not attend to it.

Hon. Mr. HOWE supposed that the Postmaster General had asked the hon. member to recommend some names, which, as was his duty, he forwarded to the Government, who, however, did not think fit to approve of them.

Mr. BOURINOT had been asked to recommend a proper person. A feeling of delicacy would have prevented him from asking the Government to confer any appointment upon any one. He would say no more on the subject at present, but would take another opportunity, perhaps, of showing undue interference of the Government, not only in such matters as this, but in others, where certain gentlemen, who had allowed their personal feelings to come into collision with right and justice, were deeply implicated.

Mr. BLANCHARD explained that the member for Cape Breton was wrong in stating that

some of the horses had been taken away from the line between Tracadie and Antigonish; they had merely been taken from the middle and put at each end, so with regard to the line between Kelly's and Sydney.—The hon. gentleman bore testimony to the mode in which Mr. Lindsay's contract was performed.

Mr. BOURINOT—Allow me to say, Mr. Blanchard, you know nothing at all about it.

Mr. CHAMBERS presented a petition from Alex. Taylor and other electors of the county of Victoria against the return of Charles Campbell, Esq.

Dr. TUPPER renewed a charge that he previously made against the hon. Provincial Secretary of disregarding the resolutions of this House, and of violating the law by establishing a post ride at Maccan in Cumberland without imposing the conditions laid down by the Post Office committee.

It was well known to members, that in view of the enormous expense that had been incurred the Post Office committee had come to the conclusion, not to recommend the establishment of any new post rides, unless the parties interested would indemnify the Government in one half the expense. Yet the Prov. Secretary in the teeth of this Report, had actually established a post ride at Maccan without the rule laid down by the Committee having been observed. Some time since an application had been made to him for a post ride between the Bay of Verte and Goose River, a most important and necessary line, he told them they could only have it by conforming to the rule laid down by the House, and paying one half the expense of any deficiency, and now these people come to me and say you told us that such was the rule of the House, but Mr. Howe can put a ride whenever he chooses without any conditions.

Hon. Mr. HOWE was quite prepared to justify his acts. He contended the Government had the power to exercise their discretion wherever the wants of the country demanded it, and then come down to the house and have their acts justified. Of course they must take the responsibility, as he was prepared to do in this instance. When he found the part of Cumberland referred to without mail accommodation, he instructed the Postmaster General to establish a post ride—if it turned out that that had been done on different terms, from other places, he would see that it was rectified.

Mr. TOBIN could not agree with the doctrine laid down by the Provincial Secretary. The duty of a government was to administer the laws during the recess, and see the recommendations of committees which had been confirmed by the House carried out. It would be dangerous to give the government the power claimed by the Provincial Secretary—it might be exercised for political purposes. Supposing that he (Mr. T.) were running an election for Halifax county, it might be very convenient to establish new post rides to get political support, but it would be

a dangerous practice and productive of much corruption.

Mr. JAMES McDONALD agreed with the hon. member for Halifax as to the unsoundness of the doctrine laid down by the leader of the Government. He pointed out the unfairness of the course pursued; while the petitions of numerous localities which had been before the House had been rejected, on the plea that the great number of way offices in the Province imposed too heavy a burden upon the treasury, the Hon. Provincial Secretary proceeded to establish a post-ride where it was most to his interest to place it. This was an interference with the regulations of the House, and such a violation of the laws of the land as should not be allowed.

If it was once admitted that the Government could take such liberties as this with the law, they might come down to the House, and with a packed majority, justify the most illegal majority, justify the most illegal measures. As regards the Lunatic Asylum, the Government acknowledged that they had violated the law on the statute book. If they could do it in this case, what was to prevent them tampering with any law if they had a majority to ratify their conduct.

Hon. ATTY. GENERAL acknowledged that it was the duty of every Government to pay due regard to the recommendations of committees of the House, but he was afraid the late Government had not set a good example in this respect. He instanced a case in the County of Colchester which had been investigated before a committee of the House, and a report made, which was confirmed by the House; and yet the Government of the day had acted in direct opposition to that recommendation.

A grave necessity existed for the intervention of the Government, in the case of the Lunatic Asylum; and he was confident when the whole matter was discussed that the country would be thankful that the executive had acted as promptly as they did.

Hon. Mr. HOWE read extracts from the report of the Post Office Committee of last session on the subject of new post rides, and establishment of way offices, and contended that from them it appeared that discretionary power was given to the Postmaster General during the recess, to establish way offices, and change post rides as the wants of the country might require. The house, perhaps, might think too large a power had been granted, but it appears it had been given by the committee of last session.

Dr. TUPPER—The explanation given does not meet the case. No new ride could be established under any circumstances unless upon certain conditions—these conditions had been violated. He did not question the power of the Postmaster General to make any judicious alterations in existing routes. To the establishment of a new ride in Cumberland, he had not the slightest objection, the government had his permission to create as many as they pleased, but he did object to the assumption of powers by the Execu-

-ive which the law did not warrant them in exercising.

The Hon. SPEAKER announced the reception of a letter from the Speaker of the House of Assembly in Newfoundland, accompanied by copies of certain resolutions passed by that body, complaining of the infringement of a right conferred by the despatch of Mr. Labouchere, dated 26th March, 1857, relating to the Fisheries. The resolutions strongly insisted on the preservation of the rights established by the despatch, which was styled the "Provincial Magna Charter." The subject of complaint was the encroachment of French fishermen on grounds set apart for the exclusive use of British Colonists. The resolutions were dated 29th Jan. 1861.

Hon. PRO. SECRETARY desired that the papers should be laid on the table. It was clear that the Legislature of Newfoundland were in possession of information tending to make them suspicious; as the question involved interested the North American Colonies generally, there would prevail but one feeling on the subject.

Mr. LONGLEY presented a petition for aid to a road.

The Hon. SPEAKER thought the present a good opportunity to call the attention of the House, to the fact that under the resolution of last session, all petitions asking money grants must first be brought to the notice of Government, otherwise they could not be received or considered by the House.

Hon. PROV. SECRETARY explained; petitions for money grants had better be sent to the Financial Secretary's Office, where they would be duly considered fairly and on their merits. If a petition for a public work in which any hon. gentleman felt interested was not duly considered—the member charged with its presentation would have his redress in the House. He (Mr. H.) in carrying out the new system expected a good deal of indulgence—to perfect it mutual forbearance was necessary, and he hoped it would be accorded.

Mr. WADE thought the subject was one of very great—perhaps of paramount importance. A day or two since he had asked the Government what course they intended to pursue? He would now reiterate the question: Did they intend that the petitions for Navigation Securities—Breakwaters, &c., were to be sent to the committee on those subjects, or was the Government to assume the power of deciding on these claims, ignoring the committee altogether.

Hon. FINANCIAL SECRETARY—Previous to the opening of the Legislature the public were notified that all petitions requiring money grants should be sent to the Financial Secretary's Office; the public were, therefore, not taken by surprise. As to the breakwaters, &c., referred to, the Government would deal with every question submitted to them on its own merits, fairly—uninfluenced by personal considerations.

Mr. WADE did not wish to interfere with the arrangements of the Government, but desired to know where the responsibility

rested: the subject was new to the House, and therefore required explanation. If left entirely to the Government,—if the power of committees were altogether ignored, and the Executive had the sole right to say whether aid should or should not be afforded to this bridge or that breakwater, he foresaw much reason for apprehension in the future, and felt that members should unite to maintain intact the privileges of the House.

Mr. LONGLEY had merely presented the petition that it might be put on the file; he thought it quite necessary, however, that it should be read, so that the House might be in a position to judge whether the prayer ought not be granted.

Hon. FIN. SECRETARY would say in reply that it was never contemplated that the Government should interfere with the division of the ordinary road grant by the members: it was intended, however, to adopt the English principle, which, of necessity, threw a large amount of labor and responsibility on the Government, while the members of the House, had the means of self-protection in the power they possessed of defeating an administration that acted partially or unjustly in the distribution of the public funds.

Mr. HENRY.—Are the Government in possession of the necessary information, and prepared to come down with their budget and submit it to the House? If so, it was as well to await the result; but for the Prov. Secretary to ask gentlemen to present their petitions and wait two or three weeks for information, not knowing that the Administration authorized the grants they sought, was not the course he thought should be pursued. Of his own knowledge, many persons desirous of presenting petitions to the House, were not cognizant of the necessity for sending in their petitions within the period specified, until four days within its expiration. (Hear.)

Did the Government really intend to enforce the system they should have dealt with it in a manly, straightforward manner—given due and sufficient notice, and carried out the thorough English system. This was not their policy. The resolution once passed, it became necessary to define and designate the limits to the powers conferred on the Executive; he wished to know whether the Government were prepared to adopt and carry out the English rule, in all purity? No mongrel system would answer; in his opinion the Administration should carry it out in its integrity, or return to the usage of former years.

Hon. PROV. SECRETARY would illustrate the matter by a single reference—it was too early in the session to go into the details of financial discussions, as these would take place after the estimates had been submitted; in the mean time the member for Annapolis charged with ten or a dozen petitions for aid to public works; would hand them to the Financial Secretary, whose duty it was to ascertain whether there was anything peculiar in the position of the county necessitating the outlay. If a new line of road was re-

quired; if the county was in debt and needed legislative aid; if a bridge were down—all these subjects would have his attention, and be dealt with as they deserved. Where a case was fairly made out, aid would be afforded.

The cross-roads must be dealt with as heretofore; so it was in New Brunswick; in Great Britain no cross-road system existed—that was peculiar to Nova Scotia and New Brunswick; the monies appropriated for that purpose, would still be handed over for subdivision to the members. But a case once made out, if not attended to, the member for Annapolis had his remedy; he could come down and charge the Executive with dereliction of duty—his remedy was an appeal to the House. The opinion of members within doors and public opinion abroad, always had its influence, and would control the arbitrary action of any Government.

Mr. CHURCHILL thought the new system would give dissatisfaction. When he observed the short notice that had appeared in the papers, it struck him that a petition might be presented, handed over to the Executive Government, and there buried. (Hear.) Members were elected by the various constituents to present petitions and advocate the claims of those who sent them there, to consideration. Suppose the Government chose to repudiate a just claim, they might be charged in the House. What then? There were too many charges against them, already. (Laughter.) He thought it would only prove a means of ridding themselves of responsibility.

The hon. ATTORNEY GENERAL thought the principle, when understood, would be found to work better than hon. gentlemen anticipated. The financial condition of the country required that rigid supervision should be exercised over its expenditure. In England it was the established rule that no application could be made by petition for a money grant unless sanctioned by the Government. The rule was founded in wisdom. The Administration, understanding the financial condition of the country, averse to prodigality, but desirous of providing for all its necessities, knowing its income, could confine the outlay within just and reasonable bounds. The Financial Secretary was bound to submit the general estimates. The system would avoid the difficulties formerly experienced. In New Brunswick the supplies were voted in 13 or 14 resolutions, each embracing a number of grants coming under one head—and he required no better proof of the benefits of the system resulting in that Province, than the fact that he perceived by the Journals of 1859, that the provisions for that year came within £247 of the actual expenditure. By adopting it the system of log-rolling would be done away with, and a more equitable principle established.

Mr. TONIN believed the system had its advantages and disadvantages. True, log-rolling existed formerly, but that was preferable to the evils which he thought would ensue under the present circumstances. The Atty-

General had said that all the petitions would be handed to the Financial Secretary. What would then occur? The Executive Government would examine them, make their memoranda, and afterwards the whole thing would be discussed in caucus. Gentlemen might shake their heads, but he had been behind the curtain before. (Hear.) He felt that great power was not only given to the Government, but to the party supporting them.

The New Brunswick Journals might have been quoted, but what of the Canadian? In that Province the Government exercised the privilege of initiating money votes for years, and what was the result? A system of corruption pervaded every department; and so gross had it become that two members had travelled through the Lower Provinces, and the United States to the Legislature, and upon their arrival demanded mileage for their journey, and the Government being in a strait, paid them, rather than risk the loss of their support. Again in 1859, the Legislature of that Colony, numbering double that of Nova Scotia, cost for their own expenses, £175,000. He wished to know if that was not worse than log-rolling. No committee fairly drawn would sanction such injustice. Any member whose support was necessary to the Government could get his hobby carried out under the new system, whether that hobby was to construct a wharf at Digby, or make a road in Victoria or Lunenburg. (Hear.) Scarcely a petition was presented to the House that did not involve a money vote; those presented for printing, education, public accounts, crown lands and navigation securities, were all of that character; and he thought the Assembly could best adjudicate upon the propriety or impropriety of the required grants.

Hon. PROV. SECRETARY—The hon. member seemed afraid that injustice would be done by the majority? Could not the majority pass or neglect any grant they pleased? It was quite incompetent for those supporting the Government to go into Caucus and appropriate the revenues any way they pleased. The hon. gentleman knew that was not done, and could never be done by any party. He was not aware that the member for Cumberland had been in favor of the system—but he was quit right in being so; and he (Mr. H.) only hoped it would operate as well in Nova Scotia as New Brunswick, which latter Province had been redeemed from a state of bankruptcy through its influence.

Mr. WADE would again call upon the Government to inform the House how they intended carrying out the system. They were not debating the propriety of conferring certain powers on the Executive; that had already been done; it was his object to ascertain how they were to be applied. He did not look to the present only; the existing Government might be disposed to act honestly, but were fallible and liable to change. A new Government might spring up, with the expiring laws the Administration might ex-

pire also, (hear) and then gentlemen opposite would feel just as he then felt. The Atty. General had alluded to New Brunswick—it was just possible that what was right in that Province would prove vitally wrong here, and operate most injuriously. The Prov. Secretary intimated that the cross road system was to be left untouched, but what of the great roads? Was the Government to exercise control over them? Surely the House was entitled to information on these points. Party spirit was as rife in Nova Scotia as in Canada; the system that had produced such bitter fruits there, would operate just as injuriously in Nova Scotia; at any rate the powers conferred should be confined within proper limits, and he thought hon. members should ponder long and well before finally deciding.

Hon. Mr. LOCKE—This question was settled last year by resolution, what was then done could not now be undone except the action then taken was repudiated by the House. The present discussion was therefore unprofitable and useless.

Mr. McFARLANE concurred with the hon. member for Shelburne; the resolution had been adopted last session, but the hon. member for Digby wished merely to know what was meant by it—to what extent the power had been given and what course the members of the House were to pursue.

After some further remarks the adjourned debate on the "answer" was renewed.

RAILWAY EXTENSION.

The seventh clause in the address was read.

Mr. JAMES McDONALD said—In my opinion the subject of railway extension, and the general subject of railway management in this country is one of great anxiety and solicitude to every county and to every individual in Nova Scotia. The county which I represent undoubtedly feels a very great interest in regard to the extension of the railway. They feel, as far as the county itself is concerned, it is of the utmost importance that the railway should be extended to the waters of the Gulf of St. Lawrence; but the population of that county is too intelligent, as well as informed upon the public affairs of their country—they have the general welfare too much at heart to allow purely selfish motives to induce them to seek the prosecution of a public work which will be injurious to the public at large. Therefore, in any remarks that I have to make I claim the credit of not advocating solely the local interests of my county, but the interests of the Province generally.

Everybody will admit that no man in this country stands so completely committed to the prosecution of a railway to its extension to Pictou particularly, and to the extension of the Trunk line if it is possible, as the leader of the present Administration; and when I look around at his colleagues I see that they are as equally committed as he is himself. Let us look for a moment at his position. The speech announces a number

of measures which I think both sides of this House will consider as being of a petty character. It speaks of a wharf at Digby, (for a purpose which all can understand,) and a road to Inverness; and such little button-hole contracts of a local character—advanced for their own aggrandisement. But real political measures of importance to this country are hardly touched upon. Every measure is adapted simply to the benefit and protection of the party now in power. And then we have a subject announced in vague terms, though it is one in which the reputation and statesmanship of the hon. leader are concerned. We find him ignoring his past position, and inviting his own friends and gentlemen on this side of the House to deal with it as they think proper.

If the House will bear with me a moment whilst I go back to the early history of this important work, they cannot help coming to the same conclusion that I do: that the hon. leader of the Government, in propounding the policy which he has announced in the Speech, has deserted the principles which he advocated formerly. He said that he never carried a railway policy by a party vote.—My recollection tells me it was carried by a strictly party vote—by promises which have proved illusive, but which might have been sincere when he advocated such an undertaking in this country. He got the Province to involve itself in a million; but none of the pledges on which he staked his reputation, have been fulfilled. The people, in the first place, gave their support to him on the promise that these railways would not cost more than £5 000 a mile; and, in the next place, that the road would go to Pictou, and that possibly it would be extended to the frontiers of New Brunswick. And the hon. leader of the Government knows full well that no country would have trusted him with a million of money to build a road to Windsor and Truro. He knows that, if the people had been fairly told that they were going to embark in an undertaking that would be ruinous before completed, they would not have entrusted it to him.

I wish now to confine my attention to what I conceive to be the bounden obligation of the Prov. Secretary, in reference to this work. I have stated shortly the obligation under which he lies to this country. When he first found he was mistaken in his calculations, he did not then retrace his steps. He did not say as he says now by his policy, which he has at length presented before us. Now he says, to all intents, I over-estimated the cost of a railway; I deceived you when I told you it would cost only £5,000 a mile. During the winter when the late Government were in power, my hon. friend beside me, (Dr. Tupper,) said, on Mr. Wilkin's resolution relative to the extension to Pictou: Here's a railway which has exhausted all the resources of the country; we don't consider it wise to go on with the extension at present. What was the reception that proper and cautious policy received? It was denounced by the hon. gentleman (Mr. Howe). They were

told, and more particularly the County of Pictou, that the Government who did not bring it there, were not deserving of the confidence of the people. Almost every member of his party advocated the same; and the best speech of the Attorney-General was made in vindication of that policy. I had not then the privilege of being a member of the House, but you, Mr. Speaker, and my colleagues, were here supporting in all sincerity, I believe, the policy of the present leader of the Government.

Last winter it was expected that a policy so recently announced, would be carried out, particularly as the hon. leader came into power by virtue of a majority obtained on the faith of these promises; for no one could deny that the people of the County of Pictou supported them, confiding in the promises they made in regard to railway extension. Having carried the county by these pledges, it was to be expected that their first step would have been to ratify them. What did they do last winter? When asked for their policy, after a great deal of difficulty they announced it. Then they gave us a policy which I consider unworthy of themselves, and particularly of the hon. Provincial Secretary.

A paper was brought down which I conceive to have been of the most unworthy and deceptive character. The paper which was read said that the terminus would be selected and that all necessary surveys would be made to enable the Government to propound their policy and to set the work in operation. I need not say that not one of these promises has been fulfilled—they were not intended to be, I suppose. No survey was made. Not even a member of the Government, that I ever heard of, selected a site for a terminus in Pictou—not a measure was taken to induce the people of Pictou to believe that a single step would be taken in order to prosecute that road.

But now some hints were thrown out that a different course would be taken. We are told we have a great revenue. Mr. McCully has given an enormous sum of money from the railway, and they will be unable to say to the people that they cannot extend that road on account of a want of funds. I think that the Attorney-General proved beyond a doubt that the road could be built for an expenditure of only £6,000 per annum. If that be true—if the calculations made by the Attorney-General were honest, the profits of the road last year should have induced the Government to further the undertaking. Why is it, then, that the Prov. Secretary comes down and says, Here it is, squabble over it? He does so, because he has no intention of proceeding with the road. If, under the system of Responsible Government we are to have a Government assume the protection of a little bridge, or to uphold a measure not required by the country, but only requisite for their own aggrandizement, and to keep up their own party in the House, and, if, at the same time, we are to see them neglecting a measure above all others, important in its

nature and results,—then I say any administration, in acting thus, has ignored its high functions, and is no longer entitled to any respect.

The all important question is this,—Will the extension of the road to Pictou be advisable or not? What does the leader of the Government say? He says: Here is a road to cost half a million of money if I extend it to Pictou; I cannot say if we have the means to do so; but here, take it and do what you like with it. Not only has the hon. gentleman, by such a policy as this, forfeited the pledges which he voluntarily made to the people of Nova Scotia; but he has deserted the very principles which he himself framed, since he has thrown this important measure to be used as a foot-ball.

The hon. member for Inverness gave us an inkling, perhaps, of the nature of the measure, when, in moving the Address, he said he hoped one of the first steps would be towards the extension to Pictou. If I have not been misinformed, a member of the Government—the hon. Financial Secretary—in his recent canvass in Cumberland, has given us a more distinct policy; for, at a meeting held at West Chester, he said that their object was to extend the road ten miles out of Truro, and then wait till the country was in a condition to go on with the main trunk. I hope we will have a distinct answer whether this is the policy we are going to have, and whether the people of Pictou are again to be deluded by promises of a railway which there is no intention of granting them.

I feel bound to assert my belief that in the policy which he has propounded, the leader of the Government is not sincere. What did we hear the other day? He actually invited his own friends not to vote for it. He declared that the Hon. Colin Campbell could not vote for it—that Mr. Hatfield would not. Why is he so solicitous to get gentlemen to vote against it. The House will remember that he is not accustomed to yield even to his own party when he has a pet measure in view, and that if he was sincere he would not act in the way he is now doing. But, sir, I would like to ask the Prov. Secretary whether he intends to allow his friends the same liberty of action in regard to the redistribution of the franchise for instance. I expect not. He accords this liberty now because he knows he is insincere.

Now, the object of this motion I contend is very plain. The representatives of the county which I have the honor of representing, are naturally pressing their views on the Government. Depend upon it that the people of the County of Pictou are narrowly watching the progress of affairs. They have put up with too many promises in regard to the extension to be any longer satisfied or cajoled by a partial measure like this. They cannot but feel that gentlemen coming down with such a measure, and trusting to their enemies and opponents for its passage rather than to their own friends, are not entitled to the confidence of the people, and I will be very much mistaken if the county,

so deeply affected, will not return an answer if a necessity arise, in accordance with the views I have just expressed.

Hon. PROV. SECT. said—The hon. gentleman who has just sat down says he doubts exceedingly if I am sincere in telling this country I intend bringing down a measure for railway extension.

Mr. J. McDONALD—I said I doubted whether you were sincere in intending to carry it.

Hon. PROV. SECT.—That makes no difference. I tell him, in the presence of the people of Pictou, that God help that county if I am not sincere in advocating the extension of the railroad to Pictou. Then they have but a slim chance of ever getting it. I tell him, in the presence of his entire constituency, that if I am insincere, it will be a long day before Pictou gets a railway.

He says I should bring it down as a Government measure. I should do this if I wished to be defeated. Can I bring it as a Government measure, knowing that the party that sustains me on general grounds will not at all support the Pictou railroad—a statement I make candidly, frankly. I tell him that, so sincere am I that, rather than the railway should not be extended, I would tender my resignation to-morrow to carry it.

But suppose I do, who will extend it? Not the hon. member, for how can he carry it? I have built a hundred miles of railway. I have built sixty towards his own county, without his aid. Yet he tells me I am not sincere. Now, sir, suppose I tender my resignation—resign my seat and break up my government, who is to carry it to Pictou? Can the County of Pictou carry it herself? No; she has not the power. She has but four members here. Who then is to carry it? Not the hon. member for Cumberland, for during his whole canvass through that county he took every opportunity of stating that I was pledged to carry the railroad to Pictou, and that he was dead against it. In that case with what sincerity can the hon. member (Mr. McDonald) accuse me of inconsistency, whilst he sits side by side with a gentleman who denounced this railway from the beginning to the end of Cumberland? And yet he asks me to resign that this hon. gentleman may carry it through. (Laughter.) I will take the members on either side to show my position. Take from the majority I have got four members—for that number at least will not vote for it—and that makes a difference of eight, and my government is shattered—the railway is lost, and the people of Pictou will have to go without it. Then take the opposite side where there are also six at least opposed to the measure—and how can the opposition carry it? Therefore I proclaim, in the presence of the County of Pictou, that if the railway is lost the responsibility and the fault will rest more upon the hon. gentleman than upon any other man I know. (Hear, hear.) It is known that no government is bound to retire upon a public measure unless the opposition can carry it. If the gentlemen opposite were

united upon that policy—if they could attach to themselves from this side a sufficient number to form a government, and carry out that public work, they would be in a position to taunt me and ask me to resign. But I say it is not their policy. They would not start a mile were they in office to-morrow. But I am not sincere! Well, I did think if there was anything I had earned reputation for it was sincerity. Too enterprising I may be, bold and audacious I may be, perhaps too rash at times, but if I am not sincere, then I do lack some element of reputation which I thought I had established long ago. Why, sir, I do not stand and say to Pictou, I am going to bring a measure for a blind. No, sir, I never did that; the best proof is that what I ever yet brought forward I carried; and I am going to carry this,—I mean as far as my ability goes. But I say it cannot be done, except a majority be combined of the elements on both sides. Therefore, sir, if I had made this a government measure I would have lost it; and the only chance is to bring it forward on its merits, and advocate it as far as lies in my power.

This is not quite the time to explain how I think this measure should pass. He said that we only intended to make ten miles towards Pictou. Well, I hold that even that would not be a bad instalment—it is a quarter of the whole distance. I am not going into detail, but, I may take this occasion to foreshadow my policy. I believe, sir, if I were disposed to act insincerely in this matter, perhaps, the county of Pictou might learn a lesson; but insincere I am not. In Cumberland, a county interested in an extension in another direction, I explained my railway policy exactly as in this Legislature. Now, I say to the hon. member, that when the railway policy was adopted originally, every man on both sides pledged himself, that if the other Provinces gave us an intercolonial railway, we should go north; and that if the other Provinces did not consent, we should go on to Pictou. There are ten miles of this route that will be common to both. What do I intend to do! To stop short? No. But I propose to come down and ask this house to build the ten miles next summer; we can then ascertain by negotiations with the adjoining provinces and the imperial government, whether an intercolonial railway is on the tapis or not. But, if that line cannot be got, this Legislature is bound to go on and touch the Gulf of St. Lawrence. That policy, I believe, will recommend itself to both sides of this house.

Sir, I have no wish to trifle with Pictou or its representatives; but, if the hon. member does wish to sacrifice the interests of his county to party and faction, let him do it. But I will not sacrifice the interests of Pictou or of Nova Scotia to faction. Show me a majority on the opposite side that can carry this measure, and I will leave my resignation in the hands of his friends. All I ask is that I should be allowed to come down and explain my policy fairly and honestly, and carry it through, if possible. Now I do not

mean to say at all that a Government should not deal immediately with great public questions, if it can do so with undoubted safety; but it ought not to sacrifice the interests of the country by any mere wish to maintain the unity of a party; when that is impossible. If the hon. member for Cumberland will get up here and say that he is in favor of carrying this road to Pictou, that he has got a majority to do it, that will materially alter my position; but I do not believe he can make such a statement on the floors of the House, now.

Dr. TUPPER.—I do not consider that the President of the Council has fairly stated the duties of an Administration. Why, he tells us it is his duty to resign only on a great public question, if the party opposed to him is prepared to carry it. He mistakes the whole scope and character of responsible institutions. They teach the very reverse of what he would make us believe. If the Government have a policy and cannot carry it, they are bound to resign and place the Government in the hands of those whose policy is supported by a majority of this Legislature. He therefore stands in this position—that he is the advocate of a policy which the Government do not want. And let me here tell him that I intend to be as frank as he has been in this matter. I believe a Government that will endeavor to fasten half a million of debt, is a Government that does not deserve the confidence of the House for a single hour.

What are the facts? If there was ever a single issue drawn between the two parties, he knows right well that it was this question of the extension. At the close of the session of 1859, the important question of the extension was moved, and the Government said they could not burthen the country with another half a million of debt, until the results of the railway proved we would be in a safe position to undertake it. What have we to-day? Let me say that I rely little upon any calculations made by the chairman of the railway. The other day I showed that the public documents were unworthy of consideration. I hold an evidence to prove that we are in just the same position to day. It is well known that the late Government gave an order to the Railway Board to publish the receipts on the line with a view of giving accurate information as to its condition. Now we find in the *Royal Gazette*, where these receipts are published, that whilst the whole year's increase has been something over nine thousand dollars, and while one-third of that accrued during the last month that Mr. Mosse was in charge of the line, Mr. McCully has made it appear, from the mode in which he has cooked the figures, that during the last three months there has been an increase of over \$1,000, the actual fact being that during the last three months there has been a deficiency of over that amount.

last three months—the railway being actually worse off than in 1859. Yet with this fact known to the Government—unless Mr. McCully is as well able to deceive his colleagues as he can the country—they come down and ask us to extend the railways.

The hon. Prov. Secretary repelled the charge of insincerity. I charge him with insincerity. Mr. Laurie brought in a report showing that it would be wise and judicious, in a financial point of view, to extend it to Hantsport, though the member for Windsor absolutely opposed it. He endeavored to show this House that no advantage would occur from carrying it to that place, though the reverse was shown by the visit of the Prince. But what do we see now? We see a policy which is to fasten two antagonistic lines on Nova Scotia. In the speech there is just as much pretence of extending it to Hantsport as to Pictou. But I say we are not in a position to extend the railway a single mile in any direction; and I put it to the leader of the Government whether he does not stand in a humiliating position, when he comes down to this Legislature and tells them he has not a party to sustain his policy. He must feel that his present position is not statesman-like. He knows that he got his Government by advocating railroads, and how, then, can he shirk the responsibility, and not say, I will allow it to be kicked about.

In the session of 1859, I received a telegraphic dispatch from an influential gentleman in Pictou, saying "support the railway to Pictou, and we can send you four men." Did I then go and sacrifice the true interests of the people of Nova Scotia? Did I abandon my views? No, sir, I placed my office on the shrine of my duty, for I could not but feel confident that very likely four votes would decide which party was to form the Government. I did not wish to sacrifice half a million of money. I knew that not only would the whole revenue be irretrievably embarrassed, but the road money would be really stripped from every county in the Province.

I say they are not in a position to come here; for he acknowledges that he is in a minority on that great question. But more, —a member of his Government said, in the presence of his constituents, that if the Government of which he was a member supported the railway, he would vote against it, and this Mr. Campbell could not deny. And yet I find him a member of an Administration which actually brings in a policy to extend the railway, and the leader of his Government declares his determination to carry it. I do not believe, indeed, that either Mr. Colin Campbell or Mr. Hatfield will continue a single day to support a leader who will fasten half a million on the people, if he got men enough from this side of the House.

make, which will show him that the position which he has occupied is inconsistent with his own reputation as a statesman. Everybody will remember when he went to England, charged as a delegate on the railway, and that he sent out to his government a memorial of his views. Then the hon. G. R. Young, a man second to none in this house for an indefatigable industry, got up and used language which has been proved to be prophetic. He ventured gently to disapprove of the policy of the hon. Provincial Secretary. Why, the latter gentleman no sooner set his foot in Nova Scotia than he drove out Mr. Young. So I point to that fact as an evidence that his present course is an abandonment of the principle he then asserted—that under Responsible Government, when a government brings down a policy, no member can vote against it.

The hon. member has boasted that he alone made a hundred miles of railway. I am glad that he has done so; for I had the misfortune to be challenged in some part of Yarmouth that I had made seventeen miles of it. (Laughter.) But, sir, whether it may meet with the confidence and support of this house or of this country or not, I have no hesitation in saying just as unequivocally, that my policy in the present position of Nova Scotia will be to oppose extension in any such manner as is now proposed; for I firmly believe in the present state of the revenues, it would be impossible. It would give me no trouble to sweep away these self-gratulatory terms in which they talk of the revenue. I can easily show at the proper time they owe their increase to the previous administration. From the careful management during 1857, we were able to place our financial affairs in a satisfactory position. But the tide is already turning, and the prospect for the future is ominous indeed. It will be found, too, that the policy which we inaugurated in reference to the rum, has helped to give them a large revenue in 1860; but that cannot be relied on for 1861. The hon. gentleman concluded that in view of the prospect of a continued decline in the revenue, the House were not in a position to go on with the extension, unless, indeed, they were willing to rush recklessly into debt.

MR. GRANT next addressed the house, but was almost inaudible in the gallery. He showed the extent of the pledges he had given to his constituents. He told them that there had been a vote taken on the resolution of Mr. Wilkins; that the liberal party supported it; and he placed their action beside that of the government of the day. But gentlemen forgot that all of the liberal members did not vote for it. He then referred to Dr. Tupper, and said he had no hope of ever getting a railway through his immediate exertions. He would say to the hon. member for East Pictou that he regretted that the government was not in a position to move the extension to Pictou; but he was content to take the best chance he could get. He would state this; if the opposite side of the house would promise to carry the railroad to

Pictou, he would at once cross the floor. If there was a party in the legislature that could carry it, he would support them; and more than that he could not do. And, he would observe, it was his intention, if nobody would introduce a resolution to carry it to Pictou, he would do so himself, provided there were funds enough.

HON. PROV. SECRETARY thanked the hon. member for Cumberland for the condor with which he had made his explanations. But he had charged the chairman of the railway with giving his financial statement with a view of deceiving the public. Such a statement he (Mr. H.) could hardly believe; but he would, however, ask McCully to verify his statements.

A few words, he continued, in regard to the reference made to the late Mr. George R. Young. It was not I that drove him out of the administration; and, however much I may have been misrepresented in that matter, I have never thought it while to do myself justice. The facts were these: While I was in England, some debates took place on the floors of the house; and Mr. Young made a speech, which his colleagues found fault with. Mr. James B. Uniacke and Mr. Young came into collision in my absence, and Mr. Uniacke, before I had landed in Nova Scotia, had tendered his resignation to the Lieut. Governor, demanding that Mr. Young should leave the government. And more, when I landed both gentlemen had tendered their resignations, and made it certain that they would not act together in the cabinet. Having waited a few days to see if either of them would yield, Mr. Young's resignation was accepted; and I had no more to wish it than the honorable member for Cumberland himself. I should admit that Mr. Young did, at a time when his mind was affected by disease, particularly blame me, but without reason. I knew Mr. G. R. Young well; I esteemed him as highly as any man in this country. I believe that there would have been no difficulty in Mr. Young's supporting my railway policy. The personal quarrel had gone too far, and he had to retire.

The hon. gentleman then went on to allude to the debt of £100,000, owing by the City of Halifax. He said it was the intention of the government to introduce as soon as possible a measure for enforcing that debt upon the city.

MR. TOBIN said he did not at present intend discussing the question of the liability of the city of Halifax. He had always taken a great interest in railways; but he regretted to say that, having given some attention to the subject, he was afraid they would never be a paying speculation in this country. He alluded to the small amount of travel and traffic in the cars at present, and said though the extension to Pictou would naturally increase the trade, yet even then there would be no sufficient remuneration. A good deal had been said about the flourishing condition of the road. Why, when it was handed over by the late government, the rolling stock, the switches, the turn-tables, everything in

fact, were new. So there was no outlay required to keep it up. But consider after the machinery was worn out, and the sleepers and the rails required to be renewed. All the earnings then would be necessary to put it in good order again. Mr. McCully was doing his best to take all he could out of the road, and in two years' time, if a change of government took place, the whole cost of repairs would be thrown on them, and there would be trouble enough to drive them to pieces. He would not undertake to doubt the hon. Provincial Secretary's sincerity, but the late election of Legislative Councillors, when the eastern sections have been entirely ignored, looked suspicious, and as if he was afraid his policy would not be considered favorably in that quarter.

Mr. SHAW alluded to the great want of a bridge at Bear River.

Hon. PROV. SEC. said that if he had the least idea that they were drawing from the railway its vigor and its health, in order to make delusive statements, he would not continue for a day the office at the head of the department. But he really believed the road was in a better order than ever before. Every day, he believed, was consolidating the work. Those who had the upholding were bound to keep the road in thorough repair. In reply to Mr. Shaw the hon. gentleman said that very likely by twelve year's time they would have the bridge spoken of. (Laughter.) At present they were not in a condition to form any reasonable guess of what it would cost.

Mr. TOBIN contended that there was no necessity for a Railway office in the city; it should be kept at Richmond. The chairman too, should be an engineer. The work, in fact, might be done with a view to economy, by the Board of Works.

Hon. PROV. SEC. replied that they still kept up the chief office in New Brunswick. The amount of work performed in the Railway office here was very great.

Mr. CHAS. CAMPBELL asked if anything was to be done with the St. Peter's Canal next summer.

Hon. PROV. SEC. answered in the negative. After the report made by Mr. Laurie he would not venture at present to touch that canal. By and by when he got an engineer of his own selection to go over the grounds with him he might perhaps be able to do something with it.

A short desultory discussion here ensued upon some allusion made by Mr. Laurie in his report to the people of Cape Breton.

Mr. JAS. McDONALD said that the policy of the government was evidently only to extend the road ten miles. It was palpable that they were not sincere in wishing to extend it to Pictou.

He had come to the house entirely unpledged as regards the Pictou railroad; not so with his colleague (Mr. Grant), who had pledged himself to sustain no government that did not extend the road to Pictou.

Mr. GRANT—No

Mr. McDONALD might, perhaps, have mis-

understood the pledge, but he had not the paper by him to refer to. He was certain, however, from the relations which existed between that gentleman and his constituents, that he (Mr. G.) could not consistently support a government that was opposed to the extension of the road. If he (Mr. McD.) was situated as his colleague was, he would either carry the road to Pictou, or retire from public life.

Hon. ATTORNEY GENERAL had no wish to discuss the question prematurely; but there was one remark of the member for Pictou he could not pass over. That gentleman had stated that he was quite willing to trust the railroad in the hands of the late government, but he anticipated the most ruinous consequences if it continued under its present management. He would ask, did that gentleman know what he was talking about? Did he not know that the late Government had to borrow from abroad £100,000 to pay the interest of the debt, and that they spent £100 a day to work the road, whilst the present government in a single year out of the ordinary revenues of the country had paid the interest without borrowing a shilling? He would ask, did this look like a government that would involve the country in ruin?

Dr. TUPPER was glad the hon. Attorney General had at last found his tongue, and he also perceived that he was able to make use of the same plausible and specious statements with which he had been accustomed to delude the house. He knew that the statement he had just made was unworthy of him. What position did the late government find themselves in when they came into power in 1857? Up to that time all the railway interest that had been paid in Nova Scotia did not reach £10,000. The very last year the previous government were in power, although they had but a small amount of interest to pay, they ran the country in debt something like £39,000. The hon. Attorney General, when referring to the money paid by the late government for the cost of construction of the road, concealed the fact that the government were then engaged in the construction of other great public works besides the railway—the Lunatic Asylum for instance; it was therefore unfair in him by such specious arguments, to endeavor to mislead and deceive the public.

Hon. ATTY. GENERAL would discuss the question fully when it was properly before the House. He regretted that he had been drawn into this premature discussion, but as certain charges had been made, he could not avoid for a moment comparing the railway policy of the present Government with that of the last. The late Government in 1857 complained of the heavy legacy which had been left them by their predecessors, which they had been unable to meet, and the tariff was accordingly increased, by which £27,000 additional was raised; but this did not suffice. The next year they came down with the same whining cry, and £20,000 of the road grant was given up; and even with £47,000 a-year in their hands, they failed to

keep the road out of debt. These were the great financiers who wanted now to manage the railroad. Compare their policy with that of the present Government, who in one short year had paid everything out of the ordinary revenues of the country! If they lost office to-morrow, and had done nothing else, they deserved well of the country for rescuing this great work from ruin.

Mr. WADE was sorry to hear the Attorney General make statements which could not be substantiated by proof. He should be careful, knowing the position he occupied before the country, in making assertions which facts and figures contradicted. He (the Atty. General) had made what he no doubt considered a withering speech against the member for Cumberland, but he (Mr. W.) had no doubt the people of Nova Scotia would estimate it at its proper worth.

Mr. MORRISON presented a petition of Mr. Amos Woods and others, against the return of Mr. Donkin, on account of alleged bribery.

After some conversation, Monday the 11th inst., was chosen for the drawing of the committee.

The House then adjourned until half-past 2 o'clock the next day.

TUESDAY, Feb. 5, 1861.

House met at 3 o'clock.

A call of the House was had.

At 3 o'clock the messenger having returned, and this being the day and hour for drawing a committee to try the merits of the petition against the return of Chas. J. Campbell, Esq., sitting member for Victoria, the usual formalities were observed by the Clerk, and the following names were drawn out of the ballot-box:

Messrs. Pryor, Killam, Donkin, Chambers, Wade, Robichau, Mosely, Shannon, Esson, Morton, C. J. Campbell, Annand, Cochran, Martell, Chipman, L. Smith, Cowie, and Colin Campbell.

The petitioner appeared at the bar of the House by his counsel, Robert Motton, junr., Esq.

The sitting member and the counsel of petitioner having retired for the purpose of striking off the number of names allowed by law, the following gentlemen were announced as the committee:

Messrs. Robichau, Mosely, Morton, Cochran, L. Smith, and Colin Campbell.

The committee were sworn, and Thursday next the 7th inst., at 12 o'clock, was the day and hour for the first meeting of the committee.

On motion, the adjourned debate in answer to the speech, was resumed.

Hon. J. W. JOHNSTON said that as the Address hitherto considered by sections, still remained open to discussion, he would take advantage of the opportunity to make such observations as the various topics touched in it seemed to require—but although they might seem to and did demand lengthened

observation, it would be apparent to the House that he was physically unable to attempt anything more than a few brief observations which should terminate with a motion. The Lunatic Asylum, to which the attention of the House had been called, was a subject of deep moment; touching not only the interests, but the best affections of the people. In the course pursued by the Executive, unconstitutionality was clearly perceptible; the law had been ignored, its provisions violated, the solemn action of the Legislature treated as idle and unworthy of consideration, and the only excuse given for all this, was that extravagance and dissension had been found in the institution,—that the expenses had been curtailed and harmony restored. Not a word was said in the entire speech of the change wrought in the government of the institution contrary to law. If in its financial management extravagance had been exhibited,—if those in charge differed the one with the other, the Government could have rectified all this without having in the most glaring and high-handed manner set at naught the deliberate action of the three branches of the Legislature. The Asylum for the Insane did not stand on the same footing as an Institution established for the reception of convicted criminals—but for a class of persons who, of all others, are entitled to care; it should be surrounded with checks and guards, that abuse might not creep in. That those whose friends were deprived of reason might feel assured that the Legislature had taken care to surround the inmates with necessary checks and guards, the peculiar management of the institution was designed. A Board of Commissioners had been appointed, nine men of the very highest character were selected, and to their supervision was that great public work entrusted; he had reason to know that those chosen were men of character, education, humanity and benevolence, who were competent to fulfil the duties they assumed. If there existed any excess of expenditure, or any evil arose, requiring executive action, the abuses might have been removed without destroying these safeguards necessary for the proper management of the Institution. He therefore thought the reasons given in the answer to the speech were utterly inadequate and insufficient to justify the action taken. When investigated by a committee, it would in all probability be found that the charges of extravagance were largely exaggerated, and that if excessive expenditure in reality existed, the Board of Commissioners was in no wise responsible for it.

Hon. PROV. SECRETARY.—The Government never designed to dismiss the Commissioners; they resigned in a body and dismissed themselves, and the Government were reduced to the alternative of waiting or appointing a new board—they chose the former course.

Hon. Mr. JOHNSTON did not believe the Commissioners would have resigned unless for adequate and sufficient reasons. When investigated he felt confident that the House

would find that the action of the Administration was entirely unjustifiable. He himself was aware of an instance in which a family, one or whose members was bereft of reasons, having confidence while the Board of Commissioners existed in the management of the Institution, determined to send him thither; but when the Board of Commissioners ceased to exist—when that safeguard was removed and no check existed—when the Board of Works alone had the control and management they changed their minds. Was it any wonder? He marvelled how the Government dared to interfere as they had done; how they presumed to stand between the law of the land and the helpless-stricken inmates of that Institution—to strike down at one blow the only protection accorded the most defenceless portion of all God's creatures. (Hear.) Nor could he imagine any position more humiliating for a Lieutenant Governor than to have put into his mouth a speech attempting to justify by statements conduct so specious and utterly unjustifiable.

All Governments were bound to observe the law; how much more so an administration owing its position to a flagrant outrage of law? One would have thought having obtained power by such means, they would be scrupulously careful in their subsequent action. But—no! it mattered not whether striving for power or after its attainment, their conduct was still the same, exhibiting a reckless disregard of the Constitution, and defying contemptuously the law of the land. (Hear.)

The Executive were responsible for His Excellency's Speech; that principle was thoroughly understood, and their handiwork was evident in its construction. Something was necessary to cement the falling fabric; so we find it indicated that the funds are to be cut up in a particular way—parcelled out in scraps here and there to suit governmental purposes. A Representation Bill was also referred to; he would not anticipate the measure, but begged to remind the House that the Bill introduced by the late Government was founded on principle. Abuses in the representative system existed, and the administration sought to rectify them; he hoped the present Government would follow their good example, and not attempt to foist on the country, *volens volens*, a measure designed for party, private, and political purposes. He must be pardoned for doubting, but past experience taught him how futile it was to repose confidence in gentlemen opposite. The existing government were the last persons to essay the passage of any measure having for its object the purification of the Electoral system; they could not with clean hands attempt to free it again from the stains with which it was heretofore contaminated; their past conduct did not entitle them to public confidence or respect,—their action last session had enfeebled their hands and incapacitated them from dealing honestly with so important a matter. What a spectacle had they exhibited, the Chief Law Offi-

cer of the Crown—a member of the Cabinet, charged with and proved guilty of bribery, and a colleague of that officer in the Government, having been a member of the committee, being compelled to admit that he believed in his guilt and would have gone for fining him. (Hear.) Did any Government ever present to the people a spectacle so humiliating and degrading?

The last clause, returned thanks to the Giver of all Good, "for that, at a time when the neighboring States were passing through severe trouble and trial, we were secured by our Institutions in the blessings of freedom and tranquility." He had read that paragraph over and over with surprise, and was startled at the daring disregard of sacred truth it exhibited. How the Government could venture to close the answer with a sort of *To Deum* when almost their every act had violated the Constitution; when they had trampled truth, law, and the freedom of the people under their feet—he was at a loss to imagine. From their attainment of power up to the present time, the Executive had evinced utter disregard of those principles by which alone tranquility or freedom could be maintained; they well knew, when that paragraph was penned, that neither existed; that they held their positions in entire disregard of the most solemn obligations, and had perpetrated acts of which no honest man would approve.

He would now offer a few remarks on that part of the address to which the motion he intended making was directed. It was stated that the question of railway extension should receive the careful and deliberate attention of the House. It was not necessary at that moment to touch the general railway policy, the mode of construction or maintenance of the work; these matters would be considered in their proper place, he desired to deal with the question of railway extension as it presented itself. The railway was one of those momentous, all-important subjects which should be kept free from party action—how improper must that system then be when under it that work had been made a mere tool and instrument for personal and party aggrandisement. It had been used from its inception to the present hour by the men composing the existing Government as a stepping stone to political power—with a reckless disregard to consequences calculated to appal all prudent men. The Provincial Secretary would pardon him for saying that he (Mr. H.) was the last man whose policy on Railway matters should command the respect and confidence of the House and country. That hon. gentleman had on one occasion broadly stated to the people that if they would sustain his Government he would construct a railway 100 miles long through the Province—a pledge he did not fail utterly to disregard and violate when his objects were attained. (Hear, hear.) Not that he (Mr. J.) ever expected its performance; he knew the hon. gentleman's sagacity too well to anticipate that he (Mr. H.) ever believed he could or intended to fulfil

Railway as a political stalking horse to subserve his own personal and selfish ends,—promising to build it east, west, north, or south, as best suited the object of the moment, changing his policy with each varying phase of his political necessities. Was it not also patent to every member of the House that just previous to an election in Pictou, surveyors were sent with their chains and stakes and flags to make a display and influence the people, and that as soon as that election was over, the stakes were taken up—the red flags and those who carried them disappeared to return no more. That demonstration was made to deceive and entrap the people, and he did not doubt that the hon. gentleman reaped the benefits of his deception. The late Government were at all events exempt from all charge of having prostituted that public work to their own purposes. When in power, they had directed a survey of the line to Pictou, the remunerative capacity of the portion then constructed not having been tested. After thorough investigation, they came to the conclusion that it would not be either the duty of the Government or for the public interests to build that road at present. When the General Election was run, a single word from the Government would have turned the scale in Pictou; it would be admitted that they, by sanctioning the construction of the road from Truro to Pictou could have ensured the return of Government candidates. They did not condescend to promise what they never intended to perform; but fearlessly asserted that, in their opinion, it was impracticable to make the line at present. Nor could it be shown that in any respect had they violated the laws of truth and honor. In the policy now enunciated, he saw deception similar to that formerly practised. In the Assembly were men of various shades of opinion—some were opposed to the policy of constructing railways by Government—some were favorable to testing the work fully before going further, and some desired extension. Neither of these classes believed in the sincerity of the policy propounded by the hon. Prov. Secretary. He believed him to be trifling with the people. Not having been in the House yesterday, he (Mr. J.) had not heard the speech made by that hon. gentleman, but was told that he contemplated constructing ten miles of railway from Truro in the direction of Pictou—there to stop short in the wilderness and await the result which the chapter of accidents might give rise to—not being at present determined as to what course was thereafter to be taken.

Surely that was not a policy which serious men dealing with serious matters, should be called on to sanction: nor did he believe it would commend itself to the good sense of the House. The Government had the initiation of money votes; they knew, with comparative accuracy, what the fiscal condition of the Province for the ensuing year, would be, they could estimate within a few pounds his promise; he mentioned the incident to show that that hon. gentleman had used the

the probable receipts and expenditures. Thus situated, they knew how much they could spare for railway operations. Where, then, was the measure they should have put before the House?

Surely this scheme to build a railway, he would not say without a beginning, but certainly without a middle or an end, would not come up to the requirements of the country. But even on this policy—barren, unfruitful, and injurious as it would of necessity prove—the Provincial Secretary did not hesitate to say the Government were divided. (Hear, hear.) He did not scruple to affirm that his railway policy meets with the undisguised disapproval and disapprobation of one member of the Executive. Was such a proceeding ever known? Did any Government with the slightest pretensions to unity or strength ever venture to make so damaging an admission as that, on a policy so momentous—a policy involving large expenditures which may imperil the revenue—a policy on which the future efficiency and paying properties of the line mainly depended, the Government were divided! He did not hesitate to affirm that no precedent for such a course could be found.

The hon. Prov. Secretary had alluded to a circumstance that transpired some years since, and expressed a hope that Mr. Campbell and Mr. Hatfield would follow the example of Mr. Huntington. What did he do, sir? Mr. Huntington resigned, and with all those holding similar opinions to him, withdrew his support from the Government. All independent men would be bound to pursue a similar course; to act otherwise would be to support a Government whose views and policy they condemned.

Without occupying further time, he would move the following amendment—it would have given him pleasure to have dealt with the subject more fully—the question was one of the utmost consequence and most vital importance, and the disunion in the Government camp was the best indication of the impropriety of the policy pursued. He was sorry that indisposition prevented him from explaining his views more at large:

“The policy of extending our railways having been propounded in the speech with which Your Excellency was advised to open the Legislature; and the President of the Council and leader of the Government—while declaring his determination to build ten additional miles, which must terminate in the wilderness, and be comparatively useless—having admitted in debate that the Government is divided and his party in the House in a minority on this question; while the dilapidated condition of the roads and bridges, in consequence of the withdrawal of nearly one-half the amount formerly granted for that service, is notorious, and deeply felt by the people;

“We beg to state to Your Excellency that the policy propounded is not entitled to the consideration of the Legislature, nor the Government proposing it, to the confidence of this House.”

Mr. HARRINGTON did not approve of the manner in which the Government came down with a policy, leaving it to both sides to treat it as they pleased. He came into the House with the determination to support the railway to Pictou; he was desirous that the East should be in a position to reap some advantage from the immense sum already spent for railway construction. They were now told that it was only extended for a distance of ten miles in the wilderness. He considered that the time had now come when it was better to stop the cars altogether than to extend for such a distance as that. He felt bound to vote for the amendment just moved.

He next alluded to the project of a steam ferry across the Gut of Canso. He could not see the advisability of that scheme. In the summer season there could be no necessity, as the boats would be sufficient; whilst in winter a steamer would be useless on account of the quantity of ice brought down by the current, which came frequently at the rate of six knots an hour. Thus not only from the month of May to December, but also for the rest of the year, a steamer would be entailing altogether an unnecessary expense. He was in favor, however, of having a steamer at the Gut to be used as a tug boat for vessels coming down the Gulf. One fourth of the money which was to be expended for this steamer would be far better given to placing roads and bridges in a satisfactory condition; and he mentioned a line of road in his own county which at present could by no possibility be kept in sufficient repair. Whoever proposed such a measure as this, must have some personal interest to subserve in the shape of wharves.

The proposition of a road from Plaister Cove and Bedeque, he cordially approved of. It would tend to open up a large tract of country comparatively unoccupied.

In conclusion he spoke of the neglect of any mention of education in the Address. He had lately read a circular of the Superintendent of Education, wherein he states the inefficiency of the school system in this Province.

Mr. BLANCHARD replied that the fact of the tide running at the rate of five or six miles an hour, at once showed the necessity of a steamer, for boats could never stem such a current with rapidity or even security. He showed that, from the 1st of May to the 1st or middle of January, a steamer would be most serviceable and profitable in the Strait, and acknowledged that the ice would prevent its being used for the remaining months. He did not know of any local or personal interests that were to be satisfied by the measure. Indeed the hon. gentleman himself (Mr. H.) had a very nice property near the place where the steamer was going to cross, and he could not but be benefited thereby. He (Mr. B.) had only yesterday received letters from two gentlemen at the points where it would cross, offering the use of their wharves for nothing.

Such a project, he contended, could not be

regarded otherwise than most advantageous for the people of Cape Breton. And he added that it was the intention to use the steamer, not only for ferrying purposes, but also for a tug boat. In conclusion, he expressed his surprise at the position of some gentlemen in regard to the railway. It would seem as if they reasoned in this way: Because you are trying to build the road to Pictou, I will not support it. The House would require some better reason than that, in explanation of their position.

Mr. HARRINGTON wished to know whether it was a steamboat or a tug boat they were going to put on; one steamer could not serve both purposes without causing much inconvenience.

Mr. H. McDONALD considered that the project of a steamer across the Strait, arose from the conviction of the Government that it would be nothing else than an act of justice to Cape Breton. He would vote most heartily for a grant for such a useful purpose. He could not understand, he must acknowledge, the opposition of the hon. member for Richmond.

He had always been in favor of the railway to Pictou. It was but right that the remote as well as well as the central parts of the Province should be benefitted; and he considered that the extension to Pictou would do that. Such an extension was the bounden duty of the Government, but he did not think it at all politic to build simply ten miles without knowing where it was going afterwards. As likely as not such an extension would stick there, useless, like the old Shubenacadie Canal. He would, therefore, vote for the amendment. The hon. gentleman concluded by expressing his opinion that, if the Government were unable to progress with the railway, they should do something for the St. Peter's Canal.

Hon. FIN. SECRETARY spoke next, and alluded, first, to the Lunatic Asylum. He would ask if it was not something to the country that the cost of supporting not only a pauper, but also every lunatic, had been reduced one third?

Was it nothing at all that harmony had been at last induced in the institution? For was not the fact notorious that the superintendent and the steward were continually at variance with each other? Were the Government to allow such a state of things to continue until the House met? No. If they were to merit the title or carry out the functions of an Administration, it was their duty to induce not only economy instead of extravagance, but also harmony out of disorder. This they did, and therefore deserved the confidence of the people of this country.

He would mention another fact connected with that institution. How did the gentlemen opposite organize that institution? The inmates of the Asylum were made up of all classes, irrespective of party or religious considerations. Still they went to organize the institution with a view to party. The superintendent who was selected was a violent partizan; so was the steward; and eight of

the nine Commissioners were chosen from the same party. Was it right and just that an institution which should be for the benefit and protection of all, should be organized with a political aspect? He believed that the present Government would not have performed their duty to the country if they had followed the example set them by their predecessors.

The hon. member for Annapolis had spoken somewhat contemptuously of the measures mentioned in the Address. Now he (Mr. Annand) considered it one of the duties of a Government to initiate such measures as those brought forward in the speech. It was not for the Government to agitate continually those questions of law and order declaimed on by the Opposition, but rather to take up those measures which would advance the local interests of the people.

(The hon. gentleman here showed the advantage to be derived from some of the measures proposed, alluding particularly to the steamer across the Strait of Canso.)

A Representation Bill must come before the House in some shape or other. He felt himself pledged to the people of Nova Scotia to deal with the question, particularly after the passage of a bill by the gentlemen opposite, who had cut up the counties to suit their own purposes. He would introduce a system that would prevent any county being injured or any important principle violated. Equal justice to all should be the first object of a Representation Bill which was to meet the approbation of the people. The Government would be indeed unworthy of confidence if they allowed the present law to remain on the Statute Book.

He next alluded to the railway and to the opposition which the hon. member for Annapolis had given it in the past; and proceeded to sustain the Government policy. The hon. member for Richmond had stated he would be in favor of a line to Pictou, but would not advocate an extension of ten miles. Now the majority in the House had always in former years adopted this view. Let New Brunswick and Canada say they would extend their lines, and then we would be prepared to meet them on the frontier. Suppose we opened negotiations with the Home Government, and they came down with a large contribution, or guarantee a loan of money at a moderate rate of interest; then it might be good policy for us to commence the intercolonial line. In the mean time we make ten miles common to both the Pictou and Trunk line. Could any policy be more satisfactory than that? He thought not.

The hon. gentleman (Mr. Johnston) could not understand how it was that a supporter of the Government could support the Government after denouncing the President of the Council with respect to railways. Now all could understand what was the meaning of an open question. They could take the railway or leave it. Mr. Colin Campbell and Mr. Hatfield were exactly in the position of Mr. W. A. Henry, in 1853, when the leader of the Opposition, then at the head of affairs,

brought in his Legislative Council Bill. Both Mr. Henry and Mr. McKeagney, voted against it and defeated it. And as it might be said they were not members of a Government, he would call to their recollection that next year Mr. Henry was made Sol. General, and Mr. McKeagney Inspector of Mines. And yet both these gentlemen had opposed the leader of their Government on a very important question.

A good deal had been said about that famous requisition sent to his hon. friend from Digby. Last summer, when in that county, he had found the document dragging its slow length along; but, although men were hired to get it signed, it was not till the other day they succeeded in getting the 500 names. When Mr. Campbell said, after the close of last session, that he would resign if such a requisition was handed him, he was free to take what course he wished. But when it was presented to him, he was a member of the Executive Government of this Province. He was more than the member for Digby, and was responsible to the whole people of Nova Scotia. He had to look for their interests before taking any hasty step.

He maintained that, notwithstanding public meetings in Argyle, the hon. member for that section (Mr. Hatfield) still had the confidence of his constituents. In corroboration of this view he read a letter which he had just received from a very influential gentleman in Yarmouth. This gentleman states that at Publico there was a pretty large meeting, but no enthusiasm, and that it was chiefly composed of Frenchmen, who did not half understand what was said. Nor did he believe that Mr. Hatfield had lost the confidence of the people by supporting the present Government.

It was said that these meetings showed conclusively the necessity of a dissolution. Let the House look back to the career of the hon. member for Annapolis, when he was leader of the Administration. In 1844 he was sustained by a majority of one, made up by Mr. Benjamin Smith, who had been returned by the opposite ticket. After the first division he was supported by Mr. Ryder, who came from the township of Argyle, and two years after he was joined by Mr. Patrick Power, of Sydney. Hence he was dependent upon three men returned on the opposite side. It was all right then, but it is all wrong now. All would remember, too, the celebrated time when he endeavored to get three members of the Opposition, and even promised that the Executive Council should be increased to the number of twelve.

But a great deal of importance had been attached to the public meetings. The hon. member for Annapolis, when leader of the government, had paid little attention to public meetings in the past. (The hon. gentleman here alluded to several addresses largely signed by freeholders, asking for a dissolution.) Thus an address was presented from the County of Hants, signed by ten hundred persons against the position of Mr. B. Smith declaring that the administration did not de-

serve the confidence of the people, and praying for a dissolution. Was it granted? No. Again, when the County of Colchester, at that time misrepresented by Mr. Ross, came down with an address of 1200 persons, what advice did Mr. Johnston, then leader of the administration, give to Lord Falkland? The Lieutenant Governor, in his reply, stated in effect that they could not be ignorant of the fact, that the Government had been supported by a majority of the House of Assembly for two sessions. Such was the answer in 1844 to the address of the people of Colchester. So the present government are supported by a majority for two sessions. What the hon. Mr. Johnston advised Lord Falkland then, have the present Executive recommended Lord Mulgrave should do now.

HON. PROV. SECRETARY next addressed the house. He stated that Mr. Huntington retired from the government in consequence of ill health, and not because he was opposed to the railway policy. Almost the last fact of that gentleman's life had been to write a letter to the people of Yarmouth to sustain the men with whom he had always been connected, but not to vote for the railway. (The hon. gentleman here read from the Journals of the house for 1849, to shew Mr. Huntington's position.) In asking gentlemen, he continued, in the house who may be opposed to railway construction to follow the example of Mr. Huntington, he was asking nothing that was very monstrous.

In regard to the lunatic asylum, he said that on the retirement of the nine commissioners, the government were in a difficult position. If they had endeavored to form a new board, they would very likely have been met with opposition from a certain class, and would have been obliged to construct a partizan board. Rather than do this, they left the board unconstructed. The important point, however, was resolved, that the institution was managed carefully and economically, and with regard to the interests of the people.

He could not understand the opposition of the member for Richmond to the steam ferry at Canso. That gentleman, he was confident, did not express the sentiments of the people of Cape Breton. If he did, then the administration were going to a very unnecessary expense. He (Mr. H.) was satisfied that Cape Breton would regard this steamer as a very great boon.

The hon. member for Pictou says that he has no confidence in the government, because they will not propound a railway scheme as a government measure. He forgets that we are not now discussing the railway policy of the Executive. We are endeavoring to pass the answer to the Speech, so as to open up communication with the Lieutenant Governor. When the public papers were brought down, and the policy of the government had been announced, it would be quite time enough to commence the attack. In the meantime he would say, suppose that he developed a railway scheme, any member might vote against to-night, and sustain the

government on general principles to-morrow. The government would be in just the same position, and the responsibility of the failure would rest upon those who were instrumental in obtaining it. A section of eastern and western members might succeed in defeating the measure, but he would be content in having endeavored to perform his duty. He thought it a great misfortune that the road should not be extended, but if the majority decided against it, let the blame rest upon them. As regards the question of education, the member for Richmond found fault that no mention was made of it in the Speech. He (Mr. H.) would deal as frankly and explicitly with the house upon that subject as upon any other. In 1841 or '42, when he (Mr. H.) was a member of Lord Falkland's government, and sustained by the largest majority he ever had, he came forward with all the enthusiasm of a young legislator, and made one of his best speeches in favor of assessment for the support of free schools; and the result was, when the house was divided two-thirds of it voted against him. He did not move in the matter again for some years afterwards, when Mr. Dawson, the then Superintendent of Education, came to him and urged him to try it again. He (Mr. H.) told him it was no use, the country was not educated up to it; that he was deceiving himself; that by holding meetings and mixing with the better class of the country he could not tell the real feelings of the people. That if he stumped the back settlements he would find them no better prepared for the measure than in 1842. Mr. Dawson, however, was so earnest about it, and so sure that he (Mr. H.) was wrong, that he tried again to induce the House to adopt the assessment principle, and again he failed. He was not in the house when Mr. Young's bill was introduced, and consequently was not bound by it. He thought this even a worse time than formerly to bring forward that measure. At the time he referred to, we had the old forty-shilling freehold; now the franchise was based upon the broader system of universal suffrage. In the New England States, where the assessment system was in force, the case was very different; there, education had kept pace with the increase of population; the people had universal education before they had universal suffrage. In this country the reverse was the case. He was afraid the people were not prepared for it; at the same time, he would say to the member for Pictou, that if he would bring forward an educational scheme that would meet the requirements of the country, he (Mr. H.) would not oppose it. It should not be treated as a party question; the leader of the opposition when in power, had not so considered it, nor had he (Mr. H.) when in a similar position.

Mr. C. J. CAMPBELL enquired whether the Government were satisfied with the position the Bible occupied in our schools.

HON. PROV. SECRETARY would remind the hon. member that sufficient for the day was the evil thereof; perhaps before the session was over he would have the opportunity of

testing the sincerity of the hon. gentleman's views on the subject.

Dr. TUPPER thought it would be much more necessary to test the sincerity of the hon. gentlemen opposite, who not long since, had convulsed the country with their protestations of the ignominious place the Bible held in our schools—who had prostituted that sacred volume for party purposes, and who were yet content to hold office and to meet Parliament in this, the second session they were in power, without announcing their intention of changing the system.

Hon. PROV. SECRETARY thought it would be admitted that last session, with sixteen or seven contested elections, the leader of the Government had enough on hand without touching this subject. He himself had a good many things to think about and a good many things to do. The member for Victoria seemed to wish to precipitate matters, and he (Mr. II.) did not feel disposed to gratify him. By-and-bye, when they got into theological matters, it would be found that the course he intended to pursue would be consistent with his past pledges.

Hon. Mr. JOURNSTON thought nothing could be more appropriate than the desire of the Government to banish the Bible from the House, as they had evidently long since banished it from their thoughts. (Laughter.)

Mr. JAMES McDONALD enquired whether, on the previous evening, he had understood the Prov. Secretary aright in announcing the policy of the Government to be to build ten miles of the railroad toward Pictou next summer, and then to wait to see what action the other Provinces intended to take as to the trunk line.

Hon. PROV. SECRETARY had stated that, in the present position of the finances of the country, he would not feel justified in incurring so large an expenditure as would be required to take the road to Pictou at once. He thought it the best plan to proceed leisurely, so as not to endanger the credit of the country. He intended to build the ten miles, and it would then be ascertained what Canada and New Brunswick intended to do as regard the Intercolonial lines; if they did nothing, why, of course, he did not intend the line to stop in the wilderness, but to proceed gradually. Halifax owed £100,000—if that could be realized by any Act passed this session, he was content that it should go to the Pictou line. He had given this matter anxious thought, and he was doing what he considered best for the country.

Mr. JAS. McDONALD would give the hon. Prov. Secretary credit for sincerity, for he had admitted that even if he had a majority to sustain him, he would not carry the road to Pictou. The question to be asked, was, would the road to Pictou pay? Would it relieve the country from the burden of interest it was now paying? He believed it would, but if Mr. Howe thought it would not, he should not extend the road a foot. The Prov. Secretary had stated that if we did not take the ten miles we would get nothing at all. Better far to wait five years, than to creep along at a snail's pace.

Hon. PROV. SECRETARY.—Any man who would get up and propound a scheme for spending half a million on the railway, would be left in a minority of about five. He would not vote for it himself, knowing the resources of the country would not bear it. The hon. member for Pictou had better try it and he would find to his cost the folly of the undertaking. That hon. gentleman still doubted his sincerity. When he (Mr. II.) went to England and borrowed what he thought enough money to build all the road he was sincere, as he was now. If everyone had been as accurate in their calculations as he had been, perhaps there would have been enough. He had thought at one time the late Government should have prosecuted this work; but he was not disposed to blame them, knowing the great responsibility involved (Hear, hear, from the Opposition benches.)

On motion the debate was adjourned, and the House then adjourned until 3 o'clock on the next day.

WEDNESDAY, Feb. 6th, 1861.

Mr. BOURINOT read a letter from two magistrates at Louisburg relative to destitution at that place, asking for relief. He was sorry that the remarks he had made the other day on the subject, had been treated with such indifference by the Government.

Hon. PROVINCIAL SECRETARY.—If this application is entertained, a hundred others might pour in. The hon. gentleman has several modes of obtaining relief. He can advance the money and make it a charge upon his road scale, or if the county authorities will advance a sum, the Government will meet them, pound for pound: in the neighborhood of a wealthy community like Sydney, there should be no difficulty in raising the money.

Dr. TUPPER.—There might be great difficulty in the course proposed. Persons might be starving, and yet not be fit persons for the overseers of the poor to take charge of—might have land, for instance.

Mr. BOURINOT.—I have done my duty. The course proposed by the Prov. Secretary is tantamount to a complete refusal.

Dr. TUPPER called attention to an application he had received from the Overseers of the Poor of Amherst, asking for remuneration for assistance to sick Indians. He brought it forward in this way, in order to suggest, in relation to the new system of money votes that members should thus bring their petitions publicly forward, so that they might be published, and their constituents might be informed that their applications had not been neglected.

Hon. PROV. SECRETARY thought it would be better for the Fin. Secretary to hand the reporter, every week, a list of the petitions he had received.

Mr. ROSS introduced a bill to alter the time of holding the sessions in Victoria. Read a first time.

On motion, the adjourned debate was resumed.

Mr. MORRISON moved a resolution in amendment to the amendment of the hon. Mr. Johnston, as follows:

(The reporter used every endeavor to procure a copy of the amendment, but could not succeed in time for the issue of this paper.)

Hon. Mr. JOHNSTON would like to ask whether the practice of the House permitted a resolution to be moved on an amendment.

The Hon. the SPEAKER—The rule is very general: an amendment can be moved on an amendment.

Hon. Mr. JOHNSTON—That is quite accurate—but the question now before the House is whether a resolution can be moved in opposition to an amendment to the answer to the speech.

Mr. HENRY thought it would be interesting to the House were the Government to inform them whether they desired to pass the address or not. If the resolution was carried what was to become of the Address?

The Hon. SPEAKER—The Address in answer to the Speech, had passed clause by clause, seriatim—an amendment had been moved to which the Government wished to give the go-by, they therefore moved a resolution for that purpose, and nothing of which he was aware in parliamentary practice prevented that course from being pursued.

Hon. Mr. JOHNSTON would ask the attention of the House to the position in which the subject before the House then stood; he had been informed that the Address in its entirety was open to discussion and amendment. The amendment which he had made was to be substituted for a portion of the address. (The hon. gentleman read the amendment.) He desired to know how the Hon. Speaker could, according to the rules of the House, permit a resolution, separate, distinct and independent, to be moved on an amendment; were it an amendment on an amendment he could understand it.

Hon. PROV. SECRETARY was of opinion that if anybody would take the trouble to turn to the Journals of the House and scrutinize the course pursued by the hon. member for Annapolis, he would find there resolutions and amendments expanded over two or three pages, of which the hon. gentleman need by no means to be proud; it was scarcely just, under such circumstances, to attempt to prevent others from putting their views before the country.

Hon. Mr. JOHNSTON began to consider himself a very distinguished man,—and one who had left prominent and distinguished marks in the history of the country, that hon. gentlemen opposite seemed to value. Nothing occurred of consequence in the House, but the Government immediately sought to find some memorable example, in the past conduct of the member for Annapolis, to justify their course of conduct. Yet he could not allow them to introduce any mal-practice, to violate the privileges and curtail the rights of members. If their actions was justified by precedent, let them show it.

Mr. S. CAMPBELL—the course adopted, was far from being a mal-practice; a prece-

dent existed, and he would refer the hon. member for Annapolis to the Journals.

(The hon. gentleman here read from the Journals of 1857 to show that on the address; a resolution had been moved after an amendment by the hon. Provincial Secretary.

Mr. HENRY would like to understand what became of the motion—how the resolution was disposed of?

Hon. ATTY. GENERAL.—It was withdrawn by common consent

Mr. HENRY—That affords no precedent.

Mr. S. CAMPBELL.—The question was put on the amendment.

Mr. TOBIN understood that when the motion was made, it was done to enable the hon. Mr. Howe to speak again.

Mr. HENRY.—If there was an attempt to do wrong in 1857, that does not justify it now; no precedent can be established from such a procedure.

Hon. PROV. SECRETARY thought if any rule existed preventing persons from putting their opinions on the Journals it should be repealed.

Dr. TURNER.—In 1857 it was proposed that the House should consider the address; the resolution now moved, was in the shape of an amendment and should be so considered—otherwise it could not be made, while the House was considering the address.

Mr. WADE viewed the matter in this way. The Government felt they had suffered a defeat—that they would be in a minority, and they had gone to their room for the purpose—to use a hackneyed phrase—of cooking up something to whitewash their supporters, his hon. colleague and the member for Argyle. The present Government had destroyed everything like law and order—had violated their professions and pledges, and now sought as a *dernier resort* to infringe the rules of the House, but he hoped that the Speaker, as the head of the House, would preserve its dignity and enforce its rules

(The Hon. Provincial Secretary here rose to speak.)

Mr. WADE would not be put down—he thought the Prov. Secretary should be content to wait until he concluded his remarks; the position of the Government was indeed pitiable. The resolution just moved, was intended to effect two objects: first to appease the people of Pictou, and secondly to delude and deceive the constituencies of Digby and Argyle. When the hon. Prov. Secretary yesterday, developed his plans, and came down to this House, ignoring his Government I thought him extremely generous;—seemed to have awakened suddenly to the necessity of providing for the East, but was to a certain extent controlled by the necessity of conciliating Messrs. Campbell and Hatfield: Pitiable,—pitiable indeed was his position, announcing a railway scheme one day, and being compelled 24 hours afterwards, on the floors of the House, publicly to eat his own words. (hear, hear.) The administration was gone—its own supporters admitted it; it had read its own condemnation in the resolution to-day submitted.

The hon. member for Inverness laughed ; he was the last man in Nova Scotia that should do so. Let him go back to his own county, and dare to face them, and the laugh would then be on the other side of his mouth. But not only he, but the whole Government, had stamped themselves with the insignia of their own degradation. The time was near at hand when the country would speak out—when the deceived constituencies, anxiously awaiting an opportunity for admitting that they had been duped, and showing how much they detested their deceivers, would arraign them ; but there was yet time. To the Representative of Majesty the country looked for protection : but if that be not accorded, the people will rise in their might and redress the wrong, and the Lieutenant-Governor must take the consequences. He knew his duty, and he (Mr. W.) had no doubt but he would fulfil it. The Government may violate every principle of Constitutional Law, may ignore their past professions, and seek to establish themselves firmly in public opinion by so doing ; let them, it is their last dying gasp. Feeling that, and knowing that the confidence of the country is lost,—that their hold on the people is being daily weakened—they move a resolution against Parliamentary rule, and seek to evade the question put in issue by the leader of the Government. But it would not help them at all in the country. His hon. colleague may endeavor to shelter himself under the resolution, but the people of Digby will understand it ; he, if he votes for the address, falsifies his written pledges to the people of that county.

Mr. BLANCHARD was quite willing that the hon. member for Digby should enliven the House with his beautifully rounded periods ; but when he undertook to refer to a constituency within whose boundaries he had never set his foot, and expressed opinions on matters of which he knew nothing, it was high time to interfere. How could the hon. member for Digby know, by any possibility, what the people of Inverness desired ?

Mr. WADE.—You dare not go back.

Mr. BLANCHARD.—How does the hon. member know that ?

Mr. WADE.—If attempted, the people would tell you so to-morrow. (Cries of "Order.")

Mr. BLANCHARD.—The hon. member evinces a remarkable facility for settling the business of other persons in his own way. When he had gone down and spent half a life-time among the people of Inverness, he would be in a position to speak of their feelings and intentions. If the member for Digby felt desirous of holding a few political meetings in Inverness similar to those which took place recently in Digby, he (Mr. B.) had no objection, and would not fail to meet him if required. He (Mr. W.) had referred to the pitiable position of the Earl of Mulgrave, surrounded by such colleagues. Pitiable ; how so ? The business of the country was well-conducted, its interests subserved, and its work performed. Save the grumbling of

gentlemen opposite, who wished to change positions with the Government, they heard nothing but pleasantries. How, then, was the position of the Government pitiable ?

Mr. WADE was quite willing to receive a castigation, if he could only provoke the Opposition side to say anything. The hon. member asked why he referred to his county ? Was not an affidavit read in the House, showing that he (Mr. B.) misrepresented it ? Did not everybody know and feel that, at the present day, he was not the representative ? He (Mr. W.) was prepared to make again the assertion that the hon. member misrepresented the county.

Mr. JAS. McDONALD.—The question at issue is a question of Parliamentary practice, to be settled by the Speaker, and not, as some members imagined, by a majority of the House ; and he looked to the action of the Chair, hoping that it would recommend itself to the good sense of the members on both sides of the House. In his view the resolution of the hon. member for Londonderry was informal. The 18th rule, permitting an amendment upon an amendment, did not apply. Although but a young member of the House, he knew that the answer to the speech of the Lieut. Governor, disclosed the policy of the Administration, by which they were bound to stand or fall. The hon. member for Annapolis had thought proper to move an amendment, setting forth that the House had no confidence in his Excellency's advisers, and that it should be substituted for a portion of the Address. That action was legislative ; but upon this the hon. member for Colchester (Mr. Morrison) moved a separate, independent, and distinct motion, not designed to be incorporated in the Address. He understood it to be a rule that, when a subject was under discussion, upon motion, no foreign matter could be introduced ; an amendment touching it might be made, and even a second amendment was permitted. What then ? All the action had connection ; the amendments had reference to the original motion, and were designed to be substituted for it. The resolution now moved was not an amendment, for if carried the Address would pass also. It was a motion of a distinct character, introduced unnecessarily, during the discussion of the Address, for the purpose of giving the go-bye to an amendment. He may be told that an instance exists in which the same course was pursued. True, a resolution was moved, but the good sense of the house was evinced when it was withdrawn without being put to vote ; hon. gentlemen on all sides knew that it was moved contrary to Parliamentary rule.

There was no precedent for the course hon. gentlemen sought to pursue. The address had not been passed ; its clauses had been read, but by common consent—the honorable member for Annapolis being indisposed—it was allowed to lie over, open and subject to any action he might take. He (Mr. J.) had moved an amendment, and the Government sought by adopting the expedient of moving a foreign resolution to protect themselves.

violating all Parliamentary rule and practice. In that resolution the hon. member for Colchester directly contradicted the leader of the Government; he (Mr. H.) had said that it was his policy to force the railway ten miles beyond Truro.

HON. PROV. SECRETARY would not be misrepresented. He had always, in dealing with the railway question, openly avowed that the Government did not intend moving, but that he, as a member for Hants, was prepared to submit a proposition for railway extension to the House.

MR. JAMES McDONALD.—The hon. Prov. Secretary admits that, as a Government, they are too weak to touch the subject, and were compelled to resort to the political opponents of a lifetime to assist them in carrying out their schemes. By the speech put into his Excellency's mouth by the Administration, the Government are pledged to prosecute the railway to its completion. The hon. Prov. Secretary admitted that the late Government acted prudently in abstaining from constructing the road towards Pictou, and that the vote he gave here, a year or two ago, was a wrong vote. (Hear.) Strange contrasts were sometimes afforded in the past action and present policy of Governments, this was not the least strange. He could entirely understand the object for building the road ten miles. A General Election will take place, and then the Prov. Secretary would be in a position to say to Pictou, "Go for my Government and I will build your road," or to Cumberland, "Support me and I will make the line to the borders." If the policy was sincere, why did not the Government come down with a measure and ask the House to support it?

HON. PROV. SECRETARY did not wish to become warm, but when a young member like the hon. gentleman from Pictou got up and charged him (Mr. H.) with deception, it did not seem quite courteous, and should at least be deserved. He was content, however, to take his chance of being understood or misunderstood by this House or the people. Let the hon. member answer—did not those who sat beside him expend a considerable sum of money in surveying the road to Pictou. Was no action then contemplated? He might answer that the engineer employed by them reported that the road ought not to be made, and would never pay. That was his report, but he (Mr. H.) did not believe it.

He did not desire to deceive anybody. From the opening of the session he had answered all questions on every branch of policy, openly and fairly; but the member for Pictou seemed to consider him as positively guilty of some crime as being the only man in the House who had the moral courage to ask them to build the road to Pictou—for that, it seemed, he was to be stigmatized. Did he think only of himself, he was by no means certain that he would build the road to Pictou; nor would he be very much surprised if the action the hon. gentleman had himself taken, had so disgusted members

that the object would be frustrated; if so, he and his constituents might settle the matter between them. He had no intention of allowing the hon. member for Pictou (for whose county he was, in submitting the measure, periling much) to make political capital out of his conduct.

DR. TUPPER.—The hon. gentleman talks of substantiating a measure. It would puzzle anybody to know what he meant, his policy was so vacillating and unstable.

HON. PROV. SECRETARY.—When I move in this matter it will be as a member of the County of Hants—not as a member of the Government.

MR. JAS. McDONALD.—Could I not introduce a measure as well?

HON. PROV. SECRETARY only wished the hon. gentleman would, and the House would then see where the hon. gentleman would be landed.

MR. JAS. McDONALD.—I suppose the hon. gentleman would vote against me.

HON. PROV. SECRETARY.—No; I would vote for him; but as the friend of railway enterprise in Nova Scotia, on a future day, he would bring his plan before the House, and expand his views on the subject. As to the resolution, if any rule existed which prevented members from putting their views before the House, the sooner it was repealed the better.

Any motion could be made. He could move that the amendment do not pass, because the learned member for Annapolis had grey hairs; but that might not be appropriate.

DR. TUPPER.—Quite as much so as the present motion.

HON. PROV. SECRETARY.—The hon. member for Digby talks of the dreadful degradation endured by the Lieut. Governor; and he thought the name of his Excellency had better be omitted from debate. He, however, was the best judge of his own sufferings, and did not endure quite as much as the hon. member for Digby imagined. He (Mr. W.) says we are humbled; yes, we are humble, and thankful to Providence for our condition—but, if we are weak, what of them? True, we are not very strong, but yet are stronger than they. (Laughter.) The member for Digby wants to go to our funeral, but he must kill us first, and then, of course, would not refuse us decent burial. But like Byron's "Old Man," he may find that we are not yet quite dead, and

"Dying yet, with stamina so steady,"

that he will be hardly able to tell when we really are dead. He would not occupy the time of the House further, but would remind hon. gentlemen that some rule should be established restricting them from speaking so often. (Cries of Oh! oh!)

DR. TUPPER was glad the hon. Prov. Secretary had referred to the subject of speeches; having observed in one of the morning papers that he (Dr. Tupper) had spoken more than twenty times, he was curious enough to turn to the very paper in which

this charge appeared, and having counted, ascertained that the Prov. Sec. had addressed the House no less than thirteen times during that day's debate. It was hardly competent, then, for him to attempt to restrict others from indulging in a similar luxury. The question then before the House, was one relating to its order; the resolution, although moved by the hon. member for Colchester, was taken hold of immediately by the Prov. Sec., who seemed to be its adopted father. He (Mr. H.) had referred to the remarkable documents put on the Journals by the member for Annapolis, but they all sank into insignificance when compared with the resolution referred to. What was it? The hon. member for Annapolis moved a resolution affirming that the House had no confidence in the Government, and the leader of the Administration ventured, in that remarkable resolution, to assert that such a declaration was unnecessary! (Laughter.) I think so, too. Not only is this House cognizant of the fact, but the people of Nova Scotia, in a legitimate, proper, and constitutional manner, have informed the Lieut. Governor that their confidence in his Government is destroyed. (Hear.)

The representative of Her Majesty knows right well that the majority claimed by his Executive at the last session has been swept away, and has disappeared; that they owe their position to borrowed support; and yet the Prov. Sec. avers that we are not in a position to taunt them with weakness! What would hon. gentlemen think of a lady who borrowed a bonnet (or a cloak, which affords perhaps, a better illustration,) and meeting the lady who loaned it, drew herself up, and declared that she was not in a position to compare finery with her? The idea is simply ridiculous. (Hear.) If the Government has no intention of proceeding with the railway, and did not contemplate introducing a measure for that object, the reference contained in the Speech should not have been there. The Prov. Secretary has two railway projects in view; not only individually, but as the head of a party, he declared on the Journals that it was the duty of the Government to construct the road to Pictou; again, that hon. gentleman was committed to the construction of a horse railway, from the depot into Halifax. These the Prov. Secretary, by every principle of honor, was bound to carry out.

[The hon. gentleman then read from the Address, to show that the Government were pledged to railway extension, inasmuch as following immediately on the expressed gratification for a supposed increase in the revenue—thus removing all objections on the score of want of means—they had referred to the railway, and promised that it should be considered.]

Was it right for the hon. gentleman now to say, after the Government openly pledged themselves to give the railway their careful consideration, after having put into His Excellency's mouth that statement, to back down and withdraw from their openly expressed

policy. No better evidence of weakness and imbecility could be adduced. The Pro. Secretary contradicted himself over and over again. Yesterday he said that even if he had the means and a majority at his back, he would not carry the road to Pictou; and yet he says to the hon. member for Pictou to-day—"Bring in your bill and I will vote for it;" a declaration made for the purpose of accomplishing an object which he never can effect—that of putting the member for Pictou in a false position. But, sir, to cap the climax, after having affirmed the policy in his Excellency's speech, and re-affirmed it in the answer, the Pro. Sec. comes down and asks the House to sanction a resolution declaring that he has not submitted any railway policy at all; (laughter,) and that he may do this, he boldly attempts to invade the forms and ignore the rules of the House.

Mr. KILLAM, (who was indistinctly heard in the galleries), said in answer to remarks made in the course of debate as to the course pursued by the late Mr. Huntington, that that gentleman resigned his seat in the Cabinet in consequence of the railway policy of the Government during the recess of Parliament, and he never afterwards took an active part in politics. He wrote a letter afterwards, (from which the hon. Prov. Sec. was so fond of quoting), justifying the course he pursued, and indicating his political career. He (Mr. K.) had followed the course pursued by that statesman, and his conduct had repeatedly been confirmed by his constituents. If the member for Digby (Colin Campbell) consulted the interest and wishes of his constituents he would follow the example of Mr. Huntington and resign at once. He was essentially the member of a railway Government, which would prosecute the work to-morrow, if they were able. He (Mr. K.) would vote against the Government, and he believed that if Mr. C. did his duty to his constituents he would do the same.

Hon. PROV. SECRETARY always heard the member for Yarmouth with attention, for he never rose without saying something worth listening to. As regards Mr. Huntington, he Mr. H. had last night quoted from the Journals to show that that gentleman while a member of the Cabinet moved an amendment, the bearing of which, if carried, would have been to upset the railway policy of the Government. This he did while retaining his seat in the Government.

Mr. KILLAM.—He resigned office in consequence of the railway policy of the Government, and he never came back to the House afterwards.

The SPEAKER.—A question of order having been submitted for my decision, as to the admissibility of this second amendment, and my attention having been directed to the 18th clause of the Rules of the House, and to the precedents quoted by the member for Guysborough, I am of opinion that the case quoted is in all forms with the present question, and that the second amendment proposed by the hon. member for Colchester, can be received.

Hon. Mr. Johnston wished to offer a few observations to the house, although the state of his health would prevent him from doing justice to the subject. It would not be amiss to call the attention of the house to the resolution passed in the session of 1859 in relation to the extension of the railroad to Pictou. Mr. Wilkins moved a resolution in favor of immediate extension. The government, with every disposition to forward the work and to gratify their friends to the eastward, felt that in the then state of the finances of the country it was not advisable to go on with it, and they came forward in an open, manly manner, (not endeavoring to sneak out of the question and evade the responsibility, as was now sought to be done,) and moved a resolution to defer the consideration of the question. Eighteen members voted against the resolution,—amongst whom would be found Messrs. Chipman, Webster, Locke, Howe, Chambers, &c. The hon. Pro. Secretary said last night in debate that the government was right in the course they pursued, and he was wrong. As regards the amendment moved by the member for Colchester, he would ask how was the question of want of confidence, raised by the amendment which he had proposed, to be dealt with. Was the house asked to vote it down. No; they were asked to pass a resolution declaring that it was unnecessary to consider it. The government wished to escape from the consequences of the ordeal, by a paltry evasion, which was anything but manly or dignified.

He had not previously made reference to two gentlemen whose names had been frequently mentioned in debate, and the allusion he had now to make to them would be couched in few words, but he would endeavour to make them expressive. The hon. Provincial Secretary had been the first one to allude to them, when he informed the house that Messrs. Campbell and Hatfield were opposed to railway extension, and that two more of his supporters, whose names he did not mention, were of the same opinion. Let these gentlemen consider that it was still open to them to pursue the course that would be consistent with their own honor; their duty to their country, and their obligations to their constituents. But that opportunity would not long exist. When this amendment of the member for Colchester, this transparent evasion of solemn obligations—an evasion so apparent as not to beguile a child—should be placed on the Journals of the House, with the names of those gentlemen affixed to it, then their position would be altered and they would no longer have the opportunity of doing justice to themselves, or of fulfilling the pledges they had given to their constituents. He would ask those gentlemen to reflect—to look backward some twelve months to the day when they first entered that Assembly, and consider the steps by which they had been led to their present position, and they would find that it was by listening to just such arguments as were now being used to persuade them to vote for the amendment of the member for Colchester. Let them take warning by the

past, and retrace their steps before it was too late.

He would say a word as regards the attempt to withdraw the railroad question from the character of a government measure. By the vote of the house last session, as was well known, the initiation of money votes was given to the government, so that any scheme for the expenditure of money must have its origin with them. The Provincial Secretary says this does not apply to the measure for the extension of the railroad to Pictou; so that what is necessary for the building of a bridge, or the erection of a breakwater, has no reference to a measure for the expenditure of half a million of money! In endeavoring to escape from the ordeal of a vote of want of confidence, the Provincial Secretary is driven to the most humiliating straits. One moment he tells us that he has no railway scheme, and the next moment he has. Why is this? Because he is endeavoring to reconcile impossibilities; he is trying to cajole the Eastern members by delusive promises of a railway to Pictou, and to retain Digby and Argyle, by assuring them that the government will propose no measure of railway extension. He would caution those gentlemen on the government side who were opposed to railways to beware, if they were sincere in their views; they would find that by voting for the government amendment they were sustaining a party in power, who would by-and-by concoct a railway scheme, which would entail an additional debt of £500,000 upon the country. (Hear, Hear.) What position would they then be in? Every man who voted for the amendment would be answerable for the result.

There was another point to which he would refer as strongly as the license of debate would allow him. He alluded to something that had been communicated by the present government to the Lieut. Governor in a Minute of Council, that had lately been published, in reply to a communication from his friend, the member for Cumberland (Dr. Tupper.) He (Mr. J.) had always considered that truth was the foundation of every moral and social virtue, and if this was the case in private life, how much more necessary was it amongst public men? That which excluded a man from the circles of private society, should also render him unfit for the duties of public life. It has been frequently said that when an untruth has been often repeated, the man who has fabricated it at last begins to believe it himself. He did not know how that was; but he was certain that when a circumstance has been often reiterated, it becomes a proverbial fact. Of that character was the statement he was about to allude to, which was, "that in the year 1844, the party then in power, ruled the country by a majority of one; and that in a short time they gained additional strength by winning another member to their side." This statement was evidently made use of to influence the Lieut. Governor and certain members of this house. Before many days had passed, he (Mr. J.) should have to refer to another statement, which he had good authority

for believing had been communicated to the same quarter for a like purpose.

(The hon. gentleman read an extract from the minute of council referred to, stating that in 1844 he had succeeded in winning over a member to his side who had been elected to oppose him.)

When he read that statement, he was utterly at a loss to know who the member was; he ran over all the names that he remembered, and consulted the journals of that period, and still was unable to discover who it was that was alluded to; and it was only yesterday, when the hon. Financial Secretary addressed the house, that he discovered, to his utter astonishment, that Mr. Benj. Smith was the person meant—a gentleman who had all his life long been associated with him in the closest political relations,—nor was it possible, from the position of parties at that time, that that gentleman or any body else could have been elected to oppose him. When the election took place in 1843, the hon. Prov. Secretary and himself were members of the same cabinet: a coalition government existed. By reference to the journals, it would be found that on the first division that took place that session, the members stood 26 to 24, which, according to his ideas of arithmetic, was a majority of two—not one, as stated by the Finl. Secretary, who, he hoped, would not make the same mistake when dealing with the finances of the country. He might be told that it was only a majority of one, because the Speaker was opposed to him; but the Speaker, in the chair, has no vote. Suppose that, when the amendment before the house is put, the members for Digby and Argyle vote as their constituents wish them to vote, and there is a tie, would gentlemen opposite say they had a majority of one because the Speaker is with them in politics? Surely not. It was one of the greatest evils of our political institutions, against which he had often raised his voice, that the Speaker of the House should be considered a party man. Well did he remember when, in 1834, a new parliament met in England, a gentleman (Mr. Manners Sutton), who for several successive parliaments filled the Speaker's chair, and who had, by the urbanity of his manners and the ability he had uniformly displayed, won the confidence and esteem of all parties, was ejected from the chair, not because the party opposed to him in politics had come into power, but because he had, during the recess, attended a cabinet meeting. In vain did he explain that the meeting was merely a formal one, and that he had taken no active part; the whigs, by a small majority, it is true, (for he had many friends), excluded him from office. That is the way they deal with a partizan Speaker in England; and it would be well if the example were followed elsewhere. The hon. gentleman continued referring to the journals of 1844, and shewed that shortly after the first division, another took place on a test question, when the government majority was increased to four, which they retained during the rest of the session. This he gave as a final answer to the oft repeated but unfounded

assertion, that he governed the country for years by a majority of one.

In 1845, he found, on a test vote taken, at page 250 of the journals, the government had still a majority of four. Mr. Power voted against them then; but an event took place which was calculated to try the character of the people of Nova Scotia. A petition was presented against Mr. George Smith of Pictou, who supported the opposition. He was unseated for complaints against the legality of his election. An election took place, which produced no result, in consequence of violence at the polls. It was renewed; and with what result, in the large and intelligent county of Pictou? The government then, which was now represented as holding a miserable existence by a majority of one, was sustained by the vote of that constituency; and Mr. Blackadar was sent to the house in the place of Mr. Smith, which gave the government a majority before Mr. Power had recorded a single vote for them. Another election also took place, and resulted in favor of the administration, in consequence of Mr. Fairbanks having taken the office of Treasurer. Through the whole of that parliament there was not a single appeal to the people in which the government was defeated. Thus they had a majority of four during the first session, a majority of six at the commencement of the third, and a majority of eight for the remainder of the term; and yet, with these facts apparent before them, it has been so often repeated that it has become almost proverbial that the government hardly existed. He was ashamed of the trouble he had taken in a matter of this kind, but he wished that the people of Nova Scotia, and the Lieut. Governor as well, should know the species of advice which has been given him; that he should be in a position to see the kind of arguments with which the present government support their position.

Hon. PROV. SECRETARY—Does the hon. gentleman mean to say that the strength of the government was increased by the election of a gentleman in place of Mr. Fairbanks?

Hon. Mr. JOHNSTON continued—Let the hon. gentlemen not repeat the poor evasions that answer for the *Morning Chronicle* or for stump-orations. I did not say so; I said that there were two appeals to the people, and they both responded in favor of the government; one gentleman took the place of an opponent, and another that of a friend and supporter. We had a majority of two, Mr. Ryder made it four, Mr. Blackadar six, and Mr. Power eight.

It was said by the Financial Secretary yesterday that a variety of meetings took place, appealing to Lord Falkland at that time, for the purpose of soliciting a dissolution: I wish to know from what quarter such appeals should emanate with propriety. It is said they came from certain counties; I could understand it from Sydney because Mr. Power voted for us after voting for the other side; but from none else. Kings, Hants and all the other counties had given their casting votes in the previous election, when the coalition govern-

ment was in existence; therefore they could not instruct their representatives by their votes, on which side to range themselves when the coalition government fell down.

One word with regard to that gentleman to whom I have already referred. It is said Mr. Power was bought by a personal distinction. I believe it to be an utterly unfounded aspersion. I cannot trust my memory, but I can only say it is a matter of which I have not the slightest recollection. That he received a personal distinction in the shape of a militia commission I am aware; but that is the price that is referred to I can hardly believe. That gentleman never in heart was with the other side. When he first opened his lips he uttered one of those expressions that can never be forgotten, because they pass into proverbial maxims. And, sir, when we test the wisdom of Patrick Power by the experience of the years that have passed away since 1855, let me ask if there are not hundreds, nay thousands of the people of Nova Scotia, who will wring their hands together and say, "Yea, Patrick Power spoke the truth, and with the prescience with which a sagacious mind looks into the future." The people then were all alive with the principles of Responsible Government; love for country, inflamed the bosoms of all. Take, said he, from Responsible government its salary and its offices, and you take from Responsible Government its *tongue*. Sir, we remember the expression well—the *tongue* of responsible government. Now, let me put to Nova Scotia the question whether experience has not shewn the truth of that.—Would not there be a large majority of them to say that Patrick Power was right? These sentiments shows he was in heart with us, even when he first voted against us, because he had not the vigor or nerve to separate from them all at once.

Let us compare the government that held power from 1844 to 1848 with the present administration. From 1844 to 1848 the government steadily increased its majority; we ran two elections and were successful in both. These gentlemen, on the contrary, have been in office but 12 months; have run two elections in constituencies selected by themselves, and in both have suffered "a palpable, decisive and humiliating defeat." Where then is the parallel between the two governments? But what next? They have two members now supporting them who, no one for a moment can doubt, were returned for the purpose of supporting the late government. Mr. Hatfield's card has been read, and we find he said, "You know too well I am a Conservative to require any pledge from me; and yet he has supported the present government, though we hear of no change of policy on the part of those whom he was sent to support.—His constituents have said you 'do wrong; it was quite unnecessary they should do so." We take it for granted that the people of Argyle possess the feelings common to men, and having sent a representative to support certain interests, cannot be satisfied with his having turned around. See hon. C. Campbell was sent

to oppose the gentlemen with whom he is now associated in the government. There has been no change of policy on either side. He could not expect his own constituents to change; that they have not changed they have told him. Now compare the position of the present government with that of 1844. They have gathered to themselves the elements, the evidences of weakness. They have surrounded themselves with the memorials of a strong and pertinent fact, that they are where they have no right to be—that they are in their position contrary to the voice of the people of Nova Scotia. When the people had passed upon them, and expressed their disapproval of the manner in which they have got their offices, of their further continuance in them, is it to be wondered at that we called upon the Queen's representative, feeling that we had a high duty to perform? And from that responsibility, sir, no man, brought up under the principles of British constitutional liberty will shrink; or else the burthen that is attempted to be avoided will at last accumulate with a weight that cannot be borne. As I would say to the people let me say in all respect to the highest authority—let him look back upon the past few months up to the present hour, and let him ask himself how far the fruits have realized his expectations. I am sure to be able to say, when the future shall be the present, the now shall be the past, that if this opportunity is neglected it will be a neglect to be regretted.

But, sir, what is the position of the government? I have told you—you have seen it,—*Victoria* speaks it. The thing is done. No committee that you can strike can undo it. A majority of nearly six hundred reversed to a minority of fifty-three! Send my friend (Mr. Campbell) home, and you but add to the weight of obliquity that already rests upon you. You cannot reverse the sentence; it is inevitable. Cumberland has spoken! You have your petition to strike on Monday: strike as you may, the verdict is incontrovertible. Those two counties have spoken, a few weeks since, with a voice not to be misunderstood, as Digby and Argyle have spoken. But there remains one thing more to render the position of the government even more degraded than it is. Let them weave their own chaplet; they have done it by their own resolution. The government, composed of such heterogenous materials, that they dare not take the responsibility of a railway policy, must be occupying a position that is indeed humiliating. Give us the tongue, the office and the emoluments, and we care not how degraded is our position. All we ask is, Keep us in power, imbecile, without a single element of strength. Such is their position: Look, too, at the recent appointments in the Legislative Council. Do they speak no language? The power that was reposed in the Queen's representative, for the purpose of administering the affairs of the country fairly and faithfully, has been increased to block up the Legislative Council with gentlemen in support of a government exhibited by the voice of the people as utterly powerless,

and existing in violation of the sense and feeling of the country. Who is Mr. Charles Dickie, whom nobody knows? Had the hon. member from Kings (Dr. Webster) no claims to that vacancy? He has been faithful and devoted to his party for years, and has contributed to their success. Where is Mr. Chipman, who has contributed so much to the majority which has put them into power?—Have these gentlemen no yearnings of ambition? No, sir; that is not the reason why they have been passed by. They dare not open Kings to another election—(Hear, hear.) You dare not; for you know another defeat is certain, more decisive, and more humiliating even than that of Cumberland or Victoria. But I turn to Queens again, and ask what particular merit has gained Mr. Tupper his present position? Are there none who have superior claims to him? Are we to be told that members of this house—that the representatives of the people, are to be shut out from stepping upward when there may be a vacancy? Is that the result of responsible government? No, sir; it is weakness, lamentable weakness, that dares not open Queens. You dare not vacate the seat of Mr. Morton. (The hon. gentleman added, he would say nothing about Mr. Whitman; he would give the government credit for that; a statement which caused much laughter.)

The gentlemen opposite have moved a resolution to-day, in which they have found it necessary to escape from a motion of want of confidence. They dare not trust their friends. Can they exhibit greater weakness than this? Now, sir, look at the great liberal party; look at that which raised itself up, and had been so permanent,—that which Mr. Uniacke described, in his fervid eloquence, as the tree that was planted, and grew up until its branches overshadowed the land, and the men and women clustered around it, and many a child and youth gathered under its shade. Where, sir, is that tree now? It has withered away; it but holds its existence from men whom they have borrowed—aye, *stolen* from us—(great laughter). Its existence, at this moment, depends upon Colin Campbell and John Hatfield, returned to support the conservatives.—Sir, they have no strength of their own; the blood has been infused into them—their vitality is drawn from a foreign source.

I will simply refer to another subject. The hon. Fin. Sec. yesterday referred to the Hospital for the Insane. He undertook to say I had alleged that economy and harmony was nothing; everything was law and order. I do say I value law and order above everything, because I know no economy can exist without such. It is law and order which is the parent of economy; for without these you have no security for your liberty, your property, your character, or anything that is dear to you. But I want to know what economy means. I think it means something else than what the government means. I do not understand a few shillings wrung out of the hard earnings of the laboring man—or to compel him to serve the public for less than is absolutely necessary

to give him his daily bread. True economy pays a regard to every individual in society. I do not wish to anticipate the question of the Asylum, until all the details are before the House for investigation. Then we will hear the evidence of the commissioners. When the committee sits you will have the means of ascertaining whether it be true that they permitted or sanctioned extravagance and disorder. You will be able to see the actual state of that institution; whether the inmates are receiving the comfort which their condition imperatively demands; whether they are surrounded with those guards necessary for their safe protection; whether the system is of such a character that the chairman has been placed in a condition as to render it his interest to withdraw from those who are unable to help themselves, those comforts to which they are entitled. If the result of the investigation should be to prove that this is the kind of economy used,—I ask, will the people of this country sanction it. It would be a curse, sir, in the eye of God; let it be a curse of man. What, take from the poor lunatic, from the indefensible that God has bereft of all that is valuable,—take from him those comforts that are necessary for his care and his maintenance, for the purpose of making a claim on popular favor! If such should be the result of a deliberate investigation, can any one be so deluded as to imagine that the people will view that economy except with regret and their most thorough disapproval.

The House, on the conclusion of Mr. Johnston's speech, adjourned until 3 o'clock the next day.

THURSDAY, Feb 7.

Mr. GRANT obtained leave to introduce a Bill to incorporate the Pictou Marine Railway Company. Read a first time.

Mr. WADE called the attention of the Government to an important petition he held in his hand, from the inhabitants of Digby, praying the consideration of the House to the subject of *trawling* pursued by the American fishermen in the rivers and bays on the eastern coast. He commended it to the attention of the member for Barrington (Hon. Mr. Locke), who was generally on the Committee of Fisheries.

Hon. Mr. LOCKE said it was a matter that had excited a good deal of attention in the western part of the Province, and had also been before the House. If he was on the Fisheries Committee this year, he would give it his best attention. The petition was received and laid on the table.

Hon. PROV. SECRETARY said that although the House was not fully in communication with His Excellency until the answer to the Address had passed, it would be necessary to take immediate action in reference to the communication received from the Speaker of the House of Assembly in Newfoundland, on the subject of the encroachment of French fishermen. He had accordingly hastily drafted a short resolution, which he would

not ask the House to pass, but would merely read. The resolution requests that no concessions be made, which would compromise the interests of Nova Scotia, until an opportunity had been afforded to them of fully deliberating upon the matter. A letter to that effect would be despatched by to-night's mail.

Mr. TOBIN presumed that if the Imperial Government adhered to the principles laid down in Mr. Labouchere's despatch in 1857 the Colonies would have nothing to complain of.

Hon. Mr. HOWE.—When the Newfoundland delegates were here, we were all united in the determination to preserve the territorial rights inviolate.

The adjourned debate on the answer was resumed.

Hon. PROV. SECRETARY said—Before following the hon. leader of the Opposition over the ground he had traversed last evening, there were one or two matters I shall sweep out of my way. I am always anxious to give hon. members who have complaints to make a calm and respectful attention. The member for Cape Breton (Mr. Bourinot) had charged the Government with interfering with the Post Master General, in the discharge of his duties, and preventing him from carrying out the instructions of the Post Office Committee. I lost no time in bringing this matter to the notice of that officer, and enquiring whether it was true—and I have received an answer, which I will read—(the answer states that the Post Master General had never been controlled in the slightest degree of the present Government in the discharge of the duties, and that the member for Sydney had no authority for making the statement.)

Mr. BOURINOT rose to make some explanations, referred to but Mr. Howe said he did not wish to be interrupted, as the hon. gentleman would have another opportunity of saying what he wished.

Hon. PROV. SECRETARY continued.—Another statement has been made by the member for Cumberland, which rather surprised me—which was, that the Chairman of the Railway Board had cooked his accounts, so as to exhibit a fallacious balance, and thus mislead the Government, and deceive the House and country. This is a grave charge to make, and if true, is, in my opinion, the most heinous offence a public officer can possibly be guilty of. (Hear, hear—from Opposition bench.) I was at a loss at first to comprehend what the member for Cumberland referred to; but, at last I ascertained what it meant. It appears that the Railway accounts had been kept by weeks, not by months—or rather by lunar months, in which there would be sometimes four weeks, and sometimes five. The month of August for instance, in one year might contain four weeks, and another year five, so that the months would not stand up one against the other year by year. I remembered Mr. McCully calling my attention to the matter, and suggesting that it would be better to keep the accounts in calendar months as was the case in New Brunswick, so that there would be no mystifica-

tion, and each month would exhibit the actual operations of the month. I recommended him to adopt the system, and I have now Mr. McCully's full authority to make this statement to the House and country—and to challenge the member for Cumberland to move for a committee to investigate the truth of the charge.

Having disposed of these matters, I will now turn my attention to the speech of the hon. member for Annapolis, and at the outset I will express my regret at the indisposition that gentleman manifested, as I am always sorry to see him exhibit any physical inability when he is addressing the House. I will first invite the attention of the House to the Minute of Council, of which the member for Annapolis has said he could not speak in language too strong. That hon. member had not ventured to touch six paragraphs out of the seven contained in that paper, but he had confined his attention to the one which referred to the mode in which he had conducted Lord Falkland's Government in 1844. I have a word to say, as regards that minute of Council, and I shall advance arguments and facts that cannot be denied to sustain that paper, in its most important parts—if not in the strict letter, at all events in its spirit and meaning, and I think I shall be able to show from the journals of the House, and the political history of the country, that the gentlemen who signed that minute were justified in so doing. But suppose that the member for Annapolis did discover some slight inaccuracies, is he in a position to condemn those who made them? If any one took the trouble to look over the Journals, they would find—minutes of Council, and documents of various kinds, written by that hon. gentleman when in power, abounding with mistakes and inaccuracies, and fallacious reasoning calculated to mislead and deceive. But I may be told that I should not follow such an example. I have no wish to do so; but surely it was a fair answer to give the hon. gentleman—that it might do for somebody who was always right to complain, but he who was always wrong should have nothing to say. I remember a celebrated Minute of Council of the member for Annapolis, in which he undertook to declare to Lord Stanley that there was a great party in this country who insisted upon party government, when, at the time, no such demand was made. It came afterwards, it was true, from the necessity of the case; and the blunders of the Government of the day; but at the time that paper was written, there was not the shadow of a foundation for the statement.

Again: he stated in one of his public documents that I, in an interview I had with some great statesman, had been compelled to modify my views of Responsible Government. This also was without a shade of foundation.

Again in 1847, when Sir John Harvey—peace to his memory!—found himself in the hands of the hon. member for Annapolis, he was mystified in documents of various kinds, in one of which he boasts how he had been sustained by the country, and how he would be sustained at

the coming election, when, as everybody knows, it was found that he had no position in the affections of the people, and his Government was scattered to the winds.

The hon. member had referred to the journals of 1844, to endeavor to make out that a majority of one was a majority of two.

I referred to the journals of that year and what did I find? On the first division after the hon member was installed leader of Lord Falkland's government the numbers stood 23 to 25. I now come to the celebrated division on the address. The hon member states that the Minute of Council was inaccurate inasmuch as it affirmed that his administration was sustained by a majority of one only. Of no passage of my public life is my recollection more distinct than that referred to by the hon gentleman. He attempts to prove his position by arguing that Mr. William Young was not a partizan. William Young, who even now a Chief Justice and removed from the arena of political strife, is followed to the Bench and proclaimed a partizan—was not, according to the hon. gentleman, a party man, during one of the most exciting episodes in the political history of the province. The hon gentleman's argument, if not based on better grounds than that, would not commend itself to the sound sense of the hon gentlemen on either side. On the address the Government was sustained 24 to 26, Mr. Young being in the chair, so that the numbers actually stood 25 to 26, giving the member for Annapolis a majority of but one, and yet he would have the country believe that his government was perfectly water tight, defensible, and sound, in the impregnable strength of their position. This was the state of the two parties after the most extraordinary pressure had been brought to bear on every member of the then opposition. Had not Smith and John Crow,—both returned by liberal constituencies—joined the hon. gentleman, he would have had no majority at all, and yet, in the face of such a condition of things, he had the hardihood to assail the existing administration because they attempted to carry on the public business with a mere majority of five, (hear.)

All the lawyers in christendom could not improve the position of the member for Annapolis, nor relieve him from the dilemma in which he is placed, unless they ignored utterly the political status of Mr. Young. But says the hon. gentleman—the Speaker should not be a partizan. Let me ask what was Simon Bradstreet Robie but a partizan? What was S. G. W. Archibald? What has been each and every Speaker of the House? Did they not all float into the chair just because they were partizans? True, there was one bright example—one single exception to the general rule; one man has filled that chair who was not a partizan, and that was the hon. member for Digby, Mr. Wade. (Laughter.) I sat in it for a time, and, although some of my partizan feelings may have oozed out during that period, yet, at its expiration, I am not quite sure but that the most of them remained.

The argument is untenable—and will not bear investigation. The truth is that the hon. gentleman feels the weakness of his position: he knows that in 1844 he was so imbecile—so powerless—so humiliated, day by day, that no man but himself would have undertaken to carry on the Government, and no Governor but Lord Falkland have allowed him.

I turn to page 111 of the journals of that year, and find that the Parish Bill,—a measure introduced by his colleague Mr. Thorne—was, on motion of Mr. Huntington, deferred for three months. On division, there appeared, for the motion to defer, 21; against it, 18, the Attorney General's name appearing in the minority: so that, on the second most important division of the session, the leader of the Government was floored and placed *hors de combat*,—a majority of three voting against him. (Hear.) If there be anything indicative of a strong administration, it is their power to deal with the finances of the country. What appeared on page 118? Herbert Huntington moves that £10,000 for the road and bridge service (for in those humble days that was all the country could afford), he applied, according to a certain scale of division, in amendment to which the hon. member for Annapolis moves an entirely different scale. Mark the result: this powerful Government, of which the hon. gentleman brags, is beaten, and old Huntington carries his motion 35 to 10. (Hear.) Take another illustration on page 134; it is to be found recorded that on a measure of importance, reducing the emoluments of the Registrars of Deeds, the hon. gentleman and his strong government are again defeated 29 to 15—a pretty considerable majority. On the question of Free Ports, involving the interests of every part of the Province, and on which the hon. member was bound, as leader of the government, to have taken the initiative; the address is brought in and carried without division,—again Herbert Huntington takes the wind out of the sails of the member for Annapolis, and conclusively shews to the whole House that he was not in a position to deal with that most vital and important public question.

But Oh! Sir, I come now to that curious and ludicrous passage in our political history wherein the imbecility of that Hon. gentleman was again evinced; his administration was tottering, incapable—bereft of its strength, like cripples I have often seen on the London pavement, some with one leg, some with no legs at all, (laughter), in all imaginable attitudes of humiliation. S was the then Hon. Attorney General situated. The Hon. gentleman says we cannot defeat a vote of want of confidence by a resolution. How did he accomplish that all important matter? By moving a vote of confidence, not in the Government, but in the Lieutenant Governor. Did any public man ever make such a show of himself, violating the Constitution, and infringing Parliamentary practice, undisguisedly, for the purpose of maintaining himself in power? His motion was carried

23 to 26, for by this time one of those celebrated characters to which the Hon. Gentleman referred, had drifted over, and Mr. Ryder was found voting with the hon. gentleman. I listened to him with curiosity when he so graphically described the interesting meeting which took place on the stairs of this building between himself and the member for Argyle, (Mr. Ryder,) where his hand was so pathetically laid on that gentleman's shoulder, and the words uttered which severed him from his friends. I do not mean to bring third parties into discussion, and therefore shall not mention names; but a short time since a gentleman said to me—"Did you ever find out how you lost Ryder's vote?" I answered—"No!"—"Have you any objections to tell?" and then I found that never was there a man seduced from his allegiance—allured from his duty with more devilish deliberation—by more artful blandishments—a more complete adaptation of the means to the end than was the member for Argyle. Of him personally I will say nothing; enough that perhaps his absence is more agreeable than his company. That lonely interview on the Provincial stairs seemed to have worked wonders in the mind of that gentleman; perhaps it alone did not move him to desertion—he might have been predisposed in some way to catch the disease before the member for Annapolis inoculated him with his views. (Laughter.)

Let me now refer briefly to one or two other illustrations. On the subject of Casual and Territorial Revenue an address was moved by the Attorney General, who was so strong, to which Mr. G. R. Young moved an amendment that was carried without division.

(The hon. gentleman then referred to an article published in the *Royal Gazette*, 29th Feb., 1844, purporting to be an extract from a dispatch of the Colonial Secretary concerning the retirement of Messrs. Howe, McNab, and Uniacke, from the Council. This extract reflected on the conduct of these gentlemen. Mr. Andrew Uniacke, a supporter of the Government, would not see his brother stigmatised in a secret despatch, and brought forward and passed a resolution which stated "That those gentlemen, in retiring from the Executive Council, exercised a right which the House recognizes as part of the Constitution." Thus was the leader of a strong Government compelled, upon the floor of the House, to pass a resolution to take back the imputation which he endeavored to cast upon the leaders of the Opposition.)

Now let us read a single clause of the speech with which this session was closed. The whole thing consists of three or four paragraphs of a few lines each; but the *piece de resistance* is this, where Lord Falkland bowing,—and how he must have glanced at his strong Administration, with a degree of thankfulness that I dare say has hardly yet been effaced from his jolly-looking features, where he says, "It is gratifying to me to observe on your Journals a resolution expressive of implicit confidence in me." Fancy the Queen coming down to Parliament and thanking them for placing implicit confidence in her

A strong Government, indeed! He had never the ordinary powers or authority of a leader of a Government. He was humiliated from day to day. The Lieutenant-Governor gets a slap in the face one day, and the Executive in the next; and all addresses, on public topics of any importance, were brought and carried by members of the Opposition. The finances of the country were taken out of their hands. Who arranged his tariff and gave him the financial information that he required? Why, old Huntington and William Young, and men of that description who had the knowledge, which he had not.

To maintain his position in Sydney, the Solicitor General, Mr. Dodd, was compelled to yield to a pressure which, at this hour, he knows was unjust. Let any man moot to-morrow, a proposition for dismembering the Island of Cape Breton from the Province of Nova Scotia,—would it be entertained for an instant? not one. But how did the member for Annapolis act? Mr. Dodd's support was valuable—could not be dispensed with, and the hon. Gentleman was coerced into calling an extra session, for the purpose of considering the wisdom and propriety of severing the Island of Cape Breton from the Province at large; another and most conclusive evidence of his want of strength—of the incapacity and inability of his Government.

What more? The Government were divided on that question—the Attorney and Solicitor General entertained opinions diverse the one from the other. We then said—"surely you are going to move; you do not intend to throw this great question broadcast before the Country,"—but nothing would move them, until at last, the present Chief Justice and Mr. George Young took hold of, and debated the question with their usual ability, and by the time they had discussed it for a day or two, we began to see daylight. But there sat the hon. Gentleman for Annapolis extremely anxious to suck in information; aye, Sir, and after he had been fed for three days as the scholars of "Doothe boy's Hall" were fed with brimstone (laughter)—or as any old nurse feeds a suckling with pap (renewed laughter)—a division was had;—bear in mind but two members of the Government occupied seats in the House, and when that important question was decided—when the division took place upon a motion involving the whole Island of Cape Breton, $\frac{1}{3}$ or at least 1.5 of the entire Province, the member for Annapolis was found voting on one side, and his Solicitor General on the other (hear)—can that hon. Gentleman point me to a passage in my political history as humiliating as that? He may ask—What of the Railway? Sir, the Railway is a great public question, to be dealt with, or passed by, as the exigencies of the hour may necessitate. If the Executive do not feel disposed to support an extension of that work as a Government, it is quite proper and competent for any member to take the initiative, and put his personal views before the House and Country. (Hear)

After this great Cape Breton question was

thus bungled, I thought it high time to have a hand in; and moved a resolution to the effect that whereas, during two entire Legislative Sessions, the Executive Council had been imperfect and incomplete—and an important legal office had remained vacant for six months, the House of Assembly had not confidence in his Excellency's advisers. What followed? The Government did not dare to debate that question; scarcely was it moved, when down came the gentleman Usher of the Black Rod and summoned us to meet His Excellency who prorogued the House, (hear, hear.) This takes us through two sessions; I feel that these details may be wearisome, but the member for Annapolis has himself to blame in resuscitating these old questions. Then comes the session of 1845; hon. gentlemen will perceive that I have nailed him to a majority of one, made up of Mr. Smith's and Mr. Crowe's votes, increased to three by stealing Ryder's.—So he staggered through two sessions. On the first political division the numbers stood 27 to 23,—giving the hon. member a majority of four not calculating Mr. Young and three counting him. So that this great statesman, who is so fond of a strong Government—who is now taunting me because I have only a majority of five when tested by a division, finds himself with a majority of but three, and among them numbers the celebrated Paddy Power, (hear.) Peace to his ashes. He saw fit to drift over to the hon. gentleman, and if the scandal of the hour can be believed, went down to his constituency and vauntingly exhibited his plume, the reward of his desertion. (Hear, hear.) It is said that we stole Campbell and Hatfield; if true the example was set by the member for Annapolis, who filched more than one supporter of the Liberal party. After Power went over I went down to his county, and held a mass meeting which unanimously condemned Johnston, Lord Falkland and Paddy to their hearts' content, (laughter.) I never had the slightest idea that Power was about to resign his seat, and am quite sure that I never attempted to bully the man or prevent him from voting as he liked.

It is a dreadful thing that Mr. Campbell and Mr. Hatfield have ceased to accord their support to the hon. member, but as to Power and Ryder, they were his friends, and that alone seemed, in his opinion, sufficient to justify them. But he says he gained ed two seats, one in Pictou and another in Queens. In those days the majority in the former county were Kirkmen, who always supported the hon. member. Small credit to him then for carrying Pictou. In Queen's he merely put one supporter in place of another.

Again, sir, on the 11th of April, the present Judge DesBarres moved a string of resolutions touching the Registry of Deeds. The member for Annapolis undertook to move an amendment. There was a question of importance, involving a large sum of money, affecting public officers and their emoluments, and dealing with a member of his own Government. What was the result? His

amendment was lost, and Judge DesBarres beat him 28 to 17.

In those days, a question relating to State Oaths occupied a share of public attention, in which Mr. Doyle took much interest, and in the session of 1845 moved. The member for Annapolis undertook to vote against him, and was again beaten 17 to 16. After having driven certain members from his Council, the hon. gentleman attempted to increase the number of Executive Councillors to twelve. Beaten on almost every division,—exhibiting the utter weakness and incapacity of his Government in every act, he still clung with death-like tenacity to power; and then came that extraordinary passage in his political history wherein he proclaimed to all the world that there was a certain gentleman in Nova Scotia, who never could and never would obtain a seat in the Executive Council, and yet but a short period elapsed before the hon. member was compelled to send, through the Lieutenant-Governor, and solicit the aid and assistance of that very man and his friends to carry on the Government.

(The hon. gentleman here read from the journals to shew that the Queen's Printer of the day had assailed the Speaker of the House—that a resolution had been moved by Mr. James Fraser, supporting the chair, and that a resolution, reprobating the insults, though opposed and voted against by Mr. Johnston, was carried 26 to 23.)

Everywhere discomfited, powerless, incapable, imbecile; compelled to resort to all manner of schemes to retain his position, the member for Annapolis is the last man to taunt any Government with weakness, or plume himself on the strength of any administration he ever led.

I will now turn to the journals of 1846, and what do I find? The hon. member for Annapolis, leading the Government of the day, though now opposed to Railways, getting up and beginning the railway agitation, and moving for the survey of the line from Halifax to Quebec, which would involve more than an expense of £10,000. (The hon. gentleman here referred to the journals of '46, page 500, where the Hon. Attorney General moved the reading of resolutions and addresses reported from the committee on the subject of the Canada and Atlantic Railway.) Here, then, sir, we find the hon. and learned member, at that time when he had this strong majority, himself laying the foundation of the first measures and negotiations which led to the extraordinary waste of resources on that great line to Canada. I would wish the people of Argyle and Digby generally should know that the hon. gentleman has had his arm deep in the public treasury. The hon. member for Digby (Mr. Campbell) was taunted with surveying a railway; but was it said that the hon. member for Annapolis had himself involved this Province in an expenditure of ten thousand pounds for a survey?

In this same session, too, we find another address moved by Mr. Huntington, on the question of Free Ports; and it will be seen that throughout the session all the leading

measures of any importance whatever were brought forward by the active men of the Opposition.

I have turned to 1847, the last year in which the hon member's administration existed, and what do I find? I find that Mr. George Young, who was continually moving in the Coal Mine question, moved in it that year; and the Attorney General opposed him. And when that subject came up to be tried out the hon gentlemen was again beaten by a majority of two or three.

Now I come to the advent of Sir John Harvey. This strong Government lived until Lord Falkland got away. Were these meetings in Digby and Argyle anything like those great meetings that confronted His Lordship in those days? When he went up to Kings, up rose the whole county, and saluted him with some such words as these: We are delighted to see you, but we feel it our duty to say that your Government does not possess the confidence of the people. He replied, they may not possess your confidence but they do possess *mine*. I do not think Lord Mulgrave would have given such an answer to any county in Nova Scotia. His Lordship retraced his steps and came to Windsor. Then up rose the yeomanry of Han's, with the Custos at their head, and said also that the Government did not possess the confidence of the people. He came to Truro, and there I believe an attempt was made to get up a party demonstration. Then rose the men of Colchester, and sent a deputation here who said that the Government did not possess the confidence of the people. There were hundreds of such meetings in those days. How, then, can the hon. member for Annapolis expect us to give any significance or consideration to any hole and corner meetings held in but two counties? Even were those counties unanimous, he set us the example of holding on to power as long as he could.

Now let me say to the hon. and learned member that I could not help smiling at some expressions contained in a State paper of his which I have before me. Here is a great statesman, who has been crawling along in the decrepid style I have just described, coming at last to meet a new Governor. Just imagine him saluting Sir John Harvey with such language as this: "In contemplating, however, the prospect before us, it is our good fortune that the recollections of the past throw no discouragement over the anticipations of the future. As it is also our pride and happiness to know that the exertions we have made for promoting the prosperity of the Province met the approval of your Excellency's honorable predecessor while administering the Government, and secured the firm, unwavering confidence and support of a majority of the people's representatives." Now I have shown you how unwavering was the great statesman's support; and when the hon. Gentleman goes on to hold out his prospects for the future he makes Sir John Harvey to believe that he

is really upon a bed of roses. He says now, give me a dissolution, and I will cut you all to pieces. Would the same disaster happen to us as did to him in 1847? When the hon. gentleman, who had crawled on his hands and knees in this humiliating and degraded posture over and over again, went to the country, what happened to him? Eleven out of his phalanx were never sent back; but were scattered before the winds. The strong Government were annihilated. For nine years he could never hold up his head as a leader of a Government. And when did he again come into power? Don't we all know, when nine men went over and joined his party, and gave him a majority.

But the hon. gentleman from Cumberland made me smile when he said,—They have borrowed our clothes; they have got our bonnet and shawl. Suppose that were true; suppose we have stolen your bonnet and shawl. What did you steal from Mr. Young? Who took his gown, and his petticoat, and his chemise. (Roars of laughter.) I say the gentleman opposite stole his entire wardrobe. And those gentlemen, when they got their stolen wardrobe, how they did strut about?

"The painted vest Prince Vortigern had on, Which from a naked Pict his grandsire won"— never inflated the wearer half so much. Go up to Hammond's Plains on Sunday, and see the colored wench decked in all her begged and borrowed finery. See the creature how she holds her head, how she steps as if the road were hardly wide enough for her petticoats, I shall never forget the extraordinary manner in which these gentlemen did stride when they found their nakedness clothed again. But by and by the 12th of May came, and the borrowed plumes were plucked off very fast. They were again stripped naked. But let us see how these great statesmen again met the storms of fate. We find them first going to Lord Mulgrave, and declaring that their clothes are just as good as ever.— "Please your Lordship, said they, "them's our clothes." This rule was exposed; and then their next dodge was to declare that the legislative robes with which the Opposition had been invested by the country were unlawfully obtained. The question of ownership was referred to the proper tribunals, and decided against them, and now they are whining about a bonnet and shawl. I look round the ranks of the gentlemen opposite, and ask, whom has the hon. member for Annapolis stolen from me? Let us count up the number, Brown, McNab, Killam, Tobin, Kenny, Henry, Wade, John Tobin, Martell, McKeagney, P. Smyth, Townsend, (laughter,) are all my disciples. That, sir, is a pretty considerable lot purloined from the late Opposition.— If I don't begrudge them to him, don't let him, with such a hecatomb piled up for himself, envy me the two *per* lambs I have got (roars of laughter.) What happened after he found his garments were somewhat soiled and could not conceal his nakedness? I don't think, said he, my clothes are quite long enough, that they exactly cover

my ancles; but then those other fellows—their clothes are all contraband. You will soon find that they are not entitled to the clothes at all. An appeal was made to the Home Government, and a thundering plea was prepared to make the Attorney and Solicitor Generals of England believe that they were all right. Of all the disengenuous state papers that I ever saw placed in the hands of a Lieutenant Governor, that mass of papers, given by the late Government, beats them all. I may have committed some errors, but could I, being a lawyer, state to the British Government that an oath put on the statute book for an express purpose applied to another. If I had made such a gross statement, anybody might say I was either not canny or not candid.

But we are told that Cumberland and Victoria have spoken. Well, perhaps Victoria will get leave to speak again, and when she does, I will venture to say her sober second thought will give a different result.

I am told Cumberland has spoken, No, not all Cumberland; for in order to carry Cumberland that atrocious act passed through this House which cut off some of her sons, which deprived them of their votes, which severed a piece of the soil of Nova Scotia, and handed it over to New Brunswick. That atrocious act has never been and never can be forgotten. I have run many elections, but no man ever knew me to cut a piece of Nova Scotia off in order to strengthen my political prospects. Sir, Nova Scotia is not very large, but what there is of it is pretty compact. Sir, I would rather be buried in the wildest fragment of it that is washed by the Atlantic wave than I would put my hand to an act to sever a bit of her small territory, for the purpose of crushing a political party or manufacturing votes to win me an election. Did not the hon gentleman pack the jury on the 12th May? Did he not go into this county and that county, and draw his lines here and there, in every way, in order as far as possible to crush the opposition of that day. Why, sir, the most unjust, unfair and improper abuses of power that were ever seen, have been perpetrated by this hon gentleman.

Does he not think, sometimes, that I should have my turn at cutting up the country—that before the next election Howe should have his chance. I think the hon. gentleman very much mistakes the nerve and sagacity of this Government, if he supposes that we are going to allow him to have another appeal to his packed jury. We shall take care that there is some prospect of a fair jury next time. I give him fair warning, when he goes to the country again it will be after our re-adjustment.

The hon. gentleman took a most extraordinary liberty with a gentleman whom I am not bound to defend. He insinuated for some time that the poor lunatics in the Asylum, committed to the care of Dr. DeWolfe, were half starved or ill-treated, in order to make a show of economy. I asked myself is it possible that a man, without any evidence,

—for I don't believe he has any—will stand up and thus defame an old friend; and political partisan: an officer appointed by himself. Now let my say I am not going to conduct this Government on principles that will not bear the light of day. The moment I heard that extraordinary charge, I requested my hon. friend the Attorney General, to address the following letter to Dr. DeWolfe. (Here he read the letter enquiring whether there was any foundation for the charge that the economy in the management of the Institution, had been at the expense of comforts.)

The hon. Attorney General has put into my hand this answer:

PROVINCIAL HOSPITAL FOR THE INSANE,
7th February, 1861.

DEAR SIR,—I have the honour to acknowledge your letter of this morning, in reference to the economy now practised at this Institution, and enquiring whether it is “obtained at the expense of the patients.”

It certainly is not. The patients now enjoy as many comforts, and have as substantial diet as they ever had; and quite equal to that in any Provincial Institution in British America. As stated in my annual report, “great care is taken to avoid either loss or waste, and no extravagance countenanced or permitted”—and yet every patient has “that fair and liberal allowance which is essential for the restoration of the insane.”

In the first half of 1860 the principal items of the provision account cost \$2,338, the average number of patients being fifty-eight. For the last half year, ten officers and servants being deducted, and twenty-three patients added to the average, the cost was \$2118—making the average for provisions for patients per annum, in the one case \$68, in the other \$52.

The chief reduction in the expenditure has been in the out-door operations. For labour and salaries—exclusive of the Clerk of Works—the amount of which is at present unknown to me, the following sums were paid, viz.: for the half year ending December 31, 1859 \$5,518; for the half year ending 30th June, 1860, \$4,381; while for the last half of 1860 the amount was only \$2,588. This very material reduction has been effected without diminishing the efficiency of the establishment; and, as an evidence that public confidence has not been impaired, I would refer to the number of patients now under care—ninety-six—forty-two of whom have been admitted since the first of July last.

For further information I beg very respectfully to refer to the Annual Report, where full details are submitted.

I have the honor to be, dear sir,

Your very obedient servant,

JAMES R. DEWOLF, M. D.,
Superintendent.

The Hon. A. G. Archibald, }
Attorney General, &c. }

I think the hon. gentleman displayed but little taste or feeling, or even fairness, when he alluded in the manner he did last night to an old friend and partizan. If what he insinuated were true, then Dr. Dewolfe could never hold any position in this country or in any other. His character would be so blackened, so bad, that I don't think any man would hold up his hand to protect him if he were attacked to-morrow. Why, the hon.

gentleman became so excited, that he actually became profane! I remember hearing a story of the Bishop of Fredericton. Going to St. John by mail, he was up before the courier, whose boy ran up stairs exclaiming, "Come, hurry up; here is this little English bishop a-cursing and swearing at a tremendous rate!" (Laughter.) I believe the bishop tells the story himself. But he could never have sworn so lustily as did the hon. member for Annapolis last night. He absolutely stamped and swore. I will put our *saint* any day against the Fredericton bishop. (Hear.)

Economy is worth nothing, says the hon. gentleman. Law and order are everything. He is a great defender of law and order, indeed. To what did he owe the rise of his administration? Why, sir, he built it upon the ruins of the Gourlay shantie. I do not wish again to go back to that old story; but do not we all know that the late Solicitor General, Mr. Wilkins, whose humour always got the better of his politics, never sat down to dinner but he drank, "Here's to the battle of Gourlay Shantie." (Laughter.) And yet this hon. gentleman, who rose on those ruins, with the gore that was streaming on that occasion sticking to his skirts, tells us, "I am all for law and order." A great man, indeed, is he for law and order!

Now, what is the besetting sin of the hon. and learned member? I do not wish to tell in any offensive way, but this I fear is his besetting sin; he has practised so long in the Courts that he hardly knows right from wrong. He has been so accustomed to defend any opinion whatever, that I verily believe, right and wrong are so jumbled up in his mental organization, that he can, sometimes, hardly tell the difference between them.

I was amused not a little by the hon. gentleman's reference to another subject which is somewhat important. He said last night, and I believe he was sincere, "But I do deprecate the packing of the council." I have not the shadow of a doubt that the appearance of the *Gazette*, announcing those appointments, went through him just as a shaft goes through the marrow of a man. As long as the Council was altogether in his hands he could do what he liked. Now, sir, I trust the hon. gentleman's power in that branch has received a check. But it was wrong to pack the council—was it? It was very wrong to fill up the vacant seats? Why, I think the hon. gentleman, whenever he had any majority at all, was not very slow in filing up vacancies. I like myself to see a legislative council pretty well filled up; Nature abhors a vacuum, and so do I. (Laughter.) It was a great sin to pack the council.—Let me instruct this house as to the mode in which the hon. gentleman has packed that body from time to time. When Mr. Anderson was appointed, we wanted an experienced financier. He gave us what we wanted, and so we placed him in the position which he fills so honorably; but do not we all remember the outcry that was raised here and rung from one end of the county to the other. Let the fact now be known that Mr. Howe and his

friends had five seats to dispose of. They gave to the rural districts four, and to Halifax, one. Thus we have wiped off the slate of the hon. gentleman that reproach for ever.

Why, he says, we have appointed people to the legislative council who are not members of the house,—we would not open King's, but have appointed people who would not create any vacancies. Let me turn to the practice of that great statesman, who was not always so regardful of old members of the house, and of the claims of those who have sat on these benches. He takes credit for having appointed to the legislative council thirteen members in his lifetime. By the chances and accidents of public life he has appointed exactly that number. Now, five out of these thirteen were from Halifax. Of these five not one had ever run an election or sat for a constituency. He took Mr. Crichton, Mr. Harris, Mr. Pineo, and Mr. Dickey, from the Country, but not one of these ever ran an election; only four ever sat in the house. Now, it happens that I have had a hand in the appointment of thirteen councillors too. Mr. Bell, Mr. McNab, Mr. McHaffy, Mr. Stairs, Mr. Comeau, Mr. Creelman, were all old members of the house and represented constituencies. Mr. Whitman, Mr. Dickey, and Mr. Tupper, the three gentlemen who have been recently appointed, ran elections in our interest; Mr. McCully, Mr. Brown, Mr. McKeen, and Mr. Anderson, four in all, did not represent any constituencies. So looking at his list, but four ever sat in this house; whilst looking at ours, out of the thirteen, six sat in the Assembly, three ran elections, and only four out of the whole never presented themselves to a constituency.

I was really afraid at one time that the hon. member for Annapolis was beside himself—when he exclaimed where was Mr. Chipman? How had he been treated by the Government? Well, I believe that Mr. Chipman is somewhere about the house. (Mr. Chipman, in the temporary absence of the Speaker, had taken the chair.) I am glad to see him in his present position occupying the chair, looking as fresh and as young as ever. I would ask where would he have been if the member for Annapolis had had his way? Mr. Chipman had been for years the most honest, respectable and consistent supporter of the Baptist denomination; and what was his reward. Mr. Johnston had hurled upon him the whole force of the Baptist body of Kings County, and would have trampled him to the mire, only there was something buoyant about him that would not let him sink. This new-born solicitude for Mr. Chipman was something wonderful, but somehow or other he did not sympathise with it. During the many years of my political connection with Mr. Chipman I can truly say, that I had but to hint to him that the interests of the party or the good of the country demanded him to make a sacrifice, and he was ever ready to do it; but in this case no sacrifice was required. That gentleman had been offered a seat in the Council and an office, but he had thought fit to decline. His claims,

therefore, had not been overlooked; and so gentlemen opposite might make themselves perfectly easy on that score.

Again, it had been asked who was Dickie, that nobody knew? Asked, too, in a manner not very courteous to a new member. I can say that he is quite as respectable perhaps as the Mr. Dickie that people do know, to whom I will not further allude, as he is not present. Mr. Dickie, who is well known in the County of Kings, is an honest, upright, respectable man, and, as far as the qualities of a good understanding and plain common sense are concerned, he is by no means inferior to his namesake. As it appeared to be considered necessary in choosing a peer to have due regard to his personal appearance, I would not be afraid to compare him with any Johnston I ever knew; and I think nine out of ten men would decide in his favor.

Then again, as regards the appointment from Queens County. The member for Annapolis says, where is Mr. Morton? How were his claims overlooked. He no doubt thinks it would be a capital thing to make Mr. Morton believe that he has been aggrieved—that he should have been appointed instead of Mr. Tupper;—but he must suppose we are great simpletons on this side of the house to be deluded after that manner. Let him make himself perfectly easy upon that score; the first persons consulted, before the seat was offered to Mr. Tupper, were the members for the County, Messrs. Smith and Morton, and they were both pleased at the honor conferred upon one whom they had so long known and esteemed.

But there was an appointment the hon. gentleman did not find fault with—Mr. Whitman's—and with good reason. He is under great obligations to that gentleman, for being the first to bring him to his senses in the county of Annapolis—the man who reduced his boasted majority of 500 down to 17—making it necessary for him to run round the county asking the voters wives and grandmothers whether they did not want a few pounds of groceries for the family—and then after that occupying the summer in filling quires of paper, addressed to the Col. Secretary, descanting upon the high crime of bribery and corruption.

The hon. member informed the house last night that the blood of Hatfield and Campbell had been transfused into our veins. Well, suppose it had; it was good old English blood, inherited from a thorough loyalist stock which had passed through the fires of the revolution and came out all the purer for the ordeal. It could be seen now, mantling the honest face of Captain Hatfield, where no sign of deceit or hypocrisy could be found. Quite as good blood as any turgid stream, charged with malignity and with "pride that licked the dust."

As regards these two gentlemen I will say that they were both strangers to me twelve months ago. Shortly after Mr. Campbell was returned I had occasion to go to Digby to see a relative. I am sure I had no wish to

seem to have the appearance of seeking the acquaintance of that gentleman, but as I was passing his store I went in, and was introduced to him. A few words of ordinary civility passed between us, but not a word on politics. That was the extent of my communication with Mr. Campbell. I may mention that I was conversing the other day with a merchant of this city, who, without being solicited, said that he had had dealings for many years with Mr. Campbell, and a more upright, honest man he did not think was to be found in the Province of Nova Scotia. Mr. Campbell came to the house a stranger to politics, to study under professors Johnston, Tupper and Howe. The first lesson he got was when the hon. member for Annapolis tried to make the house believe that Messrs. Robertson and Coffin were not entitled to take their seats, because, altho' the sheriff had summoned them, he had neglected to endorse it on the writ.

That was lesson the first. Then, down came those celebrated papers, the correspondence with the Crown Officers of England, on the subject of the disqualified. It was evident to every man, that the member for Annapolis had not stated the matter fairly and impartially to the Crown Officers, as he should have done, and I believe that also shook the faith of the members for Digby and Argyle in their leader, and made them think for themselves. Then the hon. member got up and argued for days, attempting to force the house to try the members at the bar of the house, in violation of the law of the land.

After this came the appointment of the committee. I will not refer to the scenes that then occurred, for I was not present at them; but it was well known to hon. gentlemen that it seemed to be wished in certain quarters that something else besides a fair and impartial discussion should be given. The gentlemen upon those committees were sworn honestly to do their duty, and I believe, upon my conscience, they did. I have not yet lost all faith in the honor and integrity of the gentlemen who sit on these benches, and I cannot believe that on either side of the house gentlemen could be found to perjure themselves for political purposes. When the interest of a friend was in the scale, and doubt existed, it might vibrate in his favor; but that was only following the well known principle of giving the accused the benefit of the doubt. I think that Messrs. Hatfield and Campbell saw enough of these proceedings, both before and behind the scenes, to weaken their confidence in certain parties, and to induce them to strike out a course for themselves.

I hold in my hand two celebrated letters, from which I will presently quote.

It happened that Mr. McCully, who took charge of the railway department, saved in one sweep £4,700 a year. What was the consequence? The member for Cumberland moved a resolution censuring him for doing that which was his duty to do as a public man; and all the reward he got was a defamatory debate—a slap in the face, and an attempt to reduce his

salary £100 a year. If the member for Cumberland had contented himself with saying that he thought the salary of the chairman of the railway board should not exceed that of the Finl Secretary, I have no doubt that Messrs. Campbell and Hatfield would have voted for his resolution; but these gentlemen, being in favor of economy and retrenchment, could not support a vote of censure on a public officer for saving the country a large sum of money, and they accordingly voted against the Doctor's resolution. What followed immediately? I found the organ of the government abusing these gentlemen, calling them traitors and everything that was bad. I could not help saying to myself—"Here is my old friend (the hon. member for Annapolis) at his old game again, which has weakened him many a time before, and alienated from him some of his best political friends." It was the same thing with the present Judge Wilkins, when he found that he could follow his leader no longer, when a great public measure of immense importance to the country came up, demanding his support, he met with the same treatment, but some how or other he has always flourished ever since; and so it has always been with every one of the hon. gentleman's followers who ever dared to think for themselves; they were good fellows as long as they followed him through thick and thin, but once they presumed to get restive, and they were forthwith denounced as political Pariahs. This had been the policy of the member for Annapolis all his life long, and the result had proved the folly and absurdity of it.

I will read what Captain John Hatfield has to say for himself—and I will remark in passing that these old sea captains are queer fellows; they have a blunt, honest way of saying things that is very effective. I remember Captain Homer, whose genuine eloquence I have often listened to with pleasure; and Captain Spearwater, who, whenever he got up to speak, looked as if he was bracing himself up against the binnacle, but who always said something to the purpose.

I am afraid that gentlemen opposite woke up the wrong passenger when they attacked Captain John.

"I see," says Captain Hatfield, "by the *Yarmouth Herald*, that the Hon. J. W. Johnston has let out some of his spleen upon me." Aye, that spleen, so enlarged, and overflowing on every body who dares to think for himself. "He has attacked me the same as Dr. Tupper, about their losing power; they try to put all their sins and misfortunes upon me, and drive me from them into the wilderness, like the Jews' scapegoat. That is just like him."—"He writes about debased minds. But my mind was never so debased as to leave the first Christian Church in the land to join another for political power." Pretty hard hit, that. Here is another: "I never have debased myself so much as to agree that the people of Nova Scotia should be robbed of eighty thousand pounds, for extras on public works. Nova-scotians, this is the man who says he has your interests at heart. Do you believe it?"

Hear the Captain describing the two gentlemen opposite:—

"I must say I was very much deceived myself. I thought Mr. Johnston a prophet, and Dr. Tupper an apostle, before I had the annoyance of listening to their preaching, and would have sacrificed almost anything to support them, and did sacrifice a great deal; but when I came to listen to them and watch their movements, and investigate matters and see how they had squandered the money, and tried to leave every obstacle in the way to retard the progress of the session, and extend them as long as possible, with their long stories about nothing, that cost the province not less than 600 dollars a piece, and several of them at that; the most part yarns that every one was familiar with, all to lay it on the present government, to tell the people what extravagant men they were, for political capital, expecting to have a new election, to lay those expenses before the people to canvass with; (they did not seem to care about the cost) put it on the present government, let us try—I must say, I considered them false prophets, false teachers, and was quite disgusted with them. Bad leaders, bad managers, reckless and extravagant; and just fit to drive every independent man from them."

"Then he talks of 'degraded,' 'notorious' characters. If there are any more degraded, notorious men in Nova Scotia than the leaders of the former government, I would not like to see them."

On another topic Mr. Hatfield reads his friends a lesson, as sarcastic, as it is well deserved:

"I never was more astonished than when I saw these two gentlemen—Messrs. Tupper and Johnston—walking down the Dockyard at the reception of his Royal Highness. If I had said and wrote what they had about Lord Mulgrave and the Prince's visit, I should have taken myself out of hearing of the guns; but they have vanity and impudence enough for anything. They put me in mind of sea captains degraded and turned out of employ for their misconduct, and shipped as common sailors, who when they walk aft always look down, or one side; they cannot look the officers or a decent man in the face; they feel degraded—always grumbling and finding fault, and giving a great deal of impudence; insisting that no one is right except their chiefs, and keeping up a continual row among the men and officers, almost to the verge of mutiny—in a word, the worst sailors that can be found. We call them Sea Lawyers or Doctors, as they are always filling the men's heads with law-quibbles, or keeping them from duty by prescribing medicines which they do not need. I always made it a rule to get clear of such characters as quick as possible, when I found them out."

Yet this is the man that the learned leaders are now so anxious to wheedle and bully back into their ranks.

Hon. Mr. JOHNSTON—I do not want them.
Hon. Mr. HOWE—In the second letter, Cap-

tain John reads the Doctor some salutary lessons. He is a plain man, and does not understand nice distinctions. Hear him :

“The Doctor says he did not call me a traitor or any other hard name, only I betrayed my constituents. Oh, no ! this is no traitor—no hard name—only I betrayed my constituents and made false statements; this is not hard. Well, I suppose so, being it comes from the Doctor, as it is hard for a rash, self-conceited man to know when he uses harsh language. A man steals a piece of gold worth fifty dollars, he is no thief, he only stole the gold ; a man makes a false statement, he is no liar, he only made a false statement ; a man takes a false oath to support his party, he has not perjured himself, he is only supporting his party.”

I am reminded by these letters of a remark of “Junius” in one of his letters to the Duke of Grafton, when he says—“I will not say, my Lord, that you are the most unprincipled and corrupt of statesmen, but, with all due deference to your Lordship’s high rank, I intend to prove it.”

So the member for Cumberland says to Mr. Hatfield—“I did not call you a traitor; I only said you have betrayed your constituents.”—(laughter.)

When I found these gentlemen condemned and abused by their former friends, I would have been a fool if I had not made honorable advances to them. I offered Mr. Campbell a seat in the government, and I asked Mr. Hatfield to give me fair and honorable support.

Dr. TUPPER—Do I understand you to say that you did not offer Mr. Campbell a seat until after I attacked him in the house?

Mr. HOWE—Yes; I wrote him a note. I do not know exactly when, but Mr. Campbell has it somewhere. Mr. Campbell and Mr. Hatfield came into the house as the advocates of retrenchment, and when the public accounts come down, I think they will be able to furnish a good account to their constituents. They will be able to show that the government they supported had, in the last year, increased the revenue over £24,000, and the casual revenue by £217, and had effected a saving of £1,000 a year in the Lunatic Asylum, and £300 to £400 a year in other public departments, and had altogether improved the financial position of the country by £30,000. (Hear, Hear, from the ministerial bench.

In the revenue department,—while the total amount of fines and forfeitures in 1859 was only £40, during the last year the present government had collected £1,000, besides £400 or £500 more since the close of the year. When all this was explained to the people of Digby and Argyle, Mr. Hatfield need not fear the consequences.

The member for Annapolis expressed great regret that the Lieutenant Governor should have been misled or misinformed. I think that after the treatment Lord Mulgrave has received at his hands for the last nine months the less said about that the better.

That nobleman had pursued a dignified and constitutional course, and it must be gratifying

now, to him to find that his conduct has met with the entire approval of his superiors, and has received through the Colonial Secretary, the sanction of the Queen,—but because he would not follow the advice of gentlemen opposite, which as is now apparent from the despatches of the Duke of Newcastle, would have resulted in his utter ruin, for he tells him he would have violated the privileges of the legislature and brought down upon him the censure of the Queen, if he had adopted the views of his then advisers. Because he would not do this, he has been followed by abuse and misrepresentation, but when stricker, he has not returned the blow.

Now that the gentlemen opposite have got their answer from the Duke, they profess not to be bound by his decision. It is strange then, that they should have appealed to him; it was rather a waste of time to spend the whole summer in correspondence with his Grace if they did not intend to acknowledge his decision when they got it.

In conclusion, I would remark, that I was rather amused at gentlemen opposite talking of the weakness of the government, and of our want of unity of thought. When I cast my eyes up and down the opposition benches, I cannot help asking myself, what union is there? The member for Richmond does not believe in having a steamer across the Gut of Canso; another member thinks it a capital idea, and thanks the government for proposing the measure. The member for Pictou is anxious for the extension of the railroad, while his friend beside him (Dr. Tupper) is opposed to it. The members for Yarmouth also will say, you shall not build a mile of railway. It would be amusing to see them try to form a government; not two of them are of the same mind, or agreed upon a single principle. There is the member for Halifax—I have no doubt that but for certain influences (to which I will but delicately refer), that that gentleman would sooner serve under me than any other man in the house, because he knows my principles are liberal and progressive.—Then again, as regards that great question of the day—the Union of the Colonies—the member for Annapolis, who on one occasion had delighted the house for a day with one of his best and most eloquent speeches, the object of which was to unite all the Colonies, differed from the member for Cumberland, who was in favor of a Union of the Lower Provinces. I am quite sure that gentlemen opposite could not form an administration that would last a week.

As regards the story of a dissolution, I only wish I had the power of looking into the breasts of gentlemen opposite, to see how many were sincere in the desire to face their constituents in the depth of winter. I do not believe there are five. It is not only, therefore, from a desire to protect the rights and privileges of gentlemen on this side of the house, as from a tender regard for the interests of gentlemen opposite, that I am at present opposed to a dissolution. In the meantime, I intend to endeavor to conduct the business of the country in a vigorous and courteous manner, and

in the spring I hope to send gentlemen home, to sit under their own vines and fig trees, where nobody can make them afraid.

Mr. TOBIN—I wish to make one remark upon the closing remarks of the hon gentleman. I will tell him why I differ in public policy from him: because he has always been attempting to govern this country upon sectarian principles, by ranging one denomination against another; that is why we differ. (Hear, hear.) The advocacy of all measures that would tend to make the whole people as one, the union of the Provinces, and the construction of railways—that is the policy I would uphold in this country.

Mr. CHAMBERS spoke of the time which, in his opinion, had been already wasted on a subject that was quite worn out.

In answer to enquiry of Mr. Hatfield Dr. Tupper stated that he had received a requisition largely signed by the electors of Argyle, declaring that they had no confidence in the present government. He expected to receive about two hundred more names, besides the 500 just alluded to. He also stated that in that place, which was Mr. Hatfield's stronghold, and where no meeting had been held, a large number had signed, thus deprecating the position of their member. He would hand the hon. gentleman the requisition for his consideration, and would await his decision on this expression of sentiment from a large and intelligent number of electors.

Mr. HATFIELD replied that he would consider the subject and give an answer soon.

After some further remarks from hon. gentlemen,

Mr. ROBERTSON stated that he would give notice that if the debate was not brought to a close by the next evening he would move the previous question.

Dr. TUPPER—The hon. gentleman has exhibited a good deal of confidence in his leader. He sat patiently and listened to a speech two or three times as long as any delivered this session, and for fear that this speech will be dealt with, (as it can be dealt with,) he comes to the rescue and gives notice—a most insulting notice—that he, Captain Robertson, is going to close the debate. (Laughter.) They will find that the members on this side will not submit to it. I think that the people will stamp such an act with the same reprobation they have lately evinced when they had an opportunity of passing their verdict upon the conduct of the gentlemen opposite.

Mr. ROBERTSON could not see anything insulting in his exercising a right given him and every other member by the rules of the house.

Mr. SHANON presented a petition from the late Commissioners of the Lunatic Asylum, praying that an investigation be made into certain charges against them, in reference to the management of that institution.

The House then adjourned until 12 o'clock the next day.

FRIDAY, Feb. 8, 1861.

The House met at 12 o'clock.

It was moved and carried that the meeting of the committee on the petition against the return of Mr. Campbell of Victoria, be deferred until the 21st instant, at 12 o'clock.

Some conversation then ensued on the length of time the debate on the address had already taken, and continued until half-past one, when the House adjourned for an hour.

The Speaker took the chair again, at half-past two

The adjourned debate was then resumed.

Mr. LONGLEY.—The amendment proposed by the member for Annapolis, involved a vote of want of confidence in the Government, which he felt called upon to support for a variety of reasons. The unconstitutional manner in which the present Government, had displaced the late administration, was of itself, sufficient to destroy his confidence in it. For the first time in the history of a responsible Government, the leader of a new administration had shrunk from the responsibility of facing his constituents, and the result of the late election in Cumberland, had proved what good reason the late President of the Council had, for not appealing to his constituency when he formed his Government. He would confine his remarks to two or three paragraphs in the answer to the speech. The hon gentleman read the 6th paragraph which referred to the extension of the Railway, and contended that the statements contained in it, are not consistent with the facts. If true, no one would be found so destitute of patriotism, as to oppose the extension of the railroad, East, West and North, but he believed it to be the fact, that the railways of Nova Scotia, have paid but little more than their working expenses—we have incurred a debt for which we pay interest amounting to £60,000 a year, and he would ask, have the people of this Province derived any corresponding advantages? He thought not. At best it was a sectional affair, and of advantage only to two or three counties, and the outlying districts had to suffer in consequence. What immense advantages would result from the expenditure of the £60,000 in the internal improvements of the country! He remembered when the people of Annapolis and King were enthusiastic in favour of railways, but they were now regarding the subject with apprehension, and he believed that if the question of the extension of the road to Pictou or any where else, were now submitted to them they would vote against it. The construction of a public wharf at Digby, though no doubt much needed, was not of half so much importance as the erection of a break-water on the bay shore, which was necessary for the safety of navigation on that coast.

As regards the new Representation Bill announced by the Government, a pretty significant hint had been given by the President of the Council of the nature of the proposed measure. He (Mr. H.) had said that the late Government had cut and carved the country

to suit their purposes, and they would find that he could do the same. He (Mr. L.) was surprised to hear such a statement. Take, for instance, the County of Halifax. It was evident that, if the late Government had wished it, they could so have arranged the bill as to have secured all the members for that county, which would have had the effect of enabling them to retain power, and so with other counties he could name.

Referring again to the subject of railways, he thought there was a great deal in the geographical position of Nova Scotia which rendered their construction unnecessary. They were, no doubt, useful in countries like the United States, where there were settlements thousands of miles inland; but there was no part of Nova Scotia from which articles of produce could not be transported as cheap by water as by railway. It had been said that the railroad paid better last year than in former years, but the increase of traffic induced by the visit of the Prince of Wales, which contributed to that result, was of course only temporary, and would not occur again. Then again the £4,600 a-year saved in the working expenses, he was much afraid, was being ground out of the rolling stock, for which the road was really suffering. At the time the first contracts on the Windsor line were let, the Liberal papers triumphantly announced that the road would be built for £5,000 a-mile—whereas, as everybody knew, the actual cost was nearer £12,000. He thought it bad policy for any Government to risk the whole revenues of the country in the construction of works which, at best, were a mere convenience. Take the city of Halifax, which, of all others, should be the most benefitted by the railway; is she satisfied with the result? No, far from it; she now refuses to pay the £100,000, under the promise of which the work was undertaken. The Government are powerless to carry this work any further, and being afraid to undertake the responsibility,—which they should assume under the new system of initiating money votes—they throw down a measure, and say to gentlemen on both sides of the House, "There it is, do with it what you like."

It had been said that the Government had no fear of opening the County of Kings—that there was no obstacle in the way of their offering a seat in the Council to Mr. Chipman. He believed that the Government had carefully felt the pulse of that County; and they came to the conclusion that they had better not try the experiment. He was confident that if the opportunity offered, Kings would speak out against the existing Government.—(Hear, hear!). He was surprised to find it a matter of doubt whether Messrs. Hatfield and Campbell were acting contrary to the wishes of their constituents. In his opinion they had basely betrayed the trust reposed in them; and if he occupied a position of so much humiliation and degradation, he could cover his face for very shame. He did not feel disposed to mince matters with those gentlemen, although it was far from his nature to say or do anything offensive to

any man. He honored the man who conscientiously and consistently differed from him in politics; but when he saw such conduct as he was alluding to, he could scarcely find words to express the bitter contempt he felt for it.

Hon. Mr. HOWE—Order.

MR. LONGLEY was alluding to those gentlemen in their public capacity, and was speaking of their public acts and consequently in order. If any doubt existed as to the facts he had stated, there was now in the possession of a gentleman of the Opposition a petition signed by 500 persons, asking Mr. Hatfield to resign.

DR. TUPPER—I placed this paper in Mr. Hatfield's hands—I thought there were 524 signatures, but there are at present 478, others however were to be forwarded.

MR. LONGLEY had no doubt 200 more would be obtained. It had been broadly stated in this debate that the present leader of the Opposition had never been successful at a general election. He remembered the period when public meetings were held in Halifax and elsewhere, and an attempt made to stir up the people in favour of Mr. Howe's views on the subject of universal Colleges, when that principle was submitted to the people Mr. Howe was defeated, and that at all events was one occasion on which Mr. Johnston had successfully opposed him. He did not wish to detain the House any longer, he had merely spoken for the purpose of giving his reasons why he should oppose any further extension of the railway in the present condition of the country—and why he considered the present government not entitled to his support or worthy of the confidence of the country.

HON. PROV. SECRETARY said he did not rise to interrupt the course of debate, or make any lengthened remarks. The member for Cumberland having, in the course of his remarks referred to Mr. Logan, he (Mr. Howe) immediately telegraphed as follows to Mr. R. R. Smith, who resided in Amherst, and communicated the despatch to Mr. Logan:

R. R. SMITH, Amherst: Dr. Tupper asserts that Thomas Logan, returned in 1843 to oppose me, betrayed his constituents by supporting me. Send this to him, and let me have his answer by telegraph this afternoon.

JOSEPH HOWE.

Mr. Logan replied as follows:

Dear Sir: Dr. Tupper's assertion that Thomas Logan, returned in 1843 to oppose Howe, betrayed his constituents by supporting him, is a base, perverse, wicked falsehood, without foundation.

THOMAS LOGAN.

He need say nothing further, the papers speak for themselves, and proved that the member for Cumberland on this, as on other occasions, spoke without book.

DR. TUPPER thought no government should feel itself complimented by obtaining a certificate of character of character from such a man as Mr. Logan, convicted as he had been of mis supplying the public monies. In the

matter referred to Mr. Logan had run the township of Amherst after making the broadest statement in opposition to the extreme views of Mr. Howe, and was returned by a number of Mr. Johnston's warmest political friends. When he came to Halifax, he (Dr. T.) had seen Mr. Logan and told him that the course he was about pursuing would disappoint the expectations of his Constituents, and Mr. Logan replied that he was aware of it but he had taken his course and would abide by it. Again Mr. Logan's statement should have no effect with the House because he had been dismissed from a public office for appropriating public monies to his own use.

Hon. PROV. SECRETARY—Mr. Logan had the misfortune to be one of those against whom charges had been gathered by the late administration, it was thought proper to dismiss him and he was dismissed—as he (Mr. H.) believed without cause.

Dr. TUPPER preferred a charge the other day against the chairman of the Railway Board; what was the reply? Not that, if true, Mr. McCully would resign his office—not that he would make reparation for the gross deception put upon the country, but that Mr. McCully would forfeit his word of honor if he did not exculpate himself. What was the fact? The Chairman of the Railway Board had, when an election was pending and the public mind might have been influenced, put a statement before the country utterly inaccurate and untrue, and by changing the months from Lunar to Calandar, reduced the loss which had occurred on the railway in the month of November. He would read a statement that had been printed for convenience, and by which it would appear that a member of the Executive—an officer of the Government—had falsified the true aspect of railway affairs for his own purposes.

From the above it is evident that there was a decrease of \$1049.46 in the receipts for the last quarter of 1860, as compared with the corresponding quarter of 1859, and not an increase of \$1117.79, as deceptively exhibited in the Gazette, by suppressing the receipts from 26th 30th Nov., 1859, which amounted to \$2167.25.

<i>Amount of Receipts shown by Railway Reports, 1859.</i>	<i>Amount shown in Royal Gazette by McCully for 1859.</i>
Oct...£2748 6 10	Oct...\$10993.86
Nov...2444 10 8	Nov... 9778.14
Dec...2960 4 3	Dec... 9678.60

£8153 1 9 = \$32612.35	\$30445.10
Amount purposely omitted by McCully in comparative statement of receipts, Nov., 1859.....	2167.25
	<u>\$32612.35</u>

By this deceptive statement, Mr. McCully, on the eve of the Cumberland and Victoria elections, showed in his official return an increase for November, 1860, of \$1816.97, instead of confessing a deficiency of \$1446.23, which would have appeared, had that month's return been made up in the manner practised for the previous ten months,—or a deficiency of \$350.23, had the receipts for the corresponding period of 1859 not been omitted by Mr. McCully in the *Royal Gazette*.

MEMO: *Nova Scotia Railway Receipts for years 1859 and 1860.*

Increase of first quarter of 1860 over 1859; due to Mr. Mosse	\$3818.75
Increase of second quarter, due McCully	2086.98
Increase of third quarter, due McCully, including fares for 10 000 passengers at the Prince's visit, at 60 cts.—\$6000.....	4737.08
	<u>\$10642.81</u>

DECREASE of last quarter of 1860, under that of 1859, due Mr. McCully	1049.46
	<u>\$9593.35</u>

Increase for 1860	\$9593.35
Increase due to Mr. Mosse for one quarter	\$3818.76
Do. do. McCully for three quarters	5774.60

Or at the rate of \$1925 per quarter, about half the amount of Mr. Mosse's increase for the first quarter	\$9593.53
Increase due Mr. McCully for three quarters	5774.60
Less extraordinary receipts for 10,000 passengers at Prince's visit—taken average distance of 40 miles at half fare—60 cts.	6000.00

Practical loss, had it not been for the Prince's visit, of at least \$225.40

COMPARISON OF RECEIPTS ON NOVA SCOTIA RAILWAY FOR LAST QUARTERS OF YEARS 1859 AND 1860:

	1859.	1860.	Decrease 1860.
1st Oct. to 27th Oct.	\$10,993.36	\$10,538.87	455.49
31st Oct. to 26th November, 1859.	\$9778.14		
Add from 26th to 20th Nov., 1859, omitted in Gazette	2167.25		
26th Oct. to 30th Nov., 1859.	11,945.39	11,595.11	350.23
Showing an increase of \$350.23 on receipts of Nov. 1860, and not an increase of \$1816.97, as falsely stated in that Gazette.			
1st to 31st Dec.	9673.60	9429.91	243.69
		\$81,562.89	1049.46

N. B.—No account is here taken of passengers to visit the "Great Eastern," and as the great bulk of passengers at Prince's visit must have come from Truro and from Windsor, the average *half* fare from which is 80 cents, it follows that the receipts from Prince's visit were nearer \$7000 or \$8000 than the \$6000 here charged.

SPEECH OF DR. TUPPER ON THE ADDRESS.

Dr. TUPPER then continued as follows :

I hold, Sir, that the address which the hon. President of the Council delivered yesterday, will do him the least credit of any he has ever delivered. His address was an attempt to strike a vital blow against the very principles he had himself propounded. He has attempted himself to lay an axe at the root of a tree, which he has claimed the credit of having planted, and watered, and fostered in this country. If his address, on that occasion, may be said to have been a success, it was one that tended to destroy those principles which the hon. gentleman has claimed, as entitling him to the gratitude and affection of the people of Nova Scotia. Worse than that, the hon. gentleman descended to use language, the most offensive, the most derogatory, the most insulting to a member of this House whom, in his heart, he regards with respect. He has attempted to represent the hon. member for Annapolis, as absolutely crawling on the floor. And yet he did this in answer to a speech, which though characterised by all the energy of the hon. member for Annapolis, did not contain a single word, that could not have been used in any deliberative assembly in the world. The hon. President of the Council, was evidently so destitute of any argument, to offer to the people,—he felt that his position was so untenable that he was obliged to resort to those miserable shifts. I need not institute any comparison between these two gentlemen. I am speaking to the Legislature who have been familiar with them both for the last seventeen years. I am speaking to the Province, where the characters of these men are known, and in a country where the hon. Prov. Secretary will be ever powerless to utter a single word, that can reflect the slightest discredit on the reputation of the hon. member for Annapolis.

Now in rising to speak to the motion that is before this House, I feel, sir, that I am about dealing to some extent with the gravest question that can be placed before this or any other Legislature—the question as to whether this government possess the confidence of the House, and of the country in which they hold power.

When I discussed, on a former occasion the subject-matter of the address, I took the liberty of referring to the mode in which their power was obtained and retained, and so it will not be necessary at the present time to go into that part of the question again. I shall now rather state the objections which I hold to the present government as exhibited in the speech. First, I come to that portion which refers to the visit of His

Royal Highness the Prince of Wales. I would simply remind the House that whilst the Government have spent some five thousand pounds of the people from the Treasury, I look in vain for any satisfactory mode in which that money is accounted for. I have no hesitation in saying that they used the power which this House gave them last winter in taking a course which was most offensive to both sides of this House. They did not take a becoming course when they placed the members of the Legislature in such humiliating position as they did. The hon gentleman (Mr. H.) has referred to a passage in Mr. Hatfield's letter referring to my visiting the Dockyard after having refused the first invitation. Why, sir, I did not go there upon the invitation which emanated from the hon member himself. I rejected it with a scorn which was expressed by more than one member of this House. They backed down under the pressure of public opinion, and they had to remodel the invitation. It was upon this, the Admiral's invitation, I went into Her Majesty's Dockyard not for the purpose of witnessing the reception, but of receiving His Royal Highness.—But there is still more, members of both sides of this Legislature brought from different parts of the Province, were left kicking their heels about the streets without the slightest notice or attention being paid that was not given to the commonest citizen of Halifax. And when any little attention was paid through the Speaker, it was done in a manner that was most insulting; and it was only by their feelings of loyalty to the throne, that they were influenced to accept invitations given for the next day for some slight ceremonial, and only given at ten o'clock the night previously, through their representatives, sir, were the people insulted. There is not a constituency but must feel that they were insulted when their representatives were treated with this unmerited neglect.

The next passage refers to the Volunteers. Ever since His Excellency has been engaged in organizing a body of Volunteers in this country, I have always given my cordial support. I have always attached great importance to this movement, on account of the great influence it must have on the character of the people of this country, for the finest feature of that demonstration consequent on the Prince's reception, was that achieved by the Volunteers; yet, whereas the officers of the army and navy in Halifax received various courtesies, those of the Volunteers were treated with great discourtesy and neglect.

Then, sir, we come to the more important parts of the Speech. We are told "that the revenues of the past year are far in excess of those collected in any preceding year of our Provincial history." Now I have to thank the President of the Council for having placed a little more specific information at our command, in the statement that the whole increase of revenue from the customs and light duties, is £20,245. Is that anything to congratulate this House upon? The member for Inverness stated that it was a most unex-

amplified increase. In the first place, it is not a most unexampled increase. If he will consult the records he will find that we had an increase in 1854 of £29,093, and accordingly his statement falls to the ground. In the next place, the Administration of the day are in no position to take any credit in connection with the management of the revenue. In the present position of Nova Scotia, if any Administration were in a position to come forward and show that they have largely increased the revenue, it would be entitled to the commendation of this House and to the regard of the people. But I have no hesitation in saying that the present Administration, so far from being in a position to take any credit to themselves for improving the revenue, have, as far as their management is concerned, done all that they could to decrease it, and prevent the money from being in the treasury that ought to be. Where does this revenue come from? The public accounts will show that the large revenue which is made a contrast with the year before, was obtained, to a large extent, from the action of the late Government. Do we not all know that the law on the Statute Book that stopped the distillers was passed when we had a majority in this House? I do not say that hon. members on the opposite side did not assist us in this matter. By this means was handed over to the Government a market free of rum, and a large increase in the revenue was produced. But, sir, an increase or a decrease of revenue is no evidence of skill or capacity, or the want of it. Let us turn to the past. You find that in 1854 we had a revenue of £155,000, and yet in the next year, with the same tariff and Government, it went down to £149,000, and in 1856, down to £142,000. Did any body say the Government should be turned out because there had been a decrease in the revenue? No, sir, no one would insult the people to say they knew so little of trade that, because there was a decrease, therefore the Government was not entitled to the confidence of the country. The increase of a revenue is in fact, no evidence of administrative skill. Last year we had an increase,—but that arose from no particular financial talent. Everybody would laugh at the supposition that that fact should create confidence in the Administration. In 1857 and 1858 we had a financial crisis, but by 1859 there was a rise, which has continued in the past year. I saw the leader of the Government in New Brunswick, a short while since, and asked him what was the financial condition of his Province. He replied they had an immense revenue the past year, far larger than ever before, though under the same Government and the same tariff. We find in Canada, too, under a lowered tariff, there has been an absolute increase of one hundred thousand pounds in one quarter of the year.—And yet with these facts we hear of an unexampled revenue, and that great credit is due to the Government. The very increase it appears, is owing to the policy which we inaugurated and handed over to our suc-

cessors and to the fact that we had promoted by the stopping of the distilleries, this very result which is now advanced against us and as a proof of the financial ability of the gentlemen now in power. Instead of acknowledging that the large increase was due to the rum—they say that it has been all owing to their management. They talk too fast. They said there was no increase in the first quarter. But when they wished to show how large a revenue there was they published in the organ of the Government increase for the first three quarters in the outports. Now, they say that the revenue rises or falls in proportion to the way in which it is managed. They say that the largest proportionate increase for the first three quarters of this year is in the March quarter, when they declared that they had nothing to do with it. It stands 75 against 18 per cent. Thus I bring their own figures against them, since the largest increase was before their management.

I come now to a very important charge against the present administration, one that unfits the hon Mr. Anderson for holding his position, and is sufficient to induce a motion of want of confidence against any administration. A large amount of revenue has been actually lost to the country owing to the scandalous manner in which they have managed our financial affairs. What are the facts? Every person knows that the steamship *Hungarian* sank with some two hundred thousand pounds worth of goods. All were sold for about three thousand pounds. What did the Receiver General who claims so much for the management of the revenue do? He did that which no schoolboy, no child that could read or spell out the Revised Statutes, would have thought for an instant of doing. He absolutely conceived the magnificent operation of charging duties on goods that were at the bottom of the sea—who ever heard of such a thing? If he had looked at the Statutes in that part referring to wrecked goods, he would have seen that he should have imposed duties on goods when landed on valuation. But by the course the Receiver General took he lost several thousands of pounds. Thus the country has been flooded with these goods, to the detriment of the dry good merchants of Halifax, and to the revenue, since they have merely paid a nominal duty. Then, sir, I ask you under these circumstances known to every person in this House, if this Government is in a position to ask any confidence for their management; a management which has been entirely bootless. I say more that the increase of revenue is trifling in this province compared with the condition of affairs in the surrounding Colonies, and should have been far larger than it really is.

I will here leave this question of the revenues with these few observations, and pass to the paragraph which refers to the extension of the Railway. I have already dealt with the judicious economy, and with the productive power of the Railway. I have shown that taking away the receipts

due to the Prince's visit, about \$6000, instead of having an increase, there is an absolute deficiency from the time Mr. M. assumed the management, compared with the previous year.

I will not again refer to the question of extension, nor to the paragraph proposing a railway from Richmond into the city. I would merely state to the House that whilst these statements have been put into the mouth of His Excellency, the Government are unworthy the confidence of this Legislature and of the country for a single hour, when they undertake, by a series of evasions, to get rid of the responsibility of one of the greatest questions that can be possibly propounded in this House, and to fasten an expenditure that cannot be otherwise than an enormous burthen on the people. I need not, however, descant at any great length upon that question, because it has already been put in clear and forcible terms by my hon. friend (Mr. Longley). Have we not been told that the Government have the initiation of all money votes, and that they will not allow any member of the House to rise up and initiate any measure that involves the expenditure of money. I wish then to learn what peculiar privileges does the hon. member for Hants (Mr. Howe) possess over other gentlemen of this House. I acknowledge he is entitled, as the Provincial Secretary and leader of the Government, to a consideration and influence which the member for Cumberland is not, under the system of initiation of money votes by the Government. But I deny that he has, as the member for Hants, any power or right which myself or any member has not. And yet he says, shrinking as a leader of an Administration from laying down a railway policy, that he, as a member for Hants, will move in the question of extension. But more, he showed how little confidence he had even in himself, since he has admitted that though he battled day after day in 1859 to compel us to build the railway to Pictou, yet he had now little doubt that if he had been a member of the Government he would have taken exactly the same course we did.

HON. PROV. SEC'Y.—I did not say that.

DR. TUPPER.—I am in the judgment of the House. What did you say, then? The hon. gentlemen said his policy was to build ten miles. I will, then, go to England, Canada, and the United States; we will have another railway delegation; but, at all events, I will not wait till I launch Nova Scotia into debt again. Why does not the hon. gentleman go to Pictou, as he promised in 1859? Because, as he now acknowledges, the late Government was right and he was wrong; it would imperil the credit of the Province, and after he got half way through, he would be obliged to break hopelessly down. And yet that hon. gentleman says he will not bring forward this important measure, involving an immense expenditure, as a leader of the Government, but simply as he member for Hants—though he denies to me or you the right to move in any money

measure whatever. Can conduct such as that obtain the confidence of any majority in this House, or the people of this Province? Though Responsible Government is fraught with much hardship to individual interests, and is attended with a great many disadvantages, yet I have always believed that it had this advantage at least—that the people of Nova Scotia would know when a great measure was fastened upon them, they had a ministry responsible, and who could not shrink from the responsibility of the act. But here we have this very leading principle ignored. We have an Administration repudiating the chief functions that they perform, since they now endeavor to shift off the whole responsibility of this railway policy. If that is Responsible Government, then the man who said that Responsible Government was responsible humbug, will be believed to have used language that was prophetic.

The speech then alludes to the new management of the Hospital for the Insane. Now, sir, I have no hesitation in saying that this House cannot approve that management without doing violence to the laws of the land which they are bound to maintain. If we have a government which obtained and have retained their position by ignoring the law of the land, it is obvious that this House should see that they do not allow the very enactments which its members have framed to be treated with contempt. We have sufficient information to deal with this question, and painful as it is to speak in reference to Dr. DeWolfe, the medical superintendent, a gentleman placed there by the late Government, for whose relatives I have the greatest regard and many of whom are among my personal supporters—yet I have a duty to fulfill to this Legislature and to this country. I do not think we could have a better motion of want of confidence than the memorial presented by the hon. member for Halifax (Mr. Shannon,) which was signed by all the Commissioners except Mr. Doull who is absent in England, and which demands protection against the slanders with which they have been assailed, by persons who have exceeded their privileges as members of this House when they attack gentlemen inferior to none in this Province in point of character and position.

Let me call the attention of this House to the name of Mr. Bell among the rest. Who is he that demands from his friends in this House that he shall be heard in regard to the matter for which he has been slandered. He is well known to be the son of the late Hugh Bell. He did us the favor of accepting the position of a Commissioner of the Asylum.

Now I have been told by the member for East Halifax, the Hon. Fin. Secretary, that we had not discharged our duty to the country when we appointed a partizan board. Why, he must have known that the explanation has been given, time and again; that the late Government endeavored to obtain the assistance of the most enthusiastic supporters of the present Government in the formation of the board, and were only compelled to make

a partizan board by their refusal. Nor am I surprised at it, when we consider the grave and responsible duties that had to be performed—duties, too, which had to be discharged without emolument. Mr. Bell however went into that board, and always discharged his duties with fidelity and efficiency. Every one knows what it is for Dr. Parker, with a large income from his practice; for a man like John Ritchie, who cannot leave his business any length of time without loss; for merchants like Mr. Bell, Mr. Starr, and Mr. Doull, to devote so much of their time constantly every month to onerous duties, for which they receive no remuneration whatever.—And what has been their reward? These men, known all through the country for their respectability and high standing, we are told, have violated their trust, and have been totally incompetent for the duties they had to discharge. The hon. President of the Council even said, in a contemptuous manner, that the Lunatic Asylum was not a thing for nine gentlemen to *toy* with. Was that the reward that they should receive? Let me tell the gentlemen opposite that any shaft levelled at the late administration is well enough, for we are here to defend ourselves; but they have no right to attack respectable and deserving men in order to reach us. I say, Sir, that the law of the land placed the late Government in a position which prevented their being charged in the way in which we have been.

The law commences thus:—"The title of the institution shall be the Provincial Hospital for the insane, and its object shall be the *most humane and enlightened curative treatment of the Insane* of this Province." It does not say that it is to be made a pauper asylum where you are to grind down the maintenance to the lowest shilling. The unfortunate beings who were placed there for relief, were to receive "the most humane and enlightened" curative treatment. "The management of the hospital shall be vested," the law continues, "in a board of nine commissioners, to be appointed by the Governor in Council, who are hereby created a body corporate, by the name of 'the commissioners of the Provincial Hospital for the Insane.'" I have already said that the late government relieved themselves of all responsibility when they appointed for the management the nine gentlemen to whom I have just referred. What next, sir? "The Governor in Council shall appoint a medical superintendent, whose salary shall be *three hundred pounds per annum, with the board and lodging of himself and family*, and also shall appoint on the nomination of the medical superintendent a *steward and matron*, whose salaries the Governor in Council shall determine."—Now, we assumed this responsibility of appointing a medical superintendent. Whom did we appoint? A partizan of ours it is said. The archives of the Provincial Secretary will show that the administration appointed Dr. DeWolf, upon the recommendation of every medical man without respect to party in this city, and among the persons that recommended Dr. De-

Wolf for that appointment, was the hon Dr. Grigor, one of the strongest supporters of the hon. gentleman, (Mr. Howe.) The certificates are all printed and will be brought up to the house. Thus Dr. DeWolf came recommended, not by one party, but by gentlemen of all parties. I knew, too, from my own personal acquaintance with him that he was as careful and diligent a medical man as was to be found in the city.

The law then goes on to say: "The commissioners shall make all needful *bye-laws* for the government of themselves and the hospital, not inconsistent with this act nor with the laws of the province." "The commissioners shall visit the hospital at stated periods, and shall exercise a careful supervision over its *expenditures and general operations*. They shall make annually to the Governor, for the information of the Legislature, a full account of their receipts and expenditures, and a detailed report of the progress, the condition and wants of the institution, accompanied by a complete statement and report from the medical superintendent of the subjects under his *immediate supervision and control*. The commissioners shall have the general control and management of all the property and concerns of the hospital, not otherwise provided for by law."

This is the law of the land under which we acted; and the house will see at once that when we made these appointments, our duties were finished. We had no power of interfering with it except the power that is vested in the governor in council of removing, if necessary, these officers and commissioners. You will see a report in 1858 of the committee, including the Hon. Mr. Wier, speaking in high terms of the efficiency of the institution, and of the arrangements under these officers. The law having stated that the commissioners shall receive no compensation, goes on to say: "The medical superintendent shall be the *chief executive officer of the hospital*." "He shall, subject to the approval of the Commissioners, *engage and discharge all needful attendants and assistants for the care of the insane, and all laborers on the farm, and shall determine their wages and duties*, subject to the judgment and control of the commissioners."

Now, it is evident that the law lays all the responsibility on the shoulders of Dr. DeWolf, who is directly chargeable with any extravagance which may have occurred. If the President of the Council now asserts that in the last year there was gross mismanagement in connection with the establishment—the year we were in power—but also brings a letter from Dr. DeWolf showing that there was any extravagance the last year, when he had just as complete control as he could desire, he proves to the house that he has retained an officer utterly unworthy of trust and unfit for the position he occupies.

The hon. gentleman has shown you that the government dealt with the affairs of the institution in a way to oblige the commissioners to throw their commissions indignantly in their

faces. They did not resign when a change of government took place, even when calumniously assailed; but, sir, they resigned when they found the administration, under whom they served, had trampled down the law of the land, and done things, in connection with the hospital, which the law declared no government should have the power to do. If there is a single institution in any country that demands the protection of law, that requires to be surrounded with the most careful restrictions, it is an asylum for the insane. In placing the steward and matron in the hands of the executive, there is an object as well as in appointing the nine commissioners. Look over the civilized world, and what do you find?—Such a thing as a government undertaking to manage such an institution in the way they have done, by appointing one man with despotic power over every body else? What, I would ask, is the object of this commission? That where you place a medical superintendant in charge, you may also have the personal inspection of these men, so that every protection shall be afforded to the unfortunate inmates.

Now, the present government have not only done away with the Commissioners, but have even violated the law in reference to steward and matron. The law wisely provided that whilst the Medical Superintendent should be the chief officer, yet the government should also appoint two other officials of high character, and who would not be entirely subservient. This was done so that they might act as a guard against the helpless insane being exposed to any one man's arbitrary control and management. The Commissioners, however, were told that the offices of steward and matron and treasurer had been abolished; though, it appears, after some delay they did appoint two persons to fill the former positions. We are told that difficulties having occurred in the establishment, it was necessary to dismiss Mr. Black. Though it be admitted that Dr. DeWolfe and Mr. Black did not agree, are we to assert that the person with the least influence must suffer; irrespective of which is to blame? Yet that is the argument of the gentlemen opposite. Does the hon. President of the Council undertake to say that Mr. Black was not a man of respectability, in the face of the fact that the nine Commissioners have vouched for his high character, in order to meet the calumnies with which he has been assailed? Why, they even said that in point of economy he was every thing that could be desired. I say that if there was great extravagance, it was not the fault of these nine gentlemen; for they will come and prove, in vindication of their character, that they did all they could to induce economy, and that to prevent Dr. DeWolfe running up bills all over town, they were obliged to pass a resolution, preventing him making any purchases without their approval. What could the steward do? Could he expend a single dollar? No; the law says he is under the direction of the Medical Superintendent, without whose authority he could not incur expense.

But the hon. Provincial Secretary asked me if I had told the people of Digby and Argyle that I kept paupers out of the Institution. No; I could not do so without telling a notorious falsehood. No sooner did the late government find that the law required amendment, than they put it into the Governor's speech. And the house knows that day after day, when gentlemen opposite were more anxious about the election committees, I fought to get this law amended, along with my friend (Mr. H. McDonald), who knows that I gave him every assistance possible, whilst the Attorney General and other members of the government would hardly notice the subject. Thus it will be seen that we cannot be accused of keeping any class of people out of the Asylum.

Dr. Tupper then went on to read portions of the bye-laws of the Institution. "The duty of the Visiting Commissioners shall be to inspect the books and records of the Institution, to view the wards and premises appropriated to the use of patients, as far as practicable; to examine their food and see that all contracts in reference thereto are duly performed, and also to make enquiry relative to the health, treatment, and general condition of the inmates." Yet these men, having such important duties to perform, have been obliged to resign, and their places have been left vacant, in direct contradiction to the letter of the law. The laws next refer to the duties of the Treasurer, and of the Medical Superintendent. "Under the general direction, and with the concurrence of the Commissioners, he (the Superintendent) shall from time to time, appoint such persons as he may deem qualified to perform the duties of the various departments connected with the establishment and premises, and shall determine their rate of salary and wages." Of the Steward, it is said—"Under the direction of the Superintendent he shall purchase fuel, stores, stock, and implements for the farm, and other necessary articles; and shall be responsible for the economical use of the same. "No order of the Steward shall be paid by the Treasurer, unless accompanied with the bill of items, and countersigned and approved by the Superintendent." Can any instructions be plainer than these? I think not.

In regard to Dr. Dewolfe, I may state two circumstances that have come under my own knowledge. Dr. Dewolfe was anxious to attend in an official capacity, a Convention of medical men that were dealing with the very question of insane treatment in the United States. I was desirous, also, that he should qualify himself, and at once advised the Government to give him his commission; but we told him, at the same time, he would receive no salary until his duties commenced. Subsequently he applied to the Government for remuneration on the plea of the valuable information he had obtained. I refused because it was contrary to our agreement, and we were desirous of saving the public money. The next appeal that came from him was for permission to keep a horse at the cost of the Province. I said, No, sir; we cannot allow it; you must

ask the Legislature. Now the Commissioners will be able to tell you that every check they could possibly devise was brought into operation. The bye-laws show that the steward and matron were unable to be extravagant as far as the purchases are concerned. No charge, however, of a want of economy, was brought against them.

Why did the Government violate the law? Was it because they could not get any nine men, Liberals or Conservatives, to assume the duties after the manner in which the late Commissioners were treated? They drove out these by abolishing the office of Secretary, and by pretending to abolish the offices of Steward and Matron, provided for in the law. Thus they left the Institution swept of every check that law required should be put upon Dr. Dewolf, when he was appointed. Was it any wonder that the Commissioners resigned after being placed in such a position? But let me here make another allusion. Did not the Hon. President of Council hold up the Medical Superintendent and the Steward and Matron to the contempt of this House and the people when he described them writing diplomatic notes of the most absurd and preposterous kind; which statement, if untrue, should not be made; but, if true, shows that they are keeping a man in a public position for which he was unfit. I have already stated the character of Mr. Black; and I would now ask, who is his wife, who has been alluded to in terms of such gross ridicule by Mr. Howe? Why, she is not only a lady possessing the highest qualifications, but also the daughter of a highly respected gentleman, one of the most valued friends of the Hon. Pro. Secretary, and who has stood by him through good and evil report, and sustained him in every political emergency. Yet was this lady, whose father and brothers have ever sustained him, held up in the most contemptible manner possible. That was the reward which a family received for their services even during the last struggle in Cumberland.

In the first instance, the law that had surrounded the unhappy inmates with a requisite guard was violated and trampled down. The steward and matron, and the secretary, who had a check on the financial affairs of the Institution, the nine Commissioners, have all been swept away. The Provincial Secretary, having removed all check over his actions, says to Dr. DeWolf—If you can enable me to come down and show you have saved a thousand pounds in the expenditure of this Institution, I will keep you where you are; but if you do not, we must dismiss you. But who is the matron? He promoted a woman who was a servant a nurse, I believe, to this important and responsible situation,—a person, in fact, occupying an entirely subordinate position, but who had the advantage of being a personal acquaintance of the Provincial Secretary's. The person charged with the duties of steward was a baker in the establishment. And thus Dr. DeWolf is surrounded with a number of persons who depend upon him for their situations and wages, and he is left with despotic power,—being told that

his position depends on the saving he can show at the end of the year. If you can, they say, grind a character for economy out of the people under you, you are quite safe, and your own office and emoluments will remain. I am not in a position to show that there has not been extravagance in that Institution. Every body, however, knows that in first opening this Institution, it was liable to great expenses, as well as the railway. It had to be brought into working order by degrees. The Commissioners saw nothing that was wanting to the efficiency of the establishment, except that Dr. DeWolf wished to get rid of a useful and independent man. If there were difficulties, the Commissioners did not think they were of a sufficiently grave character to require the interposition of the late government; no occasion ever rose when they were called upon officially to interfere. In regard to the way the institution was managed, I may refer to the fact that Mr. Young, when he paid a visit to it, before the change of Government spoke highly of its efficiency, and complimented all the officers connected with it.

The next paragraph is this :

“Your attention will be called to a measure for connecting the island of Cape Breton with the main land, by a Steam Ferry across the Strait of Canso, and for connecting by steam, Hantsport, Cornwallis, and Cumberland, with the Railway terminus at Windsor. You will be also asked to sanction the erection of a public Wharf at Digby, the completion of new roads from Mills Village to LaHave, from Plaister Cove towards Baddeck, and other public works, for which the ordinary resources of the Counties have been found inadequate to provide.”

Here's the project of a steam ferry across the Strait of Canso. Why, the house had already dealt with the question—not as a grand measure of the Government, but moved by a single member of this house. The subject is already on our journals. If that provision is too small, the amount could be increased. Then there is to be a wharf built at Digby. I have been called the snag-builder on account of a vote that was passed, authorizing the construction of a pier at Parrsboro. However, though I attempted to get some justice for my county, I never so far forgot the respect due to this House and the Lieutenant-Governor, as to put a snag into the speech of the representative of Majesty. After this, the gentlemen should themselves assume the title of “The Snag-building Government.” At present, I must say, too, that this Digby wharf is something like a Militia Commission; given as a “personal distinction.” I will not say anything against the wharf at Digby, because when that comes up I must vote for it; but I must say that if they wanted anything to dignify with a place in the speech, they would have found it at Bear River Ferry. That bridge would be a work of great importance to three Counties. (The hon. gentleman then referred to the necessity of a bridge across the English, and road from Parrsboro to Five Islands, and Advocate Harbor to Diligent River.

He hoped the Prov. Secretary would not forget the claims of the people of Cumberland, and the promises he had recently made them, but would fulfil his pledges in reference to these important works.

The next paragraph refers to the census. I do not intend to find any fault with the proposition it contains; but I must say that I thought every thing had been already arranged. I imagined there was an act passed last session to enable the government to do what they now referred to. So in this "beggarly account of empty boxes" they bring up little bridges and roads, and measures already passed.

I now come to the more important part in the speech—that which refers to contemplated changes in the Representation Bill of 1859. Now, I think I made it pretty apparent on a former day, that if ever there was a government not in a position to deal with the representation of the country, it is those gentlemen now in office,—I cannot call them an administration. By an administration I understand a body of men united upon a common policy, agreeing on the great public questions of the day, having confidence in and respect for each other. The present set of men I cannot think are worthy of being dignified with the title of an administration. What was the case with the late government, when its members differed and could not preserve that respect for each other that is indispensable? The parties vindicated their position as men, and separated, as should be the case with every government that wished to retain the confidence of the people. But the present Executive are not in a position to deal with this important question. Where are the anomalies in the representation, I would ask? Has anybody undertaken to describe them? If Hants was disfigured, it was done by—

MR. COCHRAN—It was made by the house.

DR. TUPPER—I am obliged to the gentleman for the correction. But it was, at all events, the party now in power that disfigured it.

MR. COCHRAN—It was done by the simultaneous polling bill.

DR. TUPPER—He has me there. At any rate I had nothing to do with it. What complaint can be made against the mode in which we divided it. We divided the county as well as possible, and by natural boundaries.

It will then be asked did we throw a small body of electors into one district and a large one into the other. Turn to the poll books, and you will find that if you take the votes polled for a supporter of the government and an opponent, and add them together in the South District, and do the same in the North District, there will not be a half a dozen votes difference between the two districts. It is then proved that we divided it almost to a hair. The hon. Financial Secretary finds fault with us in regard to the county of Halifax. Let me ask him where he would have been if we had not altered the lines. We sacrificed our own advantage on the altar of principle; a fact which I am sorry to say is not appreciated by the gentlemen opposite. (Hear,

Hear.) The gentlemen opposite have even stated that it was our bill which gave them the majority. If we had done what was just we would have given the county of Cape Breton three members; every body knows it is entitled to that number of representatives, but we were unwilling to increase the number.—We unfortunately selected Inverness; and I think the hon member opposite (Mr. Blanchard) should thank us most sincerely. If I never occupied an official position again, I would look back with pride and pleasure to that act of my life, which made as fair a re-adjustment of the representation as was possible.

Now, sir, under what circumstances does the Government undertake to deal with the representation of this country? It has always been considered that no minority should touch such a bill. The Hon. Prov. Secretary says "hear." Were we not in a majority when we dealt with it? If he will turn to a minute of council he will find that it is there asserted that we went to the country with a majority of eight when we had passed the representation bill. Does the hon. President of the Council mean to assert that we stole that majority? Every man knows to the contrary, that instead of their being deserters, they were the only men in this House of the party now in power that did not desert. Deserters, forsooth! Every one who knows our political history is aware that those were deserters who turned their back upon the unalterable principles which they professed to uphold. Let me ask what was the position of Mr. Young, of the Financial Secretary, of the Hon. Mr. Wier, for three years? Why, they were in much the same position as Colin Campbell and Hatfield now are. The only men who stood fast by their integrity were those who did not hesitate to maintain their principles rather than the party which had forsaken them. Have not these men always maintained the confidence of their constituents?

(Dr. Tupper here proceeded to deny that any material anomalies existed. The representation was equalized; and every man in every county of Nova Scotia, enjoys equal rights. He also pointed to the anomalies that existed before the representation bill passed, by referring to the unequal distribution of members in Pictou, and Hants. He then continued:)

We felt it necessary to give such a measure as the country required. As I said before we stood in the position of being able to deal with the question with every confidence, as we had a large majority of this House, and the support of the country as far as could be known. How very different is the position of the gentlemen opposite!

I understand the hon. President of the Council to say that who he had carried this bill he might go to the country on it. I can understand him. A government that carries a representation bill must go to the country at once. The moment they put such a law on the Statute book, they declare that the country is not properly represented. He must be aware that the Parliament is termi-

nated, and an appeal to the people must follow.

I now come to an illustration of Conservatism and Radicalism. Conservatism is not opposed to reform. I call myself a Conservative and yet I defy the Provincial Secretary to show a sentiment that I have uttered or a line I ever wrote, that is inconsistent with a broad and comprehensive liberalism. Conservatism, is always ready to make any judicious alteration or reform in the laws of the land; whereas Radicalism makes changes for the sake of change.

Hon. Mr. JOHNSTON—or, for the sake of the persons who make the charge. (Hear, Hear.)

Dr. TUPPER—Radicalism rushes ruthlessly into alterations and innovations, not because they are required; whilst conservatism scans with a careful eye, any proposed alteration in the law, to see if it will benefit the country. I will adduce the simultaneous polling bill. Here was an alteration which was a conservative reform. Now I will give you an instance of Radicalism—the dealing with the franchise. My hon. friend Mr. J. has been charged with having made a radical change in the franchise, and with having destroyed the old conservative 40s. freehold. Let us look at the real facts? No, sir, it was not he who did this. A gentleman strong in the confidence of the opposite side, Mr. Larry Doyle, it was he who propounded breaking down the old freehold. How was he met? The hon. member for Annapolis met him as attempting to destroy a valuable institution, with every argument that he could adduce. The hon. Mr. Young took charge of the measure, and fought for it on the floor of this House until he succeeded, notwithstanding, Mr. Johnston who was in a powerless minority, deprecated in the strongest language, an act which would take away what served to attach the people more nearly to the soil on which they lived. What was the consequence? He was voted down; and a rate paying franchise established. The hon. member for Annapolis said. If you break down the 40s. freehold, men of all parties will be driven to establish universal suffrage; and he added that if such a step was taken forward it could never be retraced. They might go forward, but never recede; once give power to the masses, and it is unconstitutional to attempt to take it back. Has not the result proved that his words were true? Mr. Howe was absent when the old 40s. freehold was destroyed, but it was done by his party in spite of all the opposition Mr. Johnston could give it. Subsequently Mr Howe declared in his place, You have placed a law on the statute book so corrupt that we cannot endure it; we must have universal suffrage; and everybody joined to get rid of a system, that my hon. friend had foretold would be so injurious in its effects. Yet will it be believed, that it has been asserted, time and again, that the hon. member for Annapolis is responsible for having changed the franchise, and broken down the franchise which he did his best to uphold.

I give that as an instance of Radicalism. What have we now got from the Provincial Secretary, about the present franchise. Why, Sir, that it is most liable to corruption. In dealing with the important subject of education, he admitted the present franchise had not answered. A few words in regard to this question. Why he went to the people with a huc and cry against the late Government, because they were unable to deal with the question. And what have we now? Why, with all the advantages of Normal and Model Schools, the Superintendent of Education tells us that we are going absolutely backwards—that the country is filled with ignorance,—and he implores the Government, in whom he has had some confidence, to deal with the subject as becomes them. What is the answer he gets? The hon. Prov. Secretary says—I am in a worse position than I was ten years ago—I dare not touch the question—the party with which I am connected fastened upon this country a franchise, so unsuitable to our circumstances, so liable to corruption, in comparison with that which Mr. Johnston wished to retain, that I must with humiliation confess that the question is in such a position that I dare not touch it at all.

I would ask if a Government unsustained by the people should deal with the representation of the country. Why does not the hon. President of the Council feel that the verdict of the country is against him. Yes, sir, the voice of Cumberland and Victoria has spoken, and swept away all the majority obtained at the general elections and by the action of the committee on Queen's County. Some gentlemen in that committee thought that the term partizan committee was an offensive term. I did not use it offensively; I meant this. That in England they know the meaning of a partizan Committee. After trying this law of ours what did they do? They threw it away because they found that whenever a committee was struck, and it was known whether a man had his seat or not. I confess that in a doubtful case my feelings would sway me to a friend rather than to an opponent. But to return. The Government depend upon the support drawn from this side of the House. The case would be very different if either my colleague Mr. McFarlane, or the member for East Pictou, had gone over, believing their policy was the soundest, because it might be supposed that they could, still, in constituencies where parties were closely divided, retain the support of a majority. But what is the case with Mr. Campbell and Mr. Hatfield? In the first place, this House knows that they did not carry the confidence of their constituencies with them, when they went over. I am accused of raising a great furor in Argyle. I deny that, I or any other man can go down to an intelligent constituency and make them believe white is black. This is an unjust reflection upon that constituency. I accused Mr. Campbell and Mr. Hatfield of having betrayed their constituents. The Provincial Secretary says that Junius

said to the Duke of Grafton, "I will not call your Lordship the most unprincipled and corrupt of statesmen, but I will *prove* it." I stand in the position of Junius, not to say it, but to prove it. I confess that it was not easy to answer Mr. Hatfield's letter. I must acknowledge I could only find one intelligible sentence in it, where he says that it was a very hard thing to go against the Government with all the patronage and public money in their hands. Mr. Hatfield will admit that my object was to ascertain, as far as possible, what the sentiments of his constituents were. Here is the placard which was put up at Digby. (He read the placard which called a meeting in "reference to the course to be pursued by this county in the present position of affairs.") He went on to refer to the fact of the people being stirred up just before he had gone up, and to the requisition that had been presented to Mr. Campbell, demanding his resignation. He continued :) Mr. Campbell has now violated his express pledges, and, having abandoned us, is now the member of a government who have advocated in the speech railway extension in three directions. He says he has changed his mind. Will that save him in his own estimation? Why, no, sir. But more,—his censure was endorsed by a public meeting in the town of Weymouth. I expected he would beat me there; but even in the heart of his constituency, surrounded by his own friends, we put the case fairly, and he defended himself with a great deal of ingenuity; and the result was that he and the Government also were distinctly condemned. At to Montagnon, let me say that it would have been better if he had not brought that letter here. He would have us believe that then 39 persons did not hold up their hands. Now, there is a newspaper (*The Tribune*) in Yarmouth, a strong supporter of the Administration, which has proved too much. It says, that at this meeting where, according to Mr. Campbell's letter, 39 of the audience did not hold up their hands—only *seventeen* persons were present. (Laughter.) I may here state that I did not refer to the question of the Horse Railway, until Mr. Campbell himself brought it up. I stated that the Government were pledged to carry it to Pictou—a pledge that I did not think they would attempt to take back, especially as Mr. Howe stated distinctly on the hustings at Cumberland, that he pledged himself to carry it, and he would do it if possible. I put this to Mr. Campbell—he had said that he would not support any Government, that would build an inch of railway, or a horse railway. I said, He is engaged at this very moment in spending your money for a survey of a horse railway into Halifax. He then replied that he knew nothing about it. Why, I said, he is connected with the Government, and is therefore responsible. Mr. Campbell said if that statement be true he would abandon, and vote against the Government.

The hon. gentleman then went on to refer to the position of Mr. Hatfield. Three pub-

lic meetings had declared with a unanimity that was unusual, that they had no confidence in the present Government. A requisition, signed by about half the constituency, had been sent him demanding his resignation. Even in that district which he stated was his stronghold was the requisition signed by a large body of men who formerly supported him. Could the hon. member continue to go in direct opposition to the wishes of a constituency that is more united against the Government than any constituency in Nova Scotia; for Mr. Isaac Hatfield declared, at the Tusket meeting, that there were not ten men in the whole township that would support them.

These two gentlemen have only one of two courses to choose; either on the floors of this House, to carry out honorably the views of their constituents, or else resign the trust which it has been declared they have abused. If these gentlemen value the approbation of their country or wish to retain their own self-respect, let them do the one or the other. All that I ask is that they should carry out in good faith the public pledges they have given, and no longer continue to support in this House a Government which has forfeited beyond all manner of doubt the confidence of the people, or allow their constituents the opportunity to choose men who will respect their own pledges, and the wishes of their own constituents.

Now, sir, these statements were placed before His Excellency the Lieutenant Governor, in a letter I addressed to him in obedience to the request of the large and influential meetings I held in the County of Digby and Township of Argyle, and I hold in my hand the reply sent to me by command of His Excellency to which I invite the attention of the House.

I do not see the President of the Council in his place, and I regret that he has not more regard for himself and for this House, after delivering an address abounding in low personal abuse, to leave the House when I am replying to him.

Hon. Mr. ARCHIBALD explained that he left for a few moments.

Hon. Mr. JOHNSTON. He has no right to leave the House during a debate. I have not the slightest intention of allowing his speech to go unanswered, but I will not speak at this late hour of the night. I move that this debate be adjourned until to-morrow and that Dr. Tupper be then allowed to resume his address.

Dr. TUPPER. It will give me no personal inconvenience to go on now, but I think it but fair to gentlemen who are listening to me, to adjourn.

A call of the House was moved.

Hon. ARTY. GENL. would be sorry to have the House called at that late hour. There was a disposition on that side of House to close the debate that night, but they were perfectly willing to hear Dr. Tupper to the end, and if Mr. Johnston wished to address the House, they would listen to him. They

had now been nine days at this debate, and the business of the country was delayed.

A call of the House was had.

A long discussion then took place as to whether the debate should be adjourned—the opposition insisting upon their right to address the House, and continue the debate,—and the ministerial supporters complaining of the delay of the public business and insisting upon the necessity for passing the answer to the speech.

After some debate the adjournment was agreed to.

Hon. Mr. HOWE said he held in his hand a letter he had received from the chairman of the Railway Board, in answer to statements made by Dr. Tupper in debate, which was handed to the clerk to be read.

Mr. WADE objected, as being a breach of the privileges of the House, for a paper to be read reflecting upon a member.

Dr. TUPPER would rather it should be read, as he was willing to hear anything Mr. McCully could say in his defence.

The letter was read by the clerk: after which,

Dr. TUPPER said—I will call the attention of the House to the fact that this is a bald, insulting denial, which, at the same time, in effect, admits every charge made against him. The fact is, that having attained his purpose, he now wishes to have the whole thing glossed over.

Hon. PROV. SECRETARY.—I will bring this matter to a very brief issue—by moving for a select committee on this subject to investigate it to the bottom. It is a very easy matter, I may say, to mystify the House with figures, though I do not say the hon. gentleman (Dr. Tupper) has now been trying to do this.

The House then adjourned about half-past eight, until eleven o'clock the next day.

SATURDAY, Feb. 9.

The House met at 11 o'clock.

Dr. TUPPER would, before the debate was resumed, call the attention of hon. gentlemen to the irregular proceeding which took place last evening with reference to a letter read by the Clerk of the House from the Hon. Jonathan McCully. If the chair permitted and the House sanctioned it, the practice might become extremely inconvenient. He (Dr. T.) regarded the reading of that letter as an invasion of the privileges of the House—couched as it was in language most indecorous and improper,—and more especially when it was considered that the writer was a member of the Upper Branch of the Legislature privileged to express his views on that body. He wished to know if it was intended to go upon the Journals, if so, it was his intention to put side by side with it a counter-statement.

The Hon. SPEAKER understood that the letter was not addressed to the House, but to the Provincial Secretary—who had made it part of his speech—but as it was late he requested the Clerk to read it.

Hon. ATTORNEY GENERAL also understood the matter as the Hon. Speaker did; it was clear that the member for Cumberland felt the position in which he was placed. The *Gazette* referred to gives every information necessary.

Dr. TUPPER—Was content if the letter was not to be put on the Journals,—but would not allow the Attorney General to bolster up a case utterly indefensible. The *Gazette* led persons to believe that there had been an increase of \$1800, when in fact there was a decrease of £350.

Hon. ATTY. GENERAL read from the *Gazette* to shew that there was no concealment, that the alteration from lunar to calendar months had been openly avowed and that by computation any man could inform himself of the comparative earnings of the road.

Hon. Mr. JOHNSTON—How would any man find the comparative earnings in the five additional days in 1859.

Hon. ATTY. GENERAL.—What appears in the face of the *Gazette*.

Dr. TUPPER—no, you will find a blank there,—I assert without fear of contradiction that the alternation from lunar to calendar months was made shortly before an election and grossly deceived the country. If that were done Mr. McCully should be condemned and if the Provincial Secretary supported him in his acts he should be condemned also. The House decided that an official comparative statement of the earnings should be published month by month, this was done—and so long as there was any increase it was heralded regularly to the country. But in October elections were coming on and a decrease of \$455 took place and so in the following month there was deficiency also. Was not that something to influence an election, It could not be denied that the Chairman of Railway Board had been guilty of a mean miserable attempt to deceive and delude the country. By adding five days to Nov. 1860, and suppressing five days in Nov. 1859, he had created a fictitious increase of \$1816.97, when in reality there was a considerable deficiency. This could be proved by testimony the most irrefragable, and would require the efforts of an abler advocate than the Attorney General to whitewash.

Hon. ATTORNEY GENERAL.—The hon. gentleman was himself compelled to admit that so far from influencing the elections, the subject has never been once mentioned on the hustings at Cumberland; and the hon. gentleman, in his speech the other day, gave the Provincial Secretary credit for unanimity in not referring to it. Surely the member for Cumberland did not imagine the people of Nova Scotia to be such idiots as his remarks would indicate.

Hon. Mr. JOHNSTON, referring to the *Gazette*, said—"Is not that a plain, positive, unequivocal falsehood?" He was astonished that the Attorney General should support it. Was it a fair comparative statement?

Mr. WIER—Yes.

Hon. Mr. JOHNSTON.—The member for Lunenburg says "Yes." I ask and defy

him to answer this. Is it a comparative statement of the last five days, the earnings of which are not given in 1855, but are given in 1860? The gentleman knows it is not.

Mr. WIER.—Is there any loss?

Hon. Mr. JOHNSTON.—That we are not charging, and the member for Lunenburg, a merchant and man of business, knows it.

Hon. PROVINCIAL SECRETARY said he did not wish to allow these everlasting tirades against Mr. McCully, who, he believed, was one of the most useful public men in the Country. The work of Jonathan McCully showed on the public records. As regards Cumberland, he observed that Mr. McCully might not have a great many persons in the village of Amherst who are friendly with him. In that place he was a rival lawyer to Mr. Dickey, and of course all the Dickeyites, and the Tupperites were deadly enemies to him. He would send out a committee to investigate the charges.

Dr. TUPPER.—In continuing my address, I will deal with some observations that fell from the Hon. Provincial Secretary. I will just turn my attention to Mr. McCully's position in Cumberland. Does not everybody know that in my native county where we were both bred, that Mr. McCully, after struggling for years to get a nomination to the House of Assembly, sat two whole days on the hustings without getting three votes? whereas, the first time I ran my opponent was the Hon. Provincial Secretary, whom I succeeded in defeating. And yet will he dare, in the face of this, make any contrast between my position and his in the County of Cumberland. He knows that one of his strongest political supporters came down and told him that Mr. McCully would sink the ship on which he was on board; and he was thereupon given a commission of a Justice of the Peace. I refer to Mr. Bliss, who, in this city told me what he has stated to fifty persons, that Mr. McCully was a man in whom he had no confidence.

Hon. PROV. SECRETARY.—I appointed Mr. Bliss because I ascertained from my friends that he had been passed over in the Commission of the Peace. This was before I heard a single expression from him in reference to Mr. McCully.

Dr. TUPPER.—Did not Mr. Bliss express the opinions I have stated? (The hon. gentleman then went on to state that Mr. McCully could not exhibit a shilling's increase over 1859. Take away the \$6000 due to the Prince's visit, and he could really show nothing for his management.) I am glad the Hon. Provincial Secretary has intimated that he would move for a committee, such could make but one report—that a more unjustifiable attempt was never made in the country to mislead the public mind. Such a deception could not but have its effect in Cumberland.

Hon. PROV. SECY.—I said nothing about the matter on the hustings of Amherst.

Dr. TUPPER.—I say it was calculated to serve the Government. Thus I was showing

the people that there was a decrease on the railway—that in the last month there was a decrease of \$455. I read then that there was an increase of \$1816 afterwards. My mouth was at once closed, I was deprived of a legitimate argument. Now there is a large letter book brought forward as an evidence of the Herculean labours Mr. McCully performed. I wonder if it contains that somewhat celebrated letter which he addressed to one of his supporters on the eve of an election, authorizing him to go and bribe a man by an offer of an office for Way Office keeper, with some 40s. a year. I refer to the letter to Mr. Findlay. The Hon. Provincial Secretary says Mr. McCully has met this matter in a manner that is conclusive. He has met it, sir, in a mode that will receive nothing but ridicule from both sides of the House. I assail a public officer as I have a right to assail him. I come here and lay a charge against him, which I put down in writing, for the information of every one. And how am I met. By an insulting statement that I am personally attacking him. Is that any answer. No man can be convinced by such an argument as that. Should a Government endeavor to sustain itself in this way when one of its members is attacked by bringing a letter forward. That is not the proper or legitimate mode in which a Government should meet a charge.

I must here notice an observation which fell from the Hon. Provincial Secretary in connection with my visit to the County of Digby. He says—Why did not you ask me to come and meet you?—why did you not send a card to me? Does he not know more about the code of honor,—that when a man who has once refused a challenge cannot expect to receive another. Now, the gentleman opposite refused a challenge of mine. When I came from the heart of Cumberland to accept a challenge given me by one of their own members (Mr. Chipman.) But where were they?—Mr. Young, Mr. Archibald, and Mr. Howe? None of them dared meet me at Aylesford. Surrounded as I was with the panoply of proof gathered from the public history of this county, there was not one of them who had the courage to accept the gaue which had been thrown down to them. I believe they went off, and scampering in all directions rather than meet me. Are any of them, then, in a position to talk about receiving another challenge?

The Hon. Provincial Secretary complains that the report that was given of his remarks on the hustings was inaccurate. I take the responsibility of that report of his speech. I state again that, in the presence of hundreds of the people of Cumberland, he said enough, if I know the meaning of language, to prove my statement that he acknowledged Mr. Young won his election by bribery. I had referred to the Queen's Printer having carried the bag. He said, "That's a good joke; don't talk about that; you had always the bag, but when I sent a man here who had just as big a bag as you we floored you. (Great laughter.) I believe that Mr. Young

consented to go there and buy his seat—that was the consideration for which he got the office of Chief Justice. But there was another proviso. Mr. Young was the chairman of a committee. If the party succeeded Mr. Young was to be rewarded in the way I have just stated.

Dr. Tupper then referred to the telegrams from Mr. Logan, and said that he would soon show whether that person was to be considered any authority. He then proceeded to read from certain documents to show that Mr. Logan had been dismissed on account of receiving numerous sums of money for surveys contrary to the order of his superiors. He also read a letter from Mr. Logan to the Commissioner of Crown Lands in which “he would humbly beg forbearance,” and threw himself on the mercy of the Government, and well he might as he had over held hundreds of pounds of public money for years, knowing that his party would allow them friends to do as they pleased.

I defy the hon. member to appoint a Solicitor General. To combine two offices and make one man Chairman of the Railway Board and Solicitor General—paying him £700 per annum for performing the duties of a sinecure, and then pay £170 for other duties to a second officer, which should be performed by the Solicitor General, did not appear to be economical. The Government were compelled to appoint one person to both these offices because they had not a man who was prepared to go back and face his constituents. I will not say, Mr. Speaker, that you misrepresent your constituents; but there are those on that side of the House who do. The Provincial Secretary talks of our skirts being too short; I will show him, before I have done, that the garments he wears are not any too long—that it will require something more than the flimsy veil he has attempted to throw around him to cover and conceal his abject nakedness. I will read him, as a set off to Mr. Thomas Logan’s telegram, the copy of a document now on its way, signed by some 800 of the constituents of the late Speaker of this House.

The hon. gentleman here read as follows :

To His Excellency the Right Honorable the EARL OF MULGRAVE, Lieutenant-Governor and Commander-in-Chief, in and over the Province of Nova Scotia, and its Dependencies, &c., &c., &c.

The memorial of the undersigned Freeholders and electors in the County of Guysborough.

RESPECTFULLY SHEWETH :

Your memorialists approach your Excellency the Representative in this province of our Most Gracious Queen, with feelings of loyal and unabated attachment to Her Majesty’s person and Government and fully appreciating the blessings and privileges they enjoy, under the liberal constitution of the country.

That such a constitution should be preserved in its integrity, must be the ardent desire of every well wisher of his country.

And in now applying to your Excellency, your memorialists believe that instead of impairing that constitution they do but attempt to strengthen it, and apply sound and constitutional principles—where the Government for the time being do not possess the confidence of the people, but still hold a small numerical majority of their representatives, an appeal to the Queen’s Representative to exercise the prerogative, becomes at once the privileges, as it is the duty of the people.

That Your Excellency’s present advisers are now in that position your memorialists fully believe, and that their present majority is obtained by the votes of many numbers who are well known to misrepresent the views and interests of their constituents is fully conceded, and your memorialists are satisfied that the people if appealed to would drive from office men whose public acts and conduct have banished and destroyed confidence in public men, and lowered and degraded the political standing of the province.

Entertaining these views your memorialists in common with a large majority of the people feel that they would be wanting in duty to the province, themselves and your Excellency were they in the present condition of affairs to withhold the expression of them.

Your memorialists also take occasion to make known to your Excellency the fact, that the representatives for this county do not represent the views, or enjoy the confidence, of the people of this county, and that if an appeal be now made, the present Government and their partizans here would be beaten and condemned by a vote of two-thirds of the county.

That your memorialists could solicit the consideration of your Excellency to numerous public grievances of a local nature; but refrain with the intention of applying to the Legislature for protection from their own member, and praying for a public investigation of charges of a serious nature against them.

Your memorialists therefore respectfully and earnestly pray your Excellency, by the Constitutional exercise of the Queen’s Prerogative delegated to you to dissolve the present Parliament, and afford the people, over whose destinies you preside, an immediate or early opportunity of passing upon the acts and conduct of the present Government; and returning Members to represent truly their views and interests.

And they, as in duty bound, will ever pray.

Mr. S. CAMPBELL.—I should like to have a copy of the names.

Dr. TUPPER.—I have been informed that the names amount to 800; the hon. gentleman will be able to obtain the original with the names appended shortly.

Hon. PROVINCIAL SECRETARY.—No such memorial has been as yet submitted to the Lieutenant Governor.

Dr. TUPPER.—I said it was on its way. In returning thus a little of the hon. gentleman’s own medicine is administered to him.

back again. Did he not agitate the country from 1843 to 1847; he will find before he is done who are crawling on their hands and knees, as he the other day elegantly remarked. But he says I went down to disturb the county of Digby.

Mr. WADE.—You could not do that.

Dr. TUPPER.—The hon. member truly says that I could not disturb that county; it would require a better man than either the Provincial Secretary or myself to do it. But what did he do? Did he not openly tell us that he went down to Paddy Power's constituency, and induced the county to denounce Mr. Johnston, Lord Falkland, and Power together; holding a mass meeting and attacking that gentleman. But what was sound and proper in 1845 seemed to be heterodox in 1861.

Now I ask the hon. gentleman whose skirts are too short? Here is a memorial signed by 800 persons praying his Excellency to rid the country of a Government in whose members they never had confidence. The Poll Books of the last General Election prove this,—no man knows better than the hon. Prov. Secretary, that the county of Guysborough is not proscriptive; the late Government lost a supporter by running one man against two. The same result would ensue in almost any other country.—it is impossible to induce a whole party to plump their votes; men will split if one man be running on one side, and two on the other. The Provincial Secretary referred to broken pledges; I charge him with having violated almost every pledge which as a public man he ever made. The records of the country—the journals of the legislature exhibit a mass of broken and falsified pledges made by the hon. gentleman. Mark the position he now occupies.—The Financial Secretary—a leading officer in his Government declared it to be the settled policy of the party to exclude Roman Catholics from a seat in the Government—yet they had to depend on Mr. Blanchard's vote, who came pledged against that policy.

The hon. gentleman, as solemnly a man and statesman could do, pledged himself not to appoint a member of the Legislative Council in any county where there was one already. A motion of want of confidence was moved against the late Government on that very ground,—but no sooner did the present administration assume the reins of power than they treated that pledge as nothing, and in a county where there were then 9 members in the Council, appointed a tenth. What excuse was offered? It was said that they desired to govern the country on sectarian principles, and therefore appointed Mr. John H. Anderson because he was a Wesleyan Methodist. Mr. Creelman was rightfully appointed; he had represented a constituency for years; but in the appointment of a tenth Legislative Councillor from one county, an outrage and insult was offered to other counties in the Province which they will not feel inclined soon to forget. Having adopted the policy of excluding one body of christians from office because of their eligiory, then

followed it up by appointing a particular individual to a high position because he belonged to another body. But what further? The late Government dismissed Mr. Francheville because he lost the confidence of the community; and also discharged Mr. Hamilton of Shelburne for overholding public monies. What course did the gentlemen opposite pursue? They moved a resolution to the effect that the dismissal of E. H. Francheville and A. Hamilton—the one on the representation of a member of the House, and the other on that of a member of the Executive—without trial or inquiry, was an unjust and tyrannical exercise of the prerogative. One would have imagined that this, at least, was a distinct pledge to which the Hon. Prov. Secretary would adhere. But no! Scarcely had he attained power when the Chairman of the Railway Board—an office which of all others should be considered non-political—was summarily ejected from office. A place was required for Mr. McCully, and Mr. McNab was at once ejected. Again Mr. Hamilton, holding a mere county office, was hurled out and a friend of the Government put in his place,—contrary to their own avowed principles. But they not only dismissed men—women, also, were made victims. The wife of a respectable man, who for the paltry sum of £12 a-year, kept a Post Office at River Philip was discharged because her husband supported Mr. Donkin. Talk of broken pledges—where is the Pictou railway? Solemnly and deliberately the Government bound themselves to carry out that work. No sooner did they obtain power, and by the support of Pictou, than these are ignored, and instead of going to Pictou, we hear of constructing the line ten miles into the wilderness. Again, a party 80 years of age, incompetent to perform the duties, was dismissed in Cumberland by the late Government, after careful investigation, the Admiral having certified that the Light House kept by him was negligently kept; a competent person was put in his place; but, as soon as the present Government were installed in their positions, that competent public servant was dismissed, and the negligent one restored to his office; they did not even wait until he had reaped the benefit of the crop he had planted, but discharged him without inquiry or trial.

The hon. Prov. Sec'y has so far forgotten himself as to refer to the Gourlay Shantie. I had thought he would have been very willing now to allow that subject to pass by. The country was appealed to on this subject, and Mr. Condon was held up as the traitor who had come out to countenance and to aid persons put on their trial. They were professing to wish to crush Mr. Condon. I can show to the house that Mr. Condon has received a good deal of consideration at their hands, though the hon. President of the Council has attempted to keep up the same delusion as heretofore before the country. In putting Mr. Condon out of his office, they have allowed him two months' salary in full after his dismissal—an amount

of consideration which Mr. Thorne, who has had the office of Commissioner of Works taken from him, did not receive at all. Thus they say—We can crush Mr. Thorne, who is only a Church of England man, but Mr. Condon, though a Catholic shall have his full salary to the end of the quarter.

I will now come to a more important part of the subject—that is the mode in which the present government have discharged their duty to this house and to the country by their appointments. The hon. Mr. Young said, on a former occasion, that any one injudicious appointment should hurl a government from power. Now, I am not going to refer to his appointment in his absence; I will pass him by.

(An adjournment of a half hour then ensued, and the house having re-assembled at half-past two, when Dr. Tupper continued.)

I do not intend to raise the question of dismissals from office; it is not necessary. My charge against the government is, that they have violated their openly expressed policy, and thereby deceived and deluded the people. The Provincial Secretary seems to consider it a sufficient justification for any act, if he can only rake up some antiquated case in which the hon. member for Annapolis has pursued a similar course. He seems content himself to follow in the footsteps of his predecessors. If any government desired an opportunity of exercising their desire for retrenchment, none better could, by possibility have been afforded them, than to carry out the policy we propounded, of doing away with all the Commissioners, and saving the large expense incurred in keeping up the Railway Office in Granville street.

Take, again, the Board of Works. Never was more scandalous jobbery perpetrated, than by that body in connection with the Lunatic Asylum. The head of that Board should be a man of high character for integrity, assiduity and business ability. For all these qualifications, Mr. Thorne was eminently distinguished, having earned the respect of all who knew him during the twenty years of his public life. During the last five years £25 or £30,000 have passed through that Board, in a mode less guarded, controlled, or checked, than any other branch of public expenditure. Mr. Munroe, a member for one of the Counties of Cape Breton, demanded the office. What did this strong government do? The applicant was entirely, admittedly wanting in the necessary qualifications. If Nova Scotia was searched from end to end, no man could be found more utterly unentitled to the confidence of the house and country. And yet Mr. Thorne, having resigned his seat in the house, and having devoted his whole time to the office, is turned out, and the member for Victoria appointed,—an act condemned by their own friends as suicidal,—one which would inevitably destroy all confidence in the administration that perpetrated it. Is not that single act sufficient to stamp the government with hopeless, helpless imbecility? Who were

crawling along on their hands and knees when that was done? What answer did Mr. Munro's constituents give to that act? Look at the poll books. His majority of 505 swept away, and his opponent at the last election returned to office to oppose the government who had appointed him—stamping his appointment with public reprobation. A government beaten on an appeal to two Counties, when vacancies were created by the appointment of members to two of the highest offices in the Province! Was there ever such a spectacle? A government dependant on the votes of two persons for their existence, find, by the verdict of their constituencies, that neither the Chief Justice nor the Chairman of the Railway Board possessed their confidence? And all the return made for their elevation was a slap in the face to the government who appointed them.

The hon. gentleman then referred to the appointment of Mr. Smellie, who, having been acquitted by the jury, he (Dr. T.) would not have referred to so long as he occupied a private station; the moment, however, that the government re-employed that gentleman, he became public property. The late government had discharged him because, after patient investigation, they became convinced that he was guilty of a gross public fraud, in attempting, by deception, to extract £2000 from the public treasury. He was put on his trial and acquitted; but he (Dr. T.) would be guilty of a dereliction of duty if he refrained now from arraigning him publicly. He would not say that the jury did wrong; but he was entirely of opinion that the circumstances were such—the evidence was such as should have prevented any government from entrusting him again with public employment. Mr. Smellie had been most ably and ingeniously, if not ingeniously defended by the hon. member for Inverness, whose ingenuity had contributed, in no slight degree, to the acquittal.

The hon. gentleman then gave a statement of the case, detailing the facts that Mr. Smellie had been appointed to measure certain work performed by Mr. Cameron; that the measurements were blotted in a book, and the calculations of the cubic yards made by Mr. Smellie, who subsequently inked them in. The figures had been altered, increasing the number of cubic yards by 14000. What was the defence? Mr. Smellie admits that he had sole charge of all the papers, and that these were left so carelessly kicking about the office that any person could go in and alter them: That is his only answer. It is clear, then, that, even in that light, the gross negligence which permitted such a fraud to be practised rendered the man who did it utterly worthless as a public officer. It has been whispered abroad, where men dare not speak above their breath, that Mr. Laurie did this; that could not be, for during the period at which almost all of these alterations were made, Mr. Laurie was in the United States.

Hon. PROV. SECRETARY—Oh, no.
Dr. Tupper—It is the case. Let me refer to the minute of the investigation, 7th January,

and it will be seen Mr. Smellie says so himself:

"Mr. Laurie was absent in Boston while the work was going on, and when he returned all the calculations of quantities had been completed and checked by Mr. Melffley, and Mr. Smellie had entered in ink in the ruled columns the greater part of the quantities as they were subsequently returned by him to Mr. Laurie, and soon after Mr. Laurie's return the whole quantities had been inked in."

I will now turn to the charge of Judge Bliss, who says:

"A few words in regard to the explanations of Mr. Smellie. The three first errors were exactly double what they should be, and this is accounted for in this way, that instead of taking the half of 66, which is the difference between each peg, they took the whole distance, and therefore this mistake might have occurred. Well it might have been so. If it rested there I think no prosecution would have been instituted, and no prosecution could have been long maintained. But what might be true with reference to these three cannot be so in reference to the residue. There were other alterations varying in amount all through the book. One is particularly striking; there is an alteration of a one to a six, making a difference of no less than 500 yards, which can only be accounted for in one or two ways; that he copied his own figures incorrectly, or as he said, somebody without his knowledge placed the wrong figures there, and he copied them without examining them.

"Now something may be derived from certain circumstances relative to the manner in which the book in question is kept. That book was kept invariably in the railway office; not only was it accessible to every one in the office, but the office itself, it appears, was frequently open to those who might choose to come in at any time. Both Cameron and Mr. Marshall say they were there for some time before any of the clerks made their appearance. The office, therefore, was in such a position as to be accessible to any one who was disposed to commit a fraud. But if he did not do it who did it. What motive could any one have. No motive I can suppose except that somebody might have wished to destroy the character of Mr. Smellie. But who had the slightest disposition to do that. We have not heard of any motive however remote which would lead a man to do that. It is not attempted to be alleged that any one did it except in vague, general terms. Certainly it might have been so, but that is not sufficient to remove the imputation against the person whose duty it was to fill up the figures with ink. A question naturally arises how could Mr. Smellie mistake his own figures. He was copying from the figures made by himself in the greater proportion of that whole book, and how could he have copied and not detected figures that were not his own, unless there was a strong assimilation between these and his own figures. Whoever came into that office must have had an opportunity of doing the deed,

probably at intervals. It was not the work of a moment but of days.

"It is evident that these 82 alterations must have been made with some object; for singularly enough each alteration enlarges the amount of work done by Mr. Cameron.—Therefore whoever did it, did it for some specific object. These are the circumstances which seem to press most strongly against Mr. Smellie. He admits he copied the figures; it was his duty and he did it. And he alleges as the only explanation which will relieve his character of the imputation under which he labours, that somebody must have done it;—that somebody must have come in and made all these alterations to his prejudice, although there is no evidence which as far as I am able to see, points to any individual who did it or wished to do it for some motive. There may be some doubt as to where the pencil marks were placed. In the ordinary course of business, we learn, as the figures are inked the pencil marks are rubbed out, and therefore do not appear in the book. Thus we have no proof that they were moved for the purpose of preventing detection of crime. But it appears to me whether the marks appear on the margin or in the last column is immaterial.—Wherever they were they were copied by Mr. Mr. Smellie in ink. He found them such as they were, and the charge against him is that in copying them he falsified the truth, and did not put down the correct figures but inserted wrong ones.

"Now, having stated this view of mine of the facts of the case, I will proceed to tell you what may be urged in behalf of the defendant. But, before I do that, let me turn your attention to what Mr. Smellie has admitted. I understand from Mr. McNab that Mr. Smellie gave the excuse that he put the figures down as a matter of course, without examining them. Mr. Smellie appears before a committee of the Council and the Railway Board in the Council Chamber, and there that admission is made which Mr. McNab states. His statements, Mr. Johnston says, were reduced to writing by himself, he thinks, and from his minutes and from his recollection, he drew up this statement which I hold in my hand; and at a subsequent meeting at the railway office, Mr. Smellie being present, it was carefully read over, and he admitted the contents. He made some objections, and all were added at the bottom of this paper. Mr. Johnston says they understood Mr. Smellie to admit every thing stated in that paper. I must say they must have labored under some mistake. That he admitted a paper is clear, but to what extent he admitted it must be another question. Mr. Johnston understood him to say everything was correct. I confess, looking at the paper, I am hardly inclined to think that could be the case.

"Mr. Smellie, it is obvious, could not have been misled into making these errors by the pencil figures."

Such, sir, was the passage, as quoted by Judge Bliss; upon it Mr. Smellie's case

rested. I shall show to this house that he was acquitted in consequence of a singular and most ingenious misstatement. Mr. Johnston had stated that Mr. Smellie admitted the minutes of investigation to be correct. The words of the minute are as follows :

“ Mr. Smellie, it is obvious, could not have been misled into making these errors by these pencil figures. As far as these pencillings can be deciphered, had they been copied unaltered into the columns the true quantities would have been entered and returned, and the false and increased quantities would not have appeared.”

A word was substituted—the for these—contrary to the wording of the minute. The effect of this was to make Mr. Smellie admit his guilt, and by impressing that fact on the Jury, and falsifying the minutes, they were favorably influenced towards Mr. Smellie. Mark, sir, the words “ these pencil figures” referred to four or five which had not been obliterated and could be deciphered; in their place larger quantities had been inked in, and therefore it was urged in the minutes that Mr. Smellie could not have been deceived into entering the larger quantities by “ these,” viz., those decypherable. But in a most disingenuous manner, his counsel, by altering it to *the*, made the remark referable to all the errors, as well those in which the pencil marks could be deciphered, as those in which they were rubbed out. The effect was, to do away with Mr. Johnston’s testimony; it escaped the attention of the Crown Counsel, misled the Judge and Jury, and no doubt contributed largely to obtain an acquittal for Mr. Smellie. Mr. Smellie at this moment admits the accuracy of the statement, as it appears in that paper, as it is also necessary to his defence; yet it was put to the Judge and Jury that it could not be true.

What further does the learned Judge say?

“ There is another little circumstance to which I must draw your attention. You will recollect that all those errors have been made for the benefit of the contractor, Mr. Cameron; none in diminution, but all in excess. Mr. McCully says when he checked the first calculations he found some in excess, some in diminution. Up to that time the little errors were really mistakes, and could not have been designed purposely to benefit an individual, for they were made at times for the benefit of the Government, at times against it and in favour of the individual. Now, comes the most important enquiry, What earthly object could there be to induce Mr. Smellie to do this? The defendant before that bore the highest character. Mr. McNab, the former chairman, says he bore an “ irreproachable character” both in private and official life. The former members of the Board testified to the same effect. Gentlemen engaged in the work and private gentlemen came forward with like encomiums. Indeed I found it unnecessary to allow a stream of testimony to pour in to the same effect. Why then should a man so competent in his profession, so re-

spected in official and private life, do such a thing which would both ruin his professional expectations, and shipwreck his prosperity? Only surely that he might benefit himself. It is not presumed that he had any animosity against the Government, so as to wish to commit a fraud against them.

“ The only possible person for whom he could have been supposed to commit such an offence was Mr. Cameron; and if there had been any evidence showing any complicity between him and Mr. Cameron, it would have been of the most damning character. But Mr. Cameron has been called, and he entirely relieves Mr. Smellie from the time of the meeting of the committee of the House of Assembly until the early part of winter, in January last, I think it was. During the period of the transaction in question, he had never written him, never spoken to him, never engaged anybody to tamper with him. So there is a total absence of any communication between the two parties. What possible motive, then, could Mr. Smellie have had to do this, is a question most difficult of solution. The absence of any motive will probably have much weight with you in this case.”

The defence largely rested on the absence of motive, although it is well known that Mr. Smellie’s figures before they were altered contradicted his testimony before a committee of the house, on the same claim, and that it was widely rumored while he was engaged in the measurements, that he was to receive Mr. Mosse’s office on the railway—and that office would I come from Mr. McCully, who had been pressing this claim with such deep interest.

But again; how was he acquitted? Did he pass out of court as a man who had made out so clear and conclusive a case as to entitle him to the position he formerly occupied; to go back into society cleansed of all imputation—all stain. No, sir! He got the benefit of a doubt. What again says the Judge:—

“ If he did it, it was a gratuitous, a suicidal attempt to benefit a man who never asked him to do it. At the same time, gentlemen, if Mr. Smellie did not do this we are left in this position: How was it done? That there has been a fraudulent change of figures, there can be no doubt. It could not, it is certain, be done without some design. We are therefore left free to say he has done this, or else we are left to the supposition that somebody else did it. What you have to consider is whether he did it or not; and if the result of the evidence leaves it on your mind so doubtful that you cannot convict, then he is entitled to receive your acquittal; but if on the other hand, you are led to the conclusion that you cannot get any proper solution of the case except that he must have done it for a fraudulent motive, it will be your duty to convict him, as will be otherwise your bounden duty to acquit him.”

Now, then, I say, sir, that the government in appointing Mr. Smellie to office, did that which is a reproach to them, and that Mr. McCully in appointing him perpetrated an

act which has materially strengthened the suspicion already abroad that Mr. Smellie was not alone the guilty party.

But, sir, not the least improper of the acts done by the present government is the re-appointment of Mr. Duckett to the chief clerkship in the Receiver General's office. The accounts of that gentleman were found to be in a most discreditable condition. Mr. Duckett was, I believe, politically, our friend; but we felt it due to the country, whose interests the government had in charge, to discharge him. Though our friend, we felt that we could not act as the present government have acted. We did not discharge him without trial or enquiry. A series of gross errors were found in his accounts, running over a period of ten years. Mr. Duckett had no defence; he did not pretend to offer any. Would not the government who retained him in office have scandalously betrayed their trust, after such a document as I shall now read, was once brought to their notice? Let me read from the report of the committee of public accounts as follows:

“In reference to the savings bank, the committee of public accounts in 1859 detected some errors in the statement submitted to them by the cashier, which, in their opinion, rendered a searching investigation into the state of that institution absolutely necessary, and recommended the government to undertake it. During the recess that service has been performed by Mr. Archibald Scott, who reports that he has gone over the books from 1854 to 1858 inclusive, and that he has found a series of errors in the accounts running over the whole of that period.

“A subsequent investigation, conducted by the late Financial Secretary and Mr. Henry, brings the accounts down to the 12th Dec'r, 1859, and these gentlemen report that there should have been in the hands of Mr. Duckett at that time a sum exceeding the balance that officer admitted to be due by £813 9s. 5d.

“Mr. Duckett was removed from his office on the 21st December, and Mr. Lawson put in his place. Since his appointment Mr. Lawson has discovered a number of additional errors, some for, and some against Mr. Duckett.

“But, as the only effectual check upon the accuracy of the accounts is afforded by a comparison of the pass book of the depositors with the books in the office, the balance so ascertained can be considered as approximating to a correct result.”

The result of the investigation of the commissioners appointed by the government was, that from £800 to £900 was found missing; and yet will it be believed that, although this was brought home to the knowledge of the government by the clearest and most unmistakable evidence, they dared to appoint this man, who had been clearly proved to be incompetent, if nothing worse, to the responsible situation of chief clerk in the savings bank, in which capacity he has the handling of thousands of pounds of the people's money.

There was a measure announced by the government which I did not think even they, with all their effrontery, would have introduced—a bill for the prevention of bribery at elections. It will be fresh in the recollection of hon. members that, when last session we brought in a measure formed upon the English law, which would have had the effect of preventing Mr. Young, or any other rich man, from purchasing his seat—although it was explained at the time to be a most necessary measure, as it was probable that elections would be run before the next meeting of the house—yet, in the face of all that, gentlemen opposite voted it down, or rather refused to consider it. Every one knew that when the present Attorney General of Nova Scotia was put upon his trial, charged with the crime of bribery, was found guilty upon the clearest and most irrefragible testimony; and the committee having doubt as to their power of expelling him from the house, reported their verdict for the action of the house, Mr. Young, the then President of the Council, came down with a resolution asking his supporters to vote down the deliberate verdict of a sworn committee of the house, and I regret to say that he found a majority pliant enough to white-wash his Attorney General. What position, then, does this government occupy before the country. One member of it (Colin Campbell) who was one of Mr. Archibald's committee, declaring to the country, as he did at a public meeting of his constituents, and later still by a written paper which he read to this house, that it was his opinion that his colleague in the government was guilty of bribery, and should have been fined £100.

Hon Mr ARCHIBALD, who was nearly inaudible in the Reporter's gallery, was understood to deny the correctness of the statement, and to explain that Mr. Campbell had drawn a distinction between the moral and legal responsibility of the act alluded to.

Dr TUPPER continued—The accuracy of my statement fortunately does not depend upon either myself or the Attorney General; nor even upon a report of the speech, for we have Mr. Campbell's own written statement of the fact, which will settle that.

The hon gentleman read from Mr. Campbell's statement to that effect, in the official report of the debates.

Now, sir, in what a miserable and humiliating position are the government placed—their first crown officer convicted by his own colleague of bribery, and still sitting side by side in the same cabinet;—and yet they have the audacity to come down here and announce that they are going to introduce a measure to prevent bribery and corruption at elections.

I now come to that portion of my observations which renders it necessary for me to refer to His Excellency the Lieutenant Governor, and all delicacy I might have had on the subject has been removed by the course pursued by the President of the Council, who was the first one to introduce His Excellency's name in this debate. He said that the Lieu-

tenant Governor was courteous, firm and independent, and his complete justification would appear when the despatches from the Colonial Office were laid upon the table. He therefore challenged gentlemen on this side of the house to question the correctness of the course pursued by His Excellency; and I consequently feel it my duty—as it is unquestionably my privilege—to scrutinize the public acts of the Lieutenant Governor in the exercise of his prerogative.

When the other day gentlemen opposite sat for hours drinking in with delight the words of the hon. President of the Council, I also listened with equal pleasure, for I felt that he was in a much more eloquent manner than I could have done, making out my case and not his own. He clearly proved by the most irresistible arguments the soundness of my position, and that the course I pursued was the proper and constitutional one—and that it was the duty of His Excellency to have dissolved the House. I shall not enter into the question of the majority of Mr. Johnston's government in 1844, as he is quite able to deal with that subject himself—but I would remind gentlemen opposite that the issue between us is not whether they have a majority of one—for I would respect that if properly obtained—but whether they have any legal or constitutional majority at all. The hon. President of the Council has admitted that although Mr. Johnston was sustained from 1843 to 1847 by a majority of from two to eight, the legality of which he did not presume to question, he (Mr. H.) was agitating the country from end to end, beseeching the Lieutenant Governor to dissolve the house, on the plea that altho' Mr. Johnston had a majority in the House the country was against him, and he said that "*no other governor than Lord Falkland would have kept Mr. Johnston in power*"—thus sanctioning the propriety of the course I have been pursuing in reference to the present government, and shewing conclusively that I am only asking Lord Mulgrave to do what the President of the Council in 1844 denounced Lord Falkland for not doing, upon infinitely more slender grounds. Let me for a moment refer to this Minute of Council, of which the Pres. of the Council says Mr. Johnston was afraid to allude to but one clause. I shall have no fear in dealing with the whole of it—and I am glad to find that His Excellency makes use of one word in it which makes it unnecessary for me to allude to him in the way I should otherwise have thought it my duty to do—and that word is "*prematurely.*" I had shewn him clearly that the late elections proved that his government did not possess the confidence of the people, and he answers very properly that as the house was summoned to meet shortly for the despatch of business, he could see no necessity *prematurely* to dissolve the house. He could not very well take that course until the vote upon this question had been taken, and the correctness of my premises ascertained. The Lieutenant Governor might very easily say that although Cumberland and Victoria had

condemned his government—altho' it was true that the constituencies of Digby and Argyle disapproved of the course pursued by their representatives—yet until their votes had been recorded on this question it would be impossible for him to decide. Therefore it is I cannot question the propriety of the course pursued by His Excellency; but if Messrs. Campbell and Hatfield record their votes against the wishes of their constituents, then I shall feel bound to call upon His Excellency to dissolve the house, not prematurely, but when the government shall be seen to depend upon their votes. The President of the Council says that I appealed to the Duke of Newcastle, and afterwards refused to be bound by his decision. I would ask did he never appeal to a Colonial Secretary, whose opinion he rejected with scorn when he received it? Does he remember when a majority of 40 to 12 voted no confidence in the government, and Sir Colin Campbell refused to reconstruct his government, an appeal was had to Lord John Russell, who decided that the governor was right.—What did Mr. Howe do? He rose, sir, in the dignity of his manhood and denounced the opinion of the Colonial Secretary as unworthy of the confidence of the people of Nova Scotia. What was good logic then is surely good logic now. Did any person ever hear of a Colonial Secretary doing anything else but sustain a Governor?

When the Governor General of Canada accepted the resignation of his ministry, swore a new government into office, and then refused them a dissolution, upon which they resigned, and then swore the first government back again into office; and, by what has been called a double shuffle of interchange of offices, enabled them to evade the responsibility of an appeal to the people, Mr. Howe and his press were loud in their denunciations. What did the British Government do? They sustained the Governor General, as they did the Lieutenant Governor of New Brunswick, who dissolved the House and appealed to the people in opposition to the advice of his cabinet. Just as they have always done, and why? Because we are insignificant at the Colonial Office, compared with the influence any governor possesses there. I, sir, will reject the dicta of the proudest Duke or the noblest Earl that ever graced the English peerage, if they are at variance with the privileges concurred to the constitution of my country.

The President of the Council said that Messrs. Hatfield and Campbell are the best judges of their own conduct, and he referred to the doctrine laid down by Burke, as long back as 1774, to prove his position. Sir, that celebrated personage,—that sublime and immortal statesman, never uttered so monstrous a doctrine, as that a man was justified in leaving the party he was elected to support, and go over to their opponents, in violation of his solemn pledges, and when asked to resign by his constituents refuse to do so. You may search in vain through the pages of English

history for a parallel to the course pursued by those gentlemen; and I defy any man, with the feelings of a man, to vindicate their conduct for a single instant.

What a spectacle, then, does this government present? Destitute of every principle,—united by no common feeling, save that of clinging to office, obliged to take back the only policy they announced,—unable to propound a single measure of public importance, they occupy a position of degradation and humiliation such as no country but Nova Scotia ever beheld; and no government but this could have ever descended to.

Mr. Howe, as leader of the Government, can only, upon his own shewing, resist the demand of an indignant country, for a dissolution, by sheltering Lord Mulgrave under the precedent of Lord Falkland, whom he has ever denounced, and still denounces, as a Governor, who violated the constitution of the country, and yet he clings to office, and asks the permission to change the representation of the Province, so as to enable a minority to secure a majority!

Mr. HATFIELD said that he had been handed the petition signed by 478 voters of Argyle, out of 1100, which left him a majority of 622, so that he was in reality in a better position now than he was last winter. A great number of the signatures were not in the hand writing of the parties, with which he was well acquainted. Of the 500 who voted for him 200 were signed to this petition. In one district Even Gardner and Nathaniel Gardner signed the names, and in another Isaac Hatfield signed them. Under these circumstances he did not feel called upon to pay much attention to the petition. It was an easy matter, if any one took the trouble, to get up petitions against almost any member. In the district in which the Doctor said he had a large and influential meeting, in the neighborhood where he lived, only 19 men out of 300 had signed the petition.

He did not see what claim the late government had on him. At the time of his election every office holder under the government voted against him. He had been elected to support measures, not men; and those who elected him were independent men, who did not care a rush for any party. He should vote for any good measure that was brought forward, come from what quarter it might. The hon gentleman stated further that not a single influential man amongst his constituents had signed the requisition, except Isaac Hatfield. His policy was to work the railroad, now that we had got it, as cheaply as possible; and in conclusion he deprecated the action of the member for Cumberland in coming down amongst his constituents, trying to stir up strife amongst them.

Mr. KILAM had never taken the trouble to stir up the people against Mr. Hatfield, but when the meetings were called he felt it his duty as a representative to attend them. At the meeting at Tusket there were some 400 voters present, and they were perfectly unani-

mous in condemning Mr. Hatfield's course—there was not a dissentient voice. As to fourteen hands only being held up it was not true; there were so many held up it was impossible to count them. At Pubnico a large meeting house was filled, and the same unanimity prevailed. There was very little doubt that the people of Argyle were opposed to the present government.

Mr. HATFIELD had no doubt if he took the trouble he could get a good many in Yarmouth to sign a petition against the hon. gentleman who had just sat down. He thought it was quite time that this useless discussion was stopped; about \$4,000 had already been wasted, and it was quite time to get to work.

Mr. COCHRAN referred to the public meetings held in Hants from 1844 to 1847, in opposition to the ministry of that time. He then expressed his astonishment at the remarks that fell from the member for Halifax (Mr. Tobin) who had charged home upon the government that they, for party purposes, marshalled their forces last winter, and defeated the Water bill; for which reason they were to be blamed for the sad effects of the late fire.—Now, as far as he (Mr. C) was concerned he would state decidedly that he voted against the bill, not because the present Chief Justice was opposed to it, but because the City Council, the representatives of the citizens of Halifax, had not agreed among themselves. Who did not know that the first man who raised his voice in the Assembly against the bill was Mr. Shaw, one of the members of the opposition. The hon. member for Cumberland had stated more than once that if he ever stated what was incorrect he would retire from public life. Now he (Mr. C.) thought he could prove that the hon. gentlemen had in his speech stated what was inconsistent with the facts.—In referring to the representation bill the hon. member said that all electors were placed on the same footing. But when he was asked in regard to the city of Halifax, he had to admit that he was wrong there. Thus he had proved by this one fact alone that the hon. member was not correct when he stated that his bill equalized the franchise.

SPEECH OF HON. MR. JOHNSTON.

Hon. Mr. JOHNSTON next addressed the House. He first made a few remarks in reference to the representation bill. He did not altogether agree with the hon. member for Cumberland when he said the day before that Halifax was an exception; it was such in the letter, but not in the spirit. It was, indeed, an exception more nominal than real. It was divided into the eastern and western districts. Both received two members each; and an addition of one was made to the representation of Halifax in consideration of the large population arising from the city. The hon. gentleman then continued as follows:

On a former occasion I referred, in terms of reprehension, to those wilful misrepresentations of facts which are given for the purpose of injury. It is such misrepresentations as those that I design again to expose.

When the hon. gentleman opposite undertook, in the speech which occupied several hours in its delivery, to arraign my conduct and misinterpret my public character, I did feel a degree of pride and satisfaction which I can scarcely express sufficiently strong; for I found that it was out of his power, with all his ability and with all his industry, to lay his finger on a single imputation of the character to which I have just referred. He may have attempted to insinuate, but his insinuations assumed no definite form. Sir, I consider that a man who makes an imputation against the character of another, knowing that it is unfounded, is not only himself guilty of misrepresentation, but commits an act of injustice of the most disgraceful character.

I regret, Mr. Speaker, exceedingly that the hope that I entertained that I would be in a better physical condition to address you has been disappointed. Therefore I proceed to the performance of the duty imposed upon me, under the sense that my physical debility will be painful to those who listen to me. With these prefatory remarks, I shall endeavor as far as possible to deal with the various subjects, that necessarily come under my review.

The hon. Provincial Secretary on Thursday last, reminded me of times that have gone by. That speech was more like one of his efforts of former times, than I have been accustomed to hear from him in recent years. But while it exhibited all the acrimony and spleen, for which that hon. gentleman was formerly distinguished, it lacked much of the vigour and ability that he was accustomed to display; and if there was not wanted the desire to do, there was at least a very diminished ability to perform. In place of the keen edge and the sharp point which he was accustomed to use, that hon. gentleman was compelled to descend to coarse scurrility, and a lower amount of abuse. The hon. gentleman, sir, was pleased to enlarge much upon the political history of this country. It will be remembered that when I addressed the House I arraigned the Provincial Secretary and his colleagues for having, in a minute of council, recently made what I represented to the House, to be a gross misstatement of fact. I refer to it again in this debate, because the hon. Financial Secretary had essentially renewed the same statement. We have a right to expect that, on a charge thus distinctly made and as distinctly sustained by proof, the Provincial Secretary when he undertook to reply, would have attempted some defence and not have been content to meet it with coarse invective and recriminations.

Now, sir, I shall show to the House that the Hon. Provincial Secretary, in making the explanations which he did, and in endeavoring to vindicate himself from the accusations made against him, entirely failed, and left himself under the charge without excuse. Then it will be my duty to follow the Prov. Secretary through the various references that he has made to the past history of this coun-

try, and to enquire whether the references thus made justified the conclusions which he drew. If the imputations and inferences that he made were vague and general—if the scurrility that he founded upon them had nothing to sustain it, nothing that could justify it, then, sir, the Hon. Provincial Secretary stands before the House as convicted of that charge of misrepresentation which I brought against him, of an utter indifference to the veracity of the statements which he makes in regard to the past and present.

Before I go into these details, however, I wish to recall some short reminiscences, some slight review of the past. I shall presently investigate the course of my career through the four years that he has attempted to arraign. I shall investigate it upon the facts which he has brought forward, but let me first take a brief review of the hon. gentleman's past public life.

The hon. gentleman has boasted of his political ability. He has made it his business for some time past to represent me as opposed to himself—as being utterly incapable of being compared with him for political sagacity, or successful administrative capacity. When he arraigns me for want of these qualities—when he charges me, as on former occasions, with inaptness to shuffle the cards and win the tricks with cleverness, I candidly confess I listen to him, I will not say with indifference, but with pleasure. Why, sir, he accumulates charge upon charge of this kind, and I listen to him as if he were complimenting me. What do I value the success of a successful trickster, if I can sustain the character of an honest and a truthful man! Let him touch me there and I shall feel that he has touched me where I shrink from being assailed successfully. He could not do this in the four hours' speech of the other day. I tell him again, let him arraign and fix me on something that will prove a moral delinquency—then I am silent. At present, sir, we are like two ships, sailing past each other on very different tacks. What care I if I have not the sagacity nor the *finesse* on which the hon. gentleman lays such stress. (Hear, hear.) Before I have done with some of these records under my hands I think I shall be able to show that the hon. gentleman has never deceived us as to the model in which he has effected his purposes.

Sir,—he commenced his political career by debasing the Press of his country by making it the vehicle of scurrility, slander and misrepresentation. But he also made it the great engine by which he was to obtain political power. How did he wield that engine? The hon. member for Halifax (Mr. Tobin) has told you the other day. His great object then was to sow disunion in the minds of the people of this country; and he did it with a skill which I admit now as I did in a previous speech, entitled him to the character of a successful demagogue. It is only to be regretted that with talents such as he possesses in that field, the field should be so narrow and circumscribed; he was surely entitled, sir, to a wider and a larger field. His saga-

city showed him, it being his design to obtain power and influenced by political means in this country, where was the place and what was the instrument necessary for his purposes. He knew, sir, (whether he valued or not the religious principles that govern men) that there is no element in the heart of a community so susceptible of excitement as its religious feelings, it may be its religious prejudices. And what was his first act? He aroused the jealousies of the population of Nova Scotia upon religious differences of opinion, and urged one class of the community against the other. Perhaps the member for North Hants may not have forgotten the time when the gentleman that he calls leader now, was the man who was concentrating the prejudices of all the dissenters of Nova Scotia upon the Church of England—asserting that the latter denomination had obtained an eminence to which they were not entitled, and calling upon the former to pull them down. Nor was he very choice or scrupulous as to the means by which he endeavored to bring what he called the dominant religion into odium and contempt. Sir, he touched a chord that vibrated through Nova Scotia. The time, indeed, was well chosen. In all these colonies you have but to trace their earliest history—from the time when these were all but unpeopled shores, and the rude wilderness had scarcely yet met with man, the only antagonist that could reduce it to anything like dominion and subjection—to find that those who necessarily took the lead in the formation of the Government and of society, and the education of the youth, were chiefly of the Church of England, because they came from communities where they had greater opportunities of attaining knowledge. It thus happened that they necessarily grew into superior authority and influence in the country. But, sir, as years advanced, and the community extended, the people, having overcome the immediate pressure of their early necessities, began to feel an interest in the business of their country, and to reflect on their rights and position. Then it was that these inequalities began to be felt; that they thought there were difficulties that required remedying—that there were grievances that necessitated redress. But how did the hon. gentleman attempt to redress them? By casting obloquy and ignominy upon those who had borne the brunt in the early settlement of this country—upon men who had grown up with our growth, and fostered our constitution and the tone and aspect of society. However, the hon. gentleman succeeded; his skill was sufficient to arouse the religious prejudices of the people; and he thus divided the people and obtained the confidence of a large class of people. Thus he became a patriot, a redresser of grievances, and the champion of the people. I have no hesitation, however, in saying that had the hon. member entered upon the task with some degree of moderation, humility, and truthfulness—if he had done it without exasperation of spirit and violence of feeling, the hon. gentleman might have done

some service to his country. Having directed a party in strong phalanx against the existing state of things in the Government of this country, he ultimately succeeded in changing the appearance of affairs. Again, I say there was much need of redress, and had it been done in the manner in which it might have been, the people would have had much more cause to be thankful.

But, sir, let not the hon. gentleman take to himself the credit of having brought this country to this political condition. He but seized the opportunity which time and circumstances had created. The changes that was brought about with the loss of much that was good in Government and society, were but the natural result of inexorable laws. The condition of these Provinces was advancing; and the change that ensued was inevitable. Why, sir, I cannot give to him the reputation of having created the occasion which was but the result of circumstances.

But the hon. gentleman having placed himself in the position, to which I have just referred, still had not obtained the object of his desire. He had agitated the country, he had excited the prejudices of the people, he had arrayed a large party in his favour. He had combined with others, many of whom I must acknowledge had far more disinterested views than himself. Despite this, however, he had not achieved his object: office was his object—power was his ambition. And how and when did he attain this? I find in the speech of the hon. member that he charges somebody—and I presume he referred to myself—with having stated what was untrue, that he had ever modified his views on Responsible Government when he entered the coalition Government. It will be remembered, Mr. Speaker, that the hon. gentleman's entrance into office was when he joined that administration. He now denies that he ever modified any views or principles which he had previously propounded. One fact, however, is transparent, and cannot be denied: that he entered the Government in conjunction and coalition with men, many of whom he had denounced—with men belonging to a party which he had declared was inimical to the best interests of the people of Nova Scotia. Let it be recalled to mind that he of all his party alone entered into that Government. I cannot say of him as was said of one, in the language of the great poet—

“Among the faithless, faithful only he.”

Now, sir, the hon. gentleman has denied that he entered that Government by the modification of any principles that he had ever advanced. It seems he had written a book which stood in the way of his promotion, because the views that he propounded in regard to responsible Government were deemed entirely unsound and untenable by Lord John Russell who was then Colonial Secretary. The latter considered that the principles were not altogether appropriate to a colonial society. He said: The principles you propound are sound and British but it may

be questioned how you can make them in their entirety applicable to a colony. That opposed an obstacle to the hon gentleman's entrance into the Provincial Government. Then the hon. gentleman, knowing how to use the means at his command, brought up his party to move a motion of want of confidence. This caused differences between them and Sir Colin Campbell who had no power to remedy the difficulty. And I must say that when they voted his recall they were harsh and unjust. However, Mr. Poulett Thompson came to our shores, Canada was in a state of disorganization; and he being a skilful diplomatist was sent to that country. In the emergency of the affairs of Nova Scotia he soon came here. He propounded a mode by which these difficulties were to be all removed; by which a relation was to be established between the House of Assembly and the Government, so that the latter might be brought under some degree of responsibility; but he did not propound the system of responsible Government established now, inasmuch as he imagined as Lord John Russell that the Council should be responsible not to this House, but to the Lieutenant Governor; and the mode in which harmony was to be restored was by selecting the Government of Nova Scotia out of men having seats in the two branches of the Legislature. Now Mr. Howe was just the person to get into the Government Mr. Thompson was about to form; but he was told of the difference of opinion in regard to responsible Government between Mr. Howe and Lord John Russell. Now the hon gentleman asserts that he was not called upon to modify his opinions before any arrangement could be made. I can tell him at all events, that I was not asked to modify any of mine. But I have no hesitation in affirming that Mr. Howe did modify his. I am content to affirm that upon what passed between myself and Mr. Thompson; in an interview that we had together, he told me he had proposed to Mr. Howe his scheme of consolidating the Government of Nova Scotia, and that it would be necessary for him to modify his views on Responsible Government. *I have seen him*, said Mr. Thompson, *and he has promised me to do so.* When I next saw Mr. Thompson he said he had done so. The fact, then, is clear that he did modify his peculiar views; and he came amongst us, among the people that it had been his business to abuse. Now, I am prepared to show that Mr. Thompson did not say that he had modified his views to me only, but to Lord John Russell. I hold in my hand the life of Lord Sydenham (Mr. Thomson having been raised to the peerage,) in which there is a letter from that nobleman to Lord John Russell, giving an amusing account of his Nova Scotian political adventure.

Lord Sydenham says—"The declarations publicly made by Mr. *** with respect to his former agitation of Responsible Government, entirely remove all objections to him which existed on that score." This applies evidently to Mr. Howe, for Lord John Russell had sent a dispatch, saying that his views were alto-

gether inadmissible. Lord Sydenham then goes on to say that he has got matters all right in Nova Scotia—"I have given people, parties, Assembly and all, a good lecture in an answer I gave to an address, of which I hope you will approve." One can hardly read these little books without feeling the latent contempt with which Colonial affairs are regarded in comparison with Imperial measures. Now, I think you can have no doubt that at that time the principle of Responsible Government maintained by us now was not the principle that was then announced by the British Government; and that Mr. Howe did modify these views which he had plainly announced to the people. He did consent—and I shall use his own expression—to crawl upon the dust to get in amongst us. Just read a paragraph from Mr. Thomson's address at Halifax—"That whilst it should be alike his (the Lieutenant Governor's) interest and his duty to listen respectfully to the opinions which may be offered him, and to seek the advice of those who may be considered to represent the well understood wishes of the people, *he can devolve the responsibility of his acts on no man*, without danger to the connection of the Colony with the Empire, and injury to the best interests of those whose welfare is committed to his care." I would ask, sir, does any body hold such a doctrine now? No; he does devolve the responsibility of his acts on the Executive Council; and they are held responsible, to the Assembly. Here, then, we see that these are not the principles of Responsible Government entertained now. Here we see an evidence that the hon. gentleman modified his views.

But, sir, there is still another side to this picture. When the hon. gentleman came in amongst the party whom he had done his best to bring into contempt, let it be recollected, that he was at that day the member of a party—that he had associates with whom he was allied by political sympathy. Did he stipulate for the admission of any of them? No, sir; he came alone, and left them to themselves. Are there any gentlemen who are acquainted with the transactions of those days, who have forgotten the murmurs, long and deep, that emanated from his associates then?—There were Forrester, Goudge of Windsor, Herbert Huntington; but, above all, there was William Young, at that very moment, I believe, in Inverness, luxuriating in the beauty of its scenery, and never dreaming that his cherished friend and political associate, Joseph Howe, was going to lay him upon his back and laugh at him. But the news did reach him in good time; and what was the cry that William Young uttered? We heard it from the hills of Margaree, and the rocks of Cheticamp echoed it—"I am sacrificed." Well, he has had it out of him since. (Laughter.) How did matters then go on with the coalition government? Mr. Uniacke had office in it, and after a good deal of difficulty, Mr. Young also. And then, by the aid of his own party, he had what he told you the other day, the

largest majority that ever followed him in this house. Well do I recollect the contemptuous irony with which he referred to Mr. Herbert Huntington's position in this house at this time—that he was at the head of an insignificant minority.

Now, I have no hesitation in saying, that what the hon. gentleman did then he has repeatedly done since. That hon. gentleman has been, time and again, associated with various bodies and individuals; but I will undertake to say that there is scarcely any of them that he has not on some occasions deserted and betrayed. Fidelity to associates is the last virtue that one must expect to find in the hon. Provincial Secretary. Recall his history, and you will find it made up of what I have just said—continued desertions of his associates, and an utter disregard of the obligations that bind men together; and I do not wonder at all that he finds in Colin Campbell and John Hatfield elements congenial to his own. They are just the kind of men that suit him.

There was another class of persons with whom the hon. gentleman has dealt with. He has not respected the common principles that bind even the very lowest and the most degraded men together; he has not shown that regard to his political associates which would be expected; and he has even forgotten the gratitude that is due to the agents and associates that elevated and advanced him into his position. I have said he got into power by abusing the Church of England. Now I am going to read him a lesson before I sit down. He has led me back to old transactions that had comparatively passed out of my memory. I have told you that he aroused the religious prejudices of men; that he brought sect against sect. Did he not arouse the Dissenters and make them the instruments by which he was to trample down the Church? But when it suited him, when his caprice or resentment was aroused, did he not turn round on one of the most efficient bodies of the Dissenters that assisted him, and endeavored to crush them? Yes, sir, he turned on the Baptists with an acrimony and a vehemence that was astounding.

What did he do afterwards? What did it suit his convenience and interests to do?—Why, to awake Protestant prejudices, and to assail a class of people who had been his friends from the first hour—who had been among the instruments of his success. Why, sir, the man that uses a faithful steed which has borne him safely for many a year, does he cast him off when he grows old with age? No; he still keeps him in respect for his past services.—But the hon. gentleman might take the various classes in Nova Scotia—it mattered not whether Baptists, Church of England men, or Catholics—and trample them down or elevate them, just as it suited his interest and advanced his power.

Now, sir, I have shown you that the hon. gentleman, in his progress of success in the delicate business of political card-shuffling, in which the hon. gentleman plumes himself in-

ordinately, has not regarded either fidelity to associates nor gratitude to friends.

I charged him the other day with utterly disregarding truthfulness in his representations; and I may add that he is also chargeable, in my mind, with having been equally regardless of the elevation of his country. No man has ever had so many opportunities of doing good as that hon. gentleman. His talents are of that peculiar order that they give him great power over the masses; and with that power at his command, he might have elevated this people: he might have laid the foundations of our government on broad and equitable grounds; he might have established principles that would have been of inestimable value to this country. What was the case? In no one respect has the hon. gentleman ever elevated the institutions of his country. I cannot recall a single instance of any act that tended to such a result; but I do know that the general current of his political career has been an attempt to debase the moral and political character of this people to a degree that it will take years of regeneration to purify. Was it otherwise possible when he considered that public men were to be judged of by their successful achievements over masses of uninformed people; no matter the nature of the efforts made, as long as they were crowned with success. Therefore, I feel, sir, he has, to a very large extent, inflicted mischiefs upon this country that cannot be effaced for many years. Let the hon. gentleman point to one single act that he ever did that had not for its direct end his own advancement; and then, perhaps, I will be content to separate the demagogue from the public man, and acknowledge that he has some claims to consideration.

But when the hon. gentleman instituted a comparison between him and myself, he has his object. He had an object in the Minute of Council in answer to the letter of my hon. friend. He had a similar design in view in his address of Thursday last, when he represented himself as the all-powerful political leader. His object in this and other instances was, palpably to influence and control the mind of Lord Mulgrave—to make him believe that there was safety only with him and his party. I am afraid that it will be shown that the attempt was not made without success. More, his speech was directed to the members for Argyle and Digby, Mr. Hatfield and Colin Campbell. I will show you, says he, how powerful I am; that as long as you are with me I will take care of you. However, that will be better realized when twelve months have passed. I tell the hon. gentleman, beside your own deformities, besides Jonathan McCully with that enormous falsehood at Truro, and that pitiful evasion in the journals, you have to carry two gentlemen misrepresenting their constituents, and insulting them on the floors of this house by excuses that no man of common sense can listen to for a moment. Take my word for it you have an accumulation of weight to bear that must eventually crush you.

Now, I will run over the speech of the hon.

gentleman and try the accuracy of his statements. The hon. gentleman stated I did not refer to five out of the six paragraphs of the minute of council. Why, sir, I did not profess to do so. There was no necessity for it. It was sufficient for my purpose to show the inaccuracy of that one paragraph, and to develop the design it was intended to conceal. This, I think, I have done already.

I come now to deal with the Minute of Council. It is utterly untrue that the administration was sustained by a majority of one from '44 to '47, or that the majority whatever it was was obtained from the then opposition. I did not assert that Mr. Young was no party man. My argument was that in looking at the majority the speaker should not be counted—an argument which I think any reasonable man will at once admit to be accurate. But he claims B. Smith and Crowe as his supporters. I never dreamed that my old friends were to be transformed into political opponents. However, I can produce proof the most irrefragable that on the great questions separating the hon. gentleman and myself they supported me and opposed him. On the vote of want of confidence the government was sustained by a majority of one.

Hon. Prov. Sec.—How was it on committee.

Hon. Mr. JOHNSTON—He knows well that it is the action in the house and not in committee that effects the subject in debate. But what occurred a few days afterwards? On the 27th February a motion was made to introduce the Canadian constitution into this country. On that occasion Mr. Ryder voted with us, which increased the government majority to three. From that hour Mr. Ryder continued to support the administration. Mark you, sir, up to this time Mr. Power had not supported us, and not counting the speaker the government had a majority of four.

THE HON. PROVINCIAL SECRETARY.—The member for Annapolis had a majority of one to begin with; when Mr. Ryder was one over it was increased to three, but when in committee of the whole house it was again reduced to one.

HON. MR. JOHNSTON—Will that explanation satisfy the Lieutenant Governor or the country, that the statement contained in the Minute of Council is accurate? No, sir; the Provincial Secretary has falsified the public records to subservise his own ends. In 1815 Mr. Power voted with us; and in 1846 Mr. Blackadar was returned for Pictou, increasing the majority to five. It was not until the 15th February, 1846, that Mr. Power voted for the government.

Can anything be more deceptive or inaccurate, than the statements signed by the members of Council? The Provincial Secretary has spoken of the artful means and blandishments used to secure Mr. Ryder, something more will be required, than the *ipse dixit* of his unknown friend to establish the accuracy of his account.

He referred to the parish bill; what was it? A measure to enable the church people in

Granville, to divide certain of their lands—strictly private and local in its character, and then considered of but trifling importance. It was not a test vote and proves nothing. Again he says that Mr. Huntington regulated the road scale; that has never been considered a party question,—all parties desired that the grant should be subdivided fairly, and Mr. Huntington's scale was adopted. The question relating to Registrars of Deeds, was also an open one; not introduced or pretended to be considered as a question, on which the Government was unanimous. He referred also to the Free Ports; on that question Mr. Huntington submitted an address,—a select committee was appointed by the House, and the whole subject considered. This the Provincial Secretary feigns to consider an evidence of weakness; he knows that it was not. The Government did not stand in any attitude of humiliation. Firm in their position—confident in the support of the House and country they felt secure. He says again, that we met a vote of want of confidence, by a motion expressing confidence in the Lieutenant Governor, not so; it was to the effect that as soon as circumstances would permit, His Excellency would surround himself with a Council. But Mr. G. R. Young carried an amendment to the Civil List Bill.—So he did. That was a subject in which that gentleman took especial interest, and the Government did not feel it essential to meet and oppose him.

Again the Tariff in those days was made up differently from now; each member gave the information he possessed, and the whole subject was ultimately settled by the House. We are told that the vote on the separation of Cape Breton, is an evidence of weakness. Sir, the assertion is as unfounded as the rest of the statement. A suit was instituted at home—in which the privy council were compelled to appear as parties—for there they do things according to law;—and the question was whether the Province should go to the expense of employing counsel or not. The majority of the legislature decided, that Nova Scotia confided sufficiently in the able men whom the British Government had charged with the settlement of that important question—34 to 14; a majority made of gentlemen from both sides. The fact of Mr. Dodd having voted in opposition to myself, is no evidence of weakness. He was member for Cape Breton, and on a question of a local and personal character exercised his independent right as a member to vote as he chose. Evidences of weakness, of imbecility, of incompetency, indeed! The hon. gentleman will have to produce something more convincing than these musty records to substantiate his position. Were I to search the Journals, instances innumerable could be adduced, wherein the Provincial Secretary and his supporters have been found voting on different sides. Mr. Young advocated the Reciprocity Treaty; Mr. Howe opposed it. True, he was not a member of the Government, but a subordinate officer; that does not alter the case, if his doctrine be accurate.

He has been already taunted this session with his inability to open a constituency; and, singular enough, the same charge was preferred against me in 1844. That, however, is easily explained: the office of Sol'r General was kept open for the purpose of averting the evils of party government. Mr. Dodd was the warm personal friend of Mr. Uniacke, and would not accept it until all hopes of obtaining Mr. Uniacke's services were at an end. The Prov. Secretary well knows that if the government pleased the office could have been filled in an hour. Not so with the present administration: they dare not go to the country—they dare not test a single constituency.

He says the Governor prorogued the house so soon as he moved a vote of want of confidence, the recollection of that circumstance is still fresh in my mind. The very day the Lieutenant Governor was to come down the hon. gentleman undertook to make his motion—well knowing that it could not be considered; political capital was made out of the movement at the time but we all thoroughly understood the dodge. As to Mr. DesBarres' resolution relating to the Registry of Deeds—the hon. gentleman made a mistake, it was not carried—it was thrown out by 26 to 20.

The Provincial Secretary also referred to the proposition made in Sir John Harvey's time for him to enter the administration. It is well known that Sir John came to Nova Scotia purposely to settle and adjust the Government on terms of conciliation and made the offer which he (Mr. H.) had the option of accepting or rejecting as he saw fit. Enough on these points, the more they were scrutinised the more unsubstantial did they appear; the Government arraigned as imbecile was in reality strong, powerful and energetic and the hon gentleman's argument failed in substantiating the position he assumed.

The charge that I was a friend to Railways has oft-times been refuted; as an international work I believe I was the first man in the three Provinces who advocated it, but I was always opposed to the Government and advocated the company system. The surveys spoken of were measures of prudence and precaution taken to prevent the country from being irretrievably involved.

There was one expression of the hon Prest. of the Council that struck harshly upon my ear. He said, "how Mr. Johnston strutted when he got into power"—he little knows my character sir, when he made that allusion. If there is anything I pride myself upon, it is taking the success and reverses of political life with equanimity. The man who bemoans the loss of office or feels elated at its possession is deserving of pity. If then I did strut when I came into office, I must strangely have forgotten myself, and I feel humbled at the thought.

In the list of charges I have gone over, there has been no attempt to allege anything of an untruthful character—I now come to one of that kind. He says that a case was made up for the consideration of the Crown officers of

England, calculated to mislead and deceive them—I meet that charge with a complete and distinct denial. There could not have been more pains taken to put those officers in the possession of the fullest information—no fact was concealed or withheld which was necessary for them to form their judgement upon. It is said that we adopted a disingenuous course because we stated our opinion to be that the oath prescribed by the statute to be taken by members, could not be taken if they were ineligible on any other grounds besides the want of property qualification. That was the opinion we entertained, and we sent it home to see whether it was correct. The crown officers of England entertained a different opinion, but there was nothing disingenuous in the course adopted; the very fact of sending our opinion to England showed a disposition to avoid anything like concealment.

The hon. Pres't of the Council endeavored to magnify a very small thing into a matter of great importance. He says we cut off a piece of Nova Scotia and gave it to New Brunswick. Now, what are the facts? Great inconvenience resulted from the unsettled nature of the line between the two provinces, which, from the nature of the ground, it was difficult to ascertain. It was almost impossible to ascertain whether some of the people were living in New Brunswick or in Nova Scotia, and in some cases the officers of justice were eluded. Independent commissioners were therefore appointed to run out the line, and establish the boundary, which they did. The land through which it passed is wet and swampy, and of no value; and this is the amount of the charge of giving away a portion of Nova Scotia. I will not refer at length to the announcement of a new representation bill until it comes down; but this I will say, that it will be difficult to frame a measure based upon sound principles which will disturb the present bill. The leader of the government says that when we do appeal to the country, it will be upon his own terms. Bold language, this, to apply to a representation bill. I am not afraid to meet them upon their own terms, feeling confident that the voice of the people, however hampered, will speak out against them. There is one comfort, that, having passed the bill, they will have to appeal to the people; for they cannot meet parliament a second time, because by altering the representation they will have pronounced that the members of the present house have not been properly elected, and, according to constitutional rule, they must dissolve.

The leader of the government stated that I defamed the son of my old political friend. I said that the names of the commissioners of that institution (Hospital for the Insane) ought to have been a sufficient pledge to this house for its faithful management.

Does he wish it to be believed that Doctor Parker, George Starr, J. W. Ritchie, Mr. Bell or any of the other gentlemen on that commission, have forgotten those principles of probity and integrity which have distinguished their past lives, and have managed the affairs

of that asylum after a different fashion from their own?

The hon. Prov. Sec. used a most unjustifiable expression when he said "Mr. Johnston actually stamped and swore and cursed." Of course everybody here knew it was a joke, and that the hon. gentleman did not believe it himself;—but it gets into the papers, and is not contradicted—for I shall not take the trouble except on the present occasion to contradict it—it goes to the country and at first of course is not believed; but after a while it becomes stereotyped—just like the story of the majority of one, which I refuted the other day; and at last people seeing it so often uncontradicted will say, "why Mr. Johnston actually stamped and swore; it must be true, for Mr. Howe said so." I take this opportunity of saying that I did not swear; I did not get into a passion; I did not say that economy was nothing; but I did say that if economy was to be procured by the sacrifice of the comfort of the unfortunate inmates of the Asylum, then accused by that hour before God and man when it was introduced. That was what Mr. Howe calls swearing.

Again, the hon. Prov. Sec. said "We settled the civil list bill and saved money, against which Mr. Johnston had contended for years." Never, in so short a sentence could grosser misrepresentation be contained than in this. I am going to prove that if my civil list bill had been adopted in 1810, the country would have saved from £8 to £12,000 in the interval between that time and 1819, when the matter was finally settled, besides the increase of salaries ever since that time; and I shall also prove that the highest civil list recommended by any government in this country was proposed by Mr. Howe when a member of Lord Falkland's government.

The hon. gentleman said amongst other things that I was always a 'great obstructive.' This reminds me of a conversation that I had some years ago with a gentleman now passed away, who was a member of this house, with whom I had always been opposed, but during the latter years of his life had been on terms of friendly intercourse. On one occasion, when indulging in a little banter, I said to him, you are well versed in the journals of the house I challenge you to produce a single instance in which my vote was given against a liberal or progressive measure. A few days afterwards he met me and said, "Oh, you opposed the civil list bill;" that was the only thing he could find. I am now going to show that that was not the case. When that measure was brought before the House in 1810 I was a member of the Legislative Council, where I may say without vanity I possessed no little influence. A committee was appointed to settle contending opinions—Mr. Jas. Uniacke being in favor of higher salaries than Mr. Huntington. By mutual concessions a scale of salaries was agreed upon, and the bill was sent up to the Legislative Council.

Feeling that it would be of great importance to have the question that was disturbing the

people of this province amicably settled, I used all my influence to induce members to forego their opinions, and it will be seen on reference to the Journals of the Legislative Council, for 25th Feb., 1840, page 55, that the Council adopted the report I brought in. The resolution adopted the salaries proposed by the House of Assembly, without modification, the only difficulty being the salaries of existing office holders.

If I mistake not we consented to sacrifice these provided the judges salary remained intact. This would have secured the passage of the bill in England, for, as had previously been declared, and as was afterwards proved, the British Government would not sanction any bill that would disturb, as regards the then incumbents, the existing salaries of the judges. This was the only difference then between the Council and the House; it amounted to £600 a year, and was only of a temporary character, during the lifetime of incumbents. I hold myself entitled, then, to be called the advocate of the civil list bill of 1840, upon the very principles advanced by Mr. Huntington himself. Another most significant fact should be mentioned: when the civil list bill of 1848 was sent home, it was rejected by Lord Grey, because it did not protect the salaries of the then judges; and in consequence of this the Liberal government in 1849 passed a bill upon the very same principles as those advocated in the Council in 1840, by which the salaries of the judges were preserved undisturbed; and it is under that bill that Judge Bliss is now drawing more salary than the present Chief Justice. Having made this statement I will now redeem my pledge of proving that Mr. Howe at one time proposed to increase some salaries on the largest scale ever suggested by any government.

I will ask the attention of the house to the appendix to the journals of the house for 1811, No. 33, p. 87, where will be found an extract from a despatch of Lord Falkland to Lord Stanley, in Dec. 1812. Mr. Howe was then a member of the government, as was Mr. Dowl, and I think Mr. Young was too, altho' I am not quite sure of that. I was not in the House at that time. (The hon. gentleman read an extract from Lord Falkland's despatch, as follows:)

"Having a second time consulted the Executive Council of Nova Scotia, as to the probability of a proposition, having for its object the granting to Her Majesty a permanent Civil List in exchange for the Consul and Territorial revenues of the Crown being accepted by the Legislature, I am assured by those members of the Council who have seats in the House of Assembly, that they believe it likely that a proposal which I have submitted to them, a copy of which I herewith transmit for your Lordship's consideration, would be carried without much difficulty, and they express themselves desirous of making the attempt." And in the same despatch Lord Falkland, as part of the scheme which he thus proposed, stated that "the salaries of none of

the present holders of office should be interfered with."

A few pages further on will be found a tabular statement to which Lord Falkland refers, wherein a comparative view is given of the proposal he then made, and previous proposals on the same subject.

I will read the salaries of some of the officers which Lord Falkland said the members of his council assured him would pass the house of Assembly. Lieut. Governor's £3,500 stg., and £200 stg. for contingencies, and £250 for private secretary, making a fixed charge in the civil list of £3,950 stg. Compare this with the bill of 1810, which fixed the salary at £2,500 and no contingencies, nor any fixed allowance for private secretary. So that Mr. Howe proposed the largest salary for the Lieutenant Governor that was ever proposed by any government, and I have thus redeemed the pledge I made.

The hon. gentleman has said that when I was in power I never left any vacancies in the Legislative Council. It so happens that there is nothing I have been so often blamed for by my friends as for leaving vacant seats in that body; and I certainly cannot be justly accused of blocking up the Council. I left vacancies when I went out of power in 1817, and also in 1858.

I now come to that part of the hon. gentleman's speech in which he has been pleased to vindicate his friend, Mr. Chipman. He says that that gentleman has always been a most active supporter of the Baptist faith, and that I hurled upon him the whole force of the Baptist denomination in King's County. I have a lively recollection of the past history of Mr. Howe in connection with the Baptists of Nova Scotia, and I shall put on record a few facts to illustrate the course he pursued towards that body, which no doubt he feels it now convenient to forget. He has gone to the Western Counties, and proclaimed that he was always a friend of the Baptist; and Johnston—oh! he never was their friend. I will turn to the record of 1843, which will illustrate the real position of the election of 1843, as regards the question of denominational colleges. The Baptists of that period were instrumental in sustaining education upon true christian principles, when Mr. Howe was doing his best to frustrate and destroy their institutions. Hence arose the difficulty between that gentleman and myself, which has ever since estranged us. I claim to have been instrumental in preserving to the country the grand principle of denominational colleges which has been the means of securing education upon its only true basis. In 1845 I passed through the most trying struggle in defending that measure, that I ever experienced in my public life, until at last, by a small majority, I succeeded in securing it for the country, and I think that, by thus placing education in the hands of religious men, I have conferred a boon of no small value upon the people of Nova Scotia. The Baptists of Nova Scotia, especially, are under lasting obligations to me, for, in struggling for their rights, I

have well nigh made a shipwreck of my political success. There is another class, also, who are under no slight obligations to me: I refer to the members of the Church of England, for, in the struggle I maintained to preserve the University of King's College, I imperilled my position with my own friends. After I had succeeded in establishing the denominational principle, came the attempt to break down the charter of that Institution and it was urged very plausibly, too, that King's College had no right to £400 a-year, when the other colleges only got £250. My friends said to me, What! do you wish to place the Church of England over us? I said, No; King's College has already been placed in that position by Royal Charter, and by the learned and eminent men she has sent forth, she deserves that position; I will not lend a hand to break down her grant. And what has been my reward? Denounced by her sons as an unsound Protestant, and my opponent in that contest received with open arms!

I could not help thinking when the President of the Council, who was foremost in the battle-front as the bitterest enemy of King's College, was sustained by the support of the Alumni—they must be strangely forgiving, and strangely forgetful of past events.

(The hon. gentleman then went on to state that a committee of the House was ordered to prepare a bill; the object of which was the foundation of a University in Halifax, free from all religious control. Now, Mr. Dodd had undertaken the advocacy of denominational colleges; and in a committee of the whole House moved that the further consideration of the question be deferred. Mr. Howe then moved that the House adjourn; meaning to defeat Mr. Dodd's resolution. Now one would have expected that Mr. Chipman would have been found among the friends of denominational colleges. On the division, however, the Messrs. Chipman's voted for adjournment and carried it. The hon. gentleman then further referred to the difficulty with which the friends of the institution were able to save them from entire ruin; indeed, a part of the grant had to be sacrifice before they succeeded. Therefore, when the Hon. Provincial Secretary proclaimed himself the friend of dissenters he should read the page of the history of that period.)

Now the hon. gentleman made one remark with regard to the hon. member for Kings, that sounded to me somewhat strangely. It suits my purpose, he said, to keep him here; an office was offered to him, but he declined. He does not surely expect to mislead us. It will not be very difficult, I think, to establish the fact that the hon. member (Mr. Chipman) has more than once expressed his expectations. And here let me say that in referring to the appointments of the Legislative Council, I may have done it in a manner that was objectionable. If I did do it in the tone in which the hon. Provincial Secretary intimated, then I am very glad he has afforded me the opportunity of apologizing.

I cannot see how men can easily sever those ties which bind them to parties. When they cannot justify their separation on good and sufficient reasons, I must feel indignant. The hon. gentleman read a letter from Mr. Hatfield. I am not, however, going to take any scurrility at second hand; nor do I think the hon. gentleman elevated himself by making myself the instrument of such scurrility. I feel he should occupy a higher position in this Province,—he should more appreciate his position as a public man and a statesman than to retail the scurrility of others, or borrow any low, vulgar allusions. I think he was hardly right in taking away the occupation of those whom such employments suits best. Therefore I confess when the hon. gentleman was permitting himself to be a sort of common sewer, to carry off the filth of other men, he was not engaged in a very enviable occupation.

The hon. gentleman went on to say that Lord Mulgrave's vindication was coming down. "What position would he have occupied had he taken the advice of his late Government?" Such was his language. I will tell you his position, had he dissolved the Assembly last session. He would have had a Government, (and I do not say upon what side it would be,) that was based upon a legal foundation—that was ratified by the people. He would have disentangled the country from the position in which it was placed by the violation of equitable principles, and the action of this House. He would especially have vindicated the law, and ensured a government that might be considered with some respect to the country. And, sir, whatever side would have come in, Lord Mulgrave would have been sustained. If the present Government had been returned, they would have been enabled to assert that they had substituted a legal for an unsound, unconstitutional foundation. I think if the Lieutenant Governor had taken the course we advised, and which I think he should have taken, he would not occupy the position he does now; ignorant whether or not, he has a government that is sustained by the people; and seeing continually accumulating around him all the evidences of weakness. Look at the accumulation that is gathered around his Solicitor General. Look at the position in which his Attorney General stands—and at that of his whole Government; and let me ask if he would not have occupied a far more dignified position, had he referred all the difficulties to the people for their decision.

The hon. gentleman referred to the Union of the Colonies, and stated that there was a difference of opinion between myself and the hon. member for Cumberland in regard to this important question. It is a difference of opinion that does not touch the principle, for we are both agreed in feeling that a union of these Provinces is of essential moment for their settlement and prosperity. I was the first member of a Colonial Legislature that ever propounded that subject to the colonial people. It is not an act of which I ought to

be ashamed; it is not a feature in my political history, from the responsibility of which I ought to shrink. It is now some years since I moved in the matter; and if it has not been followed, it was because I had not the power. Those who allowed it to pass had the power almost into oblivion; but now it has begun to rise once more in estimation.

I have but a few words to say, in conclusion, to the House. My hon. friend (Dr. Tupper) has exhausted various matters that had to be presented to the consideration of this House. It has been my duty to go back to the past, and to investigate the accuracy of the hon. gentleman's statements, and to vindicate myself from the charges of misrepresentation which he sought to fasten upon me. We have now to deal with what is before us. Gentlemen have now to decide on the resolutions before the House, and to say whether this Government are to be permitted to escape from a motion of want of confidence. Let it be remembered that those who vote for the amendment which was moved by the hon. member for Colchester give to the Provincial Secretary their sanction to carry the railway policy, which the hon. gentleman has propounded.

But there is a larger question before us. On this motion of want of confidence this House is called upon to say whether it shall continue to support a Government that first obtained, and has since retained, its existence by the violation of the laws, and now stands before this country without strength or union to exercise the necessary functions of a Government in a united and independent manner.

Hon. PROV. SECRETARY said—Never, Mr. Speaker, in my long political life, have I known such a ruse attempted as has been played off to-night. The member for Cumberland occupied the entire of yesterday, the forenoon and a portion of the afternoon to-day, and then on his heels immediately arose the member for Annapolis, who, for four mortal hours, has occupied the time of the House with the driest details and most wearisome of Legislative platitudes, driving me here, at nearly the midnight hour of a Saturday night, to reply. I am glad, for his own sake, that the member for Annapolis has openly and publicly apologized to the gentleman he so grossly and wantonly insulted a few nights ago. It was that insult to a stranger, rather than anything he said to myself, which tempted me to give him the castigation of which he to-night has so bitterly complained. He is too much given to attacking plain men, who, in the performance of their public duties, cross his path, and it was time to bring him to his senses—to teach him to restrain his tongue and curb his temper within the salutary bounds of Legislative decorum.

In this House last session, on an occasion which I have forgotten,—in a speech which I have forgotten, but the deliberate malignity of which it is difficult to forget, towards the close of the session, when I had no chance to reply, he stood up and assailed me

pretty much after the fashion of to-day, and applied to me the epithet—"demagogue,"—which he has repeated to-night. A demagogue, am I?—perhaps so—but I have this consolation: Paul was considered a demagogue, when he made Felix tremble, as I have made the hon. gentleman, and the corrupt combinations he has labored to sustain, tremble a thousand times. Demosthenes was a demagogue, but he maintained the rights of his country against all the power of Philip, just as I have the rights of mine, against the member for Annapolis, when he had old compacts, wealthy banks, rich merchants, and powerful religious combinations supporting him.

Yes, sir! with all the powers and influence of office, backed by organized corruption, with the powers of darkness sometimes to aid him, I have beaten him, and with God's blessing will do so again. (Laughter.)

He has become a great economist, forsooth! and was quite prepared, years and years ago, for retrenchment! This is news indeed! He would have settled the Civil List long ago if we would have let him. Sir, were he to take his stand in the Yarmouth Churchyard, beside that monument which his grateful country raised over her honored son, and make it at boast, the ghost of Herbert Huntington would rise from the grave and reprove him for uttering such a mendacious statement—(hear)—a statement which no public man but himself will affirm in this country. He says I wrote a book;—what of it? In another book, written by my hon. friend from Halifax (Mr. Annand), the member for Annapolis will find a sketch of transactions to which he has referred. That book forms part of the public history of this country, and gives the answer to much with which we have been wearied this evening. But we are told that Lord John Russell took exception to my pamphlet. Well, suppose he did. That nobleman, for some time, like many of the ablest men in England, doubted the practicability of working Responsible Government in a colony, and I take some credit to myself for having educated his mind up to a full comprehension of the question; and, from that period down to this hour, I am happy to say that I have enjoyed the confidence and kind consideration of that nobleman, extended, I believe, to me, because I taught him some valuable lessons in Colonial Government.

But he says Lord Sydenham took me to task, and I was compelled to modify my views. No such thing. I could show the hon. gentleman letters written by that nobleman that would prove to what extent I enjoyed his confidence. Lord Sydenham came here; we were strangers. My pamphlet had frightened old Sir Colin and the gentleman opposite. I had been branded and almost excluded from Government House for my heterodox opinions. At Lord Sydenham's request I called on his Lordship, and discussed with him the state of the Province. In the course of the interview with which I was honored, he said, "But, Mr. Howe, they

tell me you have written a dangerous pamphlet—is that true?" I replied that I wished his Lordship would read it. At his desire I went to Government House the next day, and we read the whole pamphlet together, discussing points of interest as we went along. When it was finished, his Lordship smiled and asked, "Is that all?" From that hour he never doubted my loyalty. (Hear.) From that moment we understood each other, and were friends. Let any man take up those letters and he will find that we are now working out Responsible Government according to the spirit and meaning of them. But there were practical difficulties in applying even sound principles to the existing state of things. Sir, I have never been accustomed to go through political life with my arms akimbo. All Government is compromise. (Hear.) Without some conciliation,—some surrender of opinion—many a man and his wife would be jarring eternally; many a happy home would be rendered inharmonious. Without mutual forbearance, no political combination can be formed on a stable basis. It was so in 1830. He says I forsook my party—that is not accurate. Men among us thought the country ripe for party Government, and, because we were in a majority in the House, thought we were in a condition to demand and to conduct a party Government. I knew better. We had not, at the time, a single member in the Legislative Council, or a man familiar with the business of any department. Had I demanded a Party Government, Sydenham would not have yielded. Had one been formed it would have broken down in a week; and the best proof that my friends were wrong and I right, is, that success crowned the policy I sustained. But I crawled in among the old Councillors, did I? I think not: I rapped at their door, and demanded admission; first for Huntington, and next for myself. Herbert Huntington went in before I did, but he being, perhaps, too much of the man and not quite so much of the politician as I, could not stay long enough to do much good. This was in 1830, when they disobeyed their Governor's commands, and thought by a shuffle and a cut to cheat the people out of the principles conceded by Lord Glenelg's despatch. The Governor-General came down the next summer, and had to listen to the long yarns of the hon. member for Annapolis, and to the wily and adroit statements of sundry other gentlemen, but all in vain,—they could accomplish nothing; and never shall I forget the scene when poor Sir Colin Campbell, sacrificed by pledges extorted from him by his advisers, awoke to a consciousness that he was deceived, and when he did tardy justice to men whom he had been deluded into the belief had written dangerous pamphlets, fraught with treason to the Empire.

I crawled into their company, did I? No, indeed; I walked into Lord Falkland's Cabinet with the Queen's mandamus in my hand, and what happened? I had a powerful majority down here—and not three months elapsed before the Tory Press proclaimed to

all the world, "that Howe was governing the country." My own friends may, at the time, have thought that I was not doing right in going into the Council without them, but that idea exploded very soon; it disappeared, the moment the hon member for Annapolis and his friends made the humiliating and degrading confession that they were powerless, and Howe was ruling the country. Sir, they were obliged to eat the leek from day to day for three years, but bye and bye something happened which led him to believe that the old spirit which had driven Huntington out of the Council was again reviving. Lord Falkland was advised to appoint the brother in law of the member for Annapolis to the Council; he did so, and then I followed Huntington's example and left them to their fortunes,—I may say, Lord Falkland to his fate! But when, by cajolery, wheedling and trickery of all kinds the hon gentleman managed to get a majority of one—oh! how he did cling to office without a vestige of substantial power. Time and again have I marked him sitting on these benches when a division was expected, his restless eye wandering up and down that no sheep might be missing from the fold. Sir, I am quite sure that "a toad under a harrow" never had such a life as the hon gentleman for the four years from 1844 to 1848.

But then I am a demagogue. Sir, Elliot, who struck the first blow for the liberties of England, was a demagogue, and Hampden was another in his day. Joe Hume was a demagogue, but he saved millions to England. Richard Cobden was another, but he gave the people cheap bread. Men who lead others, must advance before them, and for a time may be misunderstood. But time does them justice. My past life is known to my countrymen, and I believe, whatever doubts may have existed at times as to my policy, they now appreciate what I have done.

The learned gentleman tells us that he made a speech on the Union of the Colonies. So he did, seven years ago, and has never opened his lips on the subject since. During the last three years that he held power, from 1857 to 1860, he ignored the question. Would I have acted thus with a great question to which I had pledged myself? No, sir; I would have acted, when I had the power, what I had spoken in opposition.

He tells me that I attacked the Church many years ago. I did, when her position interfered with the common rights of all. But I was born a Dissenter, and but claimed for my own people the privileges which they were entitled to enjoy. He was born a Churchman—her solemn sacraments had hallowed his early life—her noble ritual had sounded in his boyish ears—he grew to manhood, beside her sanctuary. And what did he do? Long before I lifted my pen or my voice to disturb her, he rushed from her portals, declaring that the owls and the bats should roost in her aisles, and that the grass should grow upon her threshold. He forsook the Church of his fathers. He committed the sin of schism,

which is worse than the sin of bribery; and now, forsooth, I am a great enemy, and he is a great friend of the Church.

The Baptist question, which he seeks to revive, is so stale that, in comparison with this part of his speech, Robinson Crusoe and Sinbad the Sailor are original productions. But what are the facts? Rushing out of the Church of England, he went over to the Baptists, and from that moment his unquiet spirit kept that hitherto peaceful body in hot water. The Baptists were my political friends, the friends of Huntington and the Chipmans. But we were advocates of economy and of Responsible Government. It was necessary to wean them from us, and get them to support old abuses and worn-out systems of government. How was this to be done? It could only be done by fomenting a quarrel, by making them believe that we were their enemies, and Mr. Johnston their only friend. I had introduced the Bill to incorporate Acadia College, and we had given £250 before the member for Annapolis came into this house. We had done more. Windsor College then had a grant of £444. Some parties wished to reduce this to the level of the Baptist grant. I refused to do so; but, in order to place all denominations on a footing of perfect equality, I raised the grant to Acadia and to the other Colleges up to the Windsor level. Now, let the Baptists of Nova Scotia contrast the acts of their great enemy with those of their great friend. Before Mr. Johnston set foot in this Assembly, before he had commenced his educational agitation, I, the enemy of Acadia College, had endowed her with a grant of £444. But a quarrel was wanted, and the quarrel came. £1000 in addition, to build wings was demanded, and we were all threatened with the displeasure of the denomination if we did not grant it. I well remember when the reformers met to discuss this unreasonable demand. We knew what was coming, but we looked into each other's faces and determined to do, in that matter, as we did in every other—what was right: we resisted the demand.

Then came Crawley's letters, and Johnston's raid to Yarmouth. Then came the dissolution, the college discussion, and the expulsion of the liberals from the council. Then came the strong government, of which the learned gentleman vaunts so much, and which I have already described. Let me see what the Baptists gained by all this excitement and injustice. The £1000 they never got. The learned member with his strong government never even proposed the grant; and, what was more, the grant to Acadia College was cut down to £250, at which rate it has remained ever since, being a deduction of £190 from the year when the Baptists were tempted to quarrel with their old friends, and sustain Mr. Johnston and Lord Falkland. Now, let any schoolboy make the calculation, and he will find that £190 a year for 16 years amounts to £3040, which represents the sum that the learned member's agitation has cost Acadia

College; yet he is her great friend, and I, who gave her the higher endowment, am her greatest enemy.

Now, sir, let me show how the learned gentleman's policy reacted upon King's College. Hardly had the hon. gentleman completed the beautiful operation for the benefit of Acadia which I have described, when almost every dissenter in the house complained of inequality, and combined to reduce the permanent grant to Windsor. Year after year, the question came up, and at last the friends of King's College were compelled to compromise and take the smaller grant. This is nearly ten years ago, and now churchmen can count in round figures the value of the learned gentleman's friendship for their favorite institution: £1900 has been lost to Windsor College, and £3040 to Acadia by the hon. member's frantic exertions in the cause of education. Ruin and decay have followed in his footsteps—his touch has been fatal to colleges and to governors.

But he tells us that party ties are sacred; that there is honor among thieves. Passing over the coarseness of the expression, let me tell him that party ties, based upon no principle or valuable public measure, are an abuse and not a part of representative government. Combinations to uphold nothing—to achieve nothing—to resist nothing, are factions and selfish combinations; they cannot be lasting, and ought not to be formed. Thieves may combine to plunder, but honorable men combine for the public good, and separate as they take opposite views of public questions. Goldsmith, describing a great man who,

“Born for the universe, narrowed his mind,
And to party gave up what was meant for mankind.”

censures the failing which the member for Annapolis regards as a virtue. It ill becomes a man who never had an intelligible policy to explain, or any principles to which men would be honored by adhering, to talk of party obligations.

But the learned gentleman complains bitterly of our treatment of the commissioners of the lunatic asylum. He forgets that we did not dismiss those gentlemen; they resigned, for no better reasons than because the government reduced chaos to order, and enforced economy where there had been extravagance and waste. He tells us that asylums are always managed by boards; but this is not true, and where they are, they are not always managed discreetly. Has he forgotten Peter Pindar's ludicrous account of the poor house board, who had a good dinner when the penalty for a foundling was paid, and who, metaphorically, if not literally, eat the child? (Laughter.) I do not mean to say that the gentlemen referred to did anything so bad as that, or that they did anything corruptly. They are all respectable men. Dr. Parker was a large practice, and many friends. I never hear Mr. George Starr's name mentioned, but in connection with some rational enterprize or some act of benevolence. Mr. Doull, who owns the fine structure opposite, is one of our most

active men of business. My old friend, Dan. Creamer, I know to be above suspicion; and John Bell is one of my warmest and most valued supporters. But, unfortunately, these gentlemen, having started with a cumbersome and impracticable system, appeared powerless to deal with the difficulties by which they were surrounded; and, instead of aiding the government, they retired in a huff when they found it acting with vigor.

(Mr. Howe here discussed, in reply to Dr. Tupper, the treatment of the matron and steward, eulogizing Mrs. Black and her family, but expressing the opinion that he was utterly incompetent to discharge the duties required of him. He also rebuked him for the contemptuous terms in which he spoke of the person selected by Dr. DeWolf to perform the duties of housekeeper.)

I regret, Mr. Speaker, that I have so little time to comment on the speech of the hon. member for Cumberland. I do not complain of the length, but might complain of the absence of novelty and the bitterness of tone. The learned member was at Digby the other day, and there, a friend writes me, he spoke of Mr. Duckett and Mr. Smellie pretty much as he has spoken of them to-day. There he made it matter of charge against the Government that we had employed this “pair of scoundrels.” Here he has not called them names, but labored to make us think them little better. Edward Duckett a scoundrel, is he?

I stand here, sir, to rebuke the language in which that uncalled for and unjust assault has been made upon an old public officer, Mr. Duckett is nothing to me; he was never anything but a conservative; he was always looked upon as such. He was turned out of office before I came into power; and the hon. member for Cumberland has thought fit to arraign this Government for putting him back. When did I put him back? The late Government had an investigation into his affairs. Mr. Archibald Scott was employed for some time in sifting the whole matter. He discovered a balance of £800 that could not be accounted for. The late Government, I admit, were justified in taking steps in reference to the matter. Then, if they believed he was guilty of any fraud, they were right in what they did; but if they believed the contrary—oh, sir! should they have done what they did? Turn him out of office and put another in it—blacken his character, as far as possible, and then leave him and his family to starve for the rest of their days? This is what they did. I will tell you what they should have done. Here was an officer of 47 years' standing, who had passed millions through his hands. They might have said to his securities, Here's a matter that requires your attention. He cannot account for this loss; we do not believe the man to be dishonest; and if you will engage to make up the deficiency, we will continue him in his office, or else make some provision for him. Or they might, at all events, when the man was driven out of

office, have made it known that he had not gone out with his character destroyed. When applied to, I said at once to his friends, What can I do? I have not turned him out, and I cannot put him back with that balance standing against him, and with the imputation that is cast upon his character. I refused for months. But a letter was brought to me which contrasts strangely with the language of the learned member for Cumberland. I hold in my hand the original of a letter written by James W. Johnston to Edward Duckett, of whom the hon. member for Cumberland has spoken in very different terms. Mr. Johnston writes :

HALIFAX, 18th July, 1860.

DEAR SIR,—Not having seen you when I called at your house, I beg to assure you of my sympathy, and the pleasure it would afford me were your situation relieved by some employment, private or public, for the duties of which you might be suited.

Were such an appointment of a public nature to be given you, I would cheerfully express my satisfaction, and if necessary sustain it; and I believe it would receive general sanction by the public and the legislature.

Mr. Scott, who examined your accounts, entertains, I have reason to believe, the opinion, that the errors in the Books of the Savings Bank were made inadvertently, and not result of any dishonest purpose; and I am happy to entertain the same opinion, although from the increased and complicated nature of the business, it was not for either your interest or that of the Province, that you should continue in the situation.

Believe me, with the best wishes,

Very truly yours,

(Signed.) J. W. JOHNSTON.

To Mr. Edward Duckett.

How Dr. Tupper could have gone to Digby, and knowing the fact that his leader believed Mr. Duckett to be an honest man, denounce him as a scoundrel, is to me perfectly inexplicable. What else, sir? The whole community of Halifax, men of business, astute merchants of every party, came forward and sent to the Executive Government this letter:—

To the Honorable the President and Honorable Members of the Executive Council of Nova Scotia:

GENTLEMEN—

The undersigned beg leave most respectfully to address your honorable body on behalf of Edward Duckett, late Cashier of the Savings Bank of Nova Scotia, who was some months since discharged from office by the late Government, in consequence of deficiencies.

The undersigned are aware that deficiencies do exist, but at the same time they are perfectly satisfied of the strict integrity and uprightness of Mr. Duckett's moral character, and are fully persuaded such deficiencies have been caused in a great measure from the fact that the Banking operations were carried on in the office of the Hon. the Receiver-General, and that Mr. Duckett was continually interrupted

in his duties, which of late years had considerably increased; the undersigned also believe that Mr. Harvey, who was appointed by your honorable body, to examine the accounts of the Savings Bank, is of the same opinion. This has been altered since the present Cashier commenced his duties, and he has an office exclusively to himself.

The undersigned would also most respectfully call the attention of your honorable body to the fact that for a period of forty-seven years Mr. Duckett has been in the employ of the government, and never during that time with a salary more than sufficient for the yearly wants of himself and family, and that he has ever conducted himself to the entire satisfaction of the different governments under which he served, and was always accounted as an honest, upright, and efficient man.

The undersigned would therefore solicit your honorable body to take into your early consideration the case of Mr. Edward Duckett, and give him such employment as your honorable body may see fit.

Halifax, Nova-Scotia, 15th August, 1860.

(Signed) THOS. ADAMS,
ROBT. BOAK,
A. HARSHAW,

And 140 others.

What was I to do, on the receipt of such a certificate? I could not allow him to starve, certainly. I believed if he was what the whole community said he was, then he has been cruelly ill-used, and was entitled to have his place back again, and his reputation restored. I said to his securities, "If you have confidence in him—if you will give me an obligation to repay the balance by instalments—if you are willing to renew his bonds—I will put him back." They agreed to do both on the instant, and Mr. Duckett was restored. Approaching as we are to the Sabbath morn, the hon. member for Cumberland must feel, with this documentary evidence before him, that he has overstepped the bounds of Christian charity and forbearance.

When time shall have mellowed his character—when he shall have got more breadth of beam to his mind, he will come perhaps to feel that to stand up and blast the reputation of a human being is not a political virtue, nor in nine cases out of ten a political necessity. The hon. gentleman attempted to destroy the character of Thomas Logan of Amherst. There is a hardy a land surveyor in the country whose reputation could not have been blackened and destroyed upon as much testimony as was raked up against Thomas Logan. But his family will tell you that there is a motive for this defamation, that from the day when they would not permit the hon. member to cross their threshold, the family have been persecuted and their father defamed—from that moment he has followed Thomas Logan almost with the tenacity of a sleuth hound.

Then Smellie must come in for his share of vituperation. That villain Smellie—the conspirator,—who we were told last year

with Donald Cameron and McCully, entered into a conspiracy to mutilate public documents and to take two thousand pounds out of the treasury. What did I say when that matter was here last year? I could say nothing but this:—may the almighty protect the young man, if he be innocent; if he be not, may his guilt be proved. I never pledged myself to anything else pro or con., sir, I left the matter to be settled by the judicial tribunals of the country. But, I prayed in my inmost soul that if innocent he might be extricated from the danger that encompassed him. For a more damned plot, a more vile scheme, to destroy the very life and soul of a human being was never concocted in any country. You may take up any novel or romance, you may pry into the secret history of men in city or country, and you will hardly find the story of a man placed in greater peril than was Smellie last year. His defence fell on my learned friend beside me (Mr. Blanchard.) I could not attend that trial throughout, but I heard enough of it.—In the most moderate and proper style was he defended; there was no appeal to the passions,—nothing but common sense. And then, when I heard the Judge's charge, my hair almost stood on end. The hon. member read passages of it in my hearing to-day. Did he read it all? No; there was one fact brought out on that trial which drew the marked comment of the Judge. When this poor young man, Smellie, was first accused, when this plot first developed itself, what was done with him? He was brought into one of the public departments, and there he met the Executive Council and others. With an impartiality and a gravity exceedingly edifying, a document was drawn up by the Atty. General, and that document was produced in court, and upon it an attempt was made to convict Smellie. It not only made him admit the undoubted facts, which nobody disputed, but also that he was guilty of the fraud. Judge Bliss, with his impartial and discriminating mind, said, surely Mr. Smellie never signed that, knowing what he signed. A jurymen asked, did he read it himself, or did you read it to him? What turned out to be the fact? That the hon'ble member for Annapolis, the Atty. General, had put into that document, signed by Mr. Smellie, what was a damning confession of guilt—what Mr. McNab said could not be true, because Smellie never admitted anything of the kind. That transaction did amuse me. I will not say it was intentional; and I hope it was not. The jurymen in ten minutes brought in a unanimous verdict of "Not Guilty."—Does it become the hon. member for Cumberland, after that, in this Legislature, in distant counties, or in any part of this Christian country, to try Smellie over again, and retail these scraps from the Judge's charge? The moment that verdict was recorded I said to my colleagues, this young man has been blackened and maligned for ten months, his salary stopped, his prospects blasted; he must be employed again; and I never did an act that af-

forded me more satisfaction than when I put him back into the public service, in atonement for what he had suffered. Let me suppose he had been guilty, and that he had served out his time in the penitentiary; well, sir, the great God above would drop a tear upon his past life, and would not shut him out from all human sympathy and human employment. And, sir, just what the Creator would not do, human legislators and governments ought not to do—drive the guilty to despair. Shall the innocent be shunned because they have been falsely accused? I will say to the hon. member that I think he will never in this country make that use of his abilities which he ought to make;—never cultivate that wide circle of friends which he should cultivate;—never command that influence which he wishes to attain, until he has more of the milk of human kindness permeating through his mental system—more of Christian charity in dealing with his fellow-men.

The hon. gentleman then went on to say that he did not believe Mr. Hatfield could be charged with vulgarity or scurrility. He believed that hon. gentleman had been accustomed to the courtesies and amenities of life, just as long as any man on either side. He was glad to have his confidence and support.

But the hon. member for Cumberland said that this Government absolutely turned out an old woman in his county. Well, if I have done injustice to a woman in that part of the world, he should be the last man to talk of it. If the Postmasters vote against me, they must go out of office. To protect county office-holders, I have taken my stand upon the Constitution. I will not be driven, even by my friends and supporters, to turn poor men out of paltry county offices; I will protect and guard every one of them; but the very first I find committing an overt act against the Government, that one, if he is my own brother, shall go by the board. It is quite time that this principle was understood and acted upon in this country. If men are turned out of office, let me say, it will be entirely their own fault.

But the Doctor tells us that Catholics are proscribed, and excluded from this Government. On this point I wish my policy to be distinctly defined and clearly understood. Sir, since I assumed the leadership of this Government I have treated the Catholics of this country as I have treated every other denomination, honorably and fairly. When they attempted to do wrong I resisted them. But if any man says that the principle of this Government is the exclusion of Catholics it is untrue.

Dr. TUPPER.—It was said by the Finance Secretary in Musquodoboit.

The PROV. SECRETARY.—I do not care where, or when, or by whom, it was said.

I say that I would be recreant to all the principles of my public life if that were true. No, sir, show me a Catholic that is entitled to my public confidence and personal friendship, and I will just as soon put him in the Council as the best Protestant in the land.

I know that the slander has been hurled at me day after day, year after year; but I hope to die as I have lived, claiming and giving equal justice to all men. I never did, never will say, and never will lead or control any party whatever that says to any body of Christians: You must be excluded, as a matter of course, from any interest in the public affairs of your country. I believe that any public man in this country or in any of the colonies, with their mixed populations, who should take such a stand, would do violence to the public principles that ought to control him, and, what is more, would make shipwreck of his reputation. (Hear, from the opposition bench.) This government, then, is open to all, but while I make this declaration, let no man come to me and demand to be placed in office because he is a Catholic, a Presbyterian or a Church of England man. I say to the young men of all creeds; come forward and do your duty to the country, and show that you possess the industry and patriotic feeling that your country wants. Do not suppose that any combinations can keep you down, or long exclude you from the councils of your country, and from the influence to which your talents may entitle you. Upon this point let there be no mistake. These are the principles upon which this Government challenges public support—the principles I have ever avowed—the principles I shall ever maintain.

(Mr. Howe closed by an apology for the imperfection of his speech, and a reference to the lateness of the hour.)

Dr. TUPPER rose.

Cries of order, order, from ministerial benches.

After order was restored—

Dr. TUPPER said—I do not wish to make a speech—merely to make an explanation. Mr. Howe stated that the door of Mr. Logan's house was shut in my face. That was not true; I never was on visiting terms at his house in my life; I have attended his family professionally; but I will say to the President of the Council that neither Mr. Logan's door or any other door in the county of Cumberland was ever shut against me.

A call of the house was had. When the house divided upon the amendment proposed by Mr. Morrison, there appeared for the amendment 29; against it 24.

For Amendment.—Hon. Prov. Sec., Atty. Gen., Fin. Sec., McLellan, A. Campbell, Hefernan, Esson, Webster, Cochran, Chambers, Blanchard, Chipman, Morrison, Burgess, Wier, Mosely, S. Campbell, Grant, Bailey, McKenzie, Morton, Smith, Coffin, Locke, Robertson, Ross, Brown, Hatfield, Campbell.

Against Amendment.—Hon. Mr. Johnston, Tupper, Shaw, Longley, McFarlane, Donkin, Caldwell, Bourinot, Wade, Robicheau, Tobin, Shannon, H. McDonald, Smyth, J. McDonald, Churchill, Townshend, Cowie, Martell, Harrington, McKinnon, Henry, C. J. Campbell, and Killam.

Then the house adjourned at half-past 11 o'clock P. M. until Monday at 12 o'clock.

PETITIONS.

List of Petitions and applications for grants of money filed in the office of the Financial Secretary, up to 8th February, 1861, on the following subjects:

POST OFFICE.

For additional mail route, Brooklyn to Newport landing, back road.

For a weekly mail between Barney's River and Upper Settlement.

Increase of salary, Postmaster North Sydney.

Do to Alex. Church, Halifax office.

Do to Clerk in Gen. Post office, Halifax.

Do to H. Coulon, Courier, Walton.

For additional mail route and Post Office at Back Settlement of Knoidart, County of Sydney.

Of King and Brothers, for compensation for Post office services.

Of C. Dwyer, for Post office services.

Of J. Dunsier Tremain, for enquiry.

FOR RETURN DUTIES.

Of James McNab, Pugwash.

Of proprietors of Iron works, at Clements-port.

LIGHTHOUSES.

For Lighthouse, Port Hood Island.

Do do St. Margaret's Bay.

Do do Isle Haut, Bay of Fundy.

BREAKWATERS AND WHARVES.

For aid to public slips, Digby.

Do do Breakwater, Montagon.

Do do Breakwater at Gros coque, Clare.

Do do do at Kempt, Hants Co.

Do do to effect improvement at Como's Brook Breakwater, Clare.

Do do Breakwater, Sects Bay.

FOR AID TO FERRIES.

Of P. Honey, Little Bras d'Or.

For aid to Ferry at McMillan's Point.

Of Archibald McDonald, Cape North.

Of Alex. C. McDougall, Maitland.

FOR ROAD DAMAGES.

Of James S. Morse, Amherst.

Of Charles McLean, Margaree.

IN RELATION TO AGRICULTURE.

Of Hants Agricultural Society.

For aid to oat mill at Broad Cove, Inverness.

IN RELATION TO INDIANS.

Of M. G. Farish, M. D.,

Of Peter Bobbie, Indian, Liverpool.

Of J. G. A. McKeen, Victoria.

Of Gobleae Glode, Indian, Greenfield.

EDUCATION.

Of Commissioners of Schools, Chester.

Of Ladies, Managers of Infant School, Halifax.

Of Margaret Havebolt, Teacher, Cleaster.

Of Commissioners of Normal and Model Schools.

In behalf of Ladies' Seminary, Sackville.

Of George A. Christie, Yarmouth.

Of Angus McDonald, Margaree.

In behalf of Annapolis Grammar School.

Of A. J. McLeod, Victoria.
 Of Jeremiah Willoughby, Halifax.
 Of Sarah Haley, Halifax.

AID TO TRANSIENT POOR, &c.

Of Halifax Visiting Dispensary Society.
 Of John Johnson, Truro.
 Of inhabitants of Main-a-dieu,
 Asoph Marshall, Wilmot.
 Donald McQuarrie, Strait of Canso.
 Overseers of Poor, Aylesford, (2 petitions.)
 Do do Amherst.
 Do do Clare.
 Of B. K. Dodge, Bridgetown.
 Of Board of Health, Pictou.

FOR AID TO ROADS AND BRIDGES.

Of John Moir and others, Londonderry.
 Of inhabitants of Clare.
 For aid to Lissiboo bridge.
 Do do Bridge at Albion Mines.
 Do do Cornwallis Bridge.

RELATING TO RAILWAYS AND RAILWAY DAMAGES.

Of James McDonald.
 Of Joseph Sutherland.
 Of John Sheridan.
 Of Isaac McCurdy.
 Of Richard Marshall.

MISCELLANEOUS.

Of S. W. Lowden, Supervisor of Roads,
 Pictou.
 Of George Merry, for aid to house of enter-
 tainment.
 Of Andrew Downs.
 Of Martin J. Wilkins.
 Of Gillard D. Evans.
 Of Dr. Slayter.
 Of W. Marshall.
 Of Archibald McIsaac.
 Of Directors of Deaf and Dumb Institution.
 Of Benjamin Johnson, Queens County.
 For aid to steam boat, Annapolis River,
 Of W. Dawson.
 Of Executors of T. Gourlay.
 Of Amos Purdy.
 Of Winthrop Sargent.
 Of James McKeagney, Inspector of Mines.
 Of Fitzgerald Cochran.
 Of Society for promotion of Garden and
 Poultry exhibition.
 Of Thomas E. Jeans.
 Of John S. Archibald.

MONDAY, Feb. 11.

The house met at twelve o'clock, and pro-
 ceeded to present the address to his Excellency
 the Lieut. Governor.

On their return, the Speaker read the fol-
 lowing

REPLY.

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

I thank you for the Address which you have
 just presented to me.

I trust with confidence in the assurance
 that you give me of your careful consideration
 of the various measures which will be brought
 under your notice, and I pray that the Al-

mighty may so direct your deliberations that
 they may result in adding to the happiness
 and prosperity of the inhabitants of this Pro-
 vince.

MULGRAVE.

The house re-assembled again at 3 o'clock.

Mr. Shannon referred to the present cum-
 brous mode of printing the journals of the
 house, and suggested that it would be far
 preferable if they were made up in two vol-
 umes of octavo form; all the appendices being
 in one.

After some conversation on this subject, the
 hon. Prov. Secretary moved that Hon. Atty-
 General, hon. Mr. Johnston, Chipman, Henry,
 Grant, Killam, be a committee to select stand-
 ing committees.

Hon. Prov. Secretary next laid on the table
 certain correspondence between his Excellency
 the Lieut. Governor and the Secretary of
 State for the colonies, relative to constitutional
 questions; also, correspondence relative to
 the office of Chief Justice; also, correspondence
 relative to the change of administration in
 this province.

Most of these various papers were read by
 the Clerk.

Dr. TUPPER, on their conclusion, said that
 he wished to allude to some references which
 the hon. Prov. Secretary made on Saturday
 night to a portion of his speech. That hon.
 gentleman had not acted fairly in undertaking
 to reply to a speech, the whole of which he did
 not hear. If he had been present he would
 find that he (Dr. T) had made use of no such
 language in reference to Mr. Duckett and Mr.
 Smellie as was attributed to him; nor did he
 ever make use of such terms in the country.
 The Yarmouth *Herald* published a fair report
 of the speeches in the country, and it would
 be seen that his language was materially the
 same he used in the house a day or two ago.
 It would, then, be much better for the hon.
 gentleman not to have made statements in a
 hap-hazard manner.

He was quite aware that any person who
 consults his popularity will be exceedingly
 careful how he assails the character of any
 person; he knew that if he consulted his own
 popularity simply in this city he would be
 exceedingly cautious how he touched the char-
 acter of a gentleman who had evidently, from
 the memorial, the sympathy of a large body of
 persons in this community. But in acting
 the way he did, he considered that he was dis-
 charging a public duty, and from this he could
 not shrink for a moment, unless he would be
 unworthy of the confidence of the people. He
 had laid before the house the reasons why he
 considered those gentlemen whose names he
 had just mentioned had been rendered unfit for
 public service.

The hon. gentleman then went on to refer
 to Mr. Smellie and Mr. Duckett, and stated
 the reasons why he considered them unfit to
 be employed in the public service. In conclu-
 sion, he moved for the returns of all papers
 relating to the removal and appointment of
 Mr. Duckett; also, a copy of the bonds.

Some discussion then ensued, on the cir-

circumstances of Mr. Duckett's case, in which hon. Atty. General, hon. Mr. Wier, and others took part.

The house then adjourned at half-past six o'clock.

TUESDAY, February 12th.

House met at 8 o'clock.

Mr. Bourinot presented a petition from Mr. Robert Martin, Post Master at Sydney, asking for reimbursement for money refunded by him, which had been stolen by a clerk in his employ. After some explanations from the Provincial Secretary, it was agreed to refer it to the Post Master General.

Mr. Tobin asked leave to introduce a bill concerning streets and street expenditure in the City of Halifax. He explained that the most important alterations were—substituting a poll tax of 7s. 6d. upon every male citizen, in place of statute labor; and the increase of the tax upon licensed truckmen, from 7s. 6d. to 20s.

Hon. Provincial Secretary thought the general features of the bill would commend themselves to the house, although perhaps some modification would be necessary in details.—Bill read a first time.

Mr. Tobin also obtained leave to introduce a bill to amend the act relating to assessments in the City of Halifax. Read a first time.

Mr. Shannon presented a petition from the licensed truckmen of the City of Halifax, against the clause of the bill just introduced by his colleague, which imposes a tax upon them. After some remarks from the hon. Provincial Secretary, Mr. Tobin said he would bring the subject to the notice of the Mayor and Council, and he had no doubt some modification would be agreed to.

Mr. Bourinot presented a petition from inhabitants of Cape Breton, praying the passage of some more stringent law relating to dogs. Read and laid on the table.

Mr. Robichau introduced a bill concerning the County of Digby. Read a first time.

Mr. P. Smyth introduced a bill relating to certain electoral districts in the County of Inverness. Read a first time.

Mr. Shaw presented a petition from the proprietors of the Iron works at Clementsport, asking for a bounty upon the first 5,000 tons of iron manufactured by them. The hon. gentleman explained that they had expended some \$30,000 on these works, and he thought a bounty of this kind would be encouraging a most important branch of trade, and benefit the whole Province.

Mr. Wade also spoke in its favor.

Hon. Provincial Secretary suggested that it lie on the table until the house went into committee on the general state of the Province—which was agreed to.

Hon. Attorney General spoke of the application that had been made to the house in previous sessions, in behalf of the mines at Londonderry. All that was asked was aid to finish a road to the Bay shore, to enable them to carry the produce of the mines to the water.

It was also a post road, and was therefore more particularly deserving of attention.

Mr. Martell presented the petition of Francis Wrotway, asking for an act of naturalization.

Mr. Robertson presented a petition from the Overseers of the Poor at Barrington, praying for an act to legalize the assessments for the last year; also introduced a bill for that purpose.

The Hon. Provincial Secretary, by command, laid on the table correspondence and other papers relating to the affairs of the Hospital for the Insane, which were read by the Clerk.

Mr. Shaw presented a petition praying for an act to change the name of Clementsport to Sheffield.

The Hon. Mr. Johnston reported from the committee appointed to arrange the standing committees as follows:

Public Accounts.—Messrs. Esson, Grant, Townsend, Tupper, Hon. Attorney General.

Post Office.—Hon. Provincial Secretary, Messrs. Henry, Coffin, Bourinot, Heffernan, Wade, Burgess.

Education.—Hon. Attorney General, Hon. Mr. Johnston, Messrs. Chambers, Shannon, Cochran, H. McDonald, Brown.

Railways.—Hon. Provincial Secretary, Dr. Tupper, Hon. Attorney General, Mr. Henry, Hon. Mr. Locke, Mr. Tobin, Mr. Brown.

Humane Institutions.—Messrs. McLellan, H. McDonald, Hon. Provincial Secretary, Tupper, Hatfield.

Agriculture.—Messrs. McFarlane, Chipman, McKinnon, Shaw, McLellan, Chambers, McKenzie.

Crown Property and Mines.—Messrs. Blanchard, J. McDonald, Hon. Colin Campbell, Churchill, Morton, Caldwell, A. Campbell.

Trade and Manufactures.—Hon. Mr. Wier, Mr. Tobin, Hon. Financial Secretary, Chipman, Killam.

Amendments of Laws.—Mr. S. Campbell, Hon. Mr. Johnston, Messrs. Harrington, Shaw, Morrison, P. Smyth, McLellan.

Indian Affairs.—Messrs. Ross, Robichau, Blanchard, Webster, McKinnon.

Penitentiary.—Messrs. Longley, L. Smith, Caldwell, Bailey, Donkin, Moseley, Shaw.

Fisheries.—Hon. Mr. Locke, Messrs. Tobin, Hatfield, Wier, Cowie, Martell, Ross.

Expiring Laws and Private Bills.—Messrs. Henry, Blanchard, Pryor, S. Campbell, McFarlane.

Contingencies.—Hon. Financial Secretary, Mr. Killam, Mr. Robertson.

Hon. Provincial Secretary laid on the table the annual report of the Post Master General, with the accounts and papers connected with his establishment; he had taken from them a few of the leading facts. It appeared that the Post Office department had been rapidly increasing, and a general feeling seemed to prevail in the Post Office Committee to restrain the growth of that Department. In 1859 the expense crept up some £1755 above that of 1858, while the advance in 1860 over 1859 was about £618. Two new Post Offices and

31 Way Offices had been established. The letters sent had enormously increased,—they amounted to 1,280,000. The papers were also increasing in numbers, they having exceeded the issue of 1859 by 251,312. He regretted to say that a derangement in the money order department had led to a change, which, although painful, was necessary.

DR. TUPPER—Is not the difference between the increase in 1858 and 1859 accounted for by the fact that the £1000 paid to the Steamer Emperor was transferred from the Post Office to the Provincial account.

HON. PROVINCIAL SECRETARY thought the hon. gentleman was quite right; he (Mr. H.) would also call attention to certain maps which had been made during the recess; they exhibited the Postal communication of each County and would be found valuable to hon. gentlemen desirous of informing themselves on that subject.

MR. BLANCHARD presented a petition from an old soldier, for a free grant of land, which was referred to the committee on Crown property, and the house adjourned until three o'clock on Wednesday.

WEDNESDAY, Feb. 13.

House met at 3 o'clock.

MR. ESSON introduced a bill relating to the Poor Asylum. Also, a bill to amend chapter 89 of the revised statutes "of the poor."—Also, an act to amend 21st Victoria, ch. 24, "of railways," exempting the county of Halifax from any further assessment for railway damages. Also, a bill in amendment of ch. 23, 21st Victoria, "to provide for the erection of a new Court House." It enacts that a room be provided for the sessions, and that the debentures issued for the completion of the Court House be exempt from taxation.

HON. ATTY. GEN. explained in reference to the leakage in the new Court House complained of by the hon. Mr. Johnston, that it was in that part of the roof over the main hall. The work had not yet been taken off the Contractor's hands, and more than enough funds had been retained by the Commissioners to have the injury remedied. As regards the dampness that could not be removed until the warm weather came; it was occasioned by putting on the plastering during frosty weather.

DR. TUPPER called the attention of the house to the Post office Report. The hon. Prov. Sec. had stated that while the increase of the expenditure in the Post office department in 1859 over 1858 was £1,750, that of 1860 over 1859 was only £650. I was surprised at that, and upon looking into the matter I find that in 1856, when the present party was in power, the expenses of the department amounted to nearly £3,000, which was more than any subsequent year. In 1857 the cost was £6,870; in 1858, £5,890; in 1859, £8,700. I will explain the mode in which that increase occurred. £1,000 was paid to Mr. King on his contract for the steamer, and charged to the Post Office department; that was taken off last year. The Post Master General in his report

accounts for it in this way. The daily mail to New Brunswick was established in 1859, and also a daily mail to Antigonish, at an increased expense of £350. There was a large increase also in the printing for that department in 1859. The money order system was first introduced, and the printing all the necessary blanks fell upon that year. In addition to that the decimal system was introduced and required more printing. The house would see therefore that there was no ground for charging any lavish expenditure upon the late government in that department.

HON. MR. HOWE had no intention of taking any very great credit for introducing economy into that department. He had merely wished to shew gentlemen of the Post Office committee that he had endeavored to carry out the policy recommended by the committee of last year.—He had no wish to draw an unfavorable contrast between the late government and the present as regards the management of that department.

MR. S. CAMPBELL presented a petition from a licensed school-teacher, praying for a free grant of lands. A discussion ensued as to whether it came within the operation of the rule giving the Government the initiation of money votes. Mr. Campbell also presented a similar petition from Miss Newton.

MR. JAMES McDONALD presented a petition from Alex. Grant and others of East River, Pictou, on the subject of assessment for education. The hon. gentleman also asked the Government to lay upon the table papers relating to the dismissal of A. G. McKay, Tide Waiter at Pictou.

MR. GRANT presented a petition from the inhabitants of Pictou on the subject of Education.

MR. SHANNON introduced a Bill relating to the Registry of Deeds—the object of which is, to provide a new index—the present one being defective, in consequence of the party who made it having neglected to make it from the original documents. The Bill proposes to meet the expense by increasing the fees of registry by 3d. per page, to accumulate until a sufficient sum be realized for the purpose.

HON. MESSRS. JOHNSTON and HOWE both objected to the principle of making persons who now registered deeds pay for what did not benefit them.

MR. ESSON thought it would be better to assess the township at once.

MR. SHANNON agreed that it would be better to do so, if possible.

MR. STEWART CAMPBELL requested that a memorial, which he understood had been presented to the Lieutenant Governor, by certain inhabitants of Guysboro' county, expressing want of confidence in him as their member, be laid on the table of the House.

HON. MR. HOWE said that such a memorial had been presented to the Governor, and he presumed there would be no objection to the request. He laid on the table certain papers relating to the re-appointment of Mr.

Duckett as Cashier of the Savings' Bank—which were read by the Clerk. He then explained the mode in which the Government intended to act as regards the new system of initiation of money votes. Every member would have an opportunity, if his application was not entertained by the Government, of appealing to the House.

A long desultory debate then ensued, in which Mr. HARRINGTON, Mr. ESSON, Mr. TOWNSEND, and others, took part.

Mr. GRANT presented a petition from William Forbes, asking for a patent for an improvement in a ship's windlass. A model was exhibited, and a select committee, consisting of Messrs. Johnston, Blanchard, and Wier, was appointed to consider the matter.

Mr. HEFFERNAN presented a petition from the County of Guysborough on education.

Hon. ATTORNEY GEN.—a petition from a schoolmaster relative to a grant of land.

Hon. PRO. SECRETARY introduced a Bill to abolish the office of Inspector of Mines, and transfer his duties to the Commissioner of Crown Lands.

Mr. GRANT introduced a Bill to amend chapter 90 of the Revised Statutes; and one to amend chapter 46 on County Assessors.

Mr. ROSS brought in a Bill also to amend chapter 46 of the Revised Statutes.

Mr. JAMES McDONALD moved for a committee to take into consideration the subject of Statute Labor.

After some conversation, the following committee was appointed:—J. McDonald, Brown, Grant, Harrington, Cochran, Townsend. It was also agreed that the question of Statute Labor be the order of the day for Wednesday next.

Mr. SHANNON brought in a Bill to enable the City of Halifax to purchase the Water Works, &c.

Hon. Mr. WIER presented a petition for a new polling district in the County of Lunenburg.

Hon. Dr. TUPPER enquired of the Provincial Secretary whether it was the intention to alter the mode in which marriage licenses are at present issued. It would be very advisable to choose some means that would enable persons in every county to obtain such licenses without being obliged to send to Halifax.

Hon. PRO. SECRETARY replied that he had had the matter under consideration, and would be enabled to suggest in a few days a change which would remedy the difficulties now very generally complained of.

The House then adjourned at six o'clock.

THURSDAY, Feb. 14th, 1861.

Mr. BLANCHARD presented a petition on the subject of Education; also, several road petitions.

Mr. LOCKE presented a petition for a Patent for turning iron into steel.

Mr. MORTON presented a bill to amend Chapter 71 of the Revised Statutes, for the laying out of great roads.

Mr. CALDWELL presented a bill from Mr.

Henry Lawlor, Mail carrier, referring to the refusal of ferry keepers to transport the Mails free.

FINANCIAL STATEMENT.

After some discussion of a desultory nature,

The FINANCIAL SECRETARY, by command, laid on the table of the House the public accounts. The first papers to which he directed attention were the trade returns, which showed that the total amount of Imports of the year 1860 was \$8,055,433, against \$8,100,955 for 1859, making a decrease on the year of \$45,116. Cotton, linen, &c., showed an increase of \$357,209; flour, \$196,602; rum, \$132,782; tea, \$111,783; wine, \$77,263; salt, \$72,617; geneva and whiskey, \$20,353. There was a decrease on codfish, \$222,979; sugar, \$203,689; molasses, \$161,219; hardware and iron, \$100,409; tobacco, \$20,279; pork and hams, \$31,977; oats and barley, \$11,634; hides and skins, \$11,694; herrings, \$17,753; coffee, \$9,729; butter, \$4,907; and miscellaneous articles, \$124,087. Turning to the Exports it would be found that the total value for 1860, was \$6,619,534 against \$6,889,130 for the year 1859. There was an increased export of scale fish, herring and wood, and a very large decrease in codfish, mackerel, alewives, potatoes, barley, woodware, &c.

Mr. Annand then invited the attention of the House to the Receiver General's account. The Excise and Light Duties paid into the Treasury for the year ending 31 Dec., 1860, amount to \$694,083, of which \$564,412 were collected in Halifax, and \$129,671 in the Outports. The Casual Revenue, including Crown Lands, Mines and Fees, yielded \$50,156. The balance in hand on the 31st Dec., 1859, was 13,235. The balance in the Receiver General's hands on the 1st Jan., 1861, was \$44,123, a part of which however, it was proper to state, belonged to railway construction, and was now held applicable to that service.

Turning to the other side of the account,—the payments—it would be found that \$39,675 were expended by the the Board of Works; \$32,487 were expended on the Hospital for the Insane; \$34,376 on Light Houses; \$14,450 on Public Buildings—a large portion of it re-fitting and re-furnishing Government House, in view of the Prince's visit; \$7,202 on Sable Island and Daring; \$6,521 on the Penitentiary; Education absorbed \$65,983; salaries of Public Officers, \$62,554; Legislative expenses, \$45,081; Collection of Revenue, 45,507; Postal Communication, \$35,212; Road Service, \$103,855; Interest, \$191,937. The advances were much larger than usual, in which was included \$15,335, expended towards defraying expenses incurred in connection with the visit of His Royal Highness the Prince of Wales.

The next paper to which I will turn the attention of the House is a general abstract of the returns of Import and Excise duties collected during the year 1860.

Referring to that paper, I believe that the actual revenue does not appear from the Re-

ceiver General's account. It gives the amount collected from his office—the actual revenue will be found in the returns of the revenue officers from all the ports of the Province. The actual Excise Revenue for the year was \$671,421, of which \$555,506 were collected at Halifax, and \$115,915 in the outports. This revenue was derived from twenty-three articles, on which specific duties are levied, and the ad valorem duties ranging from 5 to 20 per cent.

Specific Duties,.....	\$554,883
Ad valorem do.....	316,538
	\$671,421

Of 61 ports of entry and clearance, 50 show an increase of upwards of \$92,000, and 11 ports a decrease of about \$13,000.

The excess over the year 1859 was \$79,409, showing an increase of nine and one-third per cent in Halifax, and 38 per cent, in the outports.

There was a decrease on molasses of \$4,668; on whiskey, \$1,013. Increase on rum of \$59,893; from which, however, \$10,952 should be deducted, being the amount of license paid by the distillers for the quarter ending 31st of March, 1859. The increase on ad valorem goods was 11,754; on brandy, \$4,704; wine, 4,019; tea, 3,324; sugar, \$4,171 leather, \$1,687; raisins, \$2,539, tobacco, \$1,316; Geneva, \$1,313. The Light Duty realized \$30,713; exhibiting an increase of \$1,615 over the year 1859, making the total increase on Excise and Light Duties together amount to \$81,024. The cost of collecting the revenue was about 6½ per cent. The Revenue for the year is large—beyond precedent. In 1857 the total amount of Excise and Light Duties collected was £147,140; in 1858, £141,615; in 1859, £155,277; and in 1860, under the management of the present administration, it has risen to the very handsome sum of 175,545.

In conclusion, I must congratulate the House and country on the prosperous state of our finances. There is the more reason for congratulation, because it has been a year of almost universal depression in every branch of trade, and yet the revenue has largely increased beyond precedent. This is owing, then, to the new spirit infused into every branch of the public service, and to the vigilance of the revenue officers. There has been a large falling off in the chief export of the country, fish,—and the price of that article has also been less than in former years. The trade returns exhibit generally a falling off in the exports and imports; the wonder, therefore, is, that in face of all this we are in a position to boast of a largely increased revenue. It was due, as I before remarked, to the vigilance of the Government officials in every department.

Mr. KILLAM enquired how much money was in the Treasury at the end of the year.

Hon. FIN. SECRETARY had before stated that in round numbers, \$44,000, subject to certain reductions.

Mr. TOBIN observed that the increase of revenue was upon wine, brandy, rum, and

gin,—while the general trade of the Province had decreased. He could not see that the Government had much cause for self-gratulation, although he did not wish to detract from the vigilance of its officers. The increase was the result of a system introduced before the present Government came into power.

Mr. SHANNON was of opinion that the statements just read exhibited a most deplorable state of things. The material interests of the Province have retrograded, while the rum business alone had increased.

Hon. Mr. WIER —It is no proof that more rum is consumed. There was just as much imported previously, but the difference is the duty was not paid. The point that we congratulate the country upon, is the increased vigilance manifested by the revenue officers. The member for Halifax says that the late Government constructed the machine that has produced this result. A machine cannot work itself. We have pretty good proof that they did not know how to work it. When the distillers came down in 1859, asking for a license which would shut up two of the distilleries, and let them pay £5000 for the other two, the then Fin. Sec'y was in favor of it, and he (Mr. W.) suggested to an hon. member opposite to move a resolution in opposition to the measure which was adopted.

Dr. TUPPER would shew that the hon. gentleman did not know what he was talking about. It was contended that great vigilance had been used by the Government officials, and the Fin. Sec'y rested his proof upon the fact that although the exports and imports had decreased, the revenue had increased.

In the first place, we have no export duty. Fish, for instance, our principal export, pays no duty.

He hardly thought the Fin. Sec'y would venture to assert that there was a decrease in the importation of dutiable articles. If there was not, the argument fell to the ground.

In one thing he agreed with the Fin. Sec'y. he had stated that the increase of the revenue was in consequence of the new spirit infused into the country by the Government—that was perfectly true, it was from the infusion of rum, brandy, gin and wine, that the revenue had increased. (laughter.)

As was properly said by the member for Halifax—the country instead of being in a prosperous state, was in a most deplorable condition, trade had fallen off and the material interests of the country had retrograded.

Then it would be seen that the largest proportional increase in the revenue was during the quarter ending 31st March last, for which the late, and not the existing Administration were entitled to the credit.

The hon gentleman concluded by stating that the decrease in the imports could be accounted for to a large extent by the market being glutted with dry goods, from the Hungarian which paid no duty. By a shameful blunder on the part of the Receiver General, the country had lost by that operation, some £8 or 10,000.

Hon. FINL. SECRETARY would give some evidence of the new spirit infused—when he came into power the whole revenue department was disorganized—there was no night watch in Halifax—the form of oath used was so loose that it could be violated with impunity—clerks were allowed to make entries instead of their employers; all this had been remedied—and in addition masters of vessels had to take oath when making manifest. At Arichat the benefit of the new system could already be seen; there had been more entries in the month of December than in the whole previous quarter.

At Bridgetown and Annapolis, also, an increase in the revenue has taken place.

Look, also, at the proceedings of the Board of Revenue at Halifax. The whole amount collected in 1859 for seizures was £42 ls. 7d., while in 1860 the amount realized was £1,006 13s. So far from pursuing the policy of the late Government, as stated by Dr. Tupper, I am not aware that they ever had any policy.

The hon. member for Cumberland is equally incorrect and unfortunate in his reference to the increase of the March quarters of 1859 over 1860. There was a falling off in Halifax in that quarter of \$14,733. But then there was an increase in the outports. There was \$5193 over the corresponding quarter of 1859. But how was it made up? Upwards of \$4000 of it by the accidental casting away of the *Hungarian*, by which upwards of \$4000 of revenue found its way into the Custom House at Barrington. Deduct that amount from the \$5193, and what becomes of the boast that the proportionate increase for March under the late Government was greater than in any of the subsequent quarters? Thus pruned down, the increase for March would be reduced to about 10 per cent., while in the September quarter the increase in the outports rose to about 54 per cent.

The hon. gentleman then went on to refer to the censure passed by the hon. member for Cumberland on the management of the Receiver General in regard to the goods of the *Hungarian*. He (Mr. A.) considered that the course pursued was wise and judicious; and stated, in proof, that the cargo of the *Humboldt*, far more valuable than that of the *Hungarian*, wrecked within a few miles of the city, was sold, according to the mode proposed by the hon. member for Cumberland, and only paid £520 of duties in the treasury,—a little more than half of those collected on the *Hungarian*. Again he would repeat that the large increase of revenue was chiefly due to the exertions of the officers of the revenue department; to the heads of the department, who had substituted a stringent oath for the loose affidavit taken by importers; to requiring merchants to make entry instead of their clerks; to substituting an oath for the declaration subscribed by masters in making inward manifest; and to the establishment of a night-watch at Halifax. The hon. gentleman concluded by a reference to the subordinate officers of the Customs, who, throughout the Province, have been zealously co-

operating with the Government in putting down the contraband trade, and enforcing the collection of the revenue.

Mr. TOBIN.—There is one comparison which the hon. Fin. Sec'y has made, which I consider hardly accurate. I am not altogether acquainted with the manner in which the duty on the *Hungarian* goods was paid; but I believe that most of those saved from that vessel were sold in this Province. Such was not the fact with regard to the *Humboldt*. The captain saved, on ship's account, all the property he could possibly, which he exported to New York; and none of it was landed or consumed in Nova Scotia. Then, again, when he gave up the ship to the salvors, he divided the goods—one-third to the salvors, and two-thirds he took in the original packages and exported them to New York. So that there was only that small amount of property that came into the hands of the salvors, and sold by Mr. DeBlois, upon which any duty was paid. And how it was paid I have some knowledge. Why, upon the sales, by agreement between the salvors and the Government. There was also a good deal of that property that was exported; so that but a small portion was actually consumed in Nova Scotia.

The hon. gentleman then went on to express his regret at the smallness of the trade of the Province. He considered that we are not at all progressing in proportion to the neighboring colonies and states. He concluded by alluding to the disadvantages that ensued from the present isolated condition of the British American colonies, and to the desirability of some change that would do away with the existing anomalies.

Hon. PROV. SECRETARY would state to the hon. member for Halifax that he hoped before the session was over to afford him and every gentleman in the House an opportunity of discussing the larger questions to which he had just referred. He could not allow the session to close without discussing the important question of Union of the Colonies, and those kindred subjects to which we must, as intelligent British colonists, turn our attention. The hon. gentleman concluded with relating an instance of the perplexities continually arising from the different currencies of the Provinces.

Mr. HENRY gave notice of a resolution to the following effect: Whereas, the railway to Truro and Windsor has been completed, and the duties of the Commissioners to build the same, are at an end as far as the points named, it is unnecessary to continue the expense of a Railway Office in Granville Street: Resolved, That this House is prepared to pass a bill to vest the future supervision of the Railway in the Board of Works.

Dr. TUPPER enquired of the Government whether the public offices were, during the session, open to the inspection of members of the Legislature—the railway office at Richmond included.

Hon. PROV. SECRETARY replied he could certainly answer in the affirmative as re-

gards his own office. He presumed it would be the same with the other offices.

Hon. Mr. WIER did not approve of any one going to a subordinate's office, though he had no objection to any one visiting the head office.

After some conversation the subject dropped for the present.

The House adjourned at half-past six until three o'clock the next day.

FRIDAY, Feb. 15.

The House did not open till near 4 o'clock.

Mr. Bourinot presented a petition from Cape Breton, praying for an imposition of a tax on dogs. The hon. gentleman introduced a bill to extend the jurisdiction of Justices of the Peace in civil cases.

Mr. Killam presented a petition from Argyle praying for assessment for schools.

Messrs. Blanchard, Esson and Chipman presented petitions on the same subject.

A bill was introduced by Mr. Chipman relative to Hall's Harbor Pier Company.

Mr. Ross presented a petition from a number of Fur Dealers, praying that an act may pass to prevent the killing of fur animals out of season.

Mr. Harrington presented a petition for ferry in Strait of Canso.

Mr. Shannon presented a petition for railway damages.

Mr. Bourinot introduced a bill to extend the operation of Chap. 95 of the Revised Statutes—"of River Fisheries."

The Atty. Genl introduced a bill to prevent frauds to creditors by the secret sale of chattels.

Mr. Churchill presented a petition from Hantsport.

Hon. Mr. Johnston presented a petition from Wilnot, asking for a grant of \$800 for a road.

MR. CAMPBELL ON THE MEMORIAL FROM GUYSBOROUGH.

Mr. S. CAMPBELL said—Mr. Speaker, as the routine business of the house seems to be pretty well over, I shall take the opportunity of calling the attention of hon. gentlemen to the memorial referred to by the hon. member for Cumberland, as coming from the county of Guysboro, and which has been brought here by the government on my own requisition. Acting in a manner entirely unfair, the hon. gentleman read a document, and made use of it for a temporary purpose—the names, which alone could make it valuable, for in them the sting was contained, not being appended.—Without them, he might as well have referred to a piece of blank paper; and, sir, after that document has come to hand—having analyzed it, I may say with the names, it is not a wit more valuable than without them. A more flagrant, gross and unjustifiable attempt to impose on the government of the country, and unduly to charge misrepresentation on the members of a county, was never perpetrated in any country claiming to be either civilized or christian—(hear).

In the county of Guysboro, there are 2,300 electors; at the last election about 2,000 polled

their votes. The memorial purports to be signed by 808 persons. Will not the house be astonished—will not hon. gentlemen on both sides be amazed, when, in the face of the statement made by the member for Cumberland that the memorial was signed by a very large proportion of my supporters and that I misrepresented my constituents, I assert, after careful investigation, that of the 808 names affixed to this paper, but 60 or thereabouts voted for me at the last election—(hear, hear). Misrepresenting my constituents, indeed! No, sir; having compared this document with the poll books, I make the assertion; it is open to contradiction; let any man examine the paper, and I feel assured of being sustained in the assertion I have made. But let me ask, are the names here signed the real, genuine, authentic signatures of the men whose names it purports to represent? Sir, this house—this country, every man with a spark of genuine honesty in his composition, will be astonished, almost appalled, when I state that of the 808 names no less a number than 112 are in the handwriting of one person; placed there en bloc, at one sitting—surrento calamo—at one full swoop—(hear). And in whose handwriting? let me ask. Sir, these 112 names are in the handwriting of no less a person than the Reverend James Drummond, Parish Priest at Whitehead, in the county of Guysborough. (Sensation.) I ask the member for Cumberland to look at this paper, and to reflect on the consequences of the course which his party are pursuing. Not only this; many of these signatures belong to men whose feelings are not reflected by it—who entertain towards myself sentiments of personal respect—who confide in, and consult me in matters of local and personal interest—many of whom make my house their home when in my portion of the country. When I find the names of such men attached to a paper like this, not by themselves, but another, and that other the individual I have mentioned, am I not justified in feeling that they have been made use of for purposes not the most honorable or entitled to respect? Sir, shall I use the terms formerly applied by the member for Cumberland to Protestant ministers on the floors of this house? Shall I refrain from characterising this paper as it deserves: a base fraud and forgery on the poor people, whose rights have been invaded—whose free action has been interfered with—it might be called, and that for the unhallowed purpose of excommunicating the government and the representatives of the county.

Again, in the hand-writing of John A. Steele, postmaster at Port Mulgrave, I find names to the number of between 30 and 40. In the hand-writing of James A. Torey, the special correspondent of the *Colonist*, I find 18 or 19 signatures to this precious document, and about 10 are in the hand-writing of the hon. gentleman who lately represented the county and filled the office of Financial Secretary—(hear, hear). Those are a few of the influences used in getting up this memorial. Some one

person, whose writing I do not recognize, has subscribed the names of about 40 persons residing at Grand Lake. The paper will speak for itself. There are other blocks of names also in one hand-writing, and in addition I find about 35 marksmen. In fact, sir, after investigation, I think I am justified in asserting that of the 808 names appended to this paper, scarcely 100 are in the genuine hand-writing of the persons whose names they represent. Let the house view this memorial in another light.

Guysboro town is generally supposed to be the principal locality in the county. Did the members misrepresent their constituents, we would naturally expect to find the people there resident petitioning or memorialising against them. Will not hon. gentlemen, then, be surprised when I state that but 11 or 12 persons in that town have signed this paper, and of these, two are boys—(hear).

Let us try this memorial by another test.—There are nearly seventy magistrates in the county, but only eleven have subscribed their names; of these, ten were appointed by Mr. Marshall, and but one voted for me at the last election; that one also voted for Mr. Marshall. (Hear.)

Again, there are five electoral districts from which not a single signature was obtained.

I am reluctant, Mr. Speaker, to bring here the Catholic question, for independent of other reasons my conduct has never been influenced by proscriptive principles, and I could point to my action in this house as well as in private life, as satisfactory evidence on that point.—But in reviewing this paper I should do injustice to the subject were I to refrain from noticing it in the peculiar aspect which the signatures give it. If there was a man proscribed by that body at the last general election it was myself. Only about 70 Catholics then voted for me, and of the 808 names referred to, hon. gentlemen will feel surprised when I tell them that 570 are Catholics. With what shade of propriety can it be said that I misrepresent the wishes of my constituency—and upon such a slender pretence as this. What ground, sir, is there for the assertion that “if an election were to come off at an early day the present government would be beaten and condemned by a vote of two-thirds of the county?” Sir, on this point and in reference to this statement I shall not ask the the house to rely upon my own assertions, which might naturally be considered partial, but I shall ask the attention of the house to a letter which I have received permission to use and which was addressed by the Custos of the County of Guysborough to a gentleman in this city. That officer, be it remembered, was appointed during the administration of hon. gentlemen opposite and at the instance of Mr. Marshall, then a member for the county :

“As to the Petitions I am told there are six hundred signatures to them or thereabouts, and that they were forwarded by last mail.—However, the signatures in many cases I am told were got under false representations, as generally the case with political petitions.

“As to the popularity of the present government in this county, I do not really think there has been any change unfavorable to them, for in several localities where these petitions were sent for signature I am informed that not a single signature had been obtained, viz: Country Harbour, Isaacs’ Harbour, Canso, South Bay Shore, including Crow Harbor. I do not think there were ten signatures got in Town, not any at Cork’s Cove, Lower Salmon River, Canada and many other places.

“The principal signatures are Roman Catholics I believe.”

I may say, sir, that with Mr. Cunningham I have no communication, directly or indirectly, since the first day of the present year, on which occasion we were engaged in paying the last tribute of respect to a mutual friend and a worthy member of society, and when indeed I felt in no mood to converse on topics so foreign to our employment and so unsuited to the melancholy circumstances by which we were surrounded.

This memorial, Mr. Speaker, is of no great age. Not many days, certainly but very few weeks, have elapsed since it was originated: to the result of the elections in Cumberland and Victoria do we owe its existence. These events seem to have given a *valuable impulse* to the anxieties of gentlemen opposite for a restoration to power—(hear, hear;)—but if their hopes are not based on no stronger grounds than this memorial supplies, then their anxieties may be dispelled. I have spoken of the origin of the paper; let me now say a word as to its concoctors. I do not hesitate to affirm that it does not owe its existence to any individual belonging to the County of Guysboro; if begotten in that county it owes its existence to an imported parent; nor do I believe myself far wrong when I assert that it was part of that deliberate plot—invented to operate both east and west in weakening the strength of the government, and if possible seducing its supporters from their allegiance. The movement can well be traced to the Conservative head quarters in this city, and the execution of their plans was committed to a young gentleman well known here, who under the wing of the hon. member for Sydney, and with his aid essayed to make a raid into the County of Guysboro, and subvert the influence and position of its representatives.

It was left for Mr. Henry, the hon member for Sydney, he who once was my hon friend, but whom I cannot longer recognise as such; him from whom I parted on terms of mutual friendship but a few short weeks before, to stab me in the back, and that at a time when the hand of adverse fortune lay heavily upon me. That was to him the happy moment selected to inflict a blow, which it was hoped might prove fatal to my political as well as my personal fortunes. Sir, when I think of this transaction, and the part a *friend* played in it, I cannot but recall to mind the scene with which the recollections of my school-boy days are associated,—when, from the historic page, illuminated by the genius of the immortal

Shakespeare, I read the story of a Brutus and a Cæsar. Sir, I do not for one moment pretend to institute any comparison between myself and the illustrious Cæsar, but when I look across the house, and my eye rests upon the hon. member for Sydney, in his connection with the circumstances to which I have referred, I can keenly appreciate the bitter feelings experienced by the wounded Roman, when, with glazed eye and pallid cheek, and bleeding form, in articulo mortis, he turned his last look upon the conspirators that surrounded him, and saw his well beloved Brutus the foremost of his assailants. Like him, glancing across the floor of this house at the hon. member, I may justly ejaculate, "Et tu Brute!" Sir, the Roman traitor stabbed a friend, and so did he. I have exhibited the parallel between that hon. gentleman and Brutus. As to Cæsar, we read there were tears for his love, joy for his fortune, honor for his valour, but death for his ambition. Brutus stabbed because Cæsar was ambitious. In my case, sir, it was not ambition, but the lack of it that stimulated the friend to inflict the blow. Sir, it was because I was *not* ambitious—I would not, for place or pelf, desert the friends who had given me their political confidence, and with whose fortunes I was closely connected, and from principle identified,—because of all this, he and others thought it honorable and generous, with the malignity of the bitterest foes, to, if possible, blast forever my personal and political reputation.

Sir, when I ascended the hustings at the last general election, I openly and frankly enunciated my principles,—which, with the prestige and position of the late government, it was somewhat disadvantageous and impolitic to proclaim, especially in a county where, upon the religious question, I thereby irritated and excited to hostility a considerable body of the constituents. I then stated to the people of that county, that with the then opposition my fortunes were associated for weal or woe. Upon that declaration I was elected, and from that moment to the present, I have never wavered in my attachment to that party, or the opinions, principles and interests they uphold.

It has sometimes been made matter of charge against public men, that they could be bought and sold. When I look round on the hon. member for Sydney, I cannot refrain from asking him to relieve me from that imputation; I ask him to say—for no one knows the fact better than himself—that no consideration of a purchase would have been wanting, had I been disposed to accept a bribe, and to desert my friends and party. I shall not betray confidence; although my own recent experience would warrant me in referring to a precedent and example which the hon. gentleman himself would very highly respect. Sir, however low may be the estimate of my personal fortunes, it is my pride to feel that I am above and beyond the highest inducements which the political exigencies of the hon. gentleman op-

posite either have compelled or may compel them to offer. Difficulties may surround me, temptations may assail me, but I look with hope to the future; at all events, I owe unswerving allegiance to the standard under which the men with whom I am associated are contending; and looking at the phalanx they form, although I cannot appropriately say—"This rock shall fly"—I may truly say—

"These bricks shall fly
From their firm base as soon as I."

Sir, if I could have been bought, there was no position within the reach of a public man in this country that I might not have attained. I do not ask honorable gentlemen to repose implicit confidence in my own statement on this head, although some are here who could corroborate my assertion. I have other testimony at hand, and that so clear, as that it may be almost said to be ex-cathedra. It was thought I was rather hard to win,—this had in fact been already found to be the case, and hence it was that the gentleman-like idea of operating on what was hoped might prove the weaker vessel. Those who tried this game were not wise in their day and generation; they miscalculated. Neither the one nor the other was open to any such dishonorable temptation. Sir, I will never proceed to the expansion of that grand idea. I hold in my hand a letter, the hand-writing of which will be familiar to at least one hon. gentleman on the opposition side of the house; and if doubt could be entertained by any as to the authorship of it, this would at once be dispelled by the inspection of another in the same hand-writing, with the writer's name and genuine signature, addressed to another member of this house, and the special portion of which is of similar tenor and designed to effect a similar object.

[The hon. gentleman then read the letter, commenting on various passages of it.]

Halifax, Jan'y. 16, 1860.

MADAM,—Your husband, as you are aware, will soon be called upon to exercise his right and privilege as a Representative of the people, by voting for or against the present Government. This is an important duty, and one in which not only the interests of the Province; but *his own*, are to a very large extent involved—indeed I may truly say, it is the *turning point* of his political life. If he make a false step now, he cannot retrieve it; if he make the right one, his political fortunes may be said to be made. That his *interest* lies in supporting the present government, no one for a moment, no one knows better than himself—*no one knows it better than those who would make him vote in the opposite manner*. That no principle or right would be violated by his supporting the government, is equally clear to all who know what the present *sole* distinguishing principle of the opposition is, viz., the proscription of the Catholics, or opposition to them, solely because they are Catholics. This is the *only* point of difference as regards *principles* from the government, and were it

not for this, his choice and that of every other man would be simply between the *men* on either side: and that the government are composed of more *gentlemen*, and of more honest men than the other party, can hardly be doubted. Your husband is almost the only man with any pretensions to being a gentleman among them. What is there, then, in honor, to prevent him joining that side where his *interest* lies? Nothing. He, certainly, representing a Catholic constituency to a large extent, is not going to oppose them because they are Catholics. Let him join that party whose principle is equal justice to all, who are composed of the higher classes, and where his own individual interest lies. Suppose he were to vote *against* the government, what will the opposition, what can they do for him? Already Mr. McDonald of Pictou, is canvassing against him as Speaker, and is determined to have it; and while Young and Archibald and McCully are to the fore, he never will be either Attorney or Solicitor General, and if it were offered to him, or any other departmental office, is he prepared to run the County again against Marshall, coming in as he did *below Jefferson*? Your husband *knows* he could not. Then think of the expense. Well, suppose they do make him Speaker, *which is very doubtful*; what is it? £200 a year, with no rise in his profession, and liable to be turned out at every change, and certainly at the next election; which, if the government is not supported, will be *this winter*—mark this. This is the fact. Now, for a moment suppose he supports the government. There is no principle involved, as I have shown, why he should not, while he has a very good excuse, in not joining a party who attempts to put down or proscribe a large number of his constituents. If he joins the government, he can have any office he requires or asks for, with his *re-election secured for him*—mark that; for Marshall not opposing, with all the influence and support of the government, and his own friends who would still support, who could or would attempt to run against him, while he would then be amongst *his own* and *your own* friends and party, would be in better circumstances, and more respected than he is now. And why should he not do this? What does he fear? Surely not the abuse of a few days of those who now profess to be his *friends*, but *are only his friends so long as he supports them*, and helps them to place and power, utterly regardless of his interests. Look at Judge Wilkins. Without as good reason, he did worse than your husband is asked to do, for your husband was originally a Conservative. Look at him now, a Judge, respected and supported by all, except those who for their evil purposes (the Radicals) denounce him. There is nothing to fear. Let him act boldly and promptly and *decidedly*, and all will be well. Let him falter or refuse, and the chance is gone; for if the government should be upset, and there be another election, then Marshall will come in, and your husband's chances will be gone. There is no doubt about it; if he

lets this opportunity slip, he will not have another. It is for himself to choose whether he will join a party, having the best interests of the country at heart, opposed to every sort of injustice and wrong, and composed for the most part of Gentlemen, and where he can advance his own interests and fortunes while he is advancing those of his country, or whether he will still remain among a set of men who seek nothing but their own advancement and the plunder of the public chest, and who, if they have a policy at all, is that of proscription and injustice, and who will sacrifice him as they have sacrificed each other, Mr. Howe, Mr. Young and others, long ago. He must now decide—if he votes for the dissolution, it may be too late. Let him now boldly say he will join the government, and his future election is sure, and his fortune made; let him continue with the present party, and every thing is *uncertain* but his defeat. In the one case, he is amongst his friends and yours; in the other, with those he must despise. This is from a friend—a well-wisher of both of you. I hope his choice, (and you can make it what you please,) will be what it should be for himself, his country and his wife.

Yours,

A FRIEND.

As regards your husband's re-election, this is certain. By joining the government, he will always take the whole of the Conservatives in the County with him, and a lot of his old friends of the opposition. By joining the Radicals, he will only have the rads opposed to all the others. In the one case his election is sure—in the other, defeat is equally certain.

Sir; I now hold in my hand a note to a similar effect, to which I have already alluded, from which I shall read a few passages:

The hon. gentleman read as follows:

"We shall see 'on or about the 23th,' an eventful time—for few more than for you. You have your fortunes in your own hands; don't throw them recklessly away, or sacrifice them for an idea, or the fear of a passing and fleeting public opinion, which all ever regards with favor and complacency the successful, as witness our worthy Judge Wilkins, who now wears his ermine with as much dignity, and perhaps even acceptance, as if he had never embraced a favorable opportunity of bettering his own fortunes, and is now even abused by those whom he last supported, and whose nominee he is—*sic transit, &c.* Why others can not do what he has done with as much success, and which Howe would have done and tried to do with Young's government, puzzles me. Our Liberal friends have two rules—one for themselves, another for their opponents. What was right for Wilkins to do, and Howe to attempt, is a horrible sin for ———— to dream of. Well, it concerns yourself more than any one else; so you must be your own judge.

Yours &c.

W. A. J.

Sir, the letter from which I have just read refers to my original party position in this house. On that head I promised to make some remarks. I am told that I came into this house a Conservative and that I deserted my party. I have had the honor of a seat in this house for ten years. At the election in 1851 the subject of railroads was the principal topic agitating the public mind. At that election it is true I was supported to a large extent by Conservatives, but at the same time there was no member returned to this house who received a larger share of liberal support than I did. Upon personal considerations I was returned by both Liberals and Conservatives.—When I came here I found railroads the question of the day—and as I considered it the duty of every man who consulted the interests of the country to support that measure, I approved of the policy propounded by Mr. Howe, and have adhered to it ever since. Its extension and further development I am now ready to sustain.

Sir, I had not been here many days before I found it necessary to express my views as an independent member; in so doing I gave mortal offence to certain gentlemen, who thought it my duty to do nothing but follow closely at their heels. Of course I received just the same sort of abuse at their hands as Messrs. Lutfield and Campbell have recently been favored with; nothing was too vile that was not hurled at me; and it ended in my taking my seat upon this side of the house,—a course I never have had reason to regret. This sort of tomahawk warfare did me a great deal of benefit, for while in 1851 my majority was only 40, at the next election it increased to 270; and I am pretty certain that what has happened in my case, will happen to the hon. members for Digby and Argyle. When I thus asserted my independence, every body must recollect the unlimited abuse with which I was assailed by the hon. member for Annapolis; and when, two or three years afterwards, I attained the distinction of being elevated to the Speaker's chair, I was followed by the same sort of treatment. But that was not enough. When on the first day of the session I left the chair, under very peculiar circumstances, and those quite foreign to the scandalous character assigned, and took my seat on this side of the house, one would have thought that on that particular day—one which has always been regarded as a sort of gala day, when the just renewed intercourse of public men, and the presence of the ladies should repress the virulence of party feeling,—one would have thought that a noble disposition would have no word to say, disparaging to my position or insulting to my feelings. But, sir, the malice of the hon. gentleman could not be restrained; the same disposition was then evinced as when I took the chair, and if I have not been crushed under the treatment I have received, it is because I have been sustained by a belief in a retributive justice in the future, and by the opinions which every mail brings me that an intelligent

people will visit such conduct with the degrading punishment it deserves. In that future I repose with confidence; and altho' every effort the most bitter malignity could suggest has been, and may, and doubts will yet be used against me. I feel calm and content in the conviction that I have preserved my integrity, and maintained my independence and freedom of action.

Now, sir, I have occupied a good deal of time, and gone somewhat farther than I intended when I first rose; and in conclusion, I will ask even gentlemen opposite, whether this memorial is entitled to a moment's consideration? Sir, I have no hesitation in saying that it represents neither the views of my supporters, nor the intelligence and respectability of the County of Guysboro'; and that it will have no greater influence on the public conduct of my colleague and myself, than I feel assured it will have with the government to whom it is addressed. I shall say nothing farther at the present time, but terminate my remarks by returning my thanks to you, sir, and to the house, for the patient attention they have given me.

MR. HENRY explained that sickness had occasioned his absence from the house for some days.

As regards the allusions made by the hon. gentleman who has just addressed the house, to my visit to the County of Guytboro', I will tell him that what I said and did there, I would say and do in his presence. If he chose to absent himself from his County for four or five weeks before the opening of the session, I cannot be blamed for it. There was nothing wrong in the course I pursued. If a gentleman came to my county and tried to get up an excitement against me, I should not complain. Private friendship has nothing to do with political arrangements.

Some three years ago I went into the County of Guysboro', and used my influence to get a gentleman returned against Mr. Marshall, and succeeded. Mr. Marshall did not blame me, but on the contrary, said that I had a right to come there and oppose him on political grounds, and he would do the same in my county.

When I went recently to the County of Guysborough, I did not say a word against the hon. member's private position. I found no necessity for it. Wherever I went, I found the people dissatisfied with him and his colleague. I had nothing to do with circulating the petitions; the committee took them in hand, and had the whole management.

I will ask the attention of the house for a moment to the answer given by the hon. gentleman to this memorial. He says the names are signed in the same hand-writing. That of necessity must be the case, because a great number of the people are French, and cannot write the English language. I cannot see the difference, where the consent of the parties has been obtained, who signs the names. It will be found, upon examining half of the petitions presented to this house upon education

and other subjects, that numbers of the names are in the same handwriting.

If a petition came from my county, no matter whether signed by a majority of the electors or not, expressing a want of confidence in me, I should feel it my duty to resign, unless the other party came forward with a counter-petition.

The hon. gentleman says that only 62 signed it who voted for him. I know two or three places to which the petition was not sent at all.

Mr. CAMPBELL—It went there, and was sent back.

Mr. HENRY—The hon. gentleman is mistaken. But suppose only 62 have changed sides, that takes away his majority, for he only had 72. With these few remarks, I shall leave the subject at present. I have violated no terms of friendship with the hon. gentleman; I would use my best exertions to unseat him upon public grounds, and at the same time entertain for him feelings of private friendship.

Hon. Mr. JOHNSTON merely refer at present to observations made in reference to a notice of motion he had given on the first day of the session. He had only performed a duty imposed upon him by the position he occupied, and the threat thrown out by the hon. member was in exceedingly bad taste—not at all likely to effect its object, or deter him from the performance of his duty. When that hon. gentleman had abandoned the party he was elected to support, he (Mr. J.) felt it his duty to animadvert upon his conduct, and when he was elevated to the Speaker's chair, it became his duty to refer to the reason why he objected to him.

Hon. Mr. HOWE read an extract from a letter written by a gentleman in Argyle (who did not vote for the present member at the last election), stating that the political excitement raised by Dr. Tupper was fast subsiding, and that if Mr. Hatfield ran an election tomorrow, not a dozen votes would be altered.

Mr. WADE asked for the name.

Mr. HOWE would not give the name. He also read another extract, stating that a memorial had been signed by 77 names in favor of Mr. Hatfield. It would shew the hon. member for Cumberland how easy these things could be got up.

Dr. TUPPER read an extract from a letter from a gentleman in Yarmouth to Mr. Townsend, stating that Mr. Hatfield was opposed by the constituency of Argyle almost to a man. He would give that as an answer to Mr. Howe, who had put Mr. Hatfield in a most unfortunate position, for, after attempting to resist the requisition of a majority, he only gave him the support of 77, out of 1000 voters. Mr. Hatfield himself gives a most amusing answer to this requisition asking for his resignation. He says he is in a better position than he was before; and he quietly puts down all those who did not vote for him as being in his favor, and draws upon his imagination as to the number of electors. The member for Digby has met his requisition of over 500 names by a counter-paper signed by 39, which certainly does not improve his posi-

tion. As regards the objection made to the signatures in the memorial against the ex-Speaker, he could see nothing in it. It was said many of them were signed by the Rev'd Mr. Drummond. In the absence of proof to the contrary, it was the best evidence they were genuine, as he had taken the responsibility of writing the names, and no man would dare to do that without first obtaining the consent of the parties; at all events, until the contrary appeared, it must be taken for granted they were genuine. As a mode of testing the fact as to whether the government possessed the confidence of the people, and Mr. S. Campbell's real position in Guysboro, he would suggest (as it had been proved that £170 had been paid for what a Solicitor General could have done in the eastern part of the province) that the government confer that office upon the late Speaker, and let him run his election, and let the result determine the truth of the assertion that he had made, that amongst the government supporters there was not a lawyer that dared to face his constituents. If, now that it had been shown that the province was suffering a heavy pecuniary loss from the want of a Sol^r General on the eastern circuit, they declined to give that office to the ex-Speaker, the country could understand how both they and he stood in Guysboro, and the less they said about that constituency the better. They may cling to office, but it will be in defiance of the people.

Mr. MORRISON made a few remarks, deprecatory of the course of the opposition in several particulars.

Mr. HATFIELD stated that he considered his position just as good before the people of Nova Scotia as that of any gentleman in the house. He was a conservative in the true sense of the term, for his great object was to save the people's money.

Hon. C. CAMPBELL read a requisition in his favor, signed by certain electors in the county of Digby.

Mr. WADE followed. He did not think it either fair or just for any gentleman after such a requisition to sit and misrepresent their constituencies. Let them go back, and let the people see whether they were representing or misrepresenting them.

Mr. S. CAMPBELL said the hon. member for Digby was not the sort of a man to talk to him about his constituents at Guysboro. It was a different matter to be lectured by the hon. members for Annapolis and Cumberland, for there was something in their style that prevented their remarks from being treated entirely with disdain. The fact was, there were altogether too many leaders on the opposite side; he was content as far as he was concerned to take the hon. members for Cumberland and Annapolis, but not the hon. member for Digby. He would remind the latter gentleman that there were a couple of lines which he would do well to bear in mind:

“Larger ships may venture more,
But little barks should keep the shore.”
(Laughter.)

Mr. WADE replied that the hon. gentleman need not imagine he could wound him with his taunts. He could say, at all events, that he stood in the house in the full confidence of his constituents; the hon. member for Guysboro' knew that was not the case with him, whatever he might say to the contrary. He (Mr. W.) was willing to go to his constituents to-morrow. Let the hon. member go also, and then the true feelings of the people would be shown to His Excellency the Lieut. Governor.

Hon. Prov. Sec. laid on the table of the house the report of the Commissioners of Crown Lands. The hon. gentleman also made some remarks on the manner in which Crown Lands had hitherto been granted and laid out, and alluded to some changes in the present system which it was his intention to propose in a few days.

In answer to an enquiry of Dr. Tupper the hon. Prov. Sec. stated that if the hon. gentleman or any other member wished to inspect any papers in the Railway office at Richmond, it would be preferable if he went to the head office and took an order to shew him through.

The house then adjourned until Monday at 3 o'clock.

PETITIONS.

List of Petitions and applications for grants of money, filed in the office of the Financial Secretary, from the 8th to the 18th February, 1861, on the following subjects:

AGRICULTURE.

John McKenzie, Boularderie, aid to Oat Kilne.

POST OFFICE.

For Way Office at Rawdon, Co. Hants.

" Additional mail communication, Port Latour.

Of Robert Martin.

Of Mrs. Grace Rice.

Of J. D. Archibald, compensation as courier.

H. Hyde and Archibald, do.

LIGHT HOUSES.

For Light House East Point, St Margaret's Bay.

Do. Pugwash, Co. Cumberland.

Do. Amet Island, do.

Do. Bear's Head, Co. Digby.

Do. Little Hope, Co. Queen's.

BREAKWATERS, WHARVES, BOYS, &c.

For aid to Brealwater, Griffin's Cove, Co. Digby.

Do. Montegan, do.

Do. Scot's Bay, Co. King's.

Buoys in Avon River, near Hantsport.

Accommodation for steamer at Hantsport.

To remove obstructions in Upper Clyde River.

Do. Tusket River.

To aid St. Peter's Canal.

Wharf at Porter's Point, Cornwallis.

EDUCATION.

In behalf of Pictou Academy.

Do. Horton Academy.

Do. School at Hantsport.

Do. George Turner.

Do. Universal taxation.

Do. School at Arichat.

ROADS AND BRIDGES.

For aid to Gay's River Road.

Do. Tidnish Road.

Do. Great Roads, Co. Inverness.

Do. Bridge near Fort Lawrence.

Do. New road from Mahone Bay to back settlement.

Do. Bridge at New Germany.
Do. Road from Lawrencetown to New Albany.
Do. J. McLellan, Broad Cove, Inverness.
Do. Eastern Shore Road.

TRANSIENT POOR, &c.

Overseers of Poor, Clements.

Charles Aitkins.

C. C. McAlpine.

C. E. Leonard.

RETURN OF DUITY.

James F. Demings, Shelburne.

MISCELLANEOUS.

Of Robert Bacon.

Of Thomas White.

Of H. G. Pugsley.

Of Elizabeth Merkel.

Of Botsford Viets.

Of Donald Ross.

Of John Wilson.

Of John P. Lawson, money letter lost.

Of John Smith, Truro.

Of Hugh McDonald, Middle River, Pictou.

Of Lockwood Fox, Railway Damages.

Of William Geldert.

Of Joseph J. Letson.

Of Peter Bernard.

Of — Tobias.

POST OFFICE.

For Way Office at Coxheath.

" Post Office, Tracadie.

Charles Bartand, an increase of salary.

FERRIES.

For aid to Ferry at Strait of Canso.

Do. Whycomagh.

MONDAY, Feb. 18.

The House met at 3 o'clock.

Mr. BOURINOT presented a petition in regard to the light house at Searaic.

Hon. Mr. LOCKE said such a petition as it, involving a money grant, should go to the Financial Secretary.

Mr. BOURINOT alluded to the want of consistency in the matter of petitions on the part of the gentleman opposite. The other day he would hand the Financial Secretary a petition in regard to roads; but he said he could not receive it. So he was obliged to keep it locked up. To-day a petition must be sent to the Government. There was evidently a great want of system. The Government should have come down at the very commencement of the session, and told the House what petitions would be received and what would not.

Mr. JAS. McDONALD asked the Government why the recommendation of the Committee of Navigation Securities, in reference to the erection of Light Houses at Cape Sable and Cape George, had not been carried out.

Hon. Mr. HOWE replied that believing New Brunswick to be interested in the Cape Sable Light, he had written to the Provincial Secretary of New Brunswick, and some correspondence had taken place on the subject, which had led to the delay.

Mr. J. McDONALD spoke of the importance of the Light at Cape George, and hoped this season would not be allowed to pass

away without the House at Cape George being erected.

Mr. HARRINGTON spoke to the same effect.

Mr. WADE enquired what course the Government intended to pursue in reference to such works, and advised the appointment of a Committee to assist the Government. He intimated that Light Houses should not be erected in particular positions to suit party interests.

Hon. Mr. HOWE replied that politics had never interfered with their decision on Light Houses, and should not. The object was to place Lights in such points as would render them most useful to commerce. He thought no Government so wise that they could not get valuable information from members round the House.

Mr. HENRY referred to the great importance of a Light at Cape George, and the thousands of vessels which pass Cape Canso that would benefit by the light referred to. The answer of the Prov. Secretary he did not deem satisfactory, and contended that the Light money collected would have warranted the erection of a Light House at Cape George; he referred to the recommendation from the Imperial Government in favor of a Light House at Cape George for the protection of vessels passing through the Strait. He urged the appointment of a Committee, as heretofore.

Hon. PROV. SECRETARY did not see why a Committee should not be appointed and the correspondence which he had received laid before it.

After a good deal of discussion in regard to the appointment of a Committee on Navigation Securities, the subject finally dropped.

Mr. TOBIN called attention to the fact that the bill on Water Supply from the city of Halifax, now before the House, had not yet been printed in any of the city papers for the information of citizens.

Mr. HENRY presented a petition from Tracadie asking to have the way office at that place changed to a post office.

Hon. Mr. WIER brought in a bill concerning the proceedings in judgments taken on property in courts outside the province.

Mr. LONGLEY presented a petition from the Grand Division of the Sons of Temperance, asking to have the opinions of persons on a prohibitory law taken simultaneously with the census.

Hon. ATTORNEY GEN. replied, that all the papers were already printed; and that it would be too late, he was afraid, to carry out the wishes of the petition.

After some debate the petition was allowed to lie on the table for the present.

Mr. LONGLEY next moved for a select committee to ascertain, as soon as possible, the amount that we pay yearly for intoxicating liquors, and the amount of crime and other painful results chargeable to their use in this country.

Hon. PRO. SECRETARY seconded the motion. Every one could not do otherwise than wish the hon member God speed in

preparing any report on such a subject. He would be happy to give any assistance that lay in his power.

The following Committee was appointed: Longley, Townsend, Shannon, A. Campbell and S. Campbell.

Mr. HUGH McDONALD presented a bill to amend Chap. 62 of the Revised Statutes—"of the laying out of roads other than great roads"—and explained its provisions.

Dr. TUPPER stated that the Legislature at the last session had provided £65,000 for the payment of interest in 1860. It appeared, however, by the financial statement that less than £48,000 had been paid. The balance was not in the treasury, and yet the Governor had declared in the opening speech that the revenue had been sufficient to meet all demands. Where was the balance—over £17,000?

Hon. FINANCIAL SECRETARY explained the new system by which railway interest and salaries were paid. He also stated that full information could be furnished from the Receiver General's office.

Hon. PROV. SEC'Y said it would be found that the Governor's speech would be sustained by the Receiver General's account.

Hon. Mr. Johnston presented the petition of Joseph Hyman, praying to have his name changed and introduced a Bill in accordance with the prayer of Petition.

Mr. SHANNON presented a petition from the Benefit Building Society, in opposition to an Act relating to taxation upon the funds of the Society.

Mr. TOBIN could not see upon what principle the Society expected to be exempted from taxation, when every Banking institution had to pay taxes. It was not a Building Society; it was nothing more than a money lending institution, and, as such, had no more right to be exempted than any of the Banks.

Hon. Mr. WIER thought the discussion irregular until the petition had been read. The hon. member for Halifax had a habit of making speeches at a time when nobody can answer him.

The SPEAKER decided that both the gentlemen were out of order.

Mr. HENRY doubted whether they were out of order; any gentleman had a right to oppose the presentation of a petition.

The SPEAKER.—No gentleman can speak upon the merits of a petition before it has been read. He can oppose the presentation of it. The petition was read and laid upon the table.

Mr. SHANNON presented a petition from Hammond's Plains on the subject of school assessment.

Mr. ESSON presented a petition from Mr. Pugsley, asking the consideration of the House as regards losses sustained by him in his business of distiller, in consequence of the action of the House, and containing suggestions in reference to the future management of distilleries; if the House should decide to renew the license.

Mr. TOBIN thought that the system of preventing our own countrymen from manu-

facturing articles consumed in the country was bad. The only difficulty was to devise some system, by which the revenue could be faithfully collected from the distillers. In England, Ireland and Scotland this was done, and he thought the Government should endeavour to obtain from these countries, some information as to the system which is there carried on.

Mr. HENRY said this country is peculiarly fitted for the encouragement of manufactures. He had proposed a system of having paid officials to take charge of the molasses imported for distillation—who would place it in a bonded warehouse, and would be enabled to ascertain the quantity used by the distillers and the quantity of spirits it produced. There was no doubt that the stoppage of the distilleries had seriously effected the importation of molasses. It was a matter of public policy well deserving of the careful attention of the House.

Mr. HARRINGTON was understood to oppose the policy of licensing distilleries; the matter had been settled by the House, and he saw no occasion for renewing it. He could not see why the distillers did not invest their capital in some more useful branch of trade.

Hon FINANCIAL SECRETARY agreed in the propriety of licensing the manufacture of spirits if any means could be devised to collect the revenue upon every gallon of spirit manufactured, but he was afraid that could not be done, as they had tried the experiment of watching the distillers for years without success.

Mr. ESSON was glad to see that the Petition was likely to receive favorable consideration. He had great respect for Temperance men, but he thought it was a great mistake, to suppose that the withdrawal of distillers licenses would stop the consumption of rum. The people would have it, and if it was not manufactured in the Province it would be imported.

Hon. Mr. HOWE thought it best not to come to a hasty decision—the experience of the past year had shown the wisdom of stopping distillery licenses, as it was evident that the revenue had been largely defrauded in past years under the system then pursued—at the same time he was by no means prepared to say that Mr. Pugsley's claims were not entitled to the consideration of the House.

Dr. TUPPER considered that there were statements contained in the petition which if correct entitled the petitioner to some relief. After some further observation from Mr. Henry, Atty. General and Mr. Johnston the petition was referred to the Committee on Trade and Manufactures.

Hon. FINL. SECY.—By command of His Excellency laid upon the table certain papers relating to the collection of Light Duties at the Gut of Canso—Tatamagouche and Pugwash; also, by the like command, copies of correspondence touching the dismissal of H. S. McKay, late seizing officer at the port of Pictou, also a return of the amount of salaries

paid to the revenue officers at that port which were read by the Clerk.

Hon. Mr. HOWE said he thought the Collector (Mr. McCulloch) failed in his duty in not having furnished Mr. McKay with a copy of his (Mr. McC's.) letter to the Government, containing the charges upon which he was dismissed.

The hon. gentleman also laid on the table an affidavit of William McKenzie asked for by the member for East Pictou. Two had been asked for, but this was the only one used by the Government.

Mr. James McDONALD thought that both should be produced, as they had been published in the government organ.

Hon. ATTORNEY GEN. was willing to allow the hon. gentleman to examine the affidavit alluded to, but being a private document it was not necessary to lay it upon the table.

Mr. HENRY would take an early opportunity of inspecting the document, as it had been alleged that he had offered a bribe of £40 to Mr. Dan. Johnston for his vote. He had no conversation with that individual, except to ask him if he had made up his mind how he would vote.

Hon. ATTORNEY GEN. understood that Mr. Henry had offered to lend him the money.

Mr. HENRY would put his bald assertion against a hundred such affidavits, and let the public of Pictou decide against them.

Mr. JAMES McDONALD corroborated Mr. Henry's statement. Instead of offering any bribe to Mr. Dan. Johnston, that person came to him to see how much money he could get, and he said at the time he could easily get it from the Attorney General; but knowing the character of the individual, he (Mr. McD.) refused to have anything to do with him.

As regards the dismissal of Mr. McKay, the excuse given by the Provincial Secretary only aggravated the case, and exposed the harshness of the transaction. The Collector, Mr. McCulloch, not only refused to give Mr. McKay any information as to the reasons why he was dismissed, but he denied having any share in his dismissal. Mr. McKay had been in office for 25 years, and had discharged his duties with zeal, ability, and integrity, so much so that no charge had ever been made against him; and yet he was discharged without a moment's warning, and without being allowed a hearing.

Mr. GRANT said that a great deal of dissatisfaction was felt, not only by the present, but by the late collector at Pictou, with the conduct of Mr. McKay, there was a want of harmony between the subordinate and his superior officer, which seriously affected the revenue of the port,—indeed they had not been on speaking terms for the last 12 months, and it was in consequence of Mr. McCulloch stating that Mr. McKay would not obey his instructions, that he (Mr. G.) and his colleague had referred the matter to the Board of Revenue. The hon. gentleman also stated that Mr. McKay received more salary than

the other seizing officer at Pictou, and it was obtained in some way that Mr. McCulloch could not understand.

Mr. JAS. McDONALD. The remarks made only aggravate the injury inflicted upon Mr. McKay. If it were true that Mr. McKay had not performed the duties of his office faithfully, then it was Mr. McCulloch's duty to have reported that fact to his superiors long ago. This officer had been most unjustly treated, and dismissed upon some flimsy charge got up behind his back.

Mr. HENRY thought this was a strange illustration of the policy propounded by the President of the Council at Amherst—that he would not disturb incumbents solely on the ground of their political opinions.

Hon. Mr. Howe was influenced by no personal reasons in dismissing Mr. McKay, for he did not know him personally. He acted upon the request from the members of that county who desired his removal—the matter had also been submitted to the Board of Revenue. Mr. McCulloch did wrong he considered in concealing from Mr. McKay the reasons for his dismissal. At the same time he was not prepared to say that cases might not occur when a Government would be justified in dismissing an official without giving any reasons, as for instance if they found that he was secretly and underhandedly undermining the Government of which he was a servant—but as a general rule he agreed that persons dismissed from office should be furnished with the reasons for their dismissal.

Mr. GRANT would not descend so low as to recommend the dismissal of any man solely on the grounds of his political opinions—for that reason he had refused to ask for the dismissal of the Registrar of Deeds unless the former incumbent wished the office.

Mr. C. J. CAMPBELL thought it was time this question was definitely settled, so that officials could understand upon what ground they stood, and whether for the sake of a petty office, they were expected to forego the exercise of their constitutional rights.

Mr. MOSELY was understood to state that he never wished to retaliate on public officers, because they had opposed him at elections. The collector at Chester was an opponent of his at the late election, but he never would advise his removal. The late government had not acted in a similar spirit, when they dismissed an officer at Bridgewater.

After some further remarks, the House adjourned at seven until three o'clock next day.

TUESDAY, Feb. 19.

The House opened at three o'clock.

Mr. COCHRAN presented a petition from the Rev. John Currie and others of Maitland, in favor of taxation in support of education; also, a petition from Walton on the same subject.

Mr. McFARLANE presented a petition from Wallace on the same subject; all of which were referred to the Committee on Education.

Mr. COCHRAN presented a bill to divide the County of Hants into two districts. Read a first time.

Hon. Mr. JOHNSTON moved the second reading of the bill to change the name of Joseph Hyman to Joseph Pearson.

A number of bills were read a second time and referred to the Committee on Private Bills.

HON. PROV. SECRETARY, by command, laid on the table the usual account from the Commissioners of the Poor Asylum, which exhibited the fact that less had been paid by the city and county than formerly.

Mr. ESSON explained. £1,200 had been paid in since the first of the year.

Hon. PROV. SECRETARY introduced a bill to regulate the granting of Marriage Licenses; the bill went to give the Prov. Secretary power to prepare Marriage Licenses and transmit them to the Registrars of Deeds in each county, to be by them handed over to the clergymen; it also reduced the fees to \$2.25.

Some discussion ensued.

Hon. PROV. SECRETARY, by command, laid on the table certain correspondence relating to Light Houses.

Mr. BODRISOT presented a memorial from certain inhabitants of the county of Cape Breton, asking aid for the establishment of Provincial and County Museums. He remarked that the first question asked by the Duke of Newcastle, on his arrival in this country, was, "Where is your Museum?"—a question at once pertinent and replete with sound intelligence. The benefit of such institutions no man would for an instant deny.

Hon. ATTORNEY GENERAL suggested whether the memorial did not come within the rule relating to petitions for money grants.

The memorial was read and referred to the Committee on Mines and Minerals.

Mr. LONGLEY moved for a call of the House.

On motion of the Hon. Attorney General a number of bills were read a second time, and referred to the Law Amendment Committee.

Hon. PROVINCIAL SECY. by command laid on the table the Railway Report for the year 1869. The Report was read.

Mr. CHAMBERS presented a petition from one J. Fox in the county of Hants respecting the loss of some lumber on the railway.

Mr. ESSON brought in a petition in favor of taxation for the support of schools.

Mr. LONGLEY said that he wished again to bring to the notice of the House the subject which he introduced during the the previous day on the question of prohibition. He would tell the House that they were not dealing with a question hastily got up. At the last annual session of the Grand Division, when a number of most intelligent men from different parts of the country was present, was the plan matured and generally approved of. The Sons of Temperance now numbered four thousand persons of great intelligence and intellectual attainments. A circular had been addressed to the Temperance people of

WEDNESDAY, Feb. 20.

the Province calling upon them to prepare for united action, with reference to the subject he was now dealing with. The hon. gentleman, after a few remarks, moved a resolution asking the Government to test the feelings of the people upon a prohibitory enactment, simultaneously with the taking of a census.

HON. PROV. SECRETARY was not at all inclined to say it would be any very great cost to the country to indulge the gentlemen who sent in the petition in their wishes. If it would do them any good, he was prepared to say they might have their desire, but he doubted if what they proposed would be of much efficacy. The hon member said it was a criminal thing to raise duty on liquor; but he should remember that since it could not be excluded, the best thing that a Government can do is to raise some duty on the consumption—in fact tax the consumers. It was impossible to coerce a man by a prohibitory enactment; no one can make him do anything else than what he likes. He would recall the former action of the House on the same question. The hon member for Annapolis (Mr. Johnston,) had come to the House with a cart load of petitions, and endorsed the sentiments they contained with all the ingenuity and eloquence that he was equal to. And what was the result? After the Legislature had debated the question for a considerable time in a style that was honorable to every one, they came to the conclusion that a prohibitory law in a country like ours, surrounded with coves and harbors was a perfect absurdity. He believed in all sincerity that no one can convince the country that such a law can be carried out. The hon gentlemen then went on to refer to the whipping post and stocks of former days, and stated that he did not but know they could be introduced again with much benefit (laughter.) He concluded by expressing his desire to aid the temperance cause in all practicable ways, and suggesting that the hon member should allow his resolution to lay on the table for the present whilst he placed himself in communication with the Board of Statistics and found if there was still any time to carry out the wishes of the Grand Division. If it was at all feasible to to have it done, he (Mr. H.) saw no objection as far as he was concerned.

After some short discussion on the feasibility of prohibitory enactments, on the part of several hon. members, the resolution was allowed to lie on the table for the present.

HON. COLIN CAMPBELL introduced a bill to incorporate the Gilbert Pier Company. He also presented two petitions—one in favor of taxation for schools, and the other from some ladies in the County of Digby, in favor of a prohibitory liquor law.

HON. ATTORNEY GENERAL presented two petitions in favor of assessment for schools.

The House then adjourned at seven o'clock, until the next day.

HON. MR. HOWE presented four petitions from P. M. Cunningham, Esq., and 370 other inhabitants of the township of Windsor, complaining of the unjust mode in which the railway damages had been assessed in the township of Hants. The hon. gentleman explained the grounds on which petitioners complained. A long discussion then ensued, not as regards the merits of the petition, but as to whether it came within the operation of the new rule regarding the initiation of money votes.

Mr. Howe had no wish to infringe the rule, but he thought that relief could be given without a money vote.

The HON. SPEAKER said there was only one clause of the petition upon which he had any doubts, and he would claim the indulgence of the House until the next day, that he might consider the matter.

The question dropped for the present.

THE GUYSBORO' PETITION, &c.

MR. HENRY rose for the purpose of presenting a petition from John J. Marshall and other inhabitants of Guysboro', relative to road monies in said County.

MR. S. CAMPBELL said—On the instant, and before this petition is read, I will make a remark or two. Generally—in fact the invariable custom of this house has been, that when a petition is in the hands of a member for presentation, coming from a County not his own, he submits it to the representatives of that County before presenting it; and more rigidly is that rule adhered to and acted on, when matters of a personal nature are involved. Why it should have been deviated from in this instance, I may not be at a loss to conceive; no doubt the design of such a departure from parliamentary and gentleman-like courtesy, will be quite understood.

MR. HENRY—This rule is not strictly adhered to. An election petition was recently presented against the member for Cumberland, Mr. Donkin, charging him with bribery, without having been previously submitted to that hon. member.

MR. S. CAMPBELL—Let not the hon. member misunderstand me; I do not wish to prevent the petition from being read; I only complain that what I consider to be the practice of this house has been departed from.

The petition was then read.

HON. PROVINCIAL SECRETARY said—I deeply regret that the hon. member for Sydney has departed from the usual and ordinary practice of the house, in presenting this petition without having submitted it to the members.—Having done so, I may say that I rejoice from the bottom of my soul that the charges contained in the petition against my hon. friend from Guysboro are now before us and can be dealt with in a tangible shape. Whispers have gone abroad, insinuations have been made, that \$1700, or thereabouts, had been purloined from the road monies by that gentleman; a more unfounded, malicious, and unjustifiable calumny was never invented,—a more devilish piece of malignant wickedness

was never attempted to be perpetrated in the Province of Nova Scotia. At the time these whispers were circulated, these charges made, the vouchers and papers for \$1400 out of the \$1700 lay on my table. The expenditure had been authorised, the monies paid, the vouchers produced, and the remainder of the \$1700 was accounted for satisfactorily to the government; about \$200 remained undrawn in the Treasury, and the balance was honorably and fairly expended. If this system is to go on—if we are to have secret plots concocted, fictitious charges preferred, grossly untrue, but most damaging to a man's character, but few will be found willing to enter public life. A man's household affairs may be deranged, his household gods in disorder, his finances may be low,—that, however, is the last period that a friend should select to stab him. To my certain knowledge, a year or two since an expenditure was commenced by Mr. Marshall and Mr. Campbell on a public road; it became necessary to raise additional funds, and my hon. friend borrowed a large sum of money and gave his personal obligation therefor; and to my own personal knowledge he lay out of that money for several months. If the member for Sydney were to rummage through the lives of gentlemen opposite, and rake up charges against them, but few would pass through the fiery ordeal scatheless.

MR. S. CAMPBELL—In a matter of this kind I feel somewhat at a loss to express all the feelings that are crowding upon my mind. Let me ask, sir, by whom is this petition first subscribed? It is not an anonymous production, but bears upon its very face the name of John J. Marshall, my political opponent. Sir, not once or twice, but three times have I met that individual on the hustings of his native County, and on each of those occasions have I been sustained by the suffrages of that constituency, in preference to him; nor would I be afraid, sir, when the proper time arrives, if it suits my purpose and my interests, again to meet him in a political contest. Sure am I, sir, that this movement, on his part and on his associates, will redound neither to his honor or success. But there is another celebrated character whose name is to found appended to this celebrated document—that of James A. Tory,—one whom I may well characterize as a Tory by name and by nature,—a man who has deemed himself to be well employed in spending his time calumniating my private character, and by every means in his power to injure my public reputation. With his private character and reputation I have nothing to do here, although on such points I might say something. I would deal with him on other grounds. This man, James A. Tory, was by the tyrannical action of the late government, at the instance of the person whose name heads this petition and who effected the removal of Mr. Franchville, from motives of personal spite, appointed chief inspector of fish for the county of Guysborough. On the accession to power of the present government I felt it my duty to require the restoration of

Mr. Franchville to the office from which he had been so unjustly displaced. Hence Mr. Tory's antipathy and his ardor in the crusade in which he has embarked. But let me look a little closer at this paper; it is signed by only upwards of 40 persons of the whole county of Guysborough. This I am to assume is the entire number which Mr. Marshall and Mr. Tory could obtain in that county to back them in this assault. Doubtless there was no lack of will on their part to have this list extended. Headed as it is by Mr. John J. Marshall, and footed almost as it is by a character no less distinguished than Mr. Roderick McNeil, this document will be understood and appreciated wherever it meets the eye of those acquainted with them and the people of that county.

Had the public money been in fact purloined, as here insinuated rather than asserted, instead of there being 40 or 50 to complain of such robbery and oppression at the hands of those who were their constitutional guardians and protectors, a crowd of witnesses might have been gathered, and the table of the house would scarcely have afforded space for the indignant remonstrances which, under such circumstances, would have been here. It is asserted in this petition that \$1700 of the road money for the county were unappropriated by the members for the county in their road scale for last year, and it is designed to convey the calumny that that amount has been corruptly misappropriated. The honble. President of Council has already explained how the greater portion of that amount was expended, and informed the house that the accounts and vouchers for that expenditure were long ago deposited in the proper office. The hon. gentleman went on to show that there was no misappropriation, and declared himself entirely satisfied that an investigation should be had.

MR. HENRY said he was not there to bring any charge against the hon. member for Guysborough. A petition had been sent to him as a public man to present; the right of petition was sacred, and should be accorded to the people freely; he felt bound to present it, and the subject having been once brought to the notice of the House, it became necessary to be dealt with in some way. He should ask the House to allow it to lie over till to-morrow.

HON. MR. JOHNSTON—The expression of feeling by the Provincial Secretary is quite natural. What he owes to the member for Guysborough is well known. But, sir, we all know what the feelings of any man would be, if a report such as that in circulation against the member for Guysborough existed. If innocent, he could not feel otherwise than gratified at meeting it. A portion of the people of this Province—of the electors of Guysborough—have seen fit to present this memorial; they have selected the hon. member for Sydney to submit it. It was incumbent on him to do so, and he had only fulfilled a duty, and it now remained for the hon. member for Guysborough to explain the matter.

HON. PROV. SECR.—After what had been

said, he thought it but required that the House should pause until the following day, when he hoped the good sense of the member for Sydney would induce him to withdraw a paper containing charges so unfounded against a member of the House.

Dr. FETTER. No course better calculated to damage, and perhaps destroy the character of the learned member for Guysborough, could be adopted than to withdraw the petition.

Mr. S. CAMPBELL.—I did not ask that it should be withdrawn.

Dr. FETTER.—But the request has been made. Every member on both sides of the House is interested in this subject,—that it should be investigated, who can doubt? Here are grave charges prepared against an hon. member of this House, standing unrefuted; an investigation should be had, otherwise the imputation remaining uncontradicted, stamps them with the badge of truth. The member for Guysborough says this petition is only signed by 50 persons; why, sir, did not the President of the Council himself bring down a memorial signed by 603 of the inhabitants of that county, expressive of non-confidence in their representatives? He (Mr. C.) must not boast of his readiness to meet Mr. Marshall; he admits that 60 persons have signed this memorial who voted against him—his majority at the last election was but 70, and the 60 votes changed, places him now in a minority, even if his computation were accurate, which was much to be doubted. What position does the government now occupy? Taunted with weakness, and dared to appoint a Solicitor General. They have now an opportunity of proving whether Mr. Campbell possesses the confidence of his constituents by appointing him to that office. The explanation given by the hon. President of Council is not worth a rush. I may take public monies—overhold them and at the last moment get my friends to club together and make up the deficiency. I do not say this is the case, but the matter should be cleared up.

Hon. PRESIDENT OF COUNCIL had yet to learn that the Government should be instructed in the appointment of a Solicitor General by the Opposition. As to the guages and taunts, it was well known that the member for Londonderry (Mr. Morrison) had challenged the member for Annapolis to resign, and offered to change places with him, running either that county or Colchester with him. The member for Annapolis did not accept the offer. (Laughter.) As to the clubbing story, it was utterly worthless;—not a dollar was clubbed by anybody,—the suggestion did no credit to the member for Cumberland.

Mr. LOCKE asked if the discussion was regular.

The Hon. SPEAKER.—It is not.

The petition was laid on the table.

Mr. WIER presented a petition from Daniel Dianock and others, praying the adoption of taxation for Schools. Referred to the Committee on Education.

Mr. BLANCHARD reported a bill to enable the assignee of a patent Windlass to obtain a patent in Nova Scotia.

Hon. Mr. JONESTON called attention to the fact that the Hon. Atty. Genl. was a member of the Committee on Public Accounts.

Hon. ATTY. GENERAL said he desired to be relieved from that duty.

CONSULS' FEES.

Hon. PROV. SECRETARY said—In the session of 1849, the late Mr. James Fraser, then member for Windsor—one of the most active and industrious men in this House—called the attention of the country to the fact that our trade was paying very high consuls' fees in the United States. I have marked the passages in the four volumes of the journals from 1849 to 1852, and any gentleman who takes an interest in the question, can trace the action of the Legislature upon it. Mr. Fraser and other gentlemen dealt vigorously with it, and an address was passed to the Crown. Now, it so happens that the committee, the framers of the address, appear to have assumed a larger amount of our trade passing into the ports of the States, and a larger sum taxed upon our commerce, than turned out to be actually the case upon the inspection of the official returns in the possession of the home authorities: and the consequence was, that the Colonial Secretary, in his answer, put the committee in the wrong. Mr. Fraser had overstated his case, and the Imperial Government corrected his statements, showing in what particulars they were wrong. Thus, after the subject had been debated for four years, it fell into oblivion. Mr. Fraser, and every other gentleman who had taken an interest in the matter, seemed to have lost sight of it; doubtless mortified at having been placed in a false position by the exaggeration of their case. So the question has remained for some years until the past year. Last session a Captain Forbes, belonging to Pictou, called my attention to what he believed to be an overcharge of the British Consul at Boston; and I also found by some publications that appeared in the *Pictou Chronicle*, that my friend Mr. Grant was moving in the matter with a view of sifting the rights of the consuls to lay this onerous taxation upon our trade. Capt. Forbes called at the Secretary's office and told me his story. He was clearly of opinion that the consul at Boston had overcharged him time and again. I enquired as to the foundation of that opinion; and he said, I am content to pay the fee which the consul is entitled to charge when I deposit my entry, and he makes a registry of that transaction, but he has no right to charge another fee when he gives my register up. Upon discussing the question with Capt. Forbes, I found that upon one occasion he had refused to pay the fee, and the consul gave the register up, evidently feeling himself unable to enforce the payment. That caused a suspicion to arise in my mind. For if a consul was by law entitled to take double fees, he would have exacted them be-

cause he had the register in his hands; but if he was not entitled to them, he would most probably yield the point in order to save his position, and enable him to continue his exactions upon others who had less disposition to resist.

Now, sir, I shall lay on the table some papers connected with the investigation of this subject. As there was not much time to lose we selected Mr. J. Harvey, a gentleman well acquainted with the commercial affairs of this country, to go to the United States to collect all the information possible bearing upon the question. These papers I now lay before you contain the results of his visit.

It will be seen from these that it is Mr. Harvey's opinion that one half of the fees charged by the British Consuls is illegal, and ought not to be exacted. The amount of money which arises from these fees is very large, as will be seen by a reference to the report.

I may say, too, that looking at the table of fees which Consuls can exact, I cannot find any authority for the exaction which has been imposed for so long a time upon our trade; and there is nothing in the explanations which have been furnished Mr. Harvey that bears on it. There may be some instruction in the foreign office, something which gives a coloring to the charge, but it is quite evident that there is nothing about it in the table of fees.

After some more remarks from the hon. gentleman on the evidently illegal exactions, the papers were read by the Clerk.

(From these papers we learn that a fee of about \$3.75 is levied by the British Consuls at Portland, Boston, New York, and Philadelphia, on all British or Colonial vessels entering at these ports. One half of the amount or 7s. 6d. sterling is charged for a Certificate of Entry (5s.) and registry thereof (2s. 6d.),—the remainder for a Certificate of Clearance and Registration of the same. Mr. Harvey considers the latter Certificate quite unnecessary, as it is not required by the Customs, nor by any other authority of the Port of clearance, is not needed on arrival in a Provincial Port, and is not asked for by the Collector at Liverpool, England, where centres the bulk of the carrying trade between Britain and America. No such Certificate is issued at the British Consulates in the Foreign West Indies, in Spain or Brazil, nor at the Consulates of France, Spain and Portugal established in this port. The emoluments of the British Consul at Boston derived from vessels from Nova Scotia alone amount to \$4,000 per annum; at New York vessels under 80 tons pay only \$2.25, but the fee (\$3.75) at Boston and Portland is levied on all vessels indiscriminately without regard to tonnage. The number of vessels which arrived at the different ports in Maine, Massachusetts and New York from Nova Scotia during 1859 was 2659 against 2221 in 1855; the number coming at the same ports from New Brunswick, Newfoundland and P. E. Island, were 873 in 1859, against 597 in 1855. Mr. Harvey estimates

that about \$8677 is annually levied by the British Consuls in Maine, Massachusetts, and New York on vessels from Nova Scotia, one half of which sum or \$4338½ arises from the Certificate of Clearance, a tax which he considers unnecessary, and of which he recommends the abolition. The sum of \$2897 it is also estimated is levied in a similar manner on British vessels from the Provinces in British North America, one half being for Certificate of Clearance.)

Mr. MORRISON alluded to the exactions of the Consuls, and was clearly of opinion that they were unauthorized.

Mr. CHERCHILL expressed his satisfaction at the Government having taken action in the matter.

Mr. GRANT followed, and referred to the importance of the question to Pictou, particularly on account of the coal trade, which employed so many vessels between that port and the States. He found by the trade returns that it employed one third of all the tonnage that goes to the States. He had taken the trouble last summer of writing to the Board of Trade, Liverpool, and within thirty days had received an answer. The hon. gentleman then went on to read this reply, with which was transmitted the table of Consular Fees, and showed by reference to it, and to Mr. Harvey's report, the illegality of the exactions so commonly made upon colonial vessels.

Hon. PRO. SEC. said that a very summary mode of dealing with this question would be to let the opinion go abroad for the information of our shipmasters and all concerned in trade, that one half of this fee is an exaction that they are not bound to pay; and his advice would be to resist the payment. If they refused to pay it, he was confident that none of the Consuls would push the matter. The question was then referred to the following special committee: Grant, Killam, and Morrison.

Hon. ATTORNEY GEN. moved that Mr. Blanchard be substituted in his place on the Committee on Public Accounts.

A committee on Navigation Securities was then appointed as follows: Morrison, Killam, Bailey, Robicheau, Chipman, Caldwell.

It was agreed that Wednesday next be the last day to receive private petitions.

The House then adjourned.

THURSDAY, Feb. 21, 1861

The House met at 3 o'clock.

Mr. HENRY, chairman of the Committee on private bills, reported favourably as to an act to enable Joseph Hyman to change his name. The bill was committed.

Mr. HENRY asked the Government to bring down certain correspondence relating to the dismissal of Ebenezer Rand from the office of Collector of Colonial Duties.

Mr. WADE presented a petition from Crowt Cove, on the subject of school assessment.

Three bills concerning the city of Halifax, were read a second time and upon motion of

Mr. Tobin referred to a special committee, consisting of Messrs. Shannon, Henry, Atty. Genl. and Esson.

Mr. McFARLANE presented a petition from the inhabitants of the Gulf shore, on the subject of Education.

Mr. HUGH MACDONALD presented a petition from Donald McLean of Whycomagh, relating to the loss of a money letter.

Mr. COCHRAN, chairman of the committee on Mr. C. J. Campbell's contested election, obtained leave to adjourn until the 25th inst.

Hon. PROV. SECRETARY, by command, laid on the table, the report of the Board of Works, and of the superintendent of Light Houses, which were read by the clerk.

Hon. PROV. SEC'Y suggested for the information of the committee on Navigation Securities, an improvement in Light Houses, which had been brought to his notice. In the winter it was found that the light became obscured, from the windows being covered with frost—this could be remedied by having double windows. It had been brought to his notice that keepers of Light Houses, were in the habit of absenting themselves from their post without leave; he had given instructions that in future, no Light House keeper should be absent without leave longer than 48 hours. The hon. gentleman also laid on the table, correspondence relating to steam whistle, and fog bells, which had been tried on the coast of New Brunswick with success. Also, another matter connected with the committee on Navigation Securities, which was an application from Captain Carr, to be permitted to erect a building on the Isle of Hope.

The Hon. President of the Council, also laid on the table the report of the superintendent of the Penitentiary, and of the medical superintendent: he called the attention of the committee on Humane Institutions to this establishment, and hoped that they would recommend some mode by which it could be made more self supporting, by taking advantage of the labour of the inmates, as was the case in similar institutions in other countries.

Hon. Mr. JOHNSTON instanced an establishment in the United States, where a convict being a skilled mechanic, would be allowed to employ the rest of the inmates at his trade, paying the institution so much for their labour, and he making as much as he could out of them.

Mr. COCHRAN presented a petition from John Gilcup, complaining that 100 acres of his land had been taken from him and given to another person. It was objected that this petition should go to the Government, as it asked for a grant of money. After a long discussion, the petition was referred to the Crown Land Committee.

The Hon. Speaker decided that the petitions from the county of Hants, presented on a previous day, should be referred to the Government.

Hon. PROV. SECY.—A question having been asked respecting the Tangier Mines, he rose for the purpose of laying upon the table the

papers connected with that subject. The hon gentleman explained that excitement had arisen on that subject last year, and that he with Mr. How of King's College, Windsor, had gone down there for the purpose of investigating it. The papers were laid on the table.

Mr. WIER presented a memorial from George Dunn, an aged teacher, praying a grant of land—referred to the Committee on Education.

Mr. HEFFERNAN presented a petition from the inhabitants of Guysborough, praying the passage of an Act for taxation in support of schools.

Mr. ANNAND and Mr. ARCHIBALD also presented petitions on the same subject.

Hon. PRO. SEC. referred to the Indian Reserves. He said the settlement in the neighborhood of Shubenacadie have exhibited signs of self-sustainment. In one case an Indian had taken a white child and reared and maintained it. The policy of the Government would be to break up the reserves into hundred acre lots, and giving the power of alienation from Indian to Indian only; he thought this would prove an improvement on the old system. An attempt had been made to educate some Indian boys at Dalhousie College, but had not succeeded.

Mr. HARRINGTON called attention to the fact that extensive depredations were committed on the reserves. Valuable lumber was cut down, and the land thereby rendered much less valuable.

Mr. ANNAND said that yesterday a petition had been presented from Guysborough, setting forth that \$1735 of the road money of that county had not been appropriated. He now would now read the following document, showing the subdivision of the monies. It had been the practice of the House for many years for hon. gentleman to leave large portions of their road money unappropriated. In this case, of the \$1735, \$1487 had been expended, and the balance was in the treasury.

(The hon. gentleman here read the paper.)

Mr. HENRY admitted that the practice of members had been to leave portions of their road money unappropriated, but that did not touch the question at issue. It is here charged that mal-appropriation had been made. The matter should be investigated, as public interests of vital importance were involved in it.

Mr. S CAMPBELL referred to the petition, and asserted that not a farthing of the money had been misappropriated; and stated in the road scale for the county of Sydney, \$2160 had remained unappropriated.

Mr. HENRY said he did not fear any action which the hon. gentleman might take. He explained with respect to the anonymous letter referred to by the member for Guysborough. He had no knowledge of that document; had never seen or heard of it, until it was read by him. Mr. Henry moved that the committee for nominating committees should be directed to appoint one to investigate the subject.

Dr. TUPPER seconded the motion, arguing that the member for Sydney had no power to withdraw it. He also denied any connection whatever with the letter already read by the hon. member for Guysborough.

Hon. Mr. JOHNSTON made a few remarks in denial of any connection with the letter read by the hon. member for Guysborough, and referred to in the *Morning Chronicle*.

After some further discussion, in which Mr. CAMPBELL, Mr. MORRISON, Mr. HARRINGTON, and other gentlemen took part, the subject dropped; there being no objection to the appointment of a committee to take the subject-matter of the petition into consideration.

The House adjourned at 7 o'clock.

FRIDAY, Feb. 22.

The House met at 3 o'clock.

Mr. HEFFERNAN presented a petition from the County of Guysborough on the subject of assessment for schools.

Mr. BAILEY introduced a Bill in addition to chapter 61 of the Revised Statutes, of Commissioners of Streets.

Mr. MORRISON introduced a Bill to amend chapter 136 of the Revised Statutes, of Juries.

Hon. ATTORNEY GENERAL presented a petition from Stewiacke on the subject of assessment for schools.

Mr. SHANNON introduced a bill relating to bankrupts. The hon. gentleman alluded to the necessity that had long existed for a good law upon this subject, and explained at length the details of the bill (which are omitted at present, as they will be fully discussed when the bill is brought up in committee.)

Hon. Mr. JOHNSTON and Mr. HOWE spoke of the necessity for some such law, and upon their suggestion 100 copies of the bill were ordered to be printed.

Mr. HARRINGTON presented a petition from Richmond on the subject of assessment for schools.

Mr. C. J. CAMPBELL introduced a bill to establish an additional polling place in the County of Victoria.

Hon. Mr. HOWE introduced a bill relating to the registry of grants, providing for the transfer of the old grants from the Provincial Secretary's office to the Crown Land Department.

Mr. BLANCHARD introduced a bill to authorise the Government to appoint Commissions without the province to take affidavits for the registration of deeds,—after some remarks the bill was read a first time.

Mr. CALDWELL presented a petition from inhabitants of Cape Breton, praying for subdivision of Grammar School monies; also, a bill in accordance therewith.

Hon. Mr. WIER presented a petition from Benjamin Reinhard and other ship masters, complaining of treatment experienced by them from fishermen on the coast of Labrador, and praying that a revenue cutter be sent down there at certain times of the year.

After some remarks from the hon. intro-

ducer and others, the petition was read and referred to the Committee on the Fisheries.

Mr. BLANCHARD moved the second reading of a Bill to enable Captain Forbes to obtain a Patent for a Windlass. This windlass was invented by a person named Emerson, in Boston. Captain Forbes had the Patent assigned to him for use in Nova Scotia.

Some discussion then ensued.

Mr. HENRY did not approve of the passing of a law to allow foreign articles to be patented here, as the effect was injurious to the country. Patents could be copied and used here when there was no Act,—but would be restricted by the passage of such Bills as the present one. He instanced the use of a simple invention in connection with a vessel's gaff, which had been copied and used on board vessels in this province, and an attempt in the United States to punish for such use was successfully resisted, the reason given that a similar invention was known in France 5 years before.

Hon. ATTY. GENERAL thought that patents to assignees should be granted with great care. There was nothing to prevent foreign patents being used here. He instanced one in use in a Lathe Factory at Stewiacke.

Mr. KILLAM alluded to difficulties which had arisen between the inventor and manufacturer in the States. He would not oppose the Bill, but would like to see its operation limited to seven or eight years.

Mr. BLANCHARD said that Captain Forbes has received the assignment from Mr. Emerson, and had all the rights of the inventor. The time was regulated by our Statutes. English patents are assigned and used in the United States. The windlass now referred to is highly spoken of—and Capt. Forbes is a Nova Scotian. By granting the right to Captain F. the article could be manufactured here, and the vessels using them in the States could not be interfered with.

Mr. Coffin was understood as expressing himself in its favor.

Mr. H. McDonald opposed the bill—he did not like special legislation in such cases. He did not see how any Act passed here could protect vessels using this windlass, if made here.

Mr. Grant said he did not know the law, but he did the practice. Cunningham's reefing topsails are used freely—but vessels using them without having secured the right, cannot enter a port where patentee has rights, without being affected. Under this bill a party might either purchase the article here or in the States. Its operation would injure no one, and would not benefit patentee to any extent. It differed from mill machinery, and other inventions which might be copied and used in the Province without obstruction.

Mr. TOBIN could not appreciate the argument of the last speaker. If the Bill will do no injury, and but little benefit arise, why pass it at all. The House, he thought, should abide by its patent laws. This Bill, he said, was to protect individual interest, by

MONDAY, February 25th.

taxing all vessels which arrived in port using this windlass. Difficulties had arisen with our vessels in the States, by parties getting trifling patents, such as the Gaff which had been spoken of.

Mr. HENRY considered that the inventor had no right to assign his patent. He also contended that the principle of the Bill was bad, and would lead to an unfair tax on ship-owners.

Hon. PROV. SECY. alluded to the present mode of having all patents sent to the office of the Provincial Secretary as being most inconvenient. There should be some place where all patents could be all deposited, for the inspection of all those who took an interest in them. As there were now some spare rooms in the Province Building, he proposed as soon as possible, placing all specimens of inventions in one of them. After some further discussion, the bill was read a second time on a division.

Mr. LONGLEY said that upon enquiry at the Board of Statistics he found that it would be impossible, without incurring a large expenditure; to carry out the wishes of the Grand Division in regard to the census. For this and other reasons they had thought it advisable not to press their wishes further at present. The hon. gentleman also said that he was glad to see that the Government had been brought to a right state of feeling, and were anxious to meet the wishes of the Temperance people. Now, temperance men would fall back on the old mode of petition,—and they would roll in one of such large proportions, a perfect cartwheel, as would frighten their opponents into acquiescence.

Hon. PROV. SECY.—I may say, as regards the Government, that we would be very unwilling to ignore the existence of a body of disinterested gentlemen trying to reform their fellow-men. They are deserving of every consideration, and I am ever ready to give them all the assistance that lies in my power. The hon. gentleman then laid on the table a plan and survey of a road from Chester to Sherbrooke; also, the report of the Commissioner for Indian Affairs, with vouchers for the expenditure.

Mr. S. CAMPBELL requested the Government to bring down a copy of Lord Stanley's dispatch of 1851, in relation to the constitution of the Legislative Council.

Hon. ATTY. GENL. introduced a Bill to incorporate the Gilbert Cove Pier Company.

Hon. Mr. WIER introduced a bill with reference to a Polling District in the County of Lunenburg.

Hon. Mr. Johnston moved for a Return of removals and appointments since the present Government came into power.

Dr. Tupper asked the government to lay on the table a balance sheet, showing the amount received and expended on the railway.

Mr. TOBIN also brought in a petition from Esson Boak & Co., and other merchants of Halifax, relative to the interference with our fishermen on the coast of Labrador.

The House then adjourned till Monday, at three o'clock.

The House met at 3 o'clock.

Mr. Wade presented a petition from the Churchwardens of Digby, praying for the passage of a law to enable them to sell certain lands in that County, and to appropriate the money for educational purposes. He also introduced a bill in accordance therewith.

Mr. Heffernan introduced a bill from the County of Guysboro', relating to assessment for schools. Also from the same place, praying for the repeal of the act relating to Inspection of pickled fish.

Mr. Mosely presented a petition from the inhabitants of Bridgewater, praying for an act to enable them to assess the district for expenses incurred in reference to a law suit relating to a fire engine. Also introduced a bill in accordance therewith.

Mr. Bourinot introduced a bill to extend the operation of the 1th clause chapter 95 Revised Statutes, entitled 'Of River Fisheries,' to herrings. At the suggestion of the Attorney General, the bill was referred to the committee on fisheries. The hon. gentleman also introduced a bill in accordance with the prayer of a petition presented by him on a previous day, imposing a tax upon dogs.

Hon. Attorney General introduced a bill in amendment of the act to provide for the registration of warrants to confess judgment.

Also, by command of His Excellency, laid upon the table the returns from the trustees of Pictou Academy, which were read by the Clerk and referred to the committee on education. The hon. gentleman also introduced a bill to amend the act incorporating the Londonderry Mining Company.

Mr. Grant presented a petition from Roger Hill, West Pictou, against assessment for Schools.

Several bills were read a second time and referred to the committee on private bills.

Mr. Mosely presented a petition from New Dublin, praying for assessment for schools.

On motion of the Attorney General, the House went into committee on bills.

Mr. Martell in the chair.

A bill to enable William Forbes to obtain letters patent for an improved windlass, was taken up. Objections were made by Mr. Henry and others, that the time for the operation of the patent was not limited, so as not to exceed the time granted in the United States to the original patentee, from whom Mr. Forbes has obtained an assignment; and also as to the insufficiency of the means provided for in the bill to obtain proof of the fact that the assigner was really the original patentee.

The propriety of the suggestions was admitted by the introducer of the bill, and after some discussion the hon. Speaker moved that two clauses be added, the 4th clause providing that before any patent be granted, it be proved to the satisfaction of the government that the assigner was the original patentee; and a 5th clause limiting the operation of the patent to seven years.

Upon the reading of the clause which states

that "nothing in the act shall prevent any person from purchasing a windlass in the United States for his own use," a long debate ensued.

Mr. Hugh McDonald moved that after the words "for his own use," the words "or for sale" should be added. The motion was negatived. The clause then passed.

The hon Attorney General then moved the additional clause, which was adopted.

The committee then rose, and the bill with the amendments was ordered to be engrossed.

Mr. S. McDonald presented a petition from Mr. D. C. McCallum, praying the passage of a bill conferring on him a patent for improvements in the building of bridges. He said the party was a British subject, resident in the United States. He also introduced a bill for that purpose.

Mr. J. McDonald presented a petition from the inhabitants of New Glasgow, praying aid towards the construction of a wharf.

Hon. PROV. SEC'Y.—The hon. member for Annapolis asked a day or two since whether any answer had been received from the Duke of Newcastle, to a letter written by him (Mr. J.) That reply had been received, and he felt it his duty, since the Despatch of the Lieutenant Governor to the Duke of Newcastle, dated early in January, had been largely commented on during recent discussions, to lay all papers in connection with the subject on the table.

The hon. gentleman then presented—

1st. A letter from himself to the Lieutenant Governor, dated 4th January, 1861.

2nd—A paper addressed by the Lieutenant Governor to the Duke of Newcastle, dated 8th any, 1861.

3d—The Duke of Newcastle's reply, dated Downing Street, 2nd Feb., 1861.

4th—A letter from Hon. Mr. Johnston to the Duke of Newcastle, dated the 8th Jan.

5th—A Minute of Council, dated 10th Jan.

6th—A Despatch from Lord Mulgrave to the Duke of Newcastle, dated 10th Jan. 1861

7th—A Despatch from the Duke of Newcastle to the Lieutenant Governor, dated 3rd Feb., 1861.

These papers were read in their order, and 150 copies ordered to be printed.

Hon. Prov. Secretary also laid on the table, by command, an abstract of the returns from the Chief Inspector of Pickled Fish, and also the county returns from 10 or 12 counties.—These returns from the counties were year by year becoming less accurate; whether it was advisable to retain the system or not he should not then inquire, but if continued greater accuracy should be observed—for not only was no valuable information afforded, but persons abroad were entirely misled on a most important branch of provincial industry.

He (Mr. H.) also laid on the table a return exhibiting the number of blind persons in Nova Scotia, by which it appeared that there were 13 in Victoria; 7 in Pictou; 4 in Lunenburg; 6 in Kings; 7 in Guysborough; 13 in Cape Breton, and 2 in Annapolis.

He also laid on the table certain returns shewing the number of bridges the span of which exceeded 100 feet. The returns comprised those for Digby, Halifax, Hants, Inverness, Pictou, Queens, Shelburne, Victoria, and Yarmouth,—those from Sydney, Richmond, Lunenburg, Kings, Guysborough, Cumberland, Colchester, Cape Breton, and Annapolis had not come in.

He also laid on the table the account current of the expenditure on Indian affairs; and a letter from the Clerk of the Peace, addressed to the Provincial Secretary on the 31st August last, referring to railway assessment for the city of Halifax.

Hon. ATTORNEY GENERAL said it would be recollected that the Provincial Secretary had last year promised a measure touching elections; and that his Excellency the Lieutenant Governor, in his speech at the opening of the house, had indicated that a bill would be submitted during the session. He (Mr. A.) would now present that bill, and would say in the outset that it was to a large extent a transcript of the English bill. He was astonished to find that on a question like this so little legislation had taken place. With the exception of a few clauses in the Revised Statutes, nothing was to be found regulating, governing or controlling the franchise. In no country in the world was legislation more required. In Great Britain, with a population of 27,000,000, but 1,500,000 exercised the elective franchise; the proportion was much greater in Nova Scotia. By a return recently received from the secretary for the census, he found that while we had a population of more than 300,000, but 60,000, or about one-fifth, exercised this right. Previous to the year 1851, when the rate-paying bill passed, the franchise in Nova Scotia was based upon the 40s. freehold. Although the increase in the number of electors created by that change was large, yet the subsequent change extended the right much further.—Take his own county for instance. In 1851 the number of electors was 2,412; its population was about 15,000—the proportion of voters was therefore but one-sixth. In 1855, with a population of 17,500, they increased to 3,541. This increase, composed of a class of persons entirely destitute of property or position in the country, amounted to above 23 per cent.

In Canada the qualification was £300, or a rental of \$30 a year, in the towns, and in the country, £200 or \$20. In New Brunswick, the rate paying system is adopted. In Nova Scotia there existed unlimited universal suffrage, without check or guard of any kind; persons exercise the right who have no stake or interest in the country,—while the legislature were going on lowering the franchise, they made no provision for the natural consequences that inevitably ensued, and were now so apparent. Some remedy was required; to introduce the ballot he well knew would infringe upon the open and manly mode of voting pursued in the mother country; he believed an almost fatal mistake was made when the

40s. freehold qualification was departed from, —whether any steps would altogether retrieve past errors, he would not undertake to say.— The present bill contained to a large extent the provisions of the English system. In that country there was an auditor of elections, who formed the channel of expenditure.

The hon. gentleman then explained the course pursued in England on the trial of controverted elections, and the mode in which committees were appointed. The Speaker chose a man of undoubted integrity and impartiality, who in his turn choose some 8 or 10 others of similar character to act as the chairmen of committees, who in turn divided the house. The committees were therefore chosen with such judgment that no doubt or apprehension of partiality existed. In this province, when an election committee was appointed, the first act of the petitioning or opposing party was to strike off every man opposed to them of vigor or ability. The hon. gentleman also explained that the bill contained a clause prohibiting a party guilty of bribery from occupying a seat in this house during the same Parliament, and remarked that the stringent provisions respecting treating had not been adopted.

Some desultory discussion then ensued as to the effects of the extension of the franchise. Hon. Mr. Johnston and Mr. Henry hardly thought that the standard of voters had been lowered in all the Counties to the degree stated by the hon. Attorney General. It was stated there was a large class of young men, chiefly farmers, living with their fathers, and who, though not freeholders, yet had every right to vote for their intelligence. Mr. Tobin was of opinion that our system was less open to corruption than any other. When the franchise is narrowed, there is far greater room for exertion of corrupt influences.

Dr TUPPER said he was most happy to give every assistance in the passage of a useful bill for the object proposed. He then referred to the manner in which the franchise had been lowered from a 40s. freehold to a ratepaying franchise. This change had taken place because the government of the day dared not face the country unless they altered the law. This ratepaying franchise was, however, so corrupt, as he had before observed, that it was found necessary to take universal suffrage; for it was impossible to recede. The question was now, since they got the franchise extended to its utmost limits, how to work it in that way that would best prevent corruption. The hon. gentleman concluded by asking whether it would not be advisable to change the mode of trying disputed elections. Surely the chief Law Officer of the Crown, after denouncing the present law, could not continue it on the statute book. He thought it would be better to send such questions into a court of law, and let two or three judges try them.

Hon. PROVINCIAL SECRETARY did not think any legislature would be willing to yield up its rights of trying its own members to any tribunal. The hon. gentleman then referred to the change from the 40s. rate-paying franchise,

and explained that it was done without his approval whilst in England, and that it did not assist the liberal party. The latter was made up of the middle class of property holders in the country, whilst the Tory party was composed chiefly of the very rich operating upon the very poor. Therefore he felt convinced that the change really was antagonistic to the interests of the liberals. The hon. gentleman concluded by stating that having tried one election upon the assessment franchise, it was found most corrupt; and all parties set to work to get rid of it as soon as possible.

Hon. ATTORNEY GENERAL said that no Parliament would be willing to subject itself to the jurisdiction of any tribunal, as would be the case if the suggestion of the hon. member for Cumberland was carried into effect.

The House then adjourned at a quarter past seven o'clock.

TUESDAY, Feb. 26th

House met at 3 o'clock.

A bill granting letters patent to William Forbes was read a third time.

Mr. Shaw presented a petition from Annapolis county asking for assessment for schools.

Mr. Morton presented a petition from inhabitants of Queens county, complaining of certain practices pursued by Newfoundland fishermen.

Mr. James McDonald presented a petition from the Custos and Justices of the Peace of the county of Pictou, praying for an amendment of the law relating to county assessments. He also asked leave to introduce a bill in accordance with the prayer thereof. He explained that the alteration sought for related to the poll tax, and was to enable constables to take the body of a defaulter who neglected to pay the tax.

Mr. Grant remarked at some length upon the incongruities of the present law, and instanced its operation in the county of Pictou.

After remarks from several other gentlemen, the hon. Speaker called attention to the desultory nature of the discussion, and to the practice of discussing bills on their introduction, as well as on their second and third reading.

Hon. Atty. General differed with the learned Speaker; there was no rule of the house to prevent it, and he thought it advisable to discuss changes in the law very carefully before they were adopted by the house.

Dr. Tupper agreed with the remarks just made, and thought it had been too much the practice hastily to pass bills through the house, and instanced the disqualification bill, which had been hurried through its stages without sufficient consideration.

The Speaker did not intend to give an opinion. It had been the practice of the house to discuss bills on their second reading; and it would be well to establish some rule, so as to avoid a debate being repeated two or three times.

Mr. Cochran spoke of the imperfectness of

the present assessment law, and of the unfair manner in which it pressed upon the agricultural portion of the people—a class, he regretted to say, who were not properly represented in the house.

After some further remarks the bill was read a first time.

Mr. C. J. Campbell moved the second reading of a bill to establish an additional polling-place in Victoria County.

Mr. Ross objected to the bill as not needed; and as not having been petitioned for.

Mr. Campbell explained that a law had been passed last session with this object, which it had been found impracticable to carry out. The object of the present bill was to make the former act intelligible.

After some further explanations from the members for the County, the bill was referred to a select committee, consisting of Messrs. Blanchard, Henry and Cochran.

Mr. Shaw asked whether any steps had been taken to ensure a revision of the Revised Statutes.

Hon. Provincial Secretary explained that the books had been in possession of Mr. Compton; a suggestion had been made to put them in a place of safety. Application was made to Mr. C. for them by letter,—he refused to deliver them up, and at the late disastrous fire they were consumed. The books being gone, it was now for the house to consider whether they would make further provision for a revision of the law. He hoped that if such steps were taken, that the inaccuracies of the last revision would be remedied.

Mr. Henry denied that any inaccuracies had been shewn, although some parties had stated that such existed; he affirmed that since their publication no act had been introduced to correct the inaccuracies, if any could be found—a proof that they were not very injurious.

Mr. Morrison called attention to the imperfect manner in which the reporting was conducted. He did not know whether any person was responsible or not, and would like to ascertain the fact.

Hon. Provincial Secretary believed the reporting arrangement of last year was more satisfactory than formerly, conducted as it had been by Mr. J. S. Thompson. Towards the end of the year an opportunity offered for providing for that old public servant, and the house was therefore left without a reporter. He (Mr. H.) first inquired for Mr. Weeks,—that gentleman having filled the situation previously,—but found that he was out of town; he then sent for Mr. Bourinot, one of the proprietors of the *Reporter*, and engaged him, subject of course to the approval of the house, to perform the work for £450, printing the pamphlet and publishing the reports in his own paper, leaving another hundred to be divided among the other papers. On these terms Mr. Bourinot went on, and judging from his own observation, although he did not scrutinize the reports very carefully, the work was quite satisfactorily performed. Prominence might sometimes be given to some

members, but of course the house had the controlling power, and could make what arrangements they pleased.

Mr. Morrison said he had on several occasions observed that a speech of the hon. member for North Hants was given not at all as delivered; other speeches were wholly omitted, and his own passed over with the statement that Mr. Morrison made a few remarks. The member for Cumberland had thrown down a gauntlet—had challenged the Provincial Secretary. Having listened to a good deal of bunkum, he (Mr. M.) got up, and in his own way—loud it might, but at least, sincere—expressed his opinions and retorted the challenge on gentlemen opposite; and while the member for Cumberland was reported at length, he was passed over by—“Mr. Morrison made a few remarks.” It was just possible he might not be reported, but it was equally possible for him to prevent the reporter being paid, which he intended to do if the system were followed up.

Hon. Mr. Wier did not complain of inaccurately reported speeches; but he remarked a mistake in a petition presented by him. It was stated that he had presented a petition from certain shipmasters, complaining of the treatment of certain persons on the coast of Newfoundland. He had presented no such petition; the injury complained of occurred at Labrador. As the statement went the whole rounds of the press, he wished to correct it.

PETITION RELATIVE TO A SEIZURE OF SUGAR.

Mr. Henry asked leave to present a petition relating to the dismissal from office of Mr. Rand.

The hon. Financial Secretary laid on the table papers, asked for on a previous day, connected with the seizure of sugars referred to in the petition.

Mr. HENRY was glad the hon. gentleman had brought down these documents; the house would now have an opportunity of investigating them. In the month of January some sugar imported by a party residing at Canning was seized; the matter was investigated before two magistrates and the Supreme Court, and the sugar was given up. But before I have concluded, I think I shall satisfy the house that not only was the sugar smuggled, but, if these documents be correct, that other serious offences were committed. With the petitioner I had no acquaintance, until he appealed to me, and handed in his petition, which I submitted to the two gentlemen representing the northern district of Kings.

The petition was read.

Mr. MORRISON said—This is a strange petition to come here; it asks for two things: first, that the decision of a court of justice may be set aside, and secondly, that monies expended by the petitioner in a law suit which he lost, may be refunded to him.

Mr. HENRY—No!

Mr. MORRISON—I apprehend that the £10 referred to is required to be refunded.

Mr. HENRY—The petition states the fact.

but does not ask that the monies should be refunded; and I am quite sure that I shall satisfy hon. gentlemen that this house is the only refuge for the petitioner, who is compelled to come here that he may obtain his rights.— On the 14th Dec., 1859, the schr. *Onward* arrived at Canning with goods; I hold in my hand the manifest of the captain, filed in the office of the collector, purporting to give an account of the goods, in which he describes a number of boxes, bales, and several other articles, without any reference to crushed sugar. Mr. Rand was not at home, and the business in his absence was conducted by a young man appointed by him. Mr. Dickie filed an entry in the custom house of goods imported to the value of \$314.48, which did not include a quantity of dry goods nor the sugar referred to. That entry not being satisfactory, as not accounting for bales referred to in the manifest, he subsequently filed a second entry, increasing the amount of goods about \$50, but paid duty on a less sum, there being an error in the addition of the latter entry. To the last mentioned entry, dated 5th Jan'y, 1860, which contained a statement that it comprised all the goods belonging to or consigned to him in the vessel, he attested before the collector, Mr. Rand.

In the same month information was given to the collector that Mr. Dickie had imported in the schooner, in the voyage before referred to, five barrels of crushed sugar, and where two of them could be found. Search was made in the place mentioned, and, in a room beneath Mr. Dickie's store, the two barrels were discovered with the marks, with the exception of the letter "B," scratched off and obliterated. This circumstance of itself afforded ground for suspicion, and was corroborative of the information previously given. The sugar was seized.

Mr. Dickie, however, made an affidavit claiming these two barrels as his own property, and also directed a note to the collector demanding that the same should be re-delivered to him, and stating that they had been purchased by him from Mr. Aikins, a merchant of Halifax. The petition alleges that, on application to Mr. Aikins by the Rec^r General, in the presence of the collector, that gentleman denied having sold the crushed sugar in question to Mr. Dickie.

The question then arose, "Was this invoice a correct one, or was it a forgery?" Sir, I hardly think a shadow of doubt as to the smuggling can exist; proceedings were taken before two magistrates to investigate the alleged act of smuggling, and Mr. Dickie came forward and testified under oath that the sugar had been so purchased by him, and the mate of the schooner *Onward* testified also, under oath, that Mr. Dickie did not import the sugar referred to on the occasion in question. I feel it fair to explain that the two magistrates were the political friends of Mr. Rand, but under the direct oaths of Mr. Dickie and the mate, decided that the sugar should be returned. From this decision Mr. Rand appealed, believ-

ing that he would be enabled to furnish further testimony. A trial was had in the month of June, in the Supreme Court; but although a subpoena had been sent to Halifax some days before, to be served on Mr. Aikins, that gentleman could not be found, and in consequence of his testimony being wanting, the suit again terminated in Mr. Dickie's favor; and Mr. Dickie admitted that he had seen Mr. Aikins the day before the subpoena arrived in town, and would have secured his attendance on the trial, only he could not obtain a subpoena in Halifax to enforce his attendance. A very pretty story, indeed! Mr. Rand was not then Collector, but having previously gone to some expense, and in the absence of any directions from the Board of Revenue, he considered it his duty to prosecute the appeal. On the trial Dickie again swore that the sugar had been purchased from Mr. Aikins, and the captain of the *Onward* again swore that no sugar was landed for Mr. Dickie from on board that vessel at the time mentioned, to the best of his knowledge. On which testimony, and in the absence of contradictory proof, the decision below was confirmed. Subsequently, during the same month, Mr. Rand's business took him to Boston, and his suspicions having been aroused by the denial made in his presence by Mr. Aikins of the sale of the sugar to Dickie, and his absence from the trial, he (Mr. R.) called on the Collector of Customs in Boston, and found that five barrels of crushed sugar had been purchased from Israel Nash and Co., by Mr. Dickie, and shipped in the schr. *Onward* about the 13th Nov., 1859, and landed at Canning on the identical 14th of Dec., before mentioned. Mr. Rand procured from the Collector a document being a copy of a Landing Debiture Certificate, which I will now read to the House, which document is under the seal of the Customs Department of that port:

(Copy.)

LANDING DEBITURE CERTIFICATE.

I, D. M. Dickie, of the Village of Canning, in the Province of Nova Scotia, do hereby certify, that the Goods or Merchandise hereafter described, have been landed in the place on the fourteenth day of December, 1859, from on board the Schooner "*Onward*," of Cornwallis, whereof Wm. Wickwire is at present Master, viz: 5 Barrels of refined or crushed Sugar, marked "D," containing, as per Bill, 1068 lbs.—which, according to the Bills of Lading for the same, were shipped on board the Schooner "*Onward*" at the Port of Boston, in the United States of America, on or about the thirteenth day of November, 1859, and consigned to D. M. Dickie, by Israel Nash & Co., of Boston, aforesaid.

Given under my hand at the Port of Canning, this 21st day of December, 1859.

(signed.) D. M. DICKIE.

(Copy.)

PORT OF CANNING, NOVA SCOTIA.—We, William Wickwire, Master, and Wm. Hemming, Mate of the Schooner "*Onward*," of

Canning, Cornwallis, lately arrived from the Port of Boston, in the United States of America, do solemnly swear that the Goods or Merchandise enumerated and described in the foregoing certificate, dated twenty-fourth day of December, and signed D. M. Dickie, of the Port of Cornwallis, Merchant, were actually delivered at said Port, from on board the said Schooner "Onward," at the time specified in the said certificate.

(Signed.) WM. WICKWIRE.
(Signed.) WM. E. HEMMING.

Sworn to at the Port of Canning, before me, this twenty-fourth day of December, 1859.

(Signed.) L. W. EATON, J. P.

(Copy.)

We, Eaton & Northup, and John H. Clarke, residing in the village of Canning, merchants, do declare that the facts stated in the preceding certificate signed by D. M. Dickie, of said Canning, merchant, on the 21st day of December, are just and true, and worthy of full faith and credit. We also declare that there is no consul or agent of the United States of America, now residing at this place.

Dated at Canning, the twenty-first day of December, 1859.

(Signed.) EATON & NORTHUP.
(Signed.) JOHN H. CLARKE.

Custom House, Boston,
June 27th. 1860.

I hereby certify the accompanying to be a true copy of the original on file at this office.

(Signed.) BRADFORD L. VALES,
Acting Collector of the Ports of
Boston and Charlestown.

Let me now read to you a letter sent by Mr. Rand and addressed to the Provincial Secretary, dated 18th July, 1860, after the evidence to which I have just referred, was obtained.

Cornwallis, July 18, 1860.

Sir,—

I herewith transmit, for the information of the Government, an extract from the Master's report (inwards) of Schooner *Onward* Dec. 14, 1859, of sundry Goods imported by D. M. Dickie, Merchant, of Canning, Cornwallis.—Also, a copy of D. M. Dickie's entry of Goods, imported in said Schooner, and entered at the Custom House, Cornwallis, Jany. 5th, 1860; and also, a certificated copy of a landing debenture certificate, sent by said D. M. Dickie to the Custom House, Boston, U. S., stating that he had purchased and received from Israel Nash & Co., of Boston, 5 barrels crushed sugar, which certificate was sworn to by the Captain, William Wickwire, and mate, William Hemming, before L. W. Eaton, J. P., one of the owners of the said schr. *Onward*, stating that they had delivered to D. M. Dickie, merchant, of Canning, said five barrels crushed sugar; and finally, a declaration from Eaton & Northup, and J. H. Clarke, merchants, that the certificate of D. M. Dickie, and the affirmative of master and mate of said schooner, are entitled to full faith and credit.

I deem this necessary, in consequence of a seizure made of two barrels of crushed sugar by me from the store of D. M. Dickie, while collector at this port, which it would appear, by an evasion of truth and violation of law, D. M. Dickie, up to this time, has evaded justice.

The Government can deal with the question as they see fit.

I remain yours truly, &c.,

E. RAND.

To Hon. Joseph Howe, Provincial Secretary.

The question then presents itself in two or three aspects. In the first place, were these goods smuggled? Who can doubt it? Upon considering the whole case, is it not patent and apparent on its very face? And, sir, when we know that Mr. Dickie did receive these five barrels of crushed sugar from Boston by the schr. *Onward*—that they were landed at Canning, can we have a reasonable doubt that in swearing that these barrels were purchased from Mr. Aikens, Mr. Dickie stated what was utterly untrue? Leaving out the cases tried before the magistrates and the Supreme Court, by a document under Mr. Dickie's own signature, it appears that he did not pay the duty. Smuggling is clearly made out; hon. gentlemen can understand the sequence. It is a matter of moonshine whether there were two barrels or five. The Captain and Mr. Dickie both declare that none were landed; and if Mr. Dickie made the solemn declaration contained in the affidavit which is annexed to his entry he might well be considered guilty of a higher crime than smuggling—sustained as this charge is by his own certificate, sworn to by the Captain and Mate. Mr. Aikens admits that he sold on the third day of December, 3 barrels of brown Sugar, but denied having sold the crushed Sugar; it follows therefore that the Sugar found in his cellar could not have formed any portion of that alleged to have been purchased from Aikens. If he did really purchase the Sugar as alleged from Mr. Aikens who could have identified these barrels as the same sold by him, why did he not produce Mr. Aikens at either of these trials? My desire is, Sir, that Mr. Dickie should have an opportunity of clearing up, if he can, these serious charges preferred against him. The original Invoice is not here—a copy has been sent down by the Government, but when the subject is submitted to the Committee it will be important that the original should be produced. Mr. Rand, it will be borne in mind, was dismissed on the 27th April, 1860, and before the Government could by any possibility know whether the seizure would or would not be sustained in the Supreme Court, or whether he had not been merely performing his public duty. His place was required, and he had to make room for a friend of the Government, and an uncle of the man from whom the Sugar was seized. As an excuse for dismissing Mr. Rand it may be said that Mr. Lockwood was dismissed a year or two ago, but that is no sufficient answer. The Government have enunciated

the principle that no man should be displaced unless some specific charge could be preferred against him, or for open opposition to the Administration; to neither of these charges was Mr. Rand amenable, nor was he informed that any charge had been made against him in the performance of the duties of his office. It would not therefore have been upon either of these grounds that he was dismissed, and had he not seized Sugar belonging to a near friend of the Government he might still have remained in office.

I have made these statements not from any personal knowledge I have of the facts, but have gathered and reasoned upon them entirely from the documents submitted to me. It is now for the Government to deal with this case—explain this extraordinary proceeding. If they can, and show on whom the responsibility lies. More especially is this their duty when they have boasted so loudly in their organs and in the House that by their vigilance, and the manner in which they have sustained their public officers, so large an increase in the Revenue has been effected, and that while they forfeited and sold a vessel belonging to one smuggler, and prosecuted and fined many other not particularly related to them in politics, they not only made no investigation into the charges made against their friend Mr. Dickie, but actually dismissed the officer whose vigilance has brought to light this gross fraud on the Revenue, and the other serious offences disclosed by these papers.

Mr Henry concluded by moving that a committee should be appointed to investigate the charges, with power to send for persons and papers.

Hon. FINL. SECRETARY said—I think we are arrived at a strange pass, when a gentleman arises and makes such a motion for a committee to enquire into the character of individuals. With regard to this matter let me say that the hon. member knows right well that the Board of Revenue never stepped out of their line of duty in the adjudication of this case. The officer in question did not report the seizure until some time after it occurred; the first information came from Mr. Dickie himself. Any hon gentleman who takes the trouble of perusing that correspondence will find that from the very first to last politics were at the bottom of the entire affair. The collector at Canning was a personal enemy of Mr. Dickey. The Board of Revenue, it will be seen, were kept in ignorance, and its clerk directed a letter to the collector asking for full information, but it was never given. Without consulting his official superiors Mr. Rand went to two Justices of the Peace to try this case—to two violent partizans, let it be remembered, one of them having been a candidate at the last election. Yet even these magistrates with the evidence produced before them felt themselves bound to acquit Mr. Dickie. What more then? The case was carried to the Supreme Court, and the decision below not reversed but sustained. Both in bringing this action and in taking it to the Supreme Court,

Mr. Rand acted entirely without any advice or recognition from his official superiors. Now gentlemen will perceive that there is an animus, a personal spite, a political hatred running through the whole transaction, there was an intention throughout to injure one of the most respectable men in the county of Kings. But Mr. Rand is removed. If there was no other reason for removing him that he did all this without the approbation of his official superiors, it would have been a sufficient justification for the course we took. But more; Mr. Lockwood was removed by the late Government, and we thought it incumbent upon us to reinstate him because we were of opinion that he had been improperly removed. Now we are told that we do not sustain our officers, and the present case is adduced. Let me show him the contrary. We have an immense increase of revenue, which sufficiently shows, I think, we have sustained all vigilant officers; but I do not hesitate to say that I consider the old officer (Mr. Rand) was not a good one. He lived in a district where he was notoriously unpopular and disliked. I believe it would afford a great many traders in that county exceeding pleasure to elude Mr. Rand. The present officer, however, is an obliging officer; and one reason that you may get more revenue is because he is vigilant and obliging, instead of being both unaccommodating and disliked. I do not feel myself called upon to make any other observations on this subject. Should the time of this House be frittered away by bringing charges continually against this officer and that officer, and trying out cases before committees? I am satisfied that the Board of Revenue could not have acted differently in this matter.

Hon. Mr. WIER—I can merely say that Mr. Aikens did admit in my presence that Mr. Dickie did purchase two barrels of crushed sugar, and I went to his store and demanded to see his books. Mr. Chipman was with me at the time, and we saw that the entry was made in his books in the usual way—that is all I know about the sugar. The whole case, let me say, was decided in a court of law after an ample investigation; and that fact should satisfy every one. What could the Government do after such a decision? Why, of course, to order the sugar to be given up. But it is now said that certain information has been since then obtained.—Well, I rather think our neighbors in the States are defrauded of revenue in the same way as we have sometimes been. I could point to cases in this city where documents have been forged with the names of revenue officers. At all events I cannot think this is the proper place to try cases of this description. If Mr. Rand has obtained any evidence which he thinks has improved his position, let him go into the Supreme Court again and try it out.

Mr. HENRY replied that it was the Government he wished to try, for not giving their proper attention to the whole subject; for not having properly investigated it. The

hon. member would see that it was a matter of comparative indifference whether the sugar was bought of Mr. Aikens or not. He (Mr. H.) was really asking what had become of the five barrels that was landed. There was sufficient evidence to lead one to the conclusion that if these two barrels were not smuggled, five others were. This was one of the most glaring cases he had ever known, and demanded full and impartial investigation. The House was the proper place for the representatives of the people to say to the Government, You have not done your duty, but have acted with partiality.

Mr. MORRISON did not see the slightest force in any of the remarks that had fallen from the hon. member for Sydney; in fact, they were hardly worth the paper on which they were reported. He did not consider the House at all the proper tribunal to investigate such cases. Indeed, he thought that it was wrong the other night to have submitted to a committee to try out certain charges against a gentleman. He, as one of the representatives of the people, could not submit to having such frivolous cases brought continually before the Legislature. Besides, if he mistook not, there was a section of the law, which said that a man cannot be attacked again after six months had elapsed. He would say again to the hon. member for Sydney that he did not think it was a very melancholy thing to complain of, that an officer had been dismissed because he had been so negligent as to allow smuggling to go on under his nose, and not detect it. Why that very reason alone was a cogent argument for his immediate dismissal.

Mr. TOBIN said he would approach the question from a disinterested point of view, not with a political bias. Judging from the papers that had been read by the hon. member for Sydney, he must say that a more gross transaction had never come to his observation. If these papers, the certificates under the hands of the collector in Boston, were true, never was a more flagrant fraud attempted to be perpetrated upon the resources of this country. He would here explain that the sugar in question was refined from a foreign imported article; that is, sugar was imported, and on being exported, was entitled to a drawback equal to the duty that was paid upon the brown sugar when it was imported into the States; and hence all these papers were requisite to identify it. They were regular, and carried conviction with them; there was not, in fact, a single link wanting in the chain. What were the circumstances? An order was given for a certain quantity of sugar. It was brought in the schooner *Onward*, and landed at Cornwallis on the 14th December; but though entries were made of the cargo, that sugar did not appear in them. The importer, however, went before a magistrate with the captain and mate, and there certified that the sugar was landed; and these papers were returned to the custom house in the States to cancel the bond that was given by the merchant that shipped it. And yet despite this

evidence, it was pretended that no sugar was landed. If the papers were true, a greater fraud was never perpetrated.

Hon. PROV. SECY. said—I wish first to answer the hon. member for Sydney who says we have violated the principle laid down by the leader of the Government. I would ask him hereafter to draw a slight line of distinction between the Government that existed in the spring and that which now holds power. I am not at all anxious to be removed from any responsibility for the acts of Mr. Young's administration, but I wish it to be clearly understood that there may be some shades of difference between the two. When we come to discuss distinct statements of policy, I wish that the hon. member should give me the benefit of my own principles as I propounded them from the time I assumed the leadership of this Government. As regards the act of which the hon. member complains did Mr. Young violate my principles? Certainly not. Mr. Rand was removed from office, it is true, but he it remembered that he was also thrust into a position that had been occupied by a supporter of Mr. Young's party. Mr. Lockwood was the collector in Canning; his office was wanted for a partizan of the hon. member for Annapolis, and so he was turned out, and Mr. Rand put in his place.

Dr. TUPPER—Does the hon. gentleman mean to say that Mr. Lockwood was removed merely to make place for Mr. Rand? does he not know that he was dismissed upon charges made against him, and after enquiry.

Hon. PROV. SECY.—I am quite willing to assume this, that they did not, put him out until they trumped up a charge of some kind against him, as was usually their practice. Mr. Young's Government went upon this principle, that every man who we believed had been treated with injustice should be put back into the place from which he had been thrust out. And the hon. member for Sydney will see that Mr. Lockwood was re-installed in the post from which we conceived he had been unfairly dismissed. He would have been put back whether the sugar had been seized or not, under any circumstances whatever.

Now, let the whole of this transaction be borne in mind. Mr. Rand seizes the two barrels of sugar. The hon. member for Sydney now comes with some papers got from Boston, and says five were smuggled. What have we to do with that? Only two were seized by the officer; and let me say that I cannot see in what particular we are amenable to censure. Mr. Rand seized the sugar, and should have written to the Board of Revenue for instructions. He did nothing of the kind; and from the beginning to the end he left on my mind and every other member of the Government the impression that he was a good deal more anxious to vent his personal and political hatred upon a neighbor than he was to do his duty as a vigilant and faithful officer. The first thing that Mr. Anderson knew about it was that Mr. Rand had

got Mr. Dickie up before these two well-known partisan magistrates. Certainly if he had wished to do right he should at the very first have reported the whole transaction to the Board of Revenue, and asked for advice. What did the Government do? Did they step in and stop the proceedings? No, sir, he was left to try his case before these partisan magistrates. By and by the court of his own selection gave a verdict against him; and yet not satisfied he must take the case into the Supreme Court. We left him to make out his case there; and what was the result? With all the authority of his office, with all the information he could produce, he was a second time defeated. Suppose some more evidence has since been disclosed, what has the government to do with it? As far as the past is concerned we did what was right. Let me here say that the House cannot refuse any fair investigation; but we should take care not to bring up private characters and try them here. We are acting, I must say, in a manner that is not very creditable, when such accusations of forgery and fraud are made as we have heard to-day. I think before we are much older we will be able to bring in, not a matter of four or five shillings, but some of larger moment that will give the House and the country an idea of the proportions of some cases of fraud on the revenue.

Mr. HENRY said he did not make any charges from his own knowledge; he had merely stated them as they were apparent from the papers which had been handed him.

Hon. Mr. JOHNSTON.—Is there anybody here who will not endorse the statement of my hon. friend from Halifax, that if the facts are true, this is a transaction which it is almost impossible to designate by its true name? Five barrels of sugar are brought in, but they are not included in the entry, but are smuggled. When the party is prosecuted, the importer, the master and the mate all swear that no such barrels were brought in; and through that testimony thus given before two tribunals, the importer is acquitted. And if these statements before us be true, not content with avoiding the duties here, the party makes up papers for the purpose of releasing bonds in Boston. What is done? He goes with this same master and mate before a magistrate and makes a statement that these five barrels have been imported. They are sent to Boston, and the draw-back is arranged. If these statements be true, not only has there been smuggling, but a vigilant officer has been thwarted by a series of most shameful transactions. But it is said that these papers are only copies, they may be forgeries. This, however, I know, that last summer a paper purporting to be a fair copy from a document filed in the Customs at Boston was placed in the hands of the Government. The petitioner tells us this; and in that case should the Government have acted as they have done? If there was forgery why did they not prosecute? Was not that a case for the Attorney General? Should they not have said to Mr.

Rand, we thought you were influenced by political rivalry, but we now find reason to apprehend that you have been shamefully frustrated whilst attempting to do your duty; and we will indemnify you for what you have lost in the past? That was the duty of the Government under the circumstances. I have no hesitation in saying, sir, that this is a case which necessitates the fullest enquiry.

On conclusion of the hon. gentleman's remarks the House adjourned until 3 o'clock the next day.

WEDNESDAY, Feb. 27, 1861.

House met at 3 o'clock.

Petitions were presented by the following members:

By Mr. Shaw from Wilmot in favor of assessment for schools

By Mr. McFarlane from Cumberland on the same subject.

By Mr. Hesterman from A. N. Whitman and others praying an alteration in the law relating to inspection of Fish.

By Mr. Pryor from George Bignell and others Cordwainers and Leather dealers, praying amendment of Cap 85 sec. 87 Revised Statutes, relating to the inspection of leather—also a bill in accordance therewith.

By Mr. Wade from Digby county asking for assessment for schools.

By Mr. Grant, from inhabitants of Pictou and New Glasgow, asking for an act to authorize the erection of an Hospital in the town of Pictou. Also a bill in accordance with the prayer thereof.

By Mr. Townshend from the principal Merchants and shipowners of Yarmouth, praying aid towards a steamer between Boston and Halifax touching at Yarmouth. He recommended it to the favourable consideration of the Government. Hon Mr. Howe stated that when the estimates were brought down it would be found that £1000 had been provided for that purpose.

Mr. BOURNOR presented a petition from Mr. C. H. Harrington, merchant of Sydney praying that an investigation may be had as to the disposition of certain road monies for that county some years ago. He knew nothing of the facts of the case, but he thought that justice demanded that an investigation should be held.

Mr. S. CAMPBELL said this matter had been before the House several times, and was disposed of by the report of a committee in the session of 1856. The hon gentleman read from the Journals an extract from the report stating that the committee considered petitioner had no claims for the consideration of the House

Mr. HARRINGTON (who could scarcely be heard) explained the previous action of the House, and contended that justice demanded further investigation. The Government should exercise their power over one of their own agents, who overheld money belonging to another.

Hon. Mr. LOCKE had been on one of the previous committees, and considered the case had been settled.

Hon. ATTY. GEN. and Hon. Mr. HOWE also considered that the matter could not be further investigated. The House could not put the petitioner in a better position—if he had a claim on a party for money overheld, he had his remedy in an action at law.

Dr. TUPPER said that although this may be the same case as that previously before the House, yet the application now made, which was for an investigation, may be of a different character.

After some further remarks, Mr. ROSS suggested that the Government send a copy of the petition to the parties implicated, so that they might have an opportunity of answering it.

Hon. Mr. HOWE would consider the matter.

Mr. HARRINGTON brought to the notice of the Government a petition, numerously signed, from the county of Richmond, asking for a special grant for a road leading to certain coal mines in that locality.

Hon. Mr. HOWE received it, but was afraid that it could not be entertained, as similar aid had been refused to mines which had been some time in operation.

Mr. JAMES McDONALD introduced a bill to provide for the construction of a public wharf at Picton. Also, a memorial from Alex. McKay, which he would ask to be laid on the table for the present.

Mr. SHANSON presented a petition from Mr. John Gammon, who had lost his arm while employed on the railroad; and having been subsequently employed on the works in a different capacity, complained of the chairman of the Railway Board in reducing his salary and compelling his wife to give up keeping a shop.

Hon. Mr. HOWE would enquire into the matter, but, if rightly informed, the petitioner had been lately drunk on duty, and insolent to the superintendent.

Dr. TUPPER thought the hon. gentleman rather premature in throwing out these insinuations, unless he had good ground for doing so.

Hon. Mr. HOWE was obliged for the remark. The words were scarcely out of his mouth before he thought he might be doing the man injustice. He had been so informed, and would make further enquiries.

Hon. Mr. WIEB presented a petition from Margaret Hawbolt, an aged school teacher, praying a free grant of lands.

Petitions and Bills were presented as follows:—

Mr. ROSS presented petition of Donald McQuarrie, and others of Middle River, praying for a reconsideration of their claims on Indian Land.

By Mr. JOHNSTON, from Dr. Cramp, praying for an Act to provide for the registration of Births, Marriages, and Deaths.

(Hon. Mr. HOWE said it would receive the attention of the Government.)

By Mr. McFARLANE—a bill to establish division lines between polling districts No. 5 and 7 county of Cumberland. By Mr. SHANSON—a bill to prohibit the erection of wood-

en buildings within certain portions of the city of Halifax. By Mr. ESSON, from John P. Mott and others, asking for an Act of Incorporation for a Gas and Water Company in Dartmouth; also, a bill in accordance therewith; also, a petition from inhabitants of Dartmouth, in reference to assessment for a lock-up house; also, a bill in accordance with the prayer thereof.

(Mr. McFARLANE called attention to the necessity for some general law placing these lock-up houses under the control of the Sessions, or some other authority.)

Hon. ATTY. GEN. agreed, and said such a clause might be added to the bill.

Mr. ESSON had no objections.)

Mr. ESSON also introduced a bill to incorporate the Halifax Steamboat Relief Company; also, the petition of Rev. Wm. Stewart and others of Musquodoboit, asking for taxation for schools; also, a similar petition from the parish of Sackville.

Mr. L. SMITH introduced a bill to divide Queens County into two school districts.

Mr. LONGLEY,—a bill to amend the License Law, the bill was read a first time, and made the order of the day for Tuesday next.

Mr. PRYOR introduced a bill to enable the City of Halifax to issue new certificates in the place of those issued in 1848.

Dr. WEBSTER presented a petition from the Medical Society of Nova Scotia, to enable them more effectually to prosecute the study of Anatomy. Also a bill in accordance with the prayer thereof. He explained that the object of the bill was to legalize dissection, and to enable medical men to prosecute their investigations, as was the case in Edinburgh and London. That the bodies of persons dying in the Poor House for instance, or elsewhere, who had no friends or relatives to bury them, might be handed over under certain restrictions to members of the Medical Society.

Hon. Mr. HOWE said there was an old saying "kick him he has no friends," this was, "dissect him he has no friends,"—(laughter), after some further remarks the bill was read a first time.

Mr. HENRY presented the petition of James Mitchell, of Halifax, who, in the year 1850, contracted to roof the Engine House. Sub-contractors had engaged with him to perform the work, and had been put to much expense, but, as the work was not carried on, Mr. Mitchell and they were subjected to a great loss.

Hon. PROV. SECRETARY.—This question was submitted to the Government, but, as it involved a degree of feeling, they thought it better that the subject should be investigated by a committee.

Mr. ESSON.—Mr. Mitchell is not the principal sufferer; the poor parties on Windsor Road are now feeling the loss occasioned by their having engaged to perform contracts partially fulfilled, but for which they had never been paid.

Dr. Tupper rose to order. He did not think the petition could be received; it involved a

money vote, and should be dealt with by the government.

After some further discussion, the petition was referred to the railway committee.

Mr. Henry presented a petition from an old teacher, asking a grant of land.

Hon. Atty. General presented a petition from Donald Ross and others of Colchester, praying that the system of taxation for the support of schools might be adopted. Also, a petition from Angus Mattheson and others, on the same subject.

He also introduced a bill to extend chapter 99 of the Revised Statutes, relating to fires and firewards.

Mr. Blanchard presented two petitions from Inverness, in favor of taxation in support of schools; also, two other petitions from the inhabitants of Lake Ainsley, on the same subject.

Hon. Provincial Secretary handed a petition which he had received from Cape Breton, to the member for that County, Mr. Bourinot, by whom it was presented.

Hon. Attorney General presented a petition from George Augustus Christie, relating to school monies.

Mr. McLellan presented a petition from the inhabitants of Five Islands, on the subject of education; also, a petition from the inhabitants of Economy, on the same subject.

Mr. Blanchard presented a petition from Angus McDonald, school teacher in Inverness, on the subject of education.

Hon. Mr. Johnston presented a petition from the Rev. James A. Ritchie and others, touching educational matters.

Mr. Mosely presented a petition from the Board of School Commissioners for the district of New Dublin.

The several petitions relating to education, were referred to the Committee on that subject.

Mr. Henry presented a petition from Mr. C. E. Hewitt, alleging that he had been detained as a witness on the part of the Province for some months from the performance of his duties, and requesting remuneration. Mr. Hewitt could have obtained a situation worth some £300 a year, but was prevented from leaving the Province by receiving a subpoena to attend a trial on behalf the province.

Hon. Attorney General stated that the government had already agreed to pay \$100, which he thought was a great stretch of liberality on their part. It was said, with what truth he knew not, that Mr. Hewitt had absented himself purposely from the Court on the first trial, and thus it was postponed for three months.

Mr. HENRY—Mr. Hewitt positively denies having purposely absented himself.

Hon. PROV. SEC'Y.—The government considered the matter, and thought \$100 ample compensation; whether Mr. Hewitt purposely absented himself or not, it was quite clear that one man had been kept in torture for three months, because of his absence.

Hon. Mr. JOHNSTON—If Mr. Hewitt purposely absented himself, he is not entitled to

any compensation; but that is matter of fact, and susceptible of contradiction. He thought an investigation should be had.

Mr. WIER thought it strange that the petitioner, knowing that the trial was coming on, should have been absent.

Dr. TUPPER did not see how the petition could be received by the house.

Hon. Attorney General stated that a telegram had been sent to Guysboro', where it was said Mr. Hewitt had gone, but he could not be found.

Mr. S. Campbell had made inquiry as requested by two telegrams, one received from the Attorney General, and the other from Mr. Ritchie, but was unable to discover the whereabouts of Mr. Hewitt.

Dr. Tupper thought that fact necessitated a reference to a committee; Mr. Hewitt in his affidavit had stated that he was absent on private business.

After some further discussion, the petition was referred to the railway committee.

Mr. Henry introduced a bill to carry out the report of a committee last year relating to assessment.

Read a first time.

Hon. Attorney General presented a petition from Mr. McLeod on the subject of education.

Mr. Henry said he begged leave to move that the resolution laid on the table by him on a former day be made the order of the day for Thursday.

Hon. Prov. Secretary had no objection to that; but he thought the subject would assume its proper position if the discussion were postponed until after the question of railway extension was considered.

Mr. J. McDonald was about to ask the Provincial Secretary when that subject would be brought up?

Hon. Provincial Secretary—The hon. gentleman will see that it is necessary to make preparations—bring down papers and obtain the necessary information, before such a subject could be dealt with as it should be.

Dr. TUPPER did not think it would be in the power of the hon. gentleman to introduce that question to the House at all, unless he was prepared to propound it as a Government measure. The same rule which prevents any member from moving for a grant of public monies, would exclude the member for Hants from making a motion involving a large Provincial expenditure.

HON. PROV. SECRETARY did not intend to move a money grant but a resolution asking an expression of opinion from the House as to the propriety of extending the railway. If the arguments of the member for Cumberland be sound then members would be precluded from dealing with any great public question—such, for instance, as the union of the colonies.

Dr. TUPPER—No; that is an entirely different thing; it is a question of policy occasioning no expenditure of public money while that of Railway extension involves an outlay of £100,000. The moment the Provincial Secretary asked an expression of opinion from

the house on that subject he pledged each member voting with him to sanction that expenditure. It is the duty of the government to deal with this matter; from the introduction of responsible government down to the present time the principle that the administration was bound to deal with great public questions had been recognized, and more especially was that duty incumbent since at the last session the house had conferred on them the initiation of money votes. Can the Prov. Sect. point to an instance in England where an expression of opinion has been asked for individually by a member of the cabinet, or a subject whereon the government were divided and involving a money vote?

Mr TOBIN saw no objection to the course indicated by the Provincial Secretary, for if he brought down this measure to himself expend £100,000, his government would be broken up. (Laughter.) If the administration were in favor of it, why not make it a government measure? If opposed to it, the hon. member should be the last to bring it into the house, for if he succeeded in carrying it, he smashed his own government. (Hear and laughter.)

Hon. PROV. SEC'Y. did not contemplate anything quite so extensive as that. His first object, of course, was to keep the government together (laughter); for if he did not, all manner of mischief would inevitably fall on the country. It might not be difficult, if trammelled by colleagues, to bring down some great public measure on which diversity of opinion existed, throw everything into confusion, and necessitate a reconstruction of the government; but he did not apprehend that any such necessity existed. He felt that as a public man, in touching that question at all, he was making one of the largest sacrifices ever made by any leader of a government. He was trying to accomplish good, against the wishes of men coming from the very sections of the country to be benefitted. Power, he could maintain, and allow the question of Railway extension to sleep. As a government measure, it could not be brought down; no government could be formed on it.

Dr. TUPPER did not wish to form one.

Hon. Mr. JOHNSTON—On it.

Hon. PROV. SEC'Y.—The hon. member says "On it." He cannot carry the Cumberland railway, nor dare he attempt the formation of a government to carry it.

Mr. HENRY argued that the government alone could deal with the question, and referred to the fact that the Speaker had ordered petitions on the subject of education to be handed over to the Financial Secretary—(hear, hear). For the leader of a government entertaining diverse opinions on a great public question to come down and move a bold resolution, was certainly a most unprecedented as well as unconstitutional course—(hear). If it were proper, could not a motion be made that the house should resolve itself into a committee of the whole to consider the propriety of extending the roads and bridges, and carry a motion

involving an expenditure of four or five thousand pounds? If that course were accurate, the initiation of money votes was a nullity.

Mr. J. McDONALD did not see that any impropriety existed in the proposed motion, but was certainly surprised to hear the hon. Prov. Secretary announce that he was the biggest fool in the country for connecting himself with railways, when the fact was patent to all the world that he could not consistently retain his office if he ignored railways, and that he was now sustained in his government under pledges made in respect to the very road referred to. He had seen enough to prove that the boast that he could keep his government together and not give the people a mile of road was true—(hear)—and had ever been so. The imputation contained in the Prov. Secretary's remarks that "those coming from the very districts to be benefitted opposed the work," was designed to put him (Mr. McD.) in a wrong position, but it would fail. He was, and had ever been, a true friend to the railway.

Hon. PROV. SEC.—That may be; but if Pictou had many such friends, she would, he apprehended, remain a long time without a Railroad. The hon. gentleman seemed to think that in some way or other the road is indispensable to his (Mr. H.'s) political success.

Mr. J. McDONALD.—No!

Hon. Mr. JOHNSTON.—Political integrity.

Mr. J. McDONALD explained: he had said that the Provincial Secretary owed his position to pledges made respecting the Pictou Railway.

Hon. PROV. SECRETARY.—The hon. member for Annapolis pledged himself to Maine Liquor Law, which he never carried out, and yet the member for Pictou sustains him.

Mr. J. McDONALD—I never pledged myself to that.

Hon. PROV. SEC.—Yes, sir! the member for Annapolis might walk round the whole political compass and yet he would be sustained by the member for Pictou. To the subject of railways he (Mr. H.) had given many laborious days and sleepless nights, and desired to see something like a system in the country; but he would deal with hon. gentlemen opposite frankly. It might be possible that if the government were defeated he could find four or five other gentlemen to support it; but he would give the warning if it comes to this that the government or the railway is to be perilled, then the railway must go. Self defence was the first law of nature and the administration were bound to protect themselves. He hoped, however, that this necessity would not arise.

Hon. Mr. JOHNSTON would ask if the hon. President of the Council could find, in the British House of Commons, a member of the Cabinet presenting to the consideration of the Parliament a subject of vital interest to the whole country, and telling them that he brings it forward though he differs with his colleagues and many of his party in regard to it. Such a thing would be unconstitu-

tional; and yet it was the course intended to be pursued by the hon. President of the Council. Was not a Government formed for the purpose of determining all large questions respecting the country? and if they are not supported in their policy by a majority, must they not go out? But look at the matter in another light. A new system had been lately introduced in regard to money; and certainly such a question as the present should come under that new rule. It was true the hon. gentleman might frame a resolution that would remove the difficulty temporarily; but the moment it was carried, if it is to be effective, it must be followed up by a very large expenditure of public money. Hence the Government could not but bear the responsibility sooner or later. Had the hon. member (Mr. Howe) forgotten the memorable case of Mr. Huskisson, who, in the House of Commons, ventured to propound a sentiment inimical to a bill introduced by the Ministry; and who felt it his duty to tender his resignation which was promptly accepted? When he wished to withdraw his steps he found it was too late. What would be thought of the spectacle of Lord Palmerston, for any other Premier, coming in with a measure deeply affecting the interest of the country after the manner of the hon. President of the Council? It would not be tolerated for an instant; for it would be altogether foreign to the constitution and the usages of Parliament.

Hon. PROV. SEC. said if he thought it was for the interest of the country to make the extension of railways a Government measure he was at perfect liberty to say to any gentleman, he must either vote with him or retire. But he did not feel any disposition to do this, for he looked at the position of parties in this country, and felt he could not exercise that power. But suppose that the Duke of Wellington tried to test the feeling of Parliament upon a question of public policy, he might do it, as has been frequently done in England, by leaving it an open question. He (Mr. H.) had felt it was but, candid and right to take the course he proposed in regard to the subject. It was indeed the only way in which the question can be wisely disposed of.

Mr. S. CAMPBELL cited an authority to show that it was quite competent for the President of the Council, in his capacity as member for the county of Hants, to come with a resolution for an address to the representative of the Crown asking that a certain sum of money may be appropriated for the extension of railways in this country.

Dr. TUPPER replied that the hon. gentleman had showed the impossibility of any person taking the course which he had just said was open to the hon. member for Hants. He (Dr. T.) was free to admit that when the ministers refused to bring in a grant for a sum of money, then it was competent for any one to move an address to His Excellency in regard to it; and the passage of such a motion was considered tantamount to a defeat of the ministry of the day. If after a resolution had been passed by the House,

giving great power to the Government, at much individual sacrifice, any member of the House could rise up and move, not only small grants of money, but the expenditure of half a million; then the initiation of money votes by a ministry became a perfect farce. No Government should play fast and loose on any questions of magnitude touching public credit without violating the confidence of the people and the Legislature.

The question of the extension of the railway was certainly not one on which the hon. President could consistently play fast and loose; it was one on which he was bound to have a settled public policy, and to stand or fall by it. He put in the mouth of His Excellency a railway policy; but now he withdrew it, and said that before he would risk his Government, he would put out a feeler to test the feelings of the House; he could not afford a greater exhibition of his incompetency than that. The hon. President was pledged by all his past career to come forward boldly with his policy. Why, was it not an acknowledged fact, as stated by the hon. member for Pictou, that he owed all his power to his expressed railway policy? Surely he could not now be willing to pass by the very means by which he got his administration together.

The hon. gentleman then went on to show that Mr. Howe was publicly pledged by his career to assume the responsibility of a railway policy. After having been kept in power for years by his railway policy, it was nothing else than ingratitude for him to disavow it now, and say that he would be in better position if he had never anything to do with railways. Besides, after having obtained the support of the people of Pictou by his advocacy of a railway policy, he was now bound to support it as a man of honor and a statesman, and not to ignore his position as the leader of an Administration.

Hon. PROV. SEC. said that the hon. member had time and again asserted that he owed his (Mr. H.) position to the railways. Why the fact is that he had a larger majority at his back before he had ever moved a railway measure than he had since. How did he get it? Not by deceiving the public but by the exhibition of these qualities of which the people of Nova Scotia approved.

The hon. gentleman then went on to say that he believed at the present moment that if the railway was not extended so as to touch the Gulf of St. Lawrence, a large portion of the trade of that gulf would go by and be lost to us. Whilst he entertained this and other convictions on the subject of railway extension he would at the same time say that he was called by the people of Nova Scotia to preside over the government, not to make the road to Pictou. In all frankness he would say he intended to do all he could to keep his position. He was a wise minister in his opinion who consulted the feelings of the House of Commons; who in matters of perplexity and doubt asked their advice. He could not think such a course a violation of the principles of responsible gov-

ernment. But it was said he had announced a railway policy in the governor's speech. On the contrary, the speech merely said the people in different sections are looking anxiously for railway extension, and it is for the house to see whether these expectations shall be realized.

Mr. HENRY said if he recollected the words of the speech they were promised some measure not from the hon member for Hauts but from the government. Now, he would ask the friends of the railway on his own side, could they be satisfied with allowing a government divided in regard to the question to carry the railway out. Could the hon. President of the Council imagine they were going to pass a measure, and entrust it to the tender mercies of one or two gentlemen in the government who are opposed to it? If Lord Palmerston so far forgot himself as to introduce as a measure of his own, distinct from the government, something alluded to in the Queen's speech, would the parliament listen to it for a moment, particularly when he stated that some of his colleagues were opposed to the question? Now he would say to the hon leader of the government that gentlemen on the opposition benches were prepared to deal with the subject if brought up in a proper manner, not with a disregard to constitutional principles. Suppose the hon. member carried it by a division not strictly of a party aspect, and it was found that some members of his own government were entirely opposed to it, what confidence could the country have in their carrying it out, unless the President of the Council was the government.

Mr. TOBIN said that he could not agree that rules should be so strictly construed as to restrain the independent action of any member of the house. He came in elected by a constituency to represent certain interests and sustain certain questions, and were his hands to be tied up by any rule from pursuing that course which he thought was consistent with the interests of those constituents. He had a perfect right to press any question which he wished to carry out.

Now, taking the railway question into consideration, he would say he was always in favor of some negotiation being entered into, if possible, with New Brunswick and the State of Maine, so that Nova Scotia might be placed in immediate connection with the whole system of railways on the continent of America. Every effort should be at once directed towards the accomplishment of that object. Until all hopes were exhausted of obtaining that very desirable object, he thought it would be very doubtful policy to go to Pictou at present.

The subject then dropped, and the adjourned debate on the seizure of sugar at Canning was resumed.

Hon. PROV. SECT'Y said, that since the previous evening he had taken the papers home with him and read them carefully over. It appeared to him that, as Mr. Dickie was not in town, it would be hardly fair to continue a debate reflecting so nearly on his character. He (Mr. H.) considered himself to blame for

the manner in which it was closed up in the spring. It would be seen from the correspondence that nothing could be more fair than the conduct of the board of revenue; for throughout they allowed him to pursue any course he wished in vindication of his position. Considerable pressure was brought to bear upon the government, with a view of restraining the prosecutions, it being the impression that Mr. Rand was actuated by personal feeling and political hatred; but the answer was given that he would not be interfered with in the course which he had adopted. Among the papers was a bill of two barrels of sugar, which the government had seen in the first instance, and had every reason to believe that the officer was mistaken as regards these two barrels. The subsequent information, it would be seen, that Mr. Rand produced was long after he had been removed from office, and the government had decided that the sugar should be restored. But even assuming that Mr. Dickie did bring five barrels from Boston, it was not proved that the two that had been seized were part of that five. However, he would say he had no wish to prevent the fullest investigation into the subject. It could be either put in the hands of the crown officers, or sent to a committee of the house.

Mr. HENRY said it was stated in the petition that Mr. Aikins denied having sold the sugar.

Hon. FIN. SECRETARY—He said he had sold it.

Mr. HENRY—Perhaps he may have said different things at different times. But the question was certainly not now one for the crown officers; the government had it for some time in their hands, and never paid any attention to it.

Hon. PROV. SECT'Y—My impression was that the whole thing was a political snarl; and that the sooner Mr. Rand was sawed off the better.

Mr. HENRY—The real fact was that they could not be induced to convict any one of their own friends, however strong the evidence was against him. It was not a very creditable thing for the government to allow such documents to pass without notice. The hon. gentleman concluded by asking for a committee to investigate all the circumstances.

Hon. PROV. SECT'Y again stated that the officer should have asked the advice of the Board of Revenue from the very first. If he had done so, he would doubtless have been better situated.

Hon. Mr. JOHNSTON, after a few remarks, went on to state that if the certificate was to be relied upon, then Mr. Dickie had been guilty of smuggling, of sheltering himself from the penalties, of swearing falsely, and getting two others to sustain him. On one day he declared that he had imported no sugar, and on the other that he had. There was, in fact, much that should have obtained the fullest notice from the Government in the first instance. Could not the hon. Provincial Secretary have sent a letter to the Custom House in Boston, asking for full information; and have

sent another letter to Cornwallis, to Mr. Eaton? He could, in fact, have obtained the most satisfactory knowledge of all the facts if he had wished it. The Government had it in their power to prosecute Mr. Dickey for importing illegally five barrels of sugar, and fix him in the penalty; and to prosecute him for having gone with two others and sworn falsely. If they were sincere in their desire to sustain the revenue laws, they would not have acted as they had, in reference to this case.

Mr. MORRISON considered that these documents had not yet been put before the House in their proper light, and as he wished to address the House, he moved that the debate be adjourned.

Mr. JAS. McDONALD would merely call the attention of the President of the Council to the fact that the correspondence does not contain anything to warrant him in charging Mr. Rand with acting contrary to the instructions of his superiors. It will be seen that the Board of Revenue did not prohibit Mr. Rand from taking the steps he did, nor is there any reflection upon his conduct until after the decision of the Supreme Court was known. Mr. Rand informed the Board of Revenue of the steps he had taken; he was told to go on; and when his Counsel advised him to appeal to the Supreme Court, he asked for further instructions, and was informed that the matter was under the consideration of the Board. Then there were no reflections upon his conduct, and it was not until after the appeal had been decided against him, that he received a letter from the Board of Revenue telling him that, as he had thought proper to appeal without the authority of the Board, he must return the sugar. This was the only letter which contained any reflections upon his conduct.

HON. FINAN. SECRETARY said the remarks just made called for some answer from him. He held in his hand a memorandum of the date of the letters referred to, which would show that in the very inception of the matter Mr. Rand acted independently of, if not contrary to the instructions of the officers of the Revenue Department.

On the 18th Feb., Mr. Rand wrote to the Board that Dickie had put in his claim for the sugar, and that he (Rand) had commenced an action before two Justices of the Peace, to be tried on the 25th. The Board replied on the 23d, informing Rand that he should first have reported all the facts to the Board, and waited its instructions, as required in letters of 6th and 14th February. Not content with taking such liberties with his official superiors as no other revenue officer in my experience had ever done, what occurs next? Mr. Rand wrote to the Board of Revenue on the 28th February, informing them that the Justices had decided that he should restore the sugar, but that he intended to appeal to the Supreme Court. On the 2nd March, the Board replied to Rand that the subject was under consideration, and directed him to "suspend further action for the present." Again Mr. Rand went recklessly on in defiance of the Board of

Revenue, and again he was put in the wrong by the Court to which he appealed.

There are grave charges contained in this petition against Mr. Dickie which, I think, will be found to be without foundation. I have been informed that he never swore that the quantity of articles contained in the paper laid on the table of the House, was correct; and I believe it will be seen that in the Inward Manifest the word "sworn," is struck out.

Captain Wickwire, who has always borne an unblemished character, whose word is as good as his bond, and his bond is as good as that of any man in the country, went into Court and swore that no sugar had been imported in the *Onward*, on the occasion alluded to.

It is stated that the Captain made a return to the Custom House in Boston that sugar had been landed from the schr. *Onward*. That paper was in the Supreme Court at Kentville, and the attention of Judge Bliss was called to it, and the Captain was asked if he signed papers relating to the drawback. He said if he did so, he did it ignorantly, and the learned Judge ruled the paper out of Court.

Mr. MORRISON wished to have the opportunity of inspecting the papers for about thirty minutes, and he would guarantee to make out such a case as would turn the most legal-minded man in the country out of Court.

Mr. HENRY'S resolutions touching the Railway, were made the order of the day for Friday.

Mr. COCHRAN introduced a bill to amend the act for the better equalization of the Elective Franchise in certain counties.

Mr. S. CAMPBELL introduced a bill relating to the County of Guysborough.

HON. PROVINCIAL SECRETARY laid on the table certain returns relating to statute labor; also, balance account of monies received and expended on the railway works for 1860, accompanied by a letter from the Chairman of the Board; also, return of number of blind persons in Halifax County.

Then the House adjourned until three o'clock next day.

THURSDAY, Feb. 28.

The House met at 3 o'clock.

Mr. HARRINGTON (who is with the greatest difficulty heard in the reporter's gallery at all) complained of the imperfect manner in which his speeches were reported. He was not often in the habit of troubling the House, but when he did he wished to be reported. He was understood to say that a speech he had made on the subject of initiation of money, and some lengthened remarks on the St. Peter's Canal—a subject of vast importance to Cape Breton—had not been reported at all.

The reporters seemed to exercise the power of leaving out what they thought would not be interesting, and putting in what they choose. This was not right, and if it arose from a want of knowledge of their duty, it was time they were instructed. Discussions upon petitions and bills were just as interesting to the country as long debates.

Mr. BOURINOT agreed in the importance of such discussions being reported, but he thought, as regards the gentleman who just sat down, that he could not be heard in the gallery.

Mr. HARRINGTON considered that he generally spoke loud enough to be heard by the reporters.

Mr. MORRISON said the same reasons could not be given for his speech being left out.

Mr. BOURINOT regretted that his speech had not been reported.

Mr. MORRISON said if the reporters were paid by the House they were bound to report him as long as he did not transgress the rules of the House.

Mr. BOURINOT had no intention of reflecting upon the hon. gentleman's speeches; he always listened to him with great attention.

Mr. TOBIN suggested that the gentlemen who complained should be put upon the Reporting Committee, and then they would have an opportunity of having justice done to them. He thought that there was some partiality shewn. If Mr. Harrington spoke low, Mr. Morrison spoke loud enough, and yet they both complained. He was aware that the reporters labored under some disadvantage, for it was impossible to report a shout (laughter).

Mr. COCHRAN thought the system pursued was a bad one. He observed that when petitions were presented and a debate took place, the reporters said, "a long discussion ensued." The least they could do would be to give the names of the gentlemen who took part in it, *pro* or *con*, with the substance of their remarks.

Mr. S. CAMPBELL had no reason to complain, for he had the double advantage of having official reporters in the gallery and elsewhere besides.

Mr. HUGH McDONALD thought that the difficulty of hearing could not be the reason for the omission of speeches. Some members of the house, on both sides, who speak loud enough, and give their views with succinctness and to the point, are not reported at all. Every member was entitled to be fully reported, so that his views may go before the country.

Hon. Mr. JOHNSTON supposed that after a long debate such as we have just had, the reporters were somewhat exhausted, and did not give the routine business as fully as they might. The member for North Hants was quite right as regards the importance to the country of discussions upon petitions, the constituency of each hon. member were anxious to know who supported and who opposed the various local measures. The reporters were probably not aware of this, and thinking that the subject would again be brought up, they perhaps passed the matter over too lightly, but he had no doubt after what had taken place that such would not be the case in future. He very seldom read any of the speeches after they appeared, not even his own, but he noticed several inaccuracies in his speech on the Constitutional debate as regards dates of some import-

ance, but which he had not the opportunity of correcting. There was no question, however, that the reporting this year has been more effective than formerly. He had never known so much matter reported, and brought up so well as in the present session, and it could only have been accomplished by great labor and assiduity on the part of the reporters. In former years the reporters were generally left out of sight by the middle of the session, and they never overtook the business of the house afterwards, and after the House adjourned and summer came nobody cared about it, and half the speeches never appeared at all. This year the contrary was the case and he thought therefore that they should be a little lenient to the reporters.

Hon. Mr. HOWE said that they had not had the reporters before them to give them any instructions, and he had thought it better to let them go on, and let the house decide on what plan they preferred. He was quite willing to let the member for Richmond take his place on the Reporting Committee.

Mr. McFARLANE presented a petition from Amherst, asking for assessment for schools.

Hon. Mr. JOHNSTON presented a similar petition, respectably and numerously signed, from Wm. Wetherspoon and others of Lower Granville.

Hon. ATT. GEN. presented a similar petition from a large body of the inhabitants of Upper Stewiacke.

Mr. DONKIN presented a petition from Frederick Seaman and others of Minudie on the same subject.

Mr. BLANCHARD presented a petition from certain inhabitants of Dartmouth doing business in Halifax, against the passage of that portion of the city bills which imposes a poll tax upon them. Petitioners state that it is unjust that they should pay this tax, when they have to perform statute labor in Dartmouth.

Mr. TOBIN said the petitioners were something like the man with two wives—they have their place of residence in Dartmouth, and do business in Halifax. Their property was protected by the city laws, in case of fire, water for which the citizens are taxed, is used to preserve their property. He did not see why they should not be amenable.

Mr. SHANNON explained that it was not the intention of the law to compel them to pay the poll-tax and also perform statute labor.

Mr. BLANCHARD presumed there would be no objection to add a clause to prevent it from having that effect.

Dr. TUPPER supposed if exempted, the petitioners would not walk on the side walks of the city.

Hon. ATT. GEN.—Citizens would hardly like to be prevented walking in the streets of Dartmouth. He understood that the clause was not intended to apply to residents of Dartmouth, only to residents in the city of Halifax.

Mr. TOBIN agreed that it would not be

just to compel them to perform statute labor on the other side, and pay the poll-tax in the city; that was not the way he read the bill.

Mr. PRYOR read the clause in the bill, and suggested that the obscurity might be remedied by the words, "every male inhabitant (or resident) of the city of Halifax."

The discussion dropped.

A number of bills were read a second time, and committed.

The house went into Committee on Bills, and passed a bill authorizing Joseph Hyman to change his name.

A bill relating to the Registry of Grants was taken up.

The Hon. SPEAKER suggested that provision be made in the bill for a digest of the old grants, to be sent to the counties they referred to for registry, with copies of plans.

Hon. Mr. HOWE said that the Commissioner of Crown Lands was now devoting some attention to the investigation of the township grants. It was of great importance to preserve the old grants, and during the recess he would give his attention to the matter just mentioned.

Hon. ATTY. GEN. thought the improvement mentioned might be embodied in the bill; the abstracts need not be long, or the expense great. At present parties living in remote parts of the Province, were put to great expense in sending to Halifax to inspect these old grants.

Mr. JAMES McDONALD was glad the Government had taken the matter up—it would be generally acceptable to the country. The bill was then passed.

A bill relating to marriage licenses was then read. The purport of the bill is that licenses shall hereafter be obtained from the Registrars of Deeds in the various counties, for the price of \$2, and 25 cents for the registration.

Hon. Mr. JOHNSTON said this was a subject of great importance, and should not be dealt with hastily.

Hon. PRO. SECRETARY said the present system was very loose; a man purporting to be a clergyman encloses a pound to the Pro. Secretary's office, and a license is sent to him; if he is an unprincipled man, he can marry several people with the same license. Under the present bill the Registrar of Deeds would give the license to a person whom he knows to be a clergyman, and there will, at all events, be some check.

Mr. LONGLEY thought if the object was to accommodate clergymen that could be better attained by giving the license to Post Office keepers.

Hon. Mr. HOWE.—One object in giving them to the Registrar of Deeds was to preserve a registry of them. It was merely an experiment, and should be tried out.

Mr. LONGLEY thought Postmasters fully as competent, and they could also preserve a registry.

Mr. McFARLANE said that in some parts of the country the clergymen were 50 miles from the shire town, so that it would be just as easy for them to send to Halifax.

Hon. Mr. JOHNSTON enquired if there was any provision for keeping a registry of the licenses.

Hon. Mr. HOWE thought there was. The Registrar was to get 25 cents for that duty.

Hon. ATTY. GEN. would prefer to see a perfect system of registration adopted. Every person wishing to get a licence should be compelled to give his bond before an officer of the Government; the license should then be filled up—the only effect of this Bill is to transfer a loose practice from the capital into the interior.

Mr. McFARLANE inquired where the bonds are to be sent.

Hon. Mr. HOWE said the present practice was to send bonds in blank to the clergyman, and he returned them to the Secretary's office at stated times.

Mr. LONGLEY thought there was a great force in the remarks of the member for Cumberland. In one part of his county, the bay shore, it was just as expeditious to send to Halifax as to the Registrar of Deeds. He would move in amendment that Post Masters be substituted for Registrar of Deeds.

Hon. Mr. JOHNSTON.—At first was opposed to his colleague's motion, because he thought the Board would have to be registered with the Registrar of Deeds before the license were granted, but as this appeared not to be the case he looked at it in a different light.

After some further remarks the bill was referred to the committee on the amendment of the law.

The committee adjourned,—the house resumed and bills passed in committee were reported.

Hon. PROV. SEC.—By command laid on the table a despatch from the Colonial Secretary, accompanied with certain returns connected with the establishment of a Board for the examination of shipmasters, and for granting them certificates.

It would be remembered that last session Mr. Coffin had brought to the notice of the house the difficulties our shipmasters labored under in the mother country, by being compelled to pass an examination before a Board of Examiners, before they could get a certificate. An act was passed giving the Government power to appoint local Boards in the Province, whose certificates would be sufficient to enable our shipmasters to compete with those of other countries. It was thought advisable to get from the English Board, their forms and questions; these were contained in the papers just laid on the table. He hoped before the close of the session, to be able to report what steps they intended to take, for the construction of such a Board, as would save our shipmasters annoyance and expense.

Mr. CHURCHILL enquired if it was intended to establish more than one Board.

Hon. Mr. HOWE at first doubted the power, but on turning to the law he found that it gave the Government power to establish more than one.

Mr. TOBIN enquired whether certificate

granted by these Boards would be sufficient to qualify shipmasters going to England.

Hon. Mr. HOWE presumed so if no objections were made by the Secretary of State.

Mr. COFFIN said the Boards would act in concert with those at home. He hoped the Government would establish one in Halifax, and wherever else it may be necessary.

Mr. HATFIELD said there should be one in Yarmouth.

Hon. Mr. HOWE presumed there would be one in Yarmouth, in Pictou, and in Cape Breton.

Mr. MORTON considered that there should be one in Liverpool.

Hon. Mr. LOCKE said that it would not affect the trade of the West Indies or the United States. It only applied to shipmasters going to Europe.

Mr. MORRISON thought that there was hardly a shipmaster who would not avail himself of the opportunity to qualify himself for any port in the world.

Mr. SHANNON suggested the establishment of Local Marine Boards, such as are referred to in the Merchants Shipping Act, to have power to discharge refractory shipmasters. This power might be given to these Boards.

Hon. Mr. HOWE thought Mr. Pauline had power over such cases.

Mr. ESSON thought not—he mentioned a case that came under his own knowledge, which could not be dealt with.

Mr. COFFIN thought if too many things were mixed up with this Board, the whole object would be destroyed.

Mr. ESSON said it was very desirable to have some mode of giving certificates to our shipmasters, so as to give them a character into whatever port they went.

Mr. GRANT said the Shipping Act required revision as regarded articulated seamen. By the English act, a seaman refusing to go on board his vessel, could be compelled to do so by force; in this province he could only be committed to jail. He instanced a case of a seaman in Victoria where much inconvenience was experienced in consequence of this defect.

The papers were sent to the committee on Navigation Securities.

Hon. PRO. SEC. also laid on the table a despatch from Lord Stanley to Vicount Falkland, dated 7th December, 1851. The despatch announced that wherever members of the Upper Branch became insolvent, they should immediately resign their seats; the paper having been asked for by Mr. Campbell, the administration submitted it as a matter of course.

ENQUIRY.

Mr. S. CAMPBELL said—This despatch having been brought down by the Government, I feel it my duty to state in the hearing of the house, and that in the most unmistakable terms, the object I had in view when I requested its production. The constitution of the Legislative Council is a question of considerable interest; that body

represents one branch of the Legislature, and, although owing its existence to the Crown, as regards the appointment of its members, it exercises a free and independent supervision over the measures matured by the representatives of the people. This house has on several occasions sustained the existing mode of appointment to that branch, and regards with a just jealousy the exercise of that power of appointment—and I apprehend that it is equally solicitous that the persons honored with the high position which a seat confers should at all times be armed with the characteristics by which it was designed that such a position should be distinguished. Those hon. members who sat in the last house will well remember the severe manner in which the Government of that day were called to account for the mode in which the prerogative was exercised and how nearly they suffered a constitutional condemnation of this house, in respect of their appointments to the Legislative Council. Such action of this house on the Government of the day is the only effectual mode by which the people of this country can redress the injustice or impropriety of any such appointments, and to that extent we have a security as valuable as it is effective. But I must not confine myself to that view of the subject. The appointments to that branch may at one time have been justifiable and perhaps commendable, and yet, at a subsequent day the nominees may have fallen below the standard which the Crown itself created when it conferred upon them a constitutional and personal status and dignity; and this brings me to the consideration of the particular case which has attracted my attention, and induced the present line of remark. Sir, the doctrine has recently been propounded in this house that rumour may be the fulcrum on which the political lever may rest when weighty and important objects are to be attained; and not only so, sir, but it has been deemed matter of little or no importance whether such rumours be the base and adulterous issue of envy, hate, malice and all uncharitableness or the legitimate offspring and result of information which honorable men may authenticate and honorable men may accept. Sir, I shall not allow my practice on this or any other occasion to confer my humble imprimatur on so odious and unworthy a doctrine as that which the first of these alternatives embodies. I turn from it with disgust.—I am only astonished that those who have made the profession to which I have the honor to belong, the business of their lives—and who from their earliest connection with that profession must have received and cherished principles the very reverse of those I have denounced, should for any purpose under heaven have degraded and dishonored themselves by a renunciation of those principles; principles, sir, which are as precious to the best interests of society as they are dear to the noblest feelings of humanity. I shall not imitate any such course of conduct; I hold it to be too ignoble, too mean, too con-

temptible to follow. I shall conduct my inquiry upon and from another and more exalted platform. What then is the case to which I have to invite the attention of the house and particularly that of the Government. The despatch just read points to the disqualification of members of the Legislative Council under peculiar circumstances, it has been produced and read for the purpose of shewing the requirements of the Crown in relation to the dignity of that body. It in effect says that if any member of that branch of the Legislature should from any cause be found in a state of embarrassment similar to that of the gentleman mentioned therein he shall be no longer considered eligible to hold his position. Sir, I then ask the Government of this country whether it is within their knowledge that at this moment one member of the Legislative Council is in that predicament.—Sir, I ask the Government if they are aware of the fact that the Hon. James MacNab, a member of the Legislative Council, is so situated as to render the application to him of that despatch, an imperative obligation upon them? I ask if it be true that that hon. member of the Legislative Council was a partner of the firm of J. H. McNab & Co., and as such partner, or individually, made an assignment to the creditors of that firm, or entered into a composition with them. If the Government is prepared with an answer, I think they ought to give it; if unprepared at the present moment, I shall await their convenience; but I do think they owe it to themselves, to this House, to the country, and to the Crown, to give a full and explicit answer; and if such answer be confirmatory of the statement I have submitted, that the necessary consequences should follow.

Mr. TOBIN. I think I can answer the question put by the hon. member without reference to the Government—although I do not wish to become their advocate or apologist. I have some acquaintance with the affairs of Mr. McNab; at the time of the death of the late Mr. John McNab he was not a partner in the firm of J. H. McNab & Co.; the only persons connected with that house were John H. McNab and Charles Wright. After the death of Mr. John McNab,—Mr. Boak, Mr. Patrick Power and the person addressing you were appointed a committee to investigate the books and papers—it having become apparent that the firm was insolvent. This duty was performed and we recommended that the creditors should accept a composition of 10s. in the pound; the creditors agreed and for that sum Mr. Charles Wright gave his obligation and Hon. James McNab became security for the payment of the money. At that time he was chairman of the Railway Board; and, sir, I am happy to say that I believe the terms of the composition have been complied with, and the money paid.

Hon. Mr. JOHNSTON said: I am both sorry and pleased, sir, that the hon. member for Halifax has made this statement. Sorry,

because it has given to the application just made an importance it did not deserve, and rescued it from its evident insignificance.—On the other hand, I am glad that the hon. gentleman has so promptly, ably, and successfully vindicated an attack on the character of a gentleman whom I hardly expected to have heard assailed in this house, and certainly not from that quarter. Sir, whatever difference of opinion may have existed between James McNab and others, that gentleman was always respected—always regarded as a man, on whose honor and integrity no stain rested—whose probity of character was never doubted. Sir, I call on the Executive Council to come forward and meet this accusation as it deserves: What course the Hon. Provincial Secretary would have taken, had my hon. friend not interposed, I know not; but I can hardly believe that he would have made himself an instrument or an agent in wounding the feelings and impugning the position of Mr. McNab. If I understand aright in this move, the hon. member for Guysboro' seeks to redeem the pledge he gave of "retaliation." The cases are not parallel; much graver and stronger grounds for suspicion exist against him, and the charges preferred were of a nature most damaging to the character of any man guilty. He was charged, not only with personal bankruptcy, but public defalcation. Surely, before he brought the name of the Hon. James McNab before the house, he should have made some inquiry, and have laid some grounds for his charge. He spoke of principles; and neglected to inform the house what they were, or at least no one could understand them, for when the hon. gentleman becomes magniloquent, he as often becomes incomprehensible; but I am quite sure that whatever these noble and honorable principles were, there is no gentleman in this house disposed to accept his code of honor from, or regulate his principles after the fashion of a man, who, charged by his own constituents with a grave offence, seeks to direct attention from his case by attempting to impugna the position of another.

Hon. PROV. SEC'Y.—I regret the irregularity which has occurred. This matter should not have been discussed until after the information required was brought down by the Government. Until within the last ten days I was always of the opinion that when the gentleman alluded to held the office of Receiver-General, he had withdrawn from business. Since the House met, however, it has been intimated that Mr. McNab was legally a member of that firm, and that, by the compromise which took place, his seat in the Council was vacated; and as the hon. member for Guysborough has moved for this paper, and brought the subject to the notice of the House, it is the duty of the Government to enquire whether that be or be not the fact. I hope shortly to be in a position to give the hon. member for Guysborough a decided answer.

Mr. WADE would ask the hon. Provincial Secretary whether he had put himself in

communication with Mr. McNab in order to ascertain whether these rumours spoken of by the member for Guysborough were or were not true?

Hon. PROV. SEC'Y. No!

Mr. WADE. Then this is one of the most extraordinary proceedings I have ever seen enacted in this house. (hear.) Am I to arrive at the conclusion that the hon. member for Guysborough has been put forward as a puppet to do the work of others behind the scenes. If so I felt that gratitude should have induced one man at least, who had the power to prevent an exhibition of this kind to have done so; but if devoid of gratitude there are other nearer and dearer ties which should have induced him to use his influence to restrain the member for Guysborough from making such an exhibition of himself as he has to-day.—The member for Guysborough is one of the party connected with the man to whom I have referred, whose name I will not mention; but who, at this moment, knows to whom that reference applies. It was his duty to have investigated this charge and give an old and tried friend an opportunity for explanation. But, as the hon. member for Guysborough has seen fit to take this course, and no member of the Government has had either the power or inclination to restrain him, I feel bound, on the instant, to assert that what that hon. member alleged was untrue. Was this course called for? Something was said on a previous day about retaliation; how can this be called retaliation, unless the hon. member for Guysborough has been incited to this course by others? Sir, I attribute it to a deeper, more malicious and malignant spirit. Does any man believe that there was no power in the Government to prevent an attack such as this on a man who should have been the last to be assailed, and whose hoary locks were at least entitled to some respect. He is the one singled out to be branded and defamed before all the world, and by whom? Stewart Campbell, of Guysborough! This, in my opinion, is an unwarrantable liberty taken with the Upper Branch of this Legislature, (hear, hear); a liberty which nothing can justify, palliate, or excuse. If this kind of warfare is to be indulged in, we must look round and ascertain who are and who are not our friends in the Legislative Council. This charge has been made; it will be carried on the wings of the press the Province over; it is an attempt to stab the reputation of one who through a long political life has retained the respect of the whole province. The man now assailed by the party who should have been the last to assault him will not be injured; the blow will fall harmless, coming as it does from the member for Guysborough.

Mr. S. CAMPBELL.—I do not wish to prolong this discussion but since the hon. member for Annapolis has as usual distinguished me by his particular notice, I cannot entirely refrain from making a few remarks, although it may be deemed somewhat pre-

sumptuous [in me to break a lance, or exchange shots with so veteran a warrior. It will be recollected by the house that in the course of the remarks I made in connection with the despatch just brought down and the particular subject of inquiry before it, I pointedly referred to rumour as the foundation of such inquiry. What was his course? On the very first day of this session did he prefer that significant but dark and deadly insinuation still in the recollection of the house, when he rose in his place and asked the Provincial Secretary if I still continued a member of the house, and alluded to charges which malicious rumor had set afloat to my disparagement. On what other foundation than malice and political hate did he base his malignant appeal? He had no reliable or valid information at the time, nor could he moderate his hate sufficiently to wait until the memorial subsequently brought here was concocted. I ask him whether he had nothing to do with the authorship of that document? It might be deemed unfair, were I to charge him with it directly, in the absence of proof on the point. But as regards the petition headed by John J. Marshall, embracing views which have occupied a prominent place in the columns of the *British Colonist*, I feel justified in taking higher grounds and bringing it more within the cognizance of the member for Annapolis. To him or his immediate associates or friends in this city, do I hold myself indebted for some, at least, of the paragraphs in that document, the object of which unquestionably is to destroy my personal and political position.

That it will have any such effect, I do not for one moment apprehend,—for, I can tell him for his comfort, that the assaults he has ventured to make upon myself, are already recoiling with effect on his own party in the County, and that the intelligence I receive from that quarter by almost every mail, gives me the assurance, that bitter and malignant though such assaults may have been, they will not only fall harmless, but eventually subserve my interests and advancement. I have told the hon. gentleman from Annapolis that he based his inquiry upon rumor. Was I wrong, then, upon his principles, in following so illustrious an example? He asserted that a sense of duty influenced his action. Am I not at liberty to make a similar assertion? In asking the production of this paper, I exercised but a right and privilege which, as a member of this house, I possess; and neither he nor his subordinates will convince me that my course was improper.

In his steps followed his worthy supporter, the member for Digby. I shall not speak of him as John C. Wade and a puppet, nor shall I even take the trouble to distinguish him by abbreviating the epithet to which I have referred, although such an application of language would neither be uncalled for nor inappropriate. It will be sufficient for me to refer him to that celebrated certificate of his true position in this house, which the man whom he now calls

his worthy and venerable leader one evening gave him: a certificate treasured up in the memories of many gentlemen in this house, and indelibly inscribed on the public journals of this country; a certificate which, I presume, is not entirely forgotten by himself. I am sorry I do not remember exactly the precise terms the hon. member for Annapolis then applied to him, but their import, significance and truth are now palpably before me. The hon. member for Annapolis, in his peculiar style, assimilated the bearing and habits of the member for Digby as better suited to the pot-house than the legislature, and in respect to his lucubrations here, attributed their value to the inspiration he drew from that quarter. I am not doing justice to the keen sarcasm when I thus dilute his expression, but I have doubtless said enough to convey the meaning of the man whose worthy follower, I will not say whose humble puppet, the member for Digby now is.

As regards the proprieties of life or parliamentary decorum, I shall not consult the member for Digby. When in his own person he gives a more dignified illustration of both these characteristics, I may be tempted to look across the floor to seek his counsel or follow his example.

One matter, however, has escaped my notice. The member for Annapolis stated that I had threatened certain assaults on his party, and alluded to my present proceeding as one of that character. If it be, as he would like to have it understood, only a threat, I can tell him for his edification that it is but the first of them, and that before this session closes, I may also illuminate his mind on some subjects whose revelation may be as unpleasant, if not as disastrous, as the one immediately under consideration. In conclusion, I may say that, as a member of the legislature, having heard rumors distinctly enunciated that a member of the upper branch did not possess the qualifications or occupy the position required by the despatch of the Colonial Secretary, I felt bound to bring the matter to the notice of the government, and I cannot and will not recede from my position.

Hon. Mr. JOHNSON—The hon. gentleman who has just sat down, has endeavored to vindicate the course which he pursued, in dealing, as he says, with the rumors in this matter, by allusion to that course which was taken on the first day of the session, in reference to himself. Let us investigate the analogy between the cases. Previous to the meeting of the Legislature, rumors were rife touching the public conduct of the hon. gentleman, in relation to the public monies which had come into his hands, and which it was alleged had not been devoted to the purposes to which they properly belonged. These rumors were accompanied by several corroborative circumstances. The visit of the Financial Secretary to the County of the hon. member for Guysboro', it was said, was connected in some measure with these reports. While, sir, these rumors were afloat, it was also whispered that certain objections

had arisen in certain quarters, as to the propriety of that hon. and learned gentleman taking again the honorable position which you, sir, now hold. And, whilst these rumors were thus distinctly heard, what passed under our eyes? We saw that hon. gentleman take the chair, only to descend almost immediately from it, declaring that he could hold it no longer. Then, sir, this act was coupled with those preceding rumors, and an appearance of truth given to them. Does the hon. and learned gentleman believe that there was nothing but rumor, then, upon which the members of this house were to act and decide? His own conduct pointed towards the accuracy of these reports. But, sir, this was not all. What was the explanation of the hon. President of the Council? It was this:—that the hon. member had vacated his seat on account of pecuniary embarrassment. And, sir, it struck every man here as a singular thing, that if pecuniary difficulties allowed him to devote a good deal of time to the duties of this house, they should have necessitated his abandonment of a seat which gave him some three hundred pounds a year. Taking all these circumstances together, it was not impossible to perceive that there was that in the case which demanded investigation. And let me here remind the hon. member of a fact which appears to have passed out of his recollection. He has deemed a deterioration of worldly circumstances as a sufficient reason why a gentleman should not continue to sit in the other branch of the Legislature. But let me ask him, is the importance and dignity of this house to be less observed than that of the other? In what position does the hon. gentleman stand? If there were reasons which were sufficient to induce him to leave the chair, and to require the government to accept his resignation, was it not the duty of this house to enquire whether the same reasons rendered it improper for him to retain a seat in the Legislature. (Hear, hear.) And if we are to take the hon. gentleman as the judge he himself has answered the question, for he has told us that Mr. McNab's circumstances being altered prevent his sitting in the Council; and we also learn from the Prov. Sec. that the hon. member is precisely in the same situation. I should like, then, to know upon what distinction the hon. member discriminates between his own and the supposed position of a member of the other branch. I hardly think then, sir, under all the circumstances that the hon. gentleman was the appropriate channel through which to make an imputation against an hon. gentleman in the other house, that his impoverished condition rendered his removal necessary. Why, sir, we cannot help feeling that the hon. member has, in the height of passion, in the tumult of those feelings, to which he has given unrestrained flow, allowed himself to forget these common proprieties that ought to influence every man against whom a serious and grave charge has been presented, and which is at this very moment under investigation in this house.

Mr. WADE said—I shall not endeavor, sir, to pursue the course which the hon. member for Guysboro' invariably pursues in regard to me whenever he rises to speak in this house. Now, the hon. gentleman has to-day got up and glorified himself. I take it, Mr. Speaker, for the sole purpose of whitewashing himself before the country and before the Legislature, for there is a direct and serious charge, and I am bound to believe a true one, now laid against him. He may utter base insinuations, he may utter mean and ungentlemanly sentiments, but they fall futile, coming from a man in his position on the floors of this house. When I say he was literally driven from the chair I am but doing my duty; when I assume that the Lieutenant Governor required him to vacate the seat which you, sir, now occupy. (Order, order, from Ministerial benches.) Such may be only a rumor, but I can tell the hon. member that it is not only whispered round but generally believed. The member for Guysboro' may stand up in his place and endeavor to wound by low, base, mean and utterly unfounded insinuations; but, sir, when the mind becomes as debased as that of the hon. member, nothing can better be expected of its possessor than such like Billingsgate. He, however, should have been the last to attempt to make a display of himself on the ground of morality, when his conduct on that score, while sitting in the chair was such as unfitted him to hold that position, if no other grave and serious charge had not obliged him to vacate it. Sir, I again repeat, he may stand up and endeavor falsely to defame others, but when it is known that it comes from the member for Guysboro' it will have little effect.

Hon. PRO. SECT. said that the debate was very irregular. He would say, however, that the hon. member for Guysborough should have confined himself to the question which he wished to ask the government, and then much of the difficulty that had arisen would have been avoided. He thought that the member for Guysboro' had been treated harshly in the transaction referred to by several hon. gentlemen. He would say, too, that the Lieutenant Governor, whose name had been brought up, had no right to dictate to the assembly who should sit in the chair; if he did he would be going far out of his way. As regards the hon. member's withdrawal from the chair, he (Mr. H) would say that he had advised him to give it up, for he knew from his own experience, that it would make a poor man of any one who occupied it for any continuous length of time. The hon. gentleman concluded by stating that the government would make all necessary enquiries as regards Mr. McNab.

Mr. TOBIN said that he felt it his duty, after the lengthened remarks that fell from the hon. member for Guysboro, to stand up and defend the character of a gentleman whose name had been brought before the House. The reason the hon. member had for assailing Mr. McNab was an unworthy one. Why, if he wished to

assail any one, he should have assailed the gentleman who raised the question against himself. It was unmanly for any one to attempt an attack upon a man who was not present to refute any charge that was made against him. He (Mr. T.) had known the hon. James McNab for years, as a merchant, as a man of integrity and honor. He was acquainted with all the affairs of that gentleman, and had detailed his exact position in regard to the late firm exactly as it was.—When the creditors came together, there was not even an insinuation that Mr. McNab was a partner in the business. He would have been very glad if he had been; for he would not certainly have taken ten shillings in the pound. He thought the gentlemen opposite should be the last persons in the world to attack the character of any person. They should look into their own premises and examine their condition, and see whether everything could bear the same rigid scrutiny to which Mr. McNab's affairs are equal to.

Hon. ATTY. GENERAL said that some of the gentlemen opposite seemed to consider it a very great crime to attack a member of the upper branch. Why, some of them never could make a speech in the house without assailing a particular gentleman in the council.—Besides, it was not very long since that the hon. member for Annapolis came down with a bill to abolish the other house altogether.—The hon. member for Halifax could not tell in all accuracy whether Mr. McNab was or was not a member of the firm in question. The hon. gentleman could not say that Mr. McNab had ever said so; so in what he had said he had undertaken to say more than Mr. McNab had ever himself asserted.

Dr. TUPPER thought the hon. gentleman who had just sat down had taken a good deal of liberty with the common sense of the house when he undertook to raise an analogy between the present case and that of a member of the opposition, discussing the public conduct of a public officer holding a seat in the other branch. He did not rise for the purpose of prolonging the discussion which he considered should never have arisen in the house. He did think that the Hon. J. McNab was entitled to different treatment at the hands of the gentlemen opposite. When the matter had come to the knowledge of the leader of the government, when he knew that that paper was to be asked for, and its object as well, he should have acted differently than he had done; he should not have presented himself before the house unable to give any information on the subject.

The hon. gentleman here took an opportunity of stating that he had found that the hon. Provincial Secretary was wrong when he stated on the hustings at Windsor, and in the house, that he took the hon. J. McNab into the Council with him. He saw from an old file of the *Novascotian* that Mr. McNab was a member of the old Council of twelve, and was never out of the Council.

It had been stated that it was of great im-

portance that the rules of Parliament should be enforced in regard to seats in the Legislature; that when a man has been unfortunate in his affairs, however much he may be deserving of commiseration, it was only right that the Legislature should, in vindication of what is due to its own character, ascertain whether he is entitled longer to retain his seat. That question was of great importance to the position of the Assembly. It was a question that required not to be disposed of by party issues, but by that action which was necessary for preserving the character of the Legislature. Now, the hon. member for Guysboro' would not surely undertake to say that a position in this house could possibly be of less importance than a position in the other. The hon. member had told them that whilst the members of the Legislative Council derived their position from the crown, it was competent for the crown to make regulations, under which those seats shall be forfeited; but was there a man who would not scout with indignation the idea that a seat in this house was not as responsible, as important, and requiring as high personal qualifications as a seat in the Council? Every one would treat with scorn the assertion that a man could be considered justified in holding a seat in the house under circumstances which her Majesty says must at once forfeit a seat in the upper branch. If any man should enunciate sentiments so degrading, he was prepared to humiliate not only himself, but the Legislature of his country.

The hon. gentleman then went on to refer to the qualification oath on the Statute Book, and said that he had stated in the house a year ago his opinion, that its terms would lead to the supposition that its object was to carry out the principle in operation in England, which forfeits a man's seat in the Legislature the moment he became a bankrupt. He believed that that oath was copied from the English law, with a view not only to prevent persons being illegally elected, but to require them to vacate their seats when they lost the necessary qualifications.

He then stated that the 29th rule says that the seat of any member who shall be absent for two sessions consecutively shall be vacated. Now there was no law in the Province that vacated a seat in consequence of a member being absent two sessions. But he found placed upon the records the fact that the house itself had the indisputable right to vacate the seat of a member; but what more did he find? That the 32d rule requires that in all cases not otherwise ordered, the house will be guided by the rules and usages of the Imperial Parliament. Now they had the evidence that the house can by right and usage vacate a seat; and they had also the declaration that in the absence of any specific rules as precedents, they were to follow those of the Imperial Parliament. Now, did not the hon. member for Guysboro' know that in 1858 a member in Parliament, Mr. Townsend, was asked if he was a bankrupt. He had to acknow-

ledge he was; and consequently the Parliament of England vacated his seat, and appointed a committee to report how long he had been a bankrupt; and upon the report being rendered in, the clerks of the house were ordered to expunge every vote he had given from the time of his bankruptcy. He wished now to know whether they were not bound, under the rules, to vacate the seats of persons who are placed in circumstances which would in England necessitate them to retire.

Hon. ATTY. GEN. was understood to explain that the word bankrupt in the English law had a technical meaning. It did not apply to any case that could occur in this country.

Hon. PROV. SEC. referred to the fact that some of the most illustrious men that had ever graced the House of Commons had not been wealthy; some not worth anything. He thought the rule referred to could not be carried out in reference to members of the house in this country. He would say that the upper branch of a legislature in a colony was assumed to be based upon property, and thus enabled to be independent of the people and the country; and the moment that was taken away the constitution upon which that body was framed was considered to be violated. Not so, however, with the lower house. The people have always had the right to elect a man, however poor. Why many years ago a gentleman who represented Annapolis used to be all the time in Annapolis jail except during the session. As soon as the house opened the Sergeant-at-arms was sent after the old gentleman. Perhaps he might have come from some other county; it was clear, however, that it was a fact. He acknowledged that the house possesses the power to put a member out, but such extreme powers were and should be exercised but rarely. The hon. gentleman, in conclusion, referred to the statement of the hon. member for Cumberland in reference to hon. Jas. McNab, and said that he would not have come into the Council except by his instrumentality.

Dr. TUPPER called attention to a fact connected with the initiation of money votes. He had the other day stated that the member for Hants could not bring any railway policy before the house, but he did not know that the question had been raised in New Brunswick, where the system of initiation of money votes was well understood. [The hon. gentleman then read from a New Brunswick paper, to shew that a Mr. Williston brought in a motion relative to the railway, but was told that he could not deal with the question, inasmuch as it came under the province of the government.]

Mr. MORRISON expressed his opinion that it was quite allowable for the member for Hants to bring in a resolution to test the feelings of the house.

Mr. TOBIN considered that he was quite at liberty if he wished it to bring in a motion for railway extension and carry it through if possible. He could not feel that any member should have his freedom of action restrained. He could not give up his privileges to any one.

Hon Mr. JOHNSTON wished to say to the President of the Council that it was his intention the next day to ask the house to go into committee on the state of the province, for the purpose of taking up the despatches and other papers on certain constitutional questions.

Mr. McFarlane asked the government to lay on the table certain papers connected with the survey of the Pictou railway.

The house adjourned at 7 o'clock.

FRIDAY, March. 1.

House met at 3 o'clock.

Two bills were read a third time and sent to the Council for concurrence, viz: A bill to authorize Jos. Hyman to change his name; and a bill relating to the Registry of Grants.

Message from the Legislative Council.

The clerk announced that the Council had passed a bill to amend Cap. 156 Rev. Statutes, "Of the Supreme Court and its officers," to which they desired the concurrence of the house.

Three bills were read a second time and referred to the committee on the amendment of laws.

Mr. S. CAMPBELL presented two petitions numerously signed from Guysboro' in favor of taxation for schools. Petitions on the same subject were presented by Mr. Ross from Victoria, by Mr. Burgess, from Kings, and by Mr. Blanchard from Inverness.

Mr. Ross introduced a bill in accordance with the prayer of a petition previously presented by him, in addition to Cap. 92 Revised Statutes, "Of the preservation of useful birds and animals."

Hon. Mr. JOHNSTON was in hopes that it included some measure such as existed in Massachusetts, for the preservation of the feathered tribe from the slaughter they were subject to.

Hon. Mr. WIER thought a clause might be added.

Hon. Mr. Howe introduced a bill to amend the act relating to the Hospital for Insane.—The bill transfers the management to the Board of Works, and legalizes what has been already done. In place of commissioners it appoints visitors, who are the Lieut. Governor, the Chief Justice, the Prov. Sect., the President of Leg. Council, the Speaker of the House, and the heads of Christian denominations in the Province.

Dr. TUPPER enquired whether there was a clause indemnifying the government for the illegal management of that institution for the past year.

Hon. Mr. Howe replied that there was.

Hon. Mr. Howe, by command, laid on the table a communication from the superintendent of public works in Canada relating to steam communication in the Gulf, to which he would call the attention of gentlemen interested in the trade of the Gulf ports.

Mr. McFARLANE said the subject referred to was of great importance, not only to the sections of the country more immediately interested, but to the province generally. The

steamers on the Gulf route had given satisfaction during the last year, and he thought that a scheme by which steam communication could be had between the ports of Pictou, Charlotteville, Pugwash, Shediac, and the Gulf of St. Lawrence well worthy of the consideration of the house. He thought the matter should be referred to a special committee.

Hon. Mr. Howe approved of the suggestion. He spoke of the importance of having rapid communication between the Gulf ports of this province and Canada. There was no doubt that at present the trade, not only of Prince Edward's Island, but North Cape Breton, was passing by this province altogether, and going by Shediac to the other province.

Mr. J. McDONALD would suggest a very simple mode of carrying out the views of the hon. Pres't of the Council, and that was to build the railway to Pictou.

Hon. Mr. Howe was afraid that it would take three years to do that in.

Mr. J. McDONALD said, whenever the subject came up, he would take advantage of the unanswerable argument just used by Mr. Howe in favor of the extension of the road to Pictou.

The correspondence was referred to a special committee of Messrs. McFarlane, J. McDonald, McKenzie, Hatfield and Wier.

Mr. SHANNON moved the second reading of his bankruptcy bill, in order to have it sent to a select committee. He would not now go into its details.

Mr. TOBIN supposed that by sending it to committee, the house would not be committed to the principle. He had not yet been enabled to look over the bill. The very first clause in the bill, he did not like. It obliges the party to go into Court. He considered the merchants the best qualified to judge of their own affairs.

Mr. Hugh McDONALD looked at it in a different light. He did not think that merchants were the best persons to arrange the affairs of a bankrupt; in nine cases out of ten, they prevented a person embarrassed from ever doing business again. He thought the bill a good one.

Hon. ATTY. GENERAL said, as a general rule, the principle of a bill was settled on its second reading. If the details of the bill are so arranged as to enable an unfortunate man to re-commence business, it was well worthy of support.

Mr. SHANNON explained that the bill was based upon two principles—the protection of the interests of the creditor, and the relief of the honest, but unfortunate debtor. The bill was simple, and, he thought, would work well, although some of the details might require to be modified in committee.

Mr. TOBIN, said, under the present system, if a man is unfortunate in his business, he calls a meeting of his creditors, they examine his books, and appoint a committee to investigate his affairs. If this committee report to the other creditors that he cannot pay his debts in full; they accept the dividend and let

him go on in business again. He (Mr. T.) did not like this system of employing lawyers and going into Courts.

Mr. Hugh McDONALD said that it was optional for the debtor to go into Court.

The following committee was appointed to consider the bill—Messrs. Shannon, Tobin, Attorney General, Killam and Johnston.

Mr. TOBIN thought there were too many lawyers on it. (Laughter.)

Hon. Mr. LOUKE thought two merchants equal to three lawyers any day.

On motion of Mr. Morton, a bill to extend the operation of chapter 61 Revised Statutes, "of the laying out of certain great roads," was read a second time, and referred to the committee on the amendments of the law.

Hon. Mr. JOHNSTON hoped the government would recommend a special grant for the road referred to.

Hon. FINL. SEC'Y. thought the matter would be favorably considered.

Mr. BLANCHARD, chairman of the committee on the patent Law, reported favorably of a bill to enable D. C. McCallum to obtain letters patent for the construction of improved bridges. The party seeking the patent is a British subject residing in the United States, where he has obtained a patent. The bridge is suited either for common roads or railroads, and is extensively used on the Grand Trunk and other railways.

Mr. HATFIELD presented a petition from the inhabitants of Pubnico, in favor of taxation for schools. While on his feet, he said he would correct some false statements he had perceived in the papers, relative to his position. The paper states "that Dr. Tupper read a letter addressed to Mr. Townsend, which asserted that not a friend to Mr. Hatfield could scarcely be found in the whole township. * * *

Mr. Lent, another of Mr. Hatfield's former staunch supporters, has declared that no man could have the hardihood to say that Mr. H. could find twenty men in the township to uphold him in the course he had taken."

DR. TUPPER—What paper is that?

MR. HATFIELD—The *Evening Express*.

Mr. TOBIN thought they had decided not to introduce newspapers into discussions

Mr. HATFIELD had as much right to use them as anybody else. Everybody knew that the statement in the *Express* was untrue.

There was another false statement he must correct in the *Colonist*: it is stated there were 1007 votes polled in May 1859. That was not true; there were 1008. (Laughter.) It is said the requisitions were signed by 551; the correct number is 541—that is, of the names, for they are mostly signed by three persons,—and that paper makes out a majority of 95 against me. Now, there were 1120 voters in the township; take 541 from that, leaves him a clear majority of 579.

Mr. Hatfield then read some extracts from letters received, as follows:—Extract from a letter from Yarmouth, dated Feb. 20th: "The general opinion is, that there is quite a reaction going on in Argyle since the people had

time to cool down. * * * I can find over 100 majority, without difficulty, in your favor, and can find several persons who will make oath that they never signed the address to request your resignation, nor authorised the use of their names. If you will send me a copy of the names, the thing shall be done, and the affidavits sent to you."

What do you think of that? (Laughter.)

The next is a document dated Yarmouth, Feb. 6th, signed by 10 respectable men, stating that they attended the Tasket meeting, and that the show of hands in favor of the resolution did not exceed 17, and the whole number present was less than 200—one half of whom were strangers, and of those who did vote not more than ten were legal voters. He read another about the same meeting, dated Tasket, Feb. 7th, signed by 17 respectable men, four of whom had signed the requisition against him, stating that the show of hands did not exceed 18, of whom several were minors and strangers, and that the majority attended from curiosity; there were about 200 present.

He next read an extract from a letter from Weymouth:—"George Killam and — Gardner from Tasket have been this way with a petition to get the electors to sign against you, and by making use of all the artifices in their power they obtained about half the names and no more. We think Dr. Tupper's Catholic question a humbug, and also think in a short time nearly all the people at the wedge will sign a petition to sustain you." After this, he thought he was in a better position than he was in before, and he was much obliged to the Doctor for going down to Argyle. What position would he have been in if he had sustained the late government? There would have been a dissolution, and they would have all been sent home again, for no other purpose than to enable a few gentlemen to cling to office. He had no doubt, when he had an opportunity fairly and honestly of explaining his views to his constituents, they would take him by the hand and approve his course; if he found a majority against him, perhaps he would resign.— (Laughter.)

He wished to see the views of the government fairly carried out, and he thought the Governor had adopted a constitutional course in refusing to dissolve.

The Doctor said he had given up a practice of £700 a year. That was a pretty large sum, and if he did so, he must have had great consideration for the interests of the country. For his own part, he (Mr. H.) thought the Dr. had better have remained where he was. He was still a Conservative, and he saw just as many on this side of the house as on the other. He considered he acted as a Conservative in taking the course he did. If any body wanted to inspect the papers he had read, they were at liberty to do so.

Hon. PROV. SEC'Y. said, he did not know where this course would end if it were followed up. The statement just made by the hon. member for Argyle, Mr. Hatfield, com-

pletely set at rest all that had been said respecting him. He (Mr. H.) held in his hand a letter sent to the hon. member for Guysborough signed by 53 of the persons who were alleged to have subscribed their names to the memorial against the hon. members for that county. The letter was addressed to W. O. Heffernan and Stewart Campbell, Esqrs., and read as follows:—"We the subscribers beg leave to bring before your honorable notice that we have learned with great indignation and surprise that our names are signed to a petition known as the Guysborough petition, finding fault with you as Representatives, but which has for its true meaning and object the dissolution of the present House of Assembly, and a call for a new Election on a plea of non confidence.

"We would take this opportunity of expressing our deep sorrow, and also of stating that we were shamefully deluded by false representations; that every conceivable unprincipled stratagem was resorted to, to obtain our signatures—such as getting money for schools, roads, bridges, &c.

"That we do not think an election at all necessary as we have full confidence in you and in the present administration."

"We therefore pray that our names be erased from off the said petition, as its true meaning is altogether different from what it was represented to us to be and also that the parties who thus deluded us be brought to justice."

This letter came but from one corner of the County of Guysborough—hundreds of other names could no doubt be obtained, but to what after all did these petitions and memorials amount to? He (Mr. H.) considered them valueless. It had been stated that petitions by the score had been concocted in a head manufactory in Halifax and circulated over the Province for signature; that might be done but those who did it would find very little reward for their trouble. The time of the house was wasted with discussions which he thought should be discontinued.

REMARKS OF DR. TUPPER.

Dr. TUPPER.—I do not wonder that the hon. Provincial Secretary talks of wasting the time of the House, when his present position is considered, and we find him compelled to resort to an exhibition such as we have just had, to bolster up his tottering Administration, and justify himself constitutionally, if he can, with the Lieutenant-Governor. The position occupied by the hon. member for Argyle to-day, presented one of the most shameless exhibitions which have occurred in any legislature. What did we see, sir? A gentleman elected upon the most plain, positive, unequivocal pledges given to the electors of Argyle, shamelessly and causelessly abandoning the party which, on every principle of honor, of honesty, and good faith, he was bound to support.

HON. PROV. SECRETARY.—Order!

Dr. TUPPER.—Who calls me to order, sir, for the enunciation of a truth as undeniable as holy writ; (hear), a truth which no man

opposite with the slightest particle of honor or honesty in his composition, can dare to controvert. I repeat again, most emphatically, "the member for Argyle obtained his seat by giving pledges to the constituency that elected him, which he has most shamefully violated." (Hear.) Yes, sir! And more; the Government are reduced to the degrading position of depending upon the vote of such a man for tenure to the offices to which they so tenaciously cling. To what depths of degradation they have descended we may imagine, when we find the hon. President of Council compelled—yes, sir, compelled—to come down and take back the policy announced in the Lieut-Governor's speech. Pledged to his Excellency to sustain his policy and carry his measures intact or resign, we find him resorting to the miserable subterfuge of getting the member for North Hants to introduce a Representation Bill. Thus abject, thus defeated, and thus humiliated, he is driven to this attempt to carve and cut up his minority—his miserable minority—to resort to every shift and turn to save his Government from utter prostration and ruin. No wonder, then, that the Prov. Secretary talks of wasting time, and evinces trembling anxiety to repress and keep down discussion. He talks of the position of Mr. Hatfield. Does not every man who hears me know that Mr. H. ran away from a public meeting held at his very door by his own constituents, who pronounced an almost unanimous public condemnation of his political conduct, and told him that they no longer desired his services because his sacred promises had been violated, and every principle of honor that should actuate a public man ignored by him; other meetings of like purport ensued, and this having been followed up by a requisition which he admits contains a large majority of the voters in that constituency who polled at the last election, he meets it by reading the letters of nameless persons. Thus situated, he has the audacity to stand up here and say that he still intends supporting the present Government until they carry out their views.

Mr. HATFIELD.—Of course.

Dr. TUPPER.—I shall say nothing to him; I would not speak to him upon the subject, nor would I have noticed his remarks at all were it not for those which fell from the Prov. Secretary. Carry out their views! Sir, they have no views to carry out. (hear hear.) Let me call attention to their position. Cumberland and Victoria having spoken out—reprobating the two principal appointments made by the Government—the Chief Justice and Chairman of the Board of Works—reducing the Government to the deplorable position of being dependant on the votes of Colin Campbell and John Hatfield, both traitors to the allegiance due from them to the men who Elected them; his Excellency feeling that his administration was shattered, says:

"2. In consequence of the appointment of Mr. Young to the Chief Justiceship, and of Mr. Munro to the office of Board of works,

two vacancies were created in the Assembly, the one for the county of Cumberland, and the other for the county of Victoria.

3. The elections to fill these vacancies took place on the 27th ultimo; and resulted, in both cases in the defeat of the Government candidates. The opposition are, naturally, much elated by their success, and point to it as a proof of a change of feeling in their favour.

4. As soon as I saw Mr. Howe, I informed him that I could not help feeling that the Government had received a serious reverse, and that while it did not immediately affect their stability, as they still had a majority of five (including the Speaker), I thought that *any further diminution of their strength* would necessitate either a reconstruction of the Government, or an appeal to the country, as I did not think, especially after all that has taken place, the business of the country would be satisfactorily carried on under such circumstances.

5. I own that I am of opinion that a dissolution will most likely be necessary before the party controversy, which has now existed for more than a year, can be satisfactorily settled: but, at the same time, the Government, still retaining a majority of five, I think it but fair that they should have the opportunity of meeting the Legislature, expounding their views, and bringing forward their measures; and I feel confident that if they then find that they are unable, satisfactorily, to carry on the business of the Province, I shall meet with no opposition from them in making an appeal to the country."

I can understand how his Excellency should be desirous of allowing them to meet the house and transact the necessary business of the session,—but he says if *ANY FURTHER DIMINUTION* in the strength of the Government takes place he will give the people an opportunity of selecting rulers who possess their confidence. Since that pledge was given by His Excellency the constituency of Argyle have called on their member to resign. Is that no "*diminution*" of strength? His Excellency did not say that he will dissolve when they lose another election but when they suffer a further diminution of strength. In answer to the requisition to resign, Mr. Hatfield brings here anonymous letters and a paper signed by 17 persons 4 of whom he says signed the requisition thus reducing the number to 13 declaring confidence in him. I say then, sir, that if there be truth or honor in man when the foundations of the Government have thus been stricken away and their entire majority destroyed, His Excellency the Lieutenant Governor is bound to redeem the pledge he has thus made to the people—dissolve the house and give them an opportunity of shewing that which every man who hears me knows they feel—their entire want of confidence in this administration. The President of Council has condemned himself by his own minute of Council for he gave as a reason to His Excellency why no dissolution should take place that the people had not petitioned.

Nay more both His Excellency and the Council recognize public meetings and petitions as a constitutional mode of expressing the wishes of the people. What can they say now,—after Argyle and Digby have spoken out in terms the import of which is unmistakable—and given to His Excellency the occasion which he says he desired?

The President of the Council read a letter from Guysborough, signed by 53 persons (who tell us that they are so ignorant that they sign anything without knowing what it is,) and seems desirous of putting that paper before the House as an offset to the memorial signed by 900 or 1000 of the electors of that county. This places the late Speaker's case in the same category with Digby and Argyle, that of answering the petition of hundreds with one and thousands with tens, leaving the President of Council in a miserable minority; clinging with the energy of despair to office, and hiding himself beneath the robes of the Lieutenant-Governor. Why is he afraid to meet the people? He knows a dissolution would prove the destruction of his party. Having sacrificed his repeated pledges, broken faith with the country, trampled on every public principle, he even announced he fears that a dissolution would sign his political death warrant. But Mr. Hatfield will not resign until the views of the present Government are carried out! Oh! sir, the views of the present Government!—(laughter)—they have no views.—Look at the Catholic question; the foundation of their power; the fundamental principle of their public policy; the source of whatever success they had at the last election. What do we find? The Financial Secretary affirmed the principle of proscription; declaring that no Catholic would be allowed to sit in the Government. These were his avowed principles on the hustings at the last election—the platform of himself and his party and yet we find the Provincial Secretary broadly affirming, as he did the other night, that he "would as soon put a Catholic in the Government as the best Protestant in the country"—striking away the Financial Secretary's platform, and ignoring his policy—while he sat there mute—dumb, compelled to choke down this galling declaration of his new leader. How long then, I ask, is this hon. member for Argyle, or any other hon. member to sit here before the Government, have carried out their incongruous "*views*?" But the Provincial Secretary having denounced the Catholics, having hounded on every body of Christians in the country to trample them down; finding, after having counted noses at the close of the last general election, that his policy was unsound, is trying to crawl back to the ground on which he once stood erect in all the dignity of manhood; shamelessly abandoning his openly avowed principles and renouncing views to which he was publicly bound. Where then are the "*views*" of the Government? Let me now turn to a question of business—the most important in this country—involving an additional expenditure

on our public works of half a million. How long will the member for Argyle have to sit here before the Government carry out their views on railways, with the admission by the leader of the Government that he is determined to go on with railway extension, and the equally explicit and unequivocal avowal of another member of the Government that he is determined to oppose it.—When, the other evening, the Provincial Secretary, with a frankness which he often avows but seldom practices, announced that at all hazards the Government must be sustained; that the railroad may go to Jericho—(laughter)—but the administration must be supported, I felt that he had announced the true, the only, the selfish, unprincipled policy recognized by the members of the present administration.

The Provincial Secretary spoke of members of the late Government having been unduly puffed up with pride on their accession to power. If so, the hon. gentleman was not slow to follow their example, for never did I see a more marked exhibition of the characteristic he speaks of than when on the first day of this session he announced in tones so pompous his acceptance of the Leadership of the Government, sporting his white kids with inflated pride almost ridiculous. I ask, where are the pledges, where is the policy propounded in the speech read on that day, to which the Government, as a body, were solemnly committed? Gone to the winds as idle words, used for a purpose, to delude and deceive, but abandoned as soon as they had served their intention.

In this letter on our table, Mr. Howe has pledged himself to an election if he could not carry his policy and measures. He was compelled to abandon his policy and most important measure, before he could carry the Address in answer to the Speech! So that upon his own pledge to the Governor, he is committed to a dissolution.

It is clear, sir, from the statement made by his Excellency, that if the Government were further weakened a dissolution must ensue—that having ascertained that he had been grossly deceived and misled as to the state of feeling in the Province, the Lieutenant Governor desired to shake himself clear of a beaten Executive. But the hon. gentleman begs and prays for a little more time; he obtains it only on the stipulation, that if further weakened he should go to the country. Has he not been further weakened? His speaker has been compelled to abandon his chair—and his constituents demand that he shall resign his seat,—the members for Digby and Argyle, have been stripped of the power of giving him any further support, by the public action of their constituents, while Mr. H. has been compelled to give a private member of the house his Representation Bill to introduce, and obliged to abandon his policy on Railway extension—what further more convincing and conclusive evidence of hopeless imbecility, of helpless weakness is needed! Reconstruct the Government, sir, that is a matter easier talked of than accomplish-

ed—as the hon. gentleman will find if he attempt the experiment. Reconstruct the Government, indeed! when he has been stripped of every vestige—every shadow of power in the country,—with a powerless majority in the house, and the people seeking the opportunity to prove that they have lost all confidence—all respect for his administration and himself.—Sure am I that under such circumstances the Lieutenant Governor would not permit the hon. gentleman to carry out the threat he made the other day, to cut and carve up the constituencies as he said after his own fashion before he would allow a dissolution to take place. No man in his senses could suppose that any Governor would permit such an outrage to be perpetrated on the very essence of responsibility to the people. Can he be permitted to insult the Legislature and country thus after he has forfeited all confidence, subdividing the counties to effect the return of his own supporters? It is but the other day that the Government declared in a minute of Council that we would sustain a humiliating defeat in the event of an election. Now they admit that they dare not allow the country to pass upon their misdeeds.

Now, sir, differing as I have felt compelled to, with Lord Mulgrave on many points I cannot for one instant believe that he can ignore the pledge he has made. By that pledge to dissolve if they were any further weakened, His Excellency has sanctioned the doctrine I have upheld that a majority is only a majority constitutionally so long as there is reason to believe that it represents the wishes and feelings of the people. But more, His Excellency now makes the important admission that a dissolution is required in order to restore quiet to the country. Having seen that he was deceived by men who were entirely mistaken if they were sincere and are now crouching with terror—in trembling apprehension of an event which they feel assured will strike them out of political existence, I do not believe he will allow them to continue misgoverning the country in defiance of the plainly expressed will of the people. Well can I imagine the spirit in which the Provincial Secretary penned that imploring letter—begging to be allowed to live a little longer. Well can I imagine the Lieutenant Governor saying to him. “I will let the house come together and see who the supporters of the Government are. Cumberland and Victoria have spoken out against the administration—you have sustained a serious reverse—you may attempt to propound your policy—carry your measures but if you suffer any further *diminution of strength* I must appeal to the people.” Well, sir, I have shown that the diminution has occurred—and feel no doubt that after the indispensable business of the country has been transacted that pledge will be redeemed and the people speaking in all the majesty of their strength will hurl this feeble tottering—trembling—imbecile, unconstitutional administration,—void as it is either of public

principle or policy,—from the position they have usurped.

REPLY OF HON. PROVINCIAL SECRETARY.

HON. PROVINCIAL SECRETARY said.—I remember when old Dr. McCulloch came to that bar and represented the interests of his institution against a pretty clever lawyer, who made an eloquent speech to the House. His first speech was to this effect—I very much admire the fluency of the hon. gentleman opposite. I have listened with great interest to his declaration, but I suppose the first question that will be asked, is, “Is it true?” Now the hon. gentleman has treated us to three quarter’s of an hour’s harangue, in his peculiar style. Well, he may consider it eloquence,—something marvellously impressive, very likely to produce great weight and influence in this House and country; but, unfortunately for him, we have too much of it and all in the same style, to create much of an impression on anybody. A single word as regards the position of the Lieutenant-Governor. For all last session, what had we? Why, sir, we were stormed at day after day; we had no power; we were holding our places illegally; we were violating the laws, and deceiving the Lieutenant-Governor; and we were continually being told that we were all to be dissolved to a certainty. The session, however, closed: the business was done; and the country has spent a marvellously quiet year. Who has been disturbing it? Why, the two hon. gentleman opposite. For nine months these gentleman have bombarded His Grace and the Duke of Newcastle, with all sorts of mis-sives. For these nine months the Lieutenant-Governor was misrepresented and maligned in the organs of the Opposition. The Lieutenant-Governor, however, held on his quiet and independent course, and nobody undertook any defence of his conduct: the people of Nova Scotia were left to judge of Lord Mulgrave, without his case, in any single instance, being stated. But what then? By-and-by the forms of Parliament necessitated the Administration to lay upon the table the printed documents of that correspondence that took place last year on constitutional questions; and then the independent position which the Governor assumed throughout, was demonstrated clearly upon the face of these documents. But what next? The hon. member for Cumberland talks about our degraded and crouching condition; but, sir, does he not know that to this hour, the organs of his party have never dared to publish these documents to be read by the men whom the hon. gentleman and his associates have been laboring to deceive, from one end of the country to the other? Sir, the moment I saw that, I felt it was a confession of cowardice and weakness. Sir, let the fact go abroad throughout Nova Scotia and be marked by its people, that, up to this hour, the Minutes of Council and the dispatches of Lord Mulgrave, have never gone abroad through the Organ for which that hon. member is held entirely respon-

sible. We are afraid, are we? Afraid of what?

DR. TUPPER.—The people.

HON. PROV. SEC.—The people, indeed! When the hon. gentleman has lived with the people and been sustained by the people as I have, he will have learned to speak of the positions of public men with some degree of modesty and forbearance. If nature, sir, has given him the gift of flippant speech, should he for all dare to stand up and insult a man like the hon. member for Argyle. Why, the hon. member for Argyle is descended from one of the old families who carried arms for the British connection, and he bears in his manners the characteristics of a sturdy, independent human being. And, sir, if the hon. member for Cumberland had learned nothing more, he should have learned by this time that he can no more trample down such a man as Mr. Hatfield, than he can win a position by the exhibition of such qualities as he had better from day to day to try to forget.

Let me call the attention of the house to the position of Mr. Hatfield. He came out at the last election for Argyle; and how was he met? Why, the two gentleman opposite used every exertion in favor of Mr. Ryder who was his antagonist, by sending letters and telegraphs time and again; but Mr. Hatfield was returned in spite of all their exertions and machinations. What allegiance, then, did Mr. Hatfield, ever owe to them? They had no more claims upon him when he came into this house than I had upon either of the two hon. gentlemen. Then from the first I say they have humiliated themselves by so many tirades about his coming here to support them. But we are told he has violated his pledges to his constituents—suppose he has. Are the gentlemen opposite entirely spotless in this regard? It would not be very difficult, I think, to adduce various illustrations how they have violated their pledges to their own constituencies. What has Mr. Hatfield done here to-day? has he done anything indecent? No, he merely says that certain false statements have appeared in the newspapers, and comes forward with the proof to show that they are without foundation. And what does the hon. gentleman (Dr. Tupper) do? He does not deny the statement, but thinks to overwhelm him with a torrent of words. Sir, I never knew a man to come into this house without it soon being found what he is worth. If weighed in the balance and found wanting no declamatory power will give him weight or influence. Let me say that Mr. Hatfield has already got a position for uprightness, and independence, which the hon. member for Cumberland might well envy.

(The hon. gentleman after a few more remarks in approbation of Mr. Hatfield’s conduct went on to say that the hon. member for Cumberland did not act in a very creditable manner in attacking the member for Argyle as he had that day. It was not what any man ought to do, possessed of the fluency of speech of the hon. member. The

gifts of Providence were not given to all alike; and the hon gentleman would feel by the time he was longer in the house that he would stand higher, have more friends, and earn greater consideration, by the display of a little more amenity. He then continued:—

Now the hon gentleman has turned fiercely upon the Government which he says is humiliated and upon myself of whom he has drawn a remarkable caricature. He says I have deceived the Lieutenant Governor—have I? I can merely say he is incorrect.

Dr. TUPPER.—I can prove it.

Hon. PROV SEC'Y.—Sir, let me give him the answer to his own speech. What is it? Mr. Howe comes down here with the Lieutenant Governor's speech; and he is now acting in violation of it. Now let me give him full information; for I never wish to screen or conceal anything. He has asserted that I have withdrawn the railway policy from the speech. I state in the presence of this house that when that speech was made Lord Mulgrave knew clearly and accurately how I was going to deal with the railway policy. Then, sir, the hon member for Cumberland has asserted that which has not the shadow of a shade of foundation.

He says, we are so weak. Perhaps he will find that out before the session closes. All the measures that I shall bring forward as Government measures I am prepared to carry; and let him obstruct them if he dares. But he says, I hold out the idea that some of the gentlemen opposite will come over and support us. Well, I think every gentleman will do me the justice to say that I have not yet, at all events, put a question to a man of them. Is there a man on that side to whom I have made an approach or overture except in the ordinary courtesies of life? But let me say to him, let him obstruct me if he can. Why, sir, I should then discharge my duty to the house and to the country; and I would seek support from that side upon fair and equitable principles. I fancy, however, that I am not yet so weak as to be driven to take that step.

The hon. gentleman says that I cling to the Governor's skirts—that I am afraid! Sir, I have, in the course of my life-time, resigned office twice at least; but he never willingly resigned. Did I ever cling to office when I had no majority at my back? What did he do in 1859? He held on for nine months, without any majority at all. But he finds great hope and confidence in the last dispatch of the Lieut.-Governor. Well, I am glad that he has found anything that gratifies him in this correspondence; that he has picked up some crumbs of comfort somewhere. Let me say that I trust he will find nothing from beginning to end that is not manly, candid; and honorable, on the part of those who represent the Government in this House. Sir, the hon member for Cumberland has told us that we were weakened down to the present point which Lord Mulgrave contemplates. How weakened? Because he has been in the township of Argyle, and driven its representative to sus-

tain us with more tenacity and hearty good will than before; because he has gone into the county of Digby, and there by his course of declamation and disingenuous statements, having so disgusted the member for Digby, that he will not very likely be inclined to show much consideration for him this session. Now what is to produce the dissolution which the hon. gentleman requires? Nothing can give it but the weakness of gentlemen on this side, and this, I think, will not very probably be shown. This I imagine will be the end of all his declamation:—the measures of the Government will be carried through this house and his power to obstruct them will be decided between this and the end of the session.

The hon. member says I am entirely ignoring the principles of Responsible Government. Well perhaps I am; having considered them long, having propounded them often, it is just possible that in my old age I do not understand them; but I think he will find by the time we come to square accounts at the end of the session, that I have yet as keen an appreciation of the true principles of Responsible Government as the hon. gentleman himself. He tells me that I have handed over to the member for Hants the government measure upon representation. Why, is he serious, when he says that? The member for Hants has the right, if he thinks proper, to bring in a measure to put the boundary lines of his county to rights. Have all the bills for changing and increasing the representation been government measures in this country? No, sir! The member for North Hants has the indisputable right to redress what he considers a grievance in his own county. And I say to the hon. gentleman, he much mistakes our capacity to deal with a question, when he thinks the measure is limited to the County of Hants or the County of Colchester. Let me tell the hon. gentleman this, that I will do just what his leader and himself did. They had forfeited the confidence of this country; they were about to have an election. Did they go back to the polls and face towns and counties as they stood on the Statute Book? Why, sir, "the bill, the whole bill, and nothing but the bill," as my hon. friend (Mr. Tobin) characterised it, was crantmed at the latest moment down our throats. That change was made without the people's consent, without even the ordinary clause which reserves it for the assent of the Crown. And upon that bill, arranged with devilish ingenuity, they dissolved the house and went to the country. Yet for all, they came humiliated back; and what then? They clung for nine months to the skirts of the Lieutenant Governor, appointed men to office, and drew their salaries. No men that I know of in this country, but the hon. gentleman and his colleagues, ever drew nine months' salary without having a majority, not even the tenth part of a member of Parliament, to justify such unwarrantable acts.

But the hon. member says, the hon member for Argyle will look in vain for the views of

the present members of the government.—Why, I can turn to a past life, diversified by twenty public measures upon the Statute Book, in which I have had a hand; and, sir, I do not feel in the least degree humiliated or offended, when I am taunted by a gentleman like the hon member for Cumberland, who can hardly put his hand upon a single measure that his brain ever conceived or his hand fashioned, that forms a part of the Legislative history of the country. Let me tell the hon. member, that having carried through the business of this session, and of another session or two, successfully and honorably, having given the people time enough to compare our Legislative measures—then I will be quite ready to afford him the opportunity he now wishes; and I doubt very much if the hon. gentleman, when he comes back, will be quite so grand and triumphant as he appears to be to-day.

(The hon gentleman then alluded to the hon member for Cumberland having found fault with his having worn white gloves on the first day of the session. Well, he did not think it made much difference what is on a man's hands, if his heart is right—if there is truth and honor in him.)

But he takes my speech, and some speech of my friend, the Financial Secretary, upon the Catholic question, and says we disagree.—Well, sir, it is just possible that the Financial Secretary, speaking somewhere at an election, may have uttered sentiments which, compared with my sentiments expressed the other night, may seem to be in contra-distinction. Let me state to the hon. member, that the Financial Secretary and myself, for the last fifteen years, have been pretty intimate,—nay, I may say, bosom friends; we have known, during all that time, each other's sentiments upon public questions; and all I can say is this, that if the doctrine, as propounded the other night, be not that which my friend and myself have ever stood upon in this country, then I have sadly mistaken the Financial Secretary.

Sir, I have never allowed and never will allow my sentiments upon this or any other question to be taken from the organs of the opposition. In regard to that and all questions I trust that I know my exact position. He says I am anxious to have the Catholic members back to my support. I am now speaking in the hearing of these gentlemen, and I very much mistake the manliness of many of them—may I not say of all of them—if I shall make an appeal to them in vain when I ask if there is a man amongst them who can rise and say that up to this hour I have ever made the slightest approach to any dishonorable proposition to any one of them, or have by any act of mine justified the slander which the hon. member has hurled at me. No one can assert that there has been or is likely to be anything unfair or dishonorable placed before these gentlemen. No hon. gentleman has any right or authority to make such a statement. This, however, I am content to admit. When I was separated from many of these gentlemen

by the conflict of political opinions, I still retained my personal respect for many of them, and I trust ever to retain it. The old associations of days past have had upon my mind their natural effect and influence; and therefore, the moment the time and opportunity arrives for the revival of old ties and the strengthening of old personal attachments, I shall be rather a weak politician if I shall not quickly avail myself of it; provided I can advance the good of the country as well. From envy, hatred, malice, uncharitableness, or religious bigotry, I would not hold one of these gentlemen from me for a single hour, if I thought his services were required for the promotion of the public advantage.

Hon. FIN. SECRETARY then said—I feel, sir, I have a right to make some few remarks after the observations of the hon. member for Cumberland. Now, I am not sorry that a reference, made by the hon. gentleman on a previous evening, has been repeated here to-day. For, sir, upon that delicate question to which he alluded I am quite prepared to speak as frankly and openly on the floors of this house, as I was on the hustings at Musquodoboit.

The hon. member for Cumberland has referred to what he considers a discrepancy between my views and those entertained by the hon. Prov. Secretary. My hon. friend can speak for himself: but I shall lay down plainly the views I entertain personally here to-day. I may say, at the outset, that the views which I now hold are those which I entertained at Musquodoboit a year ago. I hold under my hand the report of the speech which I made at that place. And let me here state that a speech which occupied nearly an hour and a half in its delivery, is put in a column of a newspaper; gentlemen all around well know how ill calculated such a report is to express the sentiments of the speaker. Let me, however, take this passage from the speech as it is reported

• “Desirous of maintaining the purity of these constitutional privileges and well understood in this country, it is clear that a Roman Catholic cannot be allowed to hold a seat in the present government.”

Conn ed with these remarks were others which will be presently found fully and clearly expressed, and which should have been given by the hon. gentleman, if he wished to act fairly. I said on that occasion that no Roman Catholic could be allowed to take a seat in the government. I appeal to every Roman Catholic on these benches whether there is one among them who would take a seat, opposed as they are to the policy of the present administration. But I reasoned that subject out: I was speaking of the existing state of the country; I was referring to the fact, that in every county of the province, where a Roman Catholic clergyman was to be found, there an active and uncompromising opponent of the existing government was at work; I was arguing that Catholics were not acting as Churchmen, Presbyterians, Methodists, or Baptists, as free agents, but were united as one man, and di-

rected by one mind; I was arguing from that state of things; and I hold I was right in saying that no Roman Catholic could fill a seat in the executive. But I went further: in the course of that same speech, speaking of the party with which I was connected, and referring to the election of the 12th May, I said—“No man would be proscribed on account of his religion.” “The supporters of the present government never said they would proscribe any man because he was a Roman Catholic.” Can there be any mistake about that, sir?—Does not that refer to Catholics as well as other denomination—“no man shall be proscribed on account of his religion”? But if gentlemen will proscribe themselves as they have done, what right have they to complain? I hold in my hand something more: there was a paper published in Halifax, termed the *Halifax Catholic*, in which the opposition of that day were strongly proscribed. It is but right on this occasion that I should read a paragraph. The hon. member for Halifax smiles; but that was no ordinary newspaper paragraph; it was edited by one whose influence was paramount with the body with which he was connected:

“Neither Howe, Young, Anwand, Wier, Archibald, or any of that gang of bigots, who drew up, endorsed and fathered the infamous manifesto of March last, can ever become leading statesmen in this province again. When they subscribed that manifesto *they signed their death warrants as regards political life.*” — (See *Halifax Catholic*, 6th June, 1857.)

Was that proscription or not. The only cry of proscription ever raised in this country was in fact, raised by themselves.

Thus it is seen that the speech at Musquodoboit actually denounces the doctrine that any man should be proscribed. If I choose to take the trouble to go to my own department, the revenue department, I could easily show that some Roman Catholics have been promoted in it, and some appointed to office; but let me say, at the same time, their political opinions were in unison with our own. I hope, sir, I shall ever be enabled to maintain the opinions which I have enunciated to-day on the floors of this house.

Mr. KILLAN stated that he had been among the people of Argyle during the last year, and never heard an individual, directly or indirectly, intimate he had not carried out the views which they wished him to carry out.—He considered it was Mr. Hatfield's duty to act in accordance with the wishes of the people who sent him to the house.

Mr. HATFIELD said that he had come to the house not thinking that he was bound to any particular set of men. When he found that the present opposition were doing wrong he went against them. He had always been an independent man; he did not think any one should be bound to follow a certain political set; he was always determined to follow his own judgment. All last summer he had never heard a man say that he had done wrong. He had even run the risk of his life in coming to

the house to support the late government; but when he came and found they were doing wrong he determined to go against them.—And then when he opposed a bad measure they ridiculed and persecuted him and finally drove him entirely from them. He felt confident that the people could appreciate the motives that had actuated him throughout.

Mr. MORRISON—It is said that the government party went to the hustings in 1859 with proscription upon their banners. I am prepared to hurl that assertion back upon the gentlemen who made it, and shew them that it is not true. I had to run an election in one of the most Protestant districts in Nova Scotia, and yet I never held out such a doctrine to a single individual in it. It has been well said by the Financial Secretary that if they had a mind to proscribe themselves let them do it. No, man, sir, is going to cringe and ask their support. Proscribe the Catholic body of this country! Who first propounded that doctrine on the floors of this house? The first that I ever heard of it was from the hon. member for Cumberland himself. He was the man who as early as 1856, was going from one to the other, and endeavoring to form a third party to proscribe the Catholics. Why, I was approached myself and asked to join a third party. He says we proscribed the Catholics. Equal rights to all proscription to none: that is the motto emblazoned on our banners over the length and breadth of the province. Protect the Protestant and don't proscribe the Catholic. Such is the doctrine that I will ever advocate. But, sir, the hon. member taunts us with a flippancy of tongue that is most extraordinary. If I possessed the same freedom of speech I think I could storm him down, and teach him a lesson that he would not soon forget. To think that he should attack my brother salt because he had not the same flippancy of language as himself. Why, sir, he can no more confound him than turn himself into a gentleman. (Order, order.)

Mr. TOBIN—Let him go on.

Mr. MORRISON—Perhaps, sir, I have done wrong; if so I regret it. I ask the hon. member for Cumberland if he wishes to revive the Catholic question in this country. If so, let me tell him that we are quite prepared for it at any time he may bring it up. He knew that he had betrayed the feelings of the Protestants of Nova Scotia, that he dared not face them at the polls until he gave to the Catholics of the country additional votes. Is it a fact or not? Go to the counties of Digby, Western Halifax and Inverness; every man had three votes given him.

As far as I am concerned I never wish to raise a band to proscribe any one on account of his religious feelings or opinions. My doctrine has ever been that since the Creator in the ways of his inestimable providence has given his bounteous gifts alike to the Protestant and the Catholic, it is not for men to make political distinctions between them. Let every man worship his God according to the dictates of

his own conscience and reason; but let no one on that account presume to proscribe him from the exercise of political privileges. Such sir, is the doctrine that I uphold in Protestant Colchester, and intend ever to maintain before the world. (The hon. gentleman concluded by an expression of regret if in the course of his speech he had made use of any unparliamentary language.)

Mr. TOBIN—I had really thought from what had taken place in the legislature, from the manner in which gentlemen had comported themselves, that we were not going to have such discussions as we have had to-day. I think they are entirely out of place, and should not be revived. We have over and over again discussed the reasons of the separation of old connections; and they are now matters of the history of the Province.

But I cannot help calling to mind a remark that fell from the hon. Fin. Secretary. He said that on every hustings there was a priest. That is new to me. I never heard that said before. The papers, of course, in the Catholic interest, published strong articles, just as did papers on the opposite interest.

It was quite unnecessary for the Hon. Financial Secretary to make any allusions to his speech at Musquodoboit. I believe that the history of the differences that have ensued will show that the hon. gentleman was pretty well mixed up with them. We all know that everything was done in those times for political purposes. I believe the hon. gentleman took a very prominent part in the whole transaction. And let me say, sir, that I doubt very much if there is a Catholic in the Province who would possess the least inclination to go into a Government with the hon. gentleman. (Hear, hear.)

As regards the position of the hon. member for Argyle, I must say with frankness that I do not think he can justify himself. I think he feels conscious that he is placed in an awkward position, and has been trying to place himself right before his constituents; but, as far as I have been able to judge, he has entirely failed, and I am confident that the people of Argyle will hardly be satisfied. How he can endeavor to justify his conduct, after the vote he gave last session, it is impossible to make me understand.

I may say I care nothing about the religious feelings or opinions of gentlemen on either side; I have never given myself the least trouble about them. For several years I thought the President of the Council was a Catholic; at all events, he was always in the Catholic Church when I was there, and certainly appeared to pray as fervently as any one else.

I shall now present a petition which will at once show that I am not illiberal in my views.

The hon. gentleman then handed a petition from Mr. James R. Lithgow, and had it read by the Clerk. It asked in effect that the House should so amend the law concerning Sunday observance as to allow conscientious fishermen to fish on Sunday as well on any other day of the week.

Mr. MORRISON thought the House should not receive the petition; he would move that it be not received.

Dr. TUPPER was glad to second the motion.

Mr. TOBIN said that he considered it his duty to present every petition that was presented to him. He held the Lord's Day sacred, and he had seen from a long experience, that those who violated that day rarely prospered in life, while those who kept it sacred were generally fortunate and regarded.

Hon. Mr. HOWE thought that the hon. gentleman was quite right in presenting the petition. He was glad to see such an expression of Christian feeling in regard to the sentiments it embodied. No good could come from disseminating such views as the petitioner held. Our country has prospered, so far, with the general observance of the Sabbath.

Mr. SHAW, Mr. SHANNON, Mr. H. McDONALD, and Hon. Mr. JOHNSTON, also deprecated the introduction of the petition.

Mr. TOBIN then took occasion to speak very highly of Mr. Lithgow's personal character. The opinions he held concerning the Sabbath, arose from his sincere, conscientious convictions on the subject.

The petition, accordingly, was not received.

Mr. MCFARLANE presented a petition from Wm. Blinkworth, asking for the passage of a law relative to Amherst Point Marsh. He also introduced a bill in accordance therewith.

Mr. PRYOR presented the memorial of the Commanding Officers of the Halifax Volunteer Rifle Battalion, asking exemption, on behalf of their Companies, from poll-tax and serving on Juries. Referred to the select committee to whom the City Bills were referred.

Hon. Mr. HOWE laid on the table the printing accounts of the past year. It would be seen that there was a falling off of about \$4,977, but that was due to the printing of the Revised Statutes and the General Election, which swelled the account of the previous year.

Then the House adjourned until next day, at half-past 10 o'clock.

SATURDAY, March 2nd, 1861.

The house met at $\frac{1}{2}$ past 10 o'clock.

Mr. TOWNSEND presented a petition from the inhabitants of Yarmouth in favor of taxation for schools.

A call of the house was had.

Hon. COLIN CAMPBELL presented a petition from Westport, on the subject of assessment for schools.

The following bills were read a second time: a bill to divide Queen's County into two school districts; a bill to amend the act to provide for the registry of warrants to confess judgment; a bill concerning the County of Hants.

Mr. GRANT presented a petition from certain inhabitants of the County of Pictou, against assessment for schools.

A bill relating to the preservation of useful birds and animals, was read a second time.

Hon. ATTORNEY GEN. introduced a bill to provide for the registration of births, marriages and deaths.

The Hon. SPEAKER called attention to the practice pursued relative to "orders for the day;" hitherto they had been continued when not taken up without motion; this had the effect of encumbering the Journals. The practice in the House of Commons was, when a member did not attend to his order of the day at the time specified, the matter was dropped and could not again be taken up during the session. There were no less than three orders of the day for Monday next, some practice should be adopted, members should either attend to the "orders of the day" or move its continuance.

After some conversation Mr. Henry gave notice of the postponement of his railway resolution.

Dr. TUPPER said that as the President of the Council had charged the Opposition with being afraid to circulate the despatches in the country, he should like to be informed upon what terms they were printed.

Hon. Mr. HOWE.—The Government gave an order for a certain number for their own use, and the papers who had the printing of them, printed a number of supplements at their own expense, and circulated them with the papers.

Dr. TUPPER had every wish that these despatches should go before the public—he had purchased 100 copies at his own expense and circulated them. He understood from Mr. Howe's remarks that the despatches were first published at the expense of the Government, and it was then very convenient for the parties employed, having the types set up, to circulate supplements with their papers; but it was very unfair to charge the organs of the Opposition with not circulating them, when they could only do so at their own expense.

Hon. Mr. HOWE said when the types were set up, he thought it advisable to obtain a number of copies, and he understood that the Chronicle and Reporter were willing to circulate them.

Mr. HENRY—The meaning of it is that two papers published them, because they were paid for it.

Hon. Mr. HOWE. No. The Church Record, he believed paid for 1000 copies.

Dr. TUPPER, Does the Prov. Sec. mean to say that he gave an order for 1,000 without paying for them.

Hon. Mr. HOWE.—No.

Mr. HENRY.—The Government paid certain papers for setting up the type; they took so many copies for their own use, and the papers then took advantage of the type, and circulated as many as they choose. The members of his side of the House had to purchase them, while those on the other side got them for nothing; the charge that the Colonist would not publish the despatches, was without foundation, he observed that paper was behind the others in the Debates, he supposed from want of space, being smaller than the others.

Hon. Mr. HOWE considered it advisable that these documents should be printed on a single sheet, some of the printers said they

would like to circulate them with their papers. The proprietors of the Reporter, he believed, undertook to see how many printers wanted them,—the Chronicle took 1700, the Church Record 1,000, and the other papers had an opportunity of getting them.

Mr. JAS. McDONALD. The amount of it was, that the Government having ordered 1000 copies of these despatches, and paid the Queen's printer for them, the papers having the advantages of the type set up, of course wished to make as much as they could out of them and issued them in supplement, and then the President of the Council turns round and charges a paper not having that advantage, with being afraid to circulate them.

Dr. TUPPER said the Prov. Sec'y. would see the propriety of circulating them equally, if he would give him 500 copies, he would be happy to distribute them.

Mr. JAS. McDONALD enquired whether they were circulated before they were laid on the table, he believed some were in his county, before he had seen them here.

Hon. Mr. HOWE explained that the Legislative Council were in communication with his Excellency before the house was, and the despatches were before the upper house some time before they were brought down here, and therefore it was possible that copies had got into the country.

Mr. HENRY moved that the Revising Committee have power to appoint a committee to enquire into the Kings County petition; relative to the seizure of sugar, and have power to send for persons and papers.

Mr. MORRISON had intended to have put this matter before the country in its true shape, and to have shown the legal gentlemen that they were talking of what they knew nothing about. He intended to have taken the ground, that the officers acted illegally.

Mr. HENRY, and therefore that the Government were justified in not looking after smuggling. (Laughter).

Mr. MORRISON would say nothing about that, he could prove that the officer was guilty of three violations of the law.

Hon. Mr. HOWE suggested that when the committee reported, the hon. member would have an opportunity of expressing his views.

After some remarks, it was agreed that the committee have power to send for persons and papers.

The roll of the committees was then called over. Some short conversation occurred relative to certain criminals in the Penitentiary; and also relative to the manner in which the enumerators for the census were appointed; after which the house adjourned until half past ten o'clock, Monday morning.

MONDAY, March 4th

MORNING SESSION.

House met at half-past 10 o'clock.

A call of the House was had.

Mr. GRANT presented a petition from poor district No. 1, County of Fictou, praying for

an act to authorize a loan for the purchase of a lot of land for the erection of a Poor House. He also introduced a bill in accordance with the prayer thereof.

Mr. McFARLANE called attention to an inaccuracy in the published reports. He was reported to have presented a petition on Friday last from Wm. Blinkworth, in reference to Amherst harbor; whereas it should have been in reference to Amherst Point Marsh. He also introduced a bill in accordance with the prayer of the petition. [At the time the hon. gentleman spoke, the official report of the day's proceedings had not appeared, and what he alluded to, appeared in a paper with which the official reporters have no connection—REPORTER.]

Mr. HENRY, as chairman of the committee on private bills, reported favorably of eleven bills without amendments; and also three bills as amended, viz.: A bill to incorporate the Halifax Steamboat Relief Company—amended by increasing the liability of stockholders to double the amount subscribed; a bill to incorporate the Medical Society of Nova Scotia—amended by confirming the Bye Laws, when approved of by the Governor in Council; a bill to provide for the erection of an Hospital at Pictou—amended by imposing a small tax upon vessels entering the port, as well as upon the captains, mates, and seamen, as provided for in the bill.

Mr. BLANCHARD introduced a bill to amend chapter 48 Revised Statutes, of Townships and Township Offices. The object is, in case of vacancies occurring by death or otherwise in township offices, to enable three magistrates to nominate a suitable person to fill the same, whose name will be returned by the clerk to the Custos, and if approved of by him, will have the same effect as if approved of by the Sessions.

Hon. ATTY. GENERAL introduced a bill to regulate the issue of Treasury Notes.

The House went into committee on bills;—in the absence of Mr. Martell, who was serving on an election committee, Mr. Townsend in the chair.

A bill to incorporate the Victoria Marine Railway Company, and a bill relating to an electoral district in Inverness, were passed.

An act in amendment of an act to provide for the erection of a new Court House in Halifax, caused considerable discussion.

Mr. HENRY explained that the County authorities contend, that having paid two-thirds of the cost of the building, they have a right to the use of one of the rooms for the holding of the Sessions, in preference to the Supreme Court.

Hon. ATTY. GENERAL—If the reason was good, it would apply much more strongly to the Court Houses in the country, which were entirely paid for by the Counties; but the Sessions never thought of claiming priority as regards the use of the building, over the Supreme Court. In his opinion, the first consideration should be the accommodation of the highest tribunal in the country.

Mr. ESSON said, as it appeared to be the general opinion of the house that the Supreme Court should have the preference over the Sessions, he would offer no objections to the clause being so amended—with the understanding that it should be open to reconsideration, if he should think fit after consultation with the Custos. The clause was accordingly amended, giving the Sessions the use of one of the rooms, when not occupied by the Supreme Court, or Court of Vice Admiralty.

Hon. Mr. HOWE suggested, that one of the vacant rooms be allowed to the Volunteers for an armory.

Mr. PRYOR thought the basement would be too damp.

Hon. SPEAKER thought the sooner we got rid of the new Court House, the better. It had already cost the Province a large sum, and from the state it was now in, it was likely to be a constant expense.

Hon. ATTY. GENL. and Mr. McFARLANE explained, that the snow lodging on a portion of the roof had produced a small leak, which could be remedied by the outlay of a very small sum, when the spring opened.

Mr. ESSON thought the country members should not complain; one-half the business transacted in the Court House came up from the country. If the country had been left to itself, they would have built a Court House for £ or £3,000.

This led to a long discussion on the subject of devising some system for restricting the number of appeals from the country.

Hon. Mr. HOWE thought something should be done to remedy the present system. Now and then, it was true, a delicate and important cause came up for argument, but in nine cases out of ten, the time of the Judges was taken up with two-penny halfpenny cases, that should never have been brought up.

Mr. HARRINGTON agreed in the necessity for adopting some system for obviating the expense and delay caused by the present practice of allowing appeals in almost every case.

Hon. ATTY. GENERAL—It would not do to abolish appeals altogether; no man would be satisfied with the off-hand decisions of a Judge *at nisi prius*.

Hon. Mr. HOWE said that some years ago, when the inferior courts were abolished, this result was predicted. In Canada, the County Courts transacted a great deal of this kind of business, but we appeared to be going back to the barbarous ages.

Hon. Mr. WIER spoke of the delay and expense of the present system. Last term there were 80 causes for argument, and only 25 determined.

Mr. HENRY thought the case rather exaggerated. Out of some hundred causes tried on his circuit last year, only five or six were appealed from. He thought the new system a great improvement, and worked admirably.

The bill passed.

A number of private bills passed without discussion. On the reading of a bill to alter the time of holding the sessions in Victoria,

Mr. HENRY explained, that as the bill had been read at the sessions, he had not thought it necessary to consult the members of that county, but he found it had been read three years ago, and he understood that one of them (who was now absent) had some objections; he therefore moved that it be referred back to the committee on private bills.

A bill to enable Daniel C. McCallum to obtain letters patent for an improvement in bridge caused a long debate.

Mr. McFARLANE objected to this indiscriminate practice of granting letters patent.

Mr. J. McDONALD—This is a peculiar case, deserving of serious attention. The bridges were used extensively on the Grand Trunk and other railways, and were well recommended. The hon. gentleman read from a pamphlet a certificate from the chief engineer of the Grand Trunk railway in favor of the improvement, and exhibited a sketch showing the advantage of the new system over the old one.

Hon. Mr. HOWE thought it hardly fair to give an exclusive right to build bridges when so much money was expended in the country for that purpose.

Mr. J. McDONALD—That is the reason why we should grant this patent. At present we have no good mode of constructing bridges, and the kind constructed by Mr. Callum are less expensive and last longer than those used in this country.

Mr. HARRINGTON was opposed to monopoly: every man should be allowed to use his own ingenuity, and he thought if one of our mechanics went to the States, he could soon learn this system and others could copy him.

Mr. J. McDONALD said the applicant was connected with a large company, who were prepared to build bridges cheaper than our artizans could. He did not think our mechanics would be induced to go to the United States to learn the system.

Mr. BOURINOT thought the time the patent would run should be limited to two or three years.

Mr. MORRISON agreed in the importance of having improved bridges; at the same time, he did not agree in the policy of giving the exclusive right to any man. Before long it would be necessary for the government to take the matter up, and appoint supervisors of bridges, who would have to go abroad and study the system pursued in other countries.

Hon. ATTY. GEN'L thought the discussion had better be deferred, as the house was so thin.

After some further remarks from hon. Mr. Howe, hon. Mr. Wier, and Mr. Henry, the matter dropped.

A bill imposing a small tax upon vessels entering the port of Pictou, to go towards the expense of erecting an hospital, was discussed. No action was taken on the matter.

The committee adjourned. The house resumed, and the bills passed in committee were reported.

On the reading of the bill relating to the steamboat relief company,

Hon. Mr. WIER said he was opposed to the principle of making stockholders liable for more than the amount subscribed by them. He would not, however, move against this bill.

Mr. HENRY explained, that the committee had merely applied the rule laid down by the house. He agreed in the opinion expressed by the hon. Mr. Wier.

On motion of Mr. Grant, special leave was granted for the erection of a poor house at Pictou.

Hon. ATTY. GEN'L said there was some difficulty as to the Supreme Court at Digby and Annapolis; he therefore introduced a bill to amend chap. 126 Rev. Stat. "of the Supreme Court and its officers."

Mr. SHANNON, from the committee on city bills, reported a bill concerning streets in the city of Halifax, with three amendments, viz., confining the poll tax to residents of the city, exempting the volunteers therefrom, and reducing the price of truckmen's licenses from \$4 to \$2.50.

Hon. Mr. HOWE said some distinction should be made: a large number of the volunteers were organized, well disciplined, and trained men, while others were not.

Mr. PAVOR suggested that these companies should be exempt who were certified by the Adj. General to be in an efficient state.

This was agreed to.

Then the house adjourned until 3 o'clock in the afternoon.

AFTERNOON SESSION.

A bill to amend chapter 136 of the Revised Statutes was read a second time and referred to the Committee on the amendment of the law.

Mr. Cochran, chairman of the Victoria Election Committee asked leave for that Committee to adjourn until Wednesday, 5th March, which leave was granted.

Mr. Longley presented a petition from the inhabitants of Springfield, Annapolis Co., praying the establishment of a way office; referred to the post office committee.

Mr. Henry, from the committee on private and local bills, reported a bill for the erection of a Poor House in Pictou.

Mr. Morrison said that before proceeding to the order of the day he desired that the house should come to some understanding. One constitutional debate had already occurred during the session; another was about to take place, and before entering upon it he thought it would be wise to adopt a rule, restricting speakers from occupying more than one hour at a time—and if hon. gentlemen desired to roll two speeches into one, they might have benefit of two hours.

The Legislative Council, by message informed the house that they had agreed to an act to change the name of Joseph Hyman; also, an act relating to the Registry of grants, without any amendments.

Mr. Morrison continued—Some hon. gentle

men, during these constitutional debates, occupied two days, and after these lengthy addresses were delivered others felt disinclined to occupy the time of the house lest the session should be interminably prolonged.

Hon. PROV. SECT. would be sorry to see such a rule pressed against the hon. member for Annapolis to-day; he had a large body of documents to review, and it would be scarcely fair to restrict his right. He was quite free to admit that some speeches delivered in the house were too long and prosy, and might be cut short a good deal.

Hon. MR. JOHNSON intended, as it was a matter of consequence, to deal with it fully, but should occupy no greater time than was necessary.

Hon. PROV. SECT. did not think it wise to make this rule applicable to any particular person in debate; if adopted it should be general.

DR. TUPPER—The debate was not formally opened the other day, although he was willing to accept the Prov. Secretary's proposition that they should be counted as part of it. It was not to be wondered at that the Prov. Sec. did not wish the resolution of the member for Colchester to go on the Journals, inasmuch as it was in the nature of a vote of want of confidence against the government; meeting a motion of that kind by an attempt to restrict debate.

SPEECH OF THE HON. MR. JOHNSON ON CONSTITUTIONAL QUESTIONS.

Hon. MR. JOHNSON then arose and spoke as follows:—Mr. Speaker—The subject upon which I am about to address this House, is one almost incapable of much abridgement. It is one which opens up a very wide field; it touches principles of great importance; and the documents we have to examine are exceedingly voluminous—and they are not only voluminous, but they travel over an immense deal of matter. The despatches of the Lieutenant Governor and the Minutes of Council do not confine themselves to the question immediately before them, but make frequent reference to the past history of the country; and, indeed, I cannot better characterize the Minute of Council of June 26th, than as a distorted version of the history of this Province for the last five and twenty years.—Whether it may be necessary to take notice of all that these documents contain, I am not at this moment prepared to say; but there are, at all events, opinions and remarks which necessarily call for an answer, and which will naturally lead to a good deal of digression from the main object before us. It will, however, be my desire to abridge my remarks as far as it is possible.

Before I commence with the immediate examination of the papers before me, I will offer to the house a few preliminary observations by way of explanation of the general subject. All men, Mr. Speaker, will admit that a sound moral sentiment, and a strict regard for the observance of law, are essential to the well-being of a community of free men; and that

no duty can rest with a more sacred obligation upon the rulers of the people, than that of fostering these principles and checking their infraction. It will also be admitted that the mischief of the violation will be great and abiding in proportion to the elevation of those from whom the outrage proceeds; and in proportion also to the extent of the circle over which the wrong operates, and the magnitude of the interests affected, and the value attached to those interests. Nor will it be denied that the evil will be aggravated, if transacted in a community in the early stages of its constitutional existence, before the political knowledge of the people is matured, or their habits of self-government ripened by long experience—when their institutions yet in progress of development take the force and direction for good or for ill, of the influences to which they may be subjected. I have been explicit, sir, in announcing these principles, because these self-evident, but most important truths have not, as I conceive, received from the Earl of Mulgrave and the Duke of Newcastle that regard to which they are entitled; and it is therefore I take the liberty of believing that these noblemen have not pursued the course which the true interests of this country demanded from them in the exercise of their high functions, and that I withhold from their opinions that deference which otherwise I might render to the judgment of persons in their elevated position.

Now, sir, I rest my argument upon this foundation; and I shall proceed to enquire how far I shall be able to sustain the remarks which I have just made. In the month of February last, Lord Mulgrave was called upon to inaugurate a new Executive Council, upon the passage of a motion of want of confidence by a majority on the floor of this house of two members. The majority on that occasion embraced a number of individuals known to be ineligible by law to sit in the house. I assert this as matter of fact, for it is in the knowledge of every man acquainted with the circumstances; and I assume it, sir, as one of the premises upon which my argument is based. And I make this observation without in the slightest degree wishing to wound the feelings of the gentleman alluded to. I shall select, for the purposes of my argument, the cases of three gentlemen, because three are sufficient, and these are so clear, so strong, so unequivocal, that no question, I imagine, can arise as to the matter of fact. I refer to cases which have been so often and so long before the country and the house, that it is unnecessary to dilate upon them. The evidence by which it was sustained that these three men were disqualified under the law, was most palpable; it was within the knowledge of the Lieutenant Governor, as it was, I might say, within the knowledge of every man of ordinary capacity. He knew from the records of public offices within his control, that a gentleman had been appointed a coroner, and that he had exercised the office and drawn from the revenue of the country the fees of a coroner, and that he had

not given up the office he held under the government, until the house had met, and therefore too late to meet the requirement of the law. Hence as to the fact there could be no question. So the other two gentlemen who filled the situations of way-office keepers had received quarterly their salary, and yearly or half-yearly their allowances; they were daily seen transacting the business which so much affects the interests of every one in the country, of the transmission and receipt of letters; before they assumed office, made the usual declaration of office, and under a solemn obligation declared their intention to carry out its duties with fidelity. Their declarations, receipts and returns were records of offices they had, and that these offices were under the government, the whole system of the Post Office department evidences.

Under these circumstances, sir, the government was inaugurated. But a good deal has been said with regard to the nature of this law of ineligibility, and I may perhaps anticipate here some observations which will be called for in the consideration of the dispatches. The law itself is familiar policy in England; and our act was no more comprehensive than that in England, for last year when the question was discussed, we had examples showing us that gentlemen in the mother country had considered the very smallest emoluments as sufficient to bring them under the operation of the law,—in one case, the insignificant perquisites of stationery being deemed of that character. And, perhaps, I cannot do better as regards the general policy of the law than refer to a short extract from a work well known and esteemed on the constitutional history of our country. In the third volume of Hallam's Constitutional History I find this statement: "These restrictions ought to be vigorously and jealously maintained, and to receive a construction in doubtful cases according to their constitutional spirit; but not as if they were of a penal nature towards individuals,—an absurdity in which the careless and indulgent temper of modern times might sometimes acquiesce."

Now, then, sir, if it were true that the majority that called for the change of Government was no majority except it was made so by individuals ineligible and sitting in Parliament under an infraction of the law, the question arises how that state of things was to be dealt with. It was contended by the then Government that before the House proceeded to settle any other question, they should deal with that matter of ineligibility—and that it should be done by the action of the House itself. In this they were frustrated by the votes of the majority, including and made up by the gentlemen to whom I have referred. There was no want of precedent to establish the right of the House thus to deal with the question of ineligibility; but the majority determined otherwise, and called upon the Lieutenant Governor to form his Government. Now the question was whether the Lieutenant Governor, with the knowledge of the facts before him, was or

was not justified in accepting that vote as the vote of a legitimate majority, and in acting upon it. First, then, was there or not in the vote that was given in the House, upon which the Government was to be changed, a violation of law? If I am correct in saying that there were gentlemen sitting in the House ineligible, then there was an infraction of law. Now, sir, the next question arises, whether that infraction of law, in its nature and consequences, was of that character which demanded notice and interposition. I take it for granted that it must be considered that it was. It aimed at a change of Government, at transferring the power and offices of the country to certain individuals, who, to acquire the rights they demanded, ought to have been possessed of legal authority for that purpose; but the change of Government not only involved the interests of individuals, but also the interests and feelings of large portions of every community throughout the province, and involved consequences which would be felt over all the country. But still more, in its violation of the fundamental principles of right, and in its infraction of law, it threatened to introduce into this country an example most baneful and deleterious in its effects;—I held then, as I hold now, that it was one of those cases that most emphatically called for the attention and the action of the Executive. This interposition, sir, was requisite that a wrong might be prevented which affected the interests of a large portion of this country; and which, if perpetrated, would establish the example of successful usurpation of power by a disregard of law—here, in the people's House, where laws are made—and ought especially to be regarded—and elsewhere, in a quarter where still more ought the respect for the laws to be paramount.

If, then, it were indeed an evil of that magnitude, it surely demanded the interposition of the Executive; and the next question which arises is this, was there any power in the head of the Government which enabled him to check an evil of such a glaring nature? I have no hesitation in expressing my opinion that the prerogative of the Crown is vested in the Executive for the very purpose of meeting anomalies and evils of such a character. The prerogative once the instrument in the hands of tyrants to oppress, is now the auxiliary for sustaining the people's rights.

Let me ask the attention of the House to the description of the prerogative given in Blackstone's commentaries: "For prerogative consisting (as Mr. Locke has well defined it) in the discretionary power of acting for the public good, where the positive laws are silent, if that discretionary power be abused to the public detriment, such prerogative is exerted in an unconstitutional manner."

Now it will be perceived that I am calling attention not to the powers of this House,—not to the interference of the Executive in this House,—but to the independent powers of the Executive Government under our constitution—and I am asking you to con-

sider that while it is essential for the interests of the people that the privileges of the House and of the two branches of the Legislature should be maintained, it is equally for the interests of the people to uphold that that portion of the constitution which places power in the hands of the Crown, for the purpose of sustaining the rights of the people, should be maintained in like integrity and exercised on all occasions where its exercise is justly required. In the power of dissolving the House, the Crown is, technically speaking, not called upon to give an account of its reasons; it has within itself the power, immediately and exclusively, to exercise the right of dissolving the Legislature; but the time has long gone past when that power can be exercised without grave necessity and just reason. We come then to the enquiry whether in the present case there was just reason. If I am right in the principles which I have laid down, then the violation of justice and right, the infraction of the laws and the deterioration of public morals are evils of the highest magnitude, and to avert and rebuke them, is just cause for the exercise of the authority of the Crown; and on the principles I commenced with, I am right in the belief that an example coming from so high a quarter—from this House, of the highest influence in the country—of disregard to law, and the most sacred obligations must be pernicious to Nova Scotia in this its early stage of progress in the discipline of self-government, and ought to be met, when any other remedy fails, by the exercise of the prerogative—not by interfering within the House, but by staying the evil by terminating its existence, and resorting again to the people.

Now, sir, these observations bring us to the question that is particularly involved in the enquiry before us. Lord Mulgrave has propounded, and his argument throughout rests upon the assertion that this house is the sole judge of the illegibility of its members. But no one disputes that fact as regards the seat of members in this house. Nothing can be clearer than that the Executive has no right to come into this house and interfere with its action here. And therefore upon that point, which is the main element of Lord Mulgrave's argument, there is no difference of opinion; and the more his Lordship presses upon us the finality of the action of this house and the absence of any appeal from its decision, the more important does the point of enquiry become; which I have presented, whether or not there is vested in the constitution some remedy in the case of a power so supreme, so final, so incapable of reversal, being abused. In a free country with a constitution such as we have the very safety of the people rests upon this great principle that the different elements of the constitution afford a check on each other that no branch shall be in such a condition as to enable it without some remedy to exercise its power in a manner inconsistent with the rights of the community. If therefore this house have the power (and no one

doubts it?) of determining within itself all questions which come before it and will submit to no outside dictation, then an important question arises—and here it is that I differ from his Lordship. I agree with his Lordship that this house has the power to determine the eligibility of its members, but I assert that if in the exercise of that right they plainly and flagrantly violate the law of the land, and set an example that be most injurious to the community, there is a power vested by the British constitution in the Crown which authorizes him who holds the prerogative to step in, and interpose.—I cannot he says interfere with the seat of your members; I cannot change the seat of a single member. I cannot evict one and put another in his place—this I cannot do, but I can, in the exercise of my ordinary judgment, perceive that, by the action of the House, the law is being violated; and I do know that in the violation of the laws, the best interests of the people are being sacrificed; and I do know that a power is placed in my hands by which that evil may be averted without entering within the precincts of your House, or interfering there with your own action. This power is evinced by determining the existence of the House, and sending its members back to the people—the source of all essential power in a free country—to judge of questions in which their own rights are inseparably and deeply involved. Here, then, is the point which we would bring home to Lord Mulgrave; we would remind him that whilst this House had powers and duties, he, too, had powers and duties, and that from their exercise he could not absolve himself, when justly required to act, without failing to fulfil to the people of Nova Scotia that trust which the Sovereign had reposed in him, and which the people had a right to expect he would fulfil, irrespective of all consequences.

I had intended here to quote a high authority, to show the House that the argument I am using is, at all events, not without high authority. That is to say, that whilst the judgment of this House cannot be interfered with within the House, it is competent for other branches of the Legislature, especially for the Crown, to watch their proceedings, and in case of any violation of the law and serious infraction of right, to interpose the prerogative. I refer to one of the greatest men whose names are inscribed upon the pages of English history—to the celebrated Lord Chatham; a man whose talents, whose eloquence, and the comprehensiveness of whose genius, acquired the confidence and veneration of his own country, and the respect and admiration of foreign nations; a man whose love of liberty gave him the name of The Great Patriot; whose foresight looked beyond the jarring interests and narrow principles that led the Ministry and majority of the day to quibble with the rights of their fellow-subjects on this side of the Atlantic until they drove them into separation; and who, looking far above the mean and sordid interests of the hour, predicted that

in trampling upon the rights of Colonists, they were preparing to convert loyal subjects into hostile foes. Nor were the talents of Lord Chatham more elevated than were his virtues; and therefore, sir, when I quote an example like his, I feel that I need not be ashamed, even although I am opposed by the opinions of the Earl of Mulgrave and the Duke of Newcastle. (Mr. Johnston then observed that he had omitted to bring the book; it was sent for, and the quotation made in a subsequent part of his address. We deem it more appropriate to introduce in this place the passages referred to, and the observations that accompanied them.)

The authority I have alluded to, Mr. Johnston said, occurred in connection with the Middlesex election, respecting which the conduct of the Government and a majority of the House of Commons aroused a tempest of indignation in England, was dealt with in a variety of forms in the House of Lords with great severity, and has received the well merited condemnation of posterity. I beg to be understood that I do not cite this case as analogous in circumstances; indeed the circumstance are the converse of those under review—there the House of Commons exercised their authority by creating an ineligibility to be elected—which the law did not sanction—here our Assembly violated the law in removing an ineligibility which the law had imposed—in both cases men were allowed to set in Parliament in outrage of law and right.

The Earl of Chatham, while he admitted the principle that Lord Mulgrave relies upon—that the house within itself has supreme authority over the seats of its members—did not believe, as Lord Mulgrave believes, that on that account an outrage on the law, affecting deeply the rights of the people, must be acquiesced in quietly, or that the constitution afforded no means of redress for a wrong so great. I quote from the life of Lord Chatham. On the 28th November, 1770, Lord Chatham moved “that the capacity to be chosen a representative of the Commons in Parliament, being—under known restrictions and limitations of law—an original inherent right of the subject, may be cognizable by the law, and is a matter wherein the jurisdiction of the House of Commons (though *unappealable as to the seat of their member*) is not final or conclusive.” We are told that his Lordship “urged the necessity of dissolving the Parliament as a measure that would give universal satisfaction.”

He added, and I ought not to say therefore that *all* the circumstances of the two cases are not analogous, “The present House of Commons has become odious in the eyes of the present age, and their memory will be detested by posterity. Their having substituted Colonel Luttrell for Mr. Wilkes he insisted demanded the severest punishment—required a dissolution.

This example, it will be seen, is, in its principle, directly in point. To take away the capacity, or to remove the incapacity to

sit in the House, in violation of law, is equally an outrage against law and right. In England the wrong was done to gratify the spleen of the Court and a party against an individual, and one constituency alone was directly affected. In Nova Scotia the case was more aggravated, for here the outrage was universal in its influences, and its perpetrators won for themselves, by its means, the Government and offices of the country.

Now, sir, I come to the next point, and that is whether the Lieutenant Governor was at liberty to notice officially that which he knew personally; and being at liberty, whether it was his duty to do so. If the Earl of Mulgrave knew that there were members in the Assembly through whose means the vote was obtained ineligible by law, if he knew this absolutely and beyond the power of doubt and controversy, as I alledge to have been the case, then it would be a mere refining away of principles and the sacrifice of substance to unmeaning technicality to say that what he knew individually, he ought not to know officially; and if am right in the belief, that the Lieutenant Governor while he respected the powers of the House, within itself, had yet a right to consider its act, when the law was violated by them, it surely must be a matter of entire indifference how that knowledge came to him. He owed it to the people to redress the wrong if he were aware that that wrong had been perpetrated, and if he had the power to do so. But I am relieved on this part of the case by his Lordship himself, for he informs us of a case wherein he would have interposed. If the House had interfered by a *resolution* or an *ex post facto* law to prevent the enquiry into the cases of these disqualified members, his Excellency would have felt called upon to dissolve. That is to say, notwithstanding this House having the inherent and independent right to pass a resolution, notwithstanding its having the same right to pass laws in the case of laws indeed subject to the assent of the other branches, yet if in the exercise of this power the House violated the principles of right and justice, his Lordship would judge of that fact and interpose. But *how* does he tell us he would interpose? Not by altering the resolution which he would not do or by negating the law, but by dissolving the house. I wish to know if, in that case, his Excellency could raise the veil which rests upon our proceedings, and judge of the propriety of our acts, for the purpose of preventing the perpetration of wrong; how, *in any case* where his knowledge was clear and unequivocal, he could be relieved from the obligation growing out of that knowledge, or be justified in shrinking from the responsibility of acting, which it imposed. There was a duty resting upon the Lieutenant Governor from the general nature of his authority, and I think that duty was greatly enhanced by facts that were then within his knowledge. Lord Mulgrave had been in this country for two years; he had in that period an opportunity of understanding the progress of public

affairs. He had seen a prosecution for murder in the city of Halifax, in which neither the grand jury nor the petit jury could be induced to carry out the law as enforced upon them by judges of the land; and he could not help tracing that unfortunate condition of society to the influence and power of party spirit. For this and other reasons he could not but know that the community over which he was presiding was in that condition which rendered it especially necessary for him to sustain by every means in his power, a rigid regard for the laws, and to prevent anything like a flagrant violation of them, coming from so high a quarter as the Assembly.

I may here refer to circumstances that took place after the formation of the Government. It is in the knowledge of the House that after Lord Mulgrave had accepted the votes of the majority, composed, as I have stated, committees were appointed, and the members complained of were confirmed in their seats, and it is with regard to the inviolability of their judgments that Lord Mulgrave founds the strength of his case. But if the ineligibility were clear and unequivocal, could any solemnity alter the nature of the fact, or change the relations of truth and falsehood—right and wrong. The solemn form of judgment in violation of law and right might render more aggravated the wrong by increasing the evil and extending deleterious example—but they could not change the facts; and no action of the House or its committees make eligible those who, within his Lordship's knowledge, were ineligible. There were circumstances that occurred subsequently that might admonish the Lieutenant-Governor, that the Government, for which he was interposing, was not one which stood strong in the confidence of the people. We had before us the spectacle of this house being adjourned for a month without a Government, and the members elect of the administration withholding the announcement of their appointment, because if they had announced them, their seats would have been vacated, and the party in the House have been put in a minority. We had the spectacle too, of the House, after it had re-assembled, postponing the drawing of the committees for an unprecedented period, on the plea that it was necessary to pass the revenue laws;—the government being conscious that in case of these committees declaring adversely to them, they would be unable to carry their measures; thus closely were they obliged to calculate the chances. But, sir, there were also other facts indicative of the position of the Government; it was quite apparent that in the formation of their cabinet, they were compelled to take into consideration the weakness of many of their members in their counties, and to pass them by in appointments lest, by the acceptance to office, they should be driven to an unsuccessful appeal to their constituents;—and thus we saw appointments made which could only be accounted for by the fact that they were made necessary to avoid imperil-

ling their majority by opening seats which would have been lost to them.

And, sir, since the last House, his Lordship has seen the violation of law, upon which his Government was founded, pervading their administration, and acts perpetrated of a character unexampled in the history of countries governed under British institutions. The two most important public works of the country were placed under a management in direct opposition to law, without there being any such necessity as could justify acts of that nature. I feel, sir, that in Great Britain, where the laws are respected, no Government would venture upon such an open and distinct violation of existing enactments except upon some sudden, imperative necessity. No such case is made out here, and I have felt at a loss to understand how it was that under a Lieutenant Governor acquainted with British principles and practice the management of these two departments could have been permitted to be carried on in flagrant violation of law.

Since the House rose two elections have taken place, and their result has been inimical to the Government; and I am glad to see in his Excellency's recent despatch that he has not been backward in accepting the lesson which these two events are calculated to give; exhibiting as they do the Government weakened to such an extent as to leave them in a position that does not justify their continuing to manage the affairs of this country without at once appealing to the people and ascertaining their voice upon a question so important. And, sir, I will not doubt that the prerogative, the exercise of which has been delayed too long, will be at length interposed for the purpose of testing the feelings of the country on the events which have transpired through the last year. For, sir, it is impossible not to feel that the voice which came from Cumberland and Victoria in December last spoke so as not to be misunderstood and we must never forget, in the discussion of this question, what it is that is asked. The head of the Government is not asked to show his preference to one party more than the other, or to commit any act which could be in any degree inconsistent with the strictest impartiality; all that has been asked of his Excellency is, *let the people speak.*

I will now ask the attention of the House to the papers under my hand; and I beg it to be understood that I do not profess more than to touch the leading points, leaving unnoticed much that it would be satisfactory to consider, did the time of the House permit. Commencing with Lord Mulgrave's despatch of 28d June, I notice the 17th and 18th paragraphs. (Mr. Johnston read these.)

The indifference between the political parties and public men of the Province which Lord Mulgrave in this and other parts of his despatch expresses, is natural enough. It is not at all unlikely that he came to this country with the opinion so familiar in the mother country, that Colonists are not the most elevated members of society, nor Colonies the most important portions of Her Majes-

ty's dominions; and that the different individuals with whom his Excellency would come into contact in the administration of his Government, were considered much as the men on the chess-board—to be moved about for a special object, and disposed of as quietly and with as little trouble as possible. Nay, more; I can understand that it might have been consistent with Lord Mulgrave's inclinations that the elections should result in retaining his then Government in power—not through partiality to them, or prejudice against their opponents, but simply because it was a quieter and easier course of events with reference to his Lordship himself, as a change of Government will always be attended with trouble and some degree of responsibility to the head of public affairs. And so after the elections, when the Opposition claimed a majority and complications arose, the same reason would induce his desire that his then advisers should quietly withdraw, and hence his Excellency's strongly expressed opinion of their duty to do so may have proceeded from a mind not quite unbiassed.

I am bound to say I cannot acquiesce in his Lordship's remarks respecting his intercourse with members then in Opposition, especially as regards Mr. Young; but will say no more than this: that what we thought on the subject, his Lordship was, at the time, made acquainted with. The next three paragraphs demand particular observation.—They are as follows:

“19. When the application for an early session was made, I did not for a moment hesitate to accept their advice, and refused to comply with that request, because I felt that constitutionally I was not called upon to acknowledge the opinions of even a majority of the Assembly, *except in their legislative capacity assembled*, and as there was no public necessity or advantage to be gained (as I conceived) by an extra session, except for the purpose of deciding the numerical strength of parties, I refused it.

“20. But as regards the Government, the case was widely different, and I have always thought that by far the most manly and honorable course for them to have pursued after such a Memorial had been brought under their notice, would have been either to have advised me to call an extra session, or to have resigned.

“21. I can only say that so strong are my feelings upon this subject, that, had I been placed in their position, nothing would have induced me to remain at the Council Board without at once giving to the Opposition the opportunity of proving the position they had assumed.”

Lord Mulgrave, I don't hesitate to say, ought not to have expressed himself in this manner. His language conveys an erroneous idea, for if any gentleman should suppose that the Lieutenant-Governor and his advisers were in such a relation that he was urging our resignation and we were resisting; while he was impressing upon us the notion that the course we were pursuing was

not honorable and not manly—if any one, from these passages, should derive such an opinion, I can only say it will be an opinion entirely without foundation. His Lordship, from the frequent intercourse that took place upon the various matters that were arising, knew our feelings and opinions, as we also knew his. He knew the reasons why we thought the course we were pursuing was most consistent with our duty. We had to regard not only the interests of office-holders, as might be inferred from his Lordship's despatch, was our motive; but the interests of a party occupying an influential position in this country, and we had also to consider the interests of the country generally in regard to the precedent that would have been established, by the course sought to be enforced by the then Opposition. Whilst these matters were freely discussed, they were not discussed in any such spirit as might be supposed from the paragraphs I have read. But if his Lordship thought it proper to communicate such sentiments to the Duke of N., would it not have been fair that he should have added that his Council had again and again, in discussing this subject, informed him that they were ready at any moment to resign should he see fit to require it. He might also have communicated another fact, which would at all events have shown that whilst we continued to hold seats at his Excellency's Council Board we had not forgotten that manly and honorable independence which I hope and believe we shall never forget. He should have mentioned that on one occasion His Excellency having penned a dispatch which was disapproved by my friend (Dr. Tupper) and myself, the only members of Council present, he was instantly told by both of us, if your Lordship sends that dispatch we shall consider it an intimation that you wish our resignations, and you will have them to-morrow morning. Therefore, there was no want of independence whilst we sat beside his Lordship; nor did I dream that he entertained such sentiments as his dispatch would lead us to believe.

His Lordship, looking as I have said, to his own security and ease might have desired that we should resign quietly; but if he declined taking the responsibility of asking our resignations when we had in the most explicit manner repeatedly expressed our willingness to give them in, he should not I think have written as he has done.

His Lordship next enters upon a very extended calculation as to the probabilities of an election, should a dissolution have occurred last winter; and he endeavors to show the extent to which the late Government were weakened at the general election. Now, sir, I cannot keep thinking that if this were good reasoning then, it is good reasoning now; and that we have a right to ask Lord Mulgrave, if he made the condition of parties in the country his rule of action then, he should now enquire whether the same test does not apply to gentlemen upon the other side and act accordingly. But, sir, if his Lordship

entered upon those enquiries he hardly did justice to the position he occupied at the time he wrote this despatch, because it must be recollected we pressed upon the Lieutenant Governor the fact that a reaction had taken place in the country and that the election had ensued some month before, was not to be assumed as a test of the existing feeling of the country. I think when he was making up these evidences of the weakness of the late Government, it would have been but fair to have exhibited some on the other side; and he might certainly have detected not a few significant evidences affecting his ministry that might in some degree have counterbalanced those against us.

Lord M., in paragraphs 32 and 33, urges that "before the General Election I had the strongest assurances from Mr. Johnston and his Government of the success they expected," and he represents our defeat here, and in other parts of his dispatch in the most forcible manner, and he makes this enquiry:

"Mr. Johnston having been so much mistaken as to the support which he promised himself on that occasion, and of which he gave me the strongest assurances, may it not be possible that on this occasion, also, he may be mistaken?"

The thing itself is in my mind of little moment, although Lord M. seems to have attached no little consequence to it. But his Lordship is or I am certainly mistaken. I must say there is an error of memory on the part of one of us, for I would not charge his Lordship with intentional misrepresentation. But unless I am under a perfect hallucination he is mistaken in the confident assurance of success he has attributed to me. I well recollect that before I left town for the election he asked my opinion of the result, and I well remember my answer. It was to this effect: if I were to answer your Lordship's question by reference to the known strength of parties in the country, and what we have a right to expect, I would say that the government must be supported by a large majority; but this religious cry that has been raised may have operated more extensively than we imagine; the people may have been deluded more than the good sense we give them credit for has led us to expect; and therefore I look upon the result of this election with as much uncertainty as any I ever entered upon.

His Lordship (paragraph 35) says many of our own party have voluntarily approved of his policy. Well, sir, I do not think the Lieutenant Governor is wise when he relies too much upon the opinion of gentlemen who frequent Government House. I doubt not their views are candidly given, but it is possible that their opinions may not reflect the sentiments of the great body of the party. I rather think his Lordship, if he seeks to learn the real sentiments of the people, would find in the bone and muscle and sinew of this country, in the active, intelligent, enterprising and honest men who form the people, throughout the length and breadth of Nova Scotia, that there is a wide spread and intense sentiment of condem-

nation of his policy, and that it is rapidly concentrating on himself. His Lordship says:

"36. No expression of public feeling in favor of a dissolution has occurred either by petition or otherwise, except by a few violent party newspapers."

Whatever may be the eventual result of the issue before the country, I think the Earl of Mulgrave and everybody else will give to the party now in opposition credit at least for moderation. They will free them from the charge of hasty and violent action; and we may accept this certificate from his Lordship himself. He says petitions have not been sent in; there has been "no expression of public feeling." I trust that the people of Nova Scotia will take this hint from his Lordship, and act accordingly; that they will accept the invitation and express their opinions by petitions and in such other ways as the popular sentiment is wont to find expression.

Lord Mulgrave in paragraph 42 makes an objection to the reasoning in my letter. He says: "But Mr. Johnston would place a Governor in the same position as the Queen and the Council in the position of the Cabinet at home, forgetting entirely that the Governor is himself responsible to the home government, and that it is no excuse for him to say in answer to any charge against his administration of affairs, I did so at the advice of my council."

In one respect his Lordship is right, but in the application I think he is not. It is quite true that the Governor does not stand in the exact relation to the colony as the Queen to the people in England. The Colonial Secretary more nearly resembles the Queen in that relation, because in the Colonial Secretary is centred the power of the crown for the government of the colonies, and the Lieutenant Governor is only sent to carry out that power. But then as every one exercising a delegated authority must act when circumstances arise within his jurisdiction upon his own responsibility and risk, it is not correct to say that the Lieutenant Governor is not called upon to fulfill solemn responsible duties, because he is responsible over, or that he can avoid an accountability that is incident to every man who assumes a trust of a delicate and important character.

Mr. Johnston next read the paragraphs from 47 to 54. His Lordship in these paragraphs gives his reasons for the views he took, that he had no right under the circumstances to interfere with the action of the house, and meets my charge of inconsistency derived from his declaration, that under certain contingencies he would have interfered. His Lordship says, in paragraphs 53 and 54:

"53. What I did deprecate, was, the idea that the House should, by a resolution, or by an ex post facto law, passed by a party majority, prevent these cases of disqualification being enquired into and decided upon by the tribunals constituted by law for that purpose."
 "54. Had such an attempt been made, I do think that a just cause for a dissolution would have been given, and gladly would I have

availed myself of it, because as it must be evident to your Lordship, had a constitutional cause for a dissolution existed, I should at once have relieved myself from all difficulty and embarrassment by resorting to it, as it was a matter of the most perfect indifference to me which party was in power, provided that party commanded a majority in the Legislature."

I shall only notice the expression of a disposition to act on a just cause for dissolution, by saying that my memory recalls a circumstance not quite in harmony with that sentiment. His Lordship's reasoning, I must think, is a refinement not based on a sound foundation. His Lordship says, had there been an interference by the house with the adjudication of these cases, he would have "deprecated" the act and interposed the power of the prerogative. What he had to deal with, I think, was to prevent the violation of laws in every and any form; and that consisted in men sitting here who had not the right. Whether by resolution or an *ex post facto* law, or by the vote of election committees, men clearly ineligible were kept in their places, the wrong was equally effected, and the consequences were the same. It was that wrong which it was the duty of the Governor to prevent, if he had, as I contend, the power; and I do think the distinction as respects the modes by which the thing was or might have been brought about, is too sublime and refined for practical application in a case of so much consequence.

"55. But to expect that I should step in, after all the cases had been tried before the legal tribunals, constitute myself a judge of their actions, and declare by the act of dissolving that I considered that the members of the several committees had perjured themselves, would have been a totally different matter, and one which could hardly have been expected by any one whose vision of the constitutional aspect of the question was not dimmed by party feeling."

The argument that I use is based upon the assumption that the ineligibility of certain members is a fact clear and indisputable; made up of evidence so simple that there could be no doubt as to the facts or as to the application of the law to the facts. Let me give an illustration. Suppose some of the judges of the Supreme Court — this is an extravagant example, but it is appropriate to test the argument — had been elected and thought proper, in violation of the law, to take their seats here, and that the house also thought proper to take their votes and by them to effect a change of government, would his Excellency take notice of that? Would he not, in the case of such an infraction of the law, feel that the house was insulting the intelligence of the people and outraging their moral interests? And if the house had sent these cases to election committees, and they determined they were ineligible, would he have closed his eyes to the fact that the law was despised and right disregarded, and have

still considered that he could not interfere? Surely not. He could not indeed compel the house to dismiss the ineligible members; but he could do this: he could put an end to the existence of a house which, in the exercise of its power, had forgotten the just restraints of law, and were about to set an example most injurious before the country. Should he, in such a case, have done so? is a question few men will hesitate to answer in the affirmative; and if, in that case, it will be hard to convince practical men of good sense that he ought not equally in this.

But his Lordship considers my vision to be dimmed by party feeling. Well, sir, this vision may be dimmed by party feeling; but it is equally true that the obligation to assume a first responsibility may be obscured by self-interest. As I repel the imputation, so have I no disposition to make the charge. But I must remind the Lieutenant-Governor that he as much as I was exposed to influences that sway men's judgments, and that I concede to him no greater immunity from the weaknesses of our nature than I claim for myself.

His Lordship the Lieutenant-Governor in paragraph 56, asserts the finality of the judgment of the Committees to be equal to verdicts at law, and that he could as little interfere with one as the other. His Lordship is, I conceive, right in one aspect, but not in another. Most unquestionably the judgment in this House of one of its Committees or of the House itself, is "*unappealable*" and final. But the question is, if that judgment be in violation of law and constitutional right in a case of large consequences, has not the Executive the power, and should it not exercise it, of preventing the wrong?

His Lordship takes up an argument to which he seems to attach great weight, but which appears to me to be formed upon an entirely erroneous view of the law. He says:

"58. Had a clause been inserted enabling pecuniary penalties to be recovered in the Supreme Court against any one who should sit contrary to its enactments, all difficulty would have been avoided.

"59. This provision does exist in a former law passed to exclude Judges of the Supreme Court and certain other officers from sitting in the Legislature, and is uniformly inserted in all laws of a similar kind in England; and I hold Mr. Johnston himself responsible, if in the present case the law has, as he says, been violated, because at the time when it passed and received his support, he held the office of Attorney-General, with a majority in the Assembly to back him, and it was his duty as head of the Government and Law Officer of the Crown, to take care that such provisions as were necessary for enforcing the law, were introduced into the bill."

We will enquire whether his Lordship's reasoning is clear and consistent. A clause in the act, subjecting to penalties any person who being ineligible should sit and vote

here, would authorize the institution of an action in the Supreme Court; but for what purpose? Not for the purpose of vacating the seat—because as regards the Supreme Court equally as regards the Lieutenant Governor the judgment is unappealable, but for the purpose of imposing penalties, and if a gentleman after a judgment against him for penalties saw fit to continue in this house contrary to law, and this house thought proper to retain him, no judgment of the Supreme Court could vacate his seat. Alone by the exercise of the prerogative, could the evil be remedied. But Lord Mulgrave may say, the Supreme Court would give him evidence of the ineligibility. I say, sir, that he had that evidence already before him. When he had the papers in the case to which I have referred he had testimony of the ineligibility of these gentlemen, absolutely indisputable, and no judgment in the Court could have rendered that fact more apparent. His lordship says that would have remedied all the difficulties. Let us see. Suppose there had been a clause in the imposing penalties, and that the majority had proceeded as they did, and had asked the Governor to change the Government upon their vote. Would he have told the majority to wait till the Supreme Court would decide the question of ineligibility? No, sir; that would have been to interfere with their authority, because it would have been to refuse to recognize the majority on the mere probable result of a further enquiry. He must then have proceeded notwithstanding the clause for penalties, just as he did when no such clause existed, and he must have changed the Government. When would the question, in that case, have been determined? Not until the sitting of the Supreme Court, and therefore probably not practically until November—the sitting in May being too close to allow the matter to be then dealt with. Therefore the Government would have been changed, officers would have been removed from their places, the whole framework of public affairs altered by a vote of this House made up of ineligible members; before the remedy so much vaunted by Lord Mulgrave could have been brought into operation. Suppose a conviction of penalties to have been had; in what position, then, would his Lordship have been in? The recognition of the ineligible members had changed the Government, and under the advantage thus obtained they had increased their majority. The House had passed its decision, and the Committees had reported. Against this would have been opposed the conviction for penalties in the Supreme Court. In this complication would the Lieutenant-Governor have dissolved? I think not.

It will be seen that his Excellency's remedy against the evil—the infliction of penalties, would have come too late, and in all such cases where the majority depended on the ineligible, must have come, too late to be effective. But as the conviction for penalties does not vacate the seat, and the House might be disposed to sustain the judgment of

the committees or even to pay the penalties; and let it be recollected that Lord Mulgrave has himself connected the impugning the report of a committee with an imputation of perjury against its members, and as Lord Mulgrave has told us he has no more right to controvert the report of a Committee than the verdict of a jury—what authority would he have on his own principle to interfere with the acknowledged power of the House over the seats of its own members, on the ground for conviction in the Supreme Court for penalties? The point taken by Lord Mulgrave turns against himself. It furnishes a second instance in which his Excellency recognizes his authority to judge of the conduct of the House, and shows a case in which his Lordship would undertake to judge on the correctness of the judgment of a sworn Committee.

His Lordship is very distinct on this point. He says—had a provision of this kind existed, no such difficulty as he complains of could have occurred, as actions might then have been brought for the recovery of the penalties, in the Supreme Court, where the question could have been decided; and had a majority of the Assembly attempted to retain a member in his seat against the judgment of that Court, sufficient grounds would, I think, have been given for the exercise of the Royal Prerogative.

Let me turn your attention to a dilemma in which we are placed in this view of the question in connection with the law propounded by Mr. Young. He says the evidence was not sufficient before the committee to decide against Messrs. Cochran and Smith, because the interests and rights of the constituencies were involved as well as those of the individuals themselves; but had no other interests been involved the evidence was sufficient. Let me give him from Mr. Young's letter of the 16th of August his own language: "Had actions been brought against Mr. Cochran as a Coroner, or against Mr. Smith as a Way Office Keeper, or had they made themselves criminally liable as such, their acting in those capacities would have been held in a court of law sufficient to change them, without proof of appointment. In such cases, only their own interests and positions were concerned; but when their seats in the Assembly were attacked, when, in the case of Mr. Smith, the candidate having the minority of votes claimed to be the sitting member, the interests and rights of the constituencies came into play; and before they were jeopardized or injured a stricter rule of evidence, by the very principles of the constitution, rose up to protect them." Therefore he considered himself justified in requiring another description of evidence than would have been sufficient in a court of justice. Let me imagine that there had been just such a clause of penalties in the bill as Lord Mulgrave thinks would have prevented difficulty and that an action had been brought upon it against Mr. Cochran or Mr. Smith and tried in last November, before Mr. Young as Chief Justice—upon the identical evidence

given before the Committee of which Mr. Young was chairman. Now, by the law Mr. Young has given us, he must have charged the jury that the evidence, though not sufficient to vacate the seats of these gentlemen because other interests were at stake, sufficed to convict them of the penalties in the courts because no other interests than their own were concerned; and suppose conviction to follow! Here would be rather a dilemma for his Lordship: Mr. Young, chairman of the committee, holding these parties, not proved to have office, therefore not proved ineligible, therefore *entitled* to retain their seats, and he contending he does it upon law; or as Chief-Justice holding them on the same evidence, proved to have held office, therefore ineligible, therefore *not entitled* to sit, and therefore liable to penalties. His Excellency, puzzled and perplexed, might naturally send for his Chief Justice to extricate himself from the difficulties; and to his Lordship's enquiries we may imagine Mr. Young to give some such explanation as this,—“I am not surprised your Lordship should not have comprehended the matter; *we lawyers*, my Lord, can raise refined distinctions which the uninitiated cannot easily comprehend. Now, my Lord, this is the explanation: *quasi* the committee, the constituency, and *quasi* our party who were interested in keeping those members in their seats, and you know, my Lord, *I* had a good deal invested in our success—the evidence was not sufficient,—there was need of proof direct of the appointments. But *quasi* the Supreme Court, and *quasi* those gentlemen, and *quasi* the action for penalties in which they *only* are concerned—the evidence was sufficient; therefore the judgment of the Court, thence their conviction.” We can imagine his Lordship opening his eyes in profound wonderment, and when his surprise would permit him to speak, exclaiming—“A Daniel, a second Daniel come to judgment!” but still, even after this striking illustration, I must think he would find himself a little perplexed—*what to do*. Both judgments legal, that if the committee having this advantage, that they had the jurisdiction to seat or unseat, and the Supreme Court not.

“Sir, the case is transparent, the anomaly is too gross; the law propounded too absurd; but I have given it for the purpose of illustrating the kind of arguments that are used and I trust no one will imagine I concede the correctness of Mr. Young's distinction. It is not law, it is not reason—it is simply *nonsense*.”

His Lordship goes on to say that no man calling himself an English Statesman, could be found clinging to office after defeat in the county and the judgment of Committee. (Paragraph 61.)

I confess to a very high opinion of the integrity of British statesmen and the honor of English gentlemen. I think Englishmen of every station have a strong reverence for law and right. But, sir, when Lord Mulgrave tells me that no British statesman

would have held his position after the election had ended, I beg to differ from him. I could find, I think, examples of statesmen holding their positions under similar circumstances. I do not, however, want examples; I am content to rest upon my own sense of what is right and proper. And when Lord Mulgrave speak of our controverting the judgment of the committee, does he think that his is a fair mode of putting the question. It was not with ordinary cases we were dealing, but with cases clear and indisputable as to the facts and law.

His Lordship then goes on to say:

“62. But it appears to me that Mr. Johnston destroys the whole force of his argument by one paragraph in his paper, where he asserts;—‘Had the question indeed been whether a particular member returned to serve in Parliament were or were not ineligible from holding office, and no more than this, it had mattered little when or how the question had been settled, whether by the action of the House according to numerous precedents or by committee or petition; but such was not the case, &c.’”

His Lordship's reasoning here perplexes me.

We must first determine the meaning of the passage which his Lordship quotes. He has given the word “how” a signification which it does not possess, and might lead to the impression that I said it was no matter whether the decision was right or wrong. What I meant is explained in the most unambiguous language. Had it been the case of a single member not affecting the majority, it would have been a matter of little consequence whether it had been settled by the House immediately, or by a committee at a future period; the when and the how referring to the two modes of proceeding at the time incident to each.

Lord Mulgrave proceeds to ask this question:—

“66. In this one paragraph, according to my view, Mr. Johnston gives up the whole of his case. It was or it was not, right, that these cases should be tried by Committees constituted in the manner prescribed by law; if it was right, than Mr. Johnston has no cause to complain of my conduct—if it was not right how can he say that if the question had only been whether a peculiar member were ineligible or not it would have mattered little when or how the question had been settled?”

It is quite obvious that the propounding of the question proves that his Lordship does not appreciate the first principles upon which the subject is presented. The question was, whether an emergent occasion had arisen demanding the exercise of the prerogative. If on such a question his Lordship cannot understand the distinction between a single case not affecting the majority and a case in which, by the violation of the law, the command of the House and of the Government was obtained, and consequences ensued affecting the whole political interests of the country and its moral well-being—if Lord

Mulgrave cannot understand this distinction, there need be no surprise that his Lordship failed to apprehend the exigencies of the occasion and the responsibilities of his high position. Nor can we be surprised that his Lordship should have made the inconclusive and illegal distinction that follows. He says in the 69th paragraph :

"69. It is therefore only because his Government was overthrown, that he could no longer endure the enormity that had been committed."

I do not profess to be indifferent to the advantages of office, or to be disinterested beyond others. And taking Lord Mulgrave on this lower and inferior ground which he has been pleased to occupy, I meet him with the reply that public men in a free country are entitled to the advantages of position and office, if honorably sought and obtained, and therefore these are no more to be taken away unjustly or in violation of law than any other right which they may acquire. I would direct Lord Mulgrave to wider ranges of law and action. But it is not the men who hold the chief offices that are alone affected by the change of Government; a large body of the subordinate officers throughout the province are affected. The situation of these gentlemen is rendered uncertain, and many of them are sacrificed; and the whole party in the country are concerned. Who does not know the difference between being connected with a party in power, and a party out of office—who has not experienced the advantages and disadvantages of the two positions? These are rights incident to free representative institutions, which cannot be illegally disturbed without wrong and injury. And yet more, let it ever be remembered that beyond and above the rights of individuals and of parties, there was that grand and supreme principle that the moral interests of the country demand beyond any other consideration, the maintenance of law and order at the hands of its rulers.

His Lordship next deals with the case of the Attorney General. He seems to think that the decision of the house was to be accepted in preference to a resolution of the committee; and refers to a prosecution for a penalty for bribery as a taste of the law.

His Lordship, I think, should have known sufficiently of the condition of the country not to have made the allusion to a prosecution. Where would he find a jury from which he might expect an impartial verdict? Would it be in Colchester or Halifax? Where, I ask, could a trial be held with an expectation of having a verdict, in the present state of party feeling in this country? His Lordship was not ignorant of the Preer trial.

But, I cannot help thinking that there is much inconsistency in the opinions expressed by his lordship in regard to this point. We have seen that he attaches great value to the judgment of a sworn committee, and will not permit it to be invalidated without considering that an imputation of perjury is thereby made by the members of the committee.

How is it then, I ask, that his Lordship can so easily reconcile it to himself that the decision of a sworn committee in the case of the Attorney General should be set aside by a party division in this house, of those not under oath?

Mr. Johnston, when he came to refer to paragraphs 86 and 87, concerning the appointment of Mr. McCully, in which Lord M. states, "as regards his sitting in the Legislative Council, Mr. Johnston himself, at one time, held the office of Solicitor General when a member of that body,"—exclaimed "Monsieur Tonson come again."

Mr. Johnston once more! Surely, he said, Lord M. does me too much honor when he makes my conduct the rule of his opinions or the example for his guidance. In the name of common sense what does it import that I held a seat in the Legislative Council while Solicitor General or Attorney General either—for he might have told the Duke that just twenty years ago before the present constitution of the province was settled? His Excellency has drawn too much on his advisers for the past history of this country. They are not trustworthy authority. It is true we are told his despatch was written before he saw the Minute of Council. That might be so, but it was quite impossible that it was written before his Lordship had frequent communications with his Council, for the statements detailed in the Minute of Council pervade his Lordship's despatch, and many of them are given in the same style. Lord Mulgrave has here hardly acted with becoming impartiality. He was professing to answer a passage in my letter in which I did not assert the propriety or impropriety of a Legislative Councillor holding the office of Solicitor General; but the principal object of which was to show the reaction in the country, and from several acts of the Council—this among others—to exhibit their conscious weakness as evinced by their shrinking from opening seats in the house. His Lordship was earnest in pressing forward every possible evidence of our weakness. Why evade the counterbalancing evidence?

In referring to Lord Mulgrave's complaint of "the general tone and spirit" of his letter (93), Mr. Johnston said he believed he had exhibited nothing beyond what was demanded for the manly and honorable exposition of his sentiments, without unnecessarily infringing the respect due to the Lieutenant Governor's position; and he felt justified in maintaining that he had exhibited no tone or spirit unbecoming a public man in treating questions of great magnitude. To prove his disposition to pay proper respect to the Lieutenant Governor, he would anticipate the order of time, and refer to his answer to the Private Secretary's note complaining of the lateness in sending in his last letter to the Duke of Newcastle for transmission—and he hoped he would be exculpated from His Lordship's imputation that he acted in that particular with intentional disrespect.

HALIFAX, 11th Jan. 1860.

Dear Sir,—In reply to your note received this afternoon, I beg to acknowledge the courtesy of His Excellency in transmitting my letter to the Duke of Newcastle by last night's mail, and to express my regret if any inconvenience has been occasioned by the delay that attended my sending it in.

I am, dear sir,

Yours, very truly,

J. W. JOHNSTON.

Capt. Stapleton,
Private Secretary.

Mr. Johnston then turning to the Minutes of Council of 26th Jan., called the attention of the House to what he considered a most indelicate and unbecoming suggestion, contained in its commencement. The Executive Council say that Mr. Johnston's object was to "attract towards his Lordship the censure of the Imperial Government for no better reason than that Mr. Johnston was out of office, and that Lord Mulgrave did not *sacrifice his own prospects &c.*," in a vain endeavor to save him. This suggestion, Mr. Speaker, had been better left out. The Lieutenant Governor has a right to improve his position, and to look forward to his own advancement, provided he does so without sacrificing present responsibilities and duties, but the idea should not have been suggested by his Executive Council—particularly at a time when his Lordship had thought proper to question the integrity of his late advisers and to represent myself and my colleagues as influenced by an unmanly and dishonorable desire for office, ought his own Council to have avoided an allusion like this that might raise the ideas of caution and self-interest.

He went on to say that the minute of council, as a whole, was a burlesque and distorted history of public affairs in Province of Nova Scotia, for the last five and twenty years. It contained pretty much that sort of material which the opposite party had time and again given to the country, in speeches in the House and on the *stump* and in the papers and it was entitled to about as much respect. The gentlemen who concocted it seemed to forget that whilst they lowered themselves by a document which both in tone and matter was so unbecoming the occasion, they but elevated their opponents. Take my letter, said Mr. Johnston, and contrast its tone and subject-matter and mode of treatment with their Minute, and by these let the two parties be judged, whether as statesmen or as gentlemen. The President is most ambitious of the character of a successful politician. I am happy in the conviction that in my letter nothing will be found unbecoming a gentleman. The same, I am sorry to say, cannot be said of the Minute of Council. Filled with private vauntings and silly impertinences, the members of the Executive Council showed, in that document, their ignorance of the respect they owed to the Duke of Newcastle and the Lieutenant Governor, to themselves, and to the people whom they affect to represent. Besides its undignified style and the childish vituperations

and reservations with which it abounds, the paper in question hardly contained a paragraph that is not in some particular or other either a direct outrage against truth, or indirectly a violation of candour and fairness, and its grand object is transparent. It was to induce the support and favor of Lord Mulgrave and the Duke of Newcastle, and fix in their minds that His Lordship's present advisers were the only men in Nova Scotia that could give security to the Lieut. Governor, and prevent "the sacrifice of his prospects," to which they had adroitly alluded, and they did this by representing their past success, and by endeavoring to exhibit the past and present weakness of their opponents. How far such statements may have had the intended effect is not for me to say; but sure I am no men would have bound themselves to such means who possessed the stamina of real truth and manhood.

The hon. gentleman then proceeded to notice briefly several points in the minute of Council—explaining that it was not his intention to condescend to an elaborate examination of a document which he held in such contempt.

The misstatement respecting the majority from 1844 to '47, he had on a former occasion exposed by an examination of the journals in the face of the house. It was rather curious that this was a passage in our history to which these gentlemen liked to refer; they had made various references to it, each different from the other, and all of them untrue. On three occasions had the Executive Council undertaken to give to the Lieut. Governor information upon this portion of our past history, utterly untruthful. Lord Mulgrave did not of course turn to the journals to investigate their statements, but naturally took them for granted. They had talked of disrespect to his Excellency; he knew of no disrespect equal to that of misleading the Lt. Governor by statements which they knew to be utterly false; making him the medium of conveying their falsehoods to the Colonial Secretary and the people.

He would allude to a curious assertion, to come with Mr. Howe's name appended:—"Twice, (during that period, did he vainly solicit the support of the men he had wedged out of the Council, and was at last driven to the inexpressible humiliation of seeking to coalesce with a gentleman whom, for three years, he had endeavored to proscribe." I will not stop now to modify and correct this statement according to the real facts. It is sufficient that there could be no "inexpressible humiliation," even if this statement were substantially correct—the Provincial Secretary himself being the judge; for had not he himself but recently in this house, as he had also intimated in his letter, said that it was quite right to sustain a government by reconstructing it; in other words, by undergoing the "inexpressible humiliation" of seeking to coalesce with gentlemen who are opposed to him. But, Mr. Johnston proceeded, let that hon. gentleman recollect that at no time had I proposed to enter into any arrange-

ment with any one, that would have exposed me to the "inexpressible humiliation" of taking back public opinions which I had given to Nova Scotia as the basis of the institutions of the country. No, sir, that "inexpressible humiliation" is the exclusive property of the hon. President of Council, who humiliated himself by the sacrifice of his public opinions, that he might be permitted to join Mr. Johnston.

They strengthen Lord Mulgrave in the belief, that because there are no petitions, no public meetings, therefore there is no feeling among the people, no excitement. Yet, strange to say, when petitions actually do come, they treat them with contempt.

Of the imputation made in this Minute, and made elsewhere, that the case prepared for the Attorney and Solicitor General of England was not a full, fair and candid statement of the facts, I have but to repeat, than any such imputation is utterly unfounded in truth.

It is not my purpose to follow these gentlemen through their remarks on the committees of last session, further than to present to the people of Nova Scotia an occasion for some reflection in estimating the character of the two parties that divide the power. Out of nine committees prosecuted to judgment last session, on five we had a majority, viz:—against P. Smith, Blanchard, Chipman, Webster, Archibald. The first four we retained in their seats. Mr. Smith, it may be said, was sustained by his friends on the committees; but it should be understood that there was no pretence for unseating him; the only money on which he could be legally entitled to commission, was a specific grant for closing the harbor of Port Hood, that had been expended some years before the election, and at the election the office of supervisor of the harbor, which he held, did not entitle him to any commission or emolument whatever. Mr. Archibald was found guilty of bribery, but the best evidence that the committees acted with impartiality and consideration, is found in the fact that they gave him the benefit of a doubt in the law, and did not unseat him, but left that question to the house, where he had a majority. But in the 3 cases of Messrs. Blanchard, Chipman and Webster, committees with Conservative majorities seated their opponents, and that at a time when the existence of the government might turn on their reports. There is the fact. Now, turn to the other side. The government had majorities on four committees, and in all of them they decided in favor of their friends—seating Messrs. Cochran, Smith and McLellan, in the face of the blarest evidence of ineligibility, and turning out Mr. Campbell, to put in Mr. Morton. Let the people look on the two pictures, and raw their conclusions.

After some further references to the minute of council, the hon. gentleman took up the letter of the Duke of Newcastle. This letter came rather unexpectedly to him, because he had been given to understand by the Duke himself when in Halifax, that his judgment

on the various matters would be suspended until he reached England, and had there deliberately examined the various subjects, together with such further papers as he (Mr. J.) might find occasion to send by way of proof and illustration.

His Grace's letter did not touch the question whether the prerogative was not placed in the hands of the executive for the purpose of meeting cases of emergency like the present. The Duke of Newcastle, as far as could be seen, had simply left the argument where it was—affirming the power of the house, which none disputed. He (Mr. J.) was sorry that it exhibited on that nobleman's part none of that desire to maintain a high regard for the observance of law, and to preserve pure the moral interests of the country, that one would naturally expect. One would suppose that functions elevated to the highest authority over the colonies would see in the maintaining within them of sound principle, an object, than which none could be higher. But he did not find in a single passage of the letters of the Duke of Newcastle or of the Earl of Mulgrave, any notice taken of that which lies at the bottom of the question—the permanent and malign influences of the violation of the law and the foundation of a government upon that infraction, with all its consequences,—no consideration of the effects of such an infraction perpetrated in this house, if permitted by such high authority as the Executive of the Province and the Colonial Secretary in England,—no notice of the character, extent and application of the prerogative.

It being seven o'clock, the house adjourned until 3 o'clock the next day, with the understanding that the hon. gentleman would then resume his speech.

TUESDAY, March 5th.

The house met at 3 o'clock.

The following bills were read a third time and ordered to be sent to the Council for concurrence:

A bill to incorporate the Halifax Relief Steamboat Company.

A bill to incorporate the Gilbert Cove Pier Company.

A bill to incorporate the Pictou Marine Railway Company.

A bill to incorporate the Medical Society of Nova Scotia.

A bill relating to polling places in Inverness.

An act to extend the operation of Cap. 99 of Rev. Stat., "Of Fires and Firewards."

An act to amend the act incorporating the Londonderry Mining Company.

An act to revive the act relating to the Hall's Harbor Pier Company.

A bill relating to the Halifax Poor's Asylum.

A bill to legalize the proceedings of the Sessions at Shelburne.

Mr. Grant presented two petitions numerously and respectably signed from the county of Pictou in favor of taxation for schools.

Hon. Atty. General presented a similar petition from Stewiacke.

Mr. Longley said the license law was the order of the day, but as another debate was going on, he would move the second reading of the bill, and have the discussion in committee.

Mr. Bailey presented a petition from Lunenburg relative to encroachments upon Nova Scotia fishermen by the Labrador fishermen.

Mr. A. Campbell presented a petition from Sydney county in favor of assessment for schools.

Mr. Esson, from committee on public accounts, asked leave to destroy a number of old postage stamps, no longer of any use.

After a few remarks leave was granted.

Hon. Colin Campbell presented a petition signed by over 700 names, male and female, from the county of Digby, in favor of a prohibitory liquor law.

Read and referred to committee on temperance.

A number of bills were read a second time.

HON. MR. JOHNSTON'S SPEECH CONCLUDED.

The adjourned debate on the despatches was resumed.

Hon. Mr. JOHNSTON continued his speech as follows:—Mr. Speaker, I hope that the length of time I have found it necessary to occupy in addressing the house will be excused from the voluminous nature of the documents I have had occasion to refer to. I shall now proceed to take up some passages in the despatch to the Lieutenant Governor to the Colonial Secretary, dated 8th Jan. last, in relation to the recent elections in Cumberland and Victoria; and I am happy to perceive that His Excellency intimates his opinion that, in view of the result of these two elections, “a dissolution will most likely be necessary before the party controversy which has existed for more than a year, can be satisfactorily settled.” I cannot but think that in view of what has taken place since then, His Lordship should come to the conclusion that the time has now arrived when that opinion should be carried out. At present I shall touch but a single passage in that despatch, which grated harshly upon my ear when I heard it read, and which I regret it is my duty to comment upon. His Excellency in stating the effect of these elections upon the strength of the government introduced the passage: “It is true as stated by the opposition that two of the members supporting the government have changed sides, but that is a circumstance which frequently occurs in England; but I never yet heard that such votes were therefore invalid; and this argument would come with an ill grace from Mr. Johnston, who, during the last Assembly, succeeded to power in consequence of nine members changing sides, and retained office by their support until the natural expiration of the Parliament.”

I regret this reference, because I think that the comparison is not calculated to elevate the tone of public sentiment, or to improve the character of the Assembly. He that

nobody ever heard that “such votes were invalid.” Certainly not; I do not suppose anybody ever made such an assertion, and I hardly see the necessity for controverting a position that none ever assumed. *Invalid*; they certainly are not, but that is not the point. The question is how these votes are to be considered in estimating the strength of the government; whether these votes should not be considered as those upon which the government have no right to sustain themselves. His Excellency might well have gone further and enquired, not whether these votes were invalid, but whether they did not reduce the government to a state of powerless imbecility in the country, and whether his ministers have any right to depend for their position upon the votes of men convicted of misrepresenting those who had returned them to parliament.

In referring to England Lord Mulgrave should have carried his analogy a little further and enquired whether anybody ever heard of a government in that country sustained solely by votes of such a character. I think the people of England would hardly accept a government having no more respectable foundation.

His Excellency is pleased again to honor me by a personal reference. He says, “such an argument would come with ill grace from Mr. Johnston.”

Surely this is a small affair, and it is of much more consequence that Lord Mulgrave should be able to justify his own official conduct on sound principles. If he cannot do this I hardly think he can sustain his position by allusions to the past conduct of colonial men, even if his remarks were correct.

But, his Excellency committed an act of extreme injustice when he compared the votes of the members for Argyle and Digby with those of the nine gentlemen who crossed the floor of the house some three sessions ago—and I cannot help thinking that the character and feelings of these gentlemen have been wantonly insulted by the comparison: How different are the two cases! Messrs. Hatfield and Campbell came into this house pledged to sustain the late Government, and to oppose the party now in power; they did so for a time, and then without any change of policy on either side they deliberately abandoned their party and joined those they were elected to oppose. How different was their conduct from that of the nine gentlemen alluded to. Not until principles their constituents held most sacred had been trampled upon, and their feelings insulted did they abandon the party they were then associated with. They did not leave their constituents, they and their constituents went together, and it was to carry out the views and advance the interests of those they represented that these gentlemen took the step they did. Shall these gentlemen be compared with Colin Campbell and Hatfield?

It may be thought, perhaps, by some gentlemen that I did not adopt a proper course in appealing as I have done, first to the Lieutenant Governor, and then to the Colonial Secretary

There is no man in this house less desirous of making such appeals, and less prone to pursue such a course than myself, and it is only in cases of absolute necessity like this that such a proceeding is justifiable. But when the Lieutenant Governor of a colony, representing, as he does, the authority of the Crown, exercises his functions in a manner prejudicial to the interests of the people, there is no alternative, except to appeal to the source from whence his power emanates. The power of the Lieut. Governor proceeds practically from the Colonial Secretary, and while the constitution of the colonies remain as it is, there is no course open but to adapt ourselves to it.

With this apology, if any be necessary for the course I have pursued, I will pass from this despatch (altho' there remains much to which I would allude did time permit) to the consideration of these documents which relate to the appointment of Mr. Young as Chief Justice.

I need not say that if it be of deep importance to a country that its Government be based upon a due respect to the law—of still higher moment is it that he who presides over the administration of justice should have reached his high position in an appropriate manner, free from the slightest taint of suspicion.

Mr. Young is charged with having perverted judgment in the cases of the two election committees on which he was chairman; and in the letter before me he has given the reasons for the course he pursued.

These cases were very simple. The law is absolute and unambiguous, which rendered ineligible all persons holding offices of profit or emolument under the Provincial Government. Coroners and Way Office keepers were holders of such offices. Mr. Cochran was a Coroner, and Mr. L. Smith a Way Office keeper, at the time of the election. Besides other proof, the evidence against each of them of having acted in their respective offices was abundant. The committee retained them in their seats, and the charge is, that in cases so clear as to the law and the facts, no lawyer could be to give such a decision except in wilful perversion of judgment. Mr. Young's verdict is wrong. There are, however, but two points that seem to challenge any consideration on legal grounds, and these, indeed, can hardly be said to do so. On the first—the inapplicability of the law to offices of small emolument—let Mr. Young plead his own case. This is what he says:—

“Now, the first point that naturally presented itself to the members of these committees was, the applicability of the law to the petty offices, which the members petitioned against were alleged to have held. On the one hand, there was the letter of the law, comprehending every office of profit or emolument, however insignificant, that was held under the Provincial Government. On the other, there was the spirit and intent of the Act, at variance with its letter. This was a case in which lawyers and judges might well

have differed. The man whose maxim was *Ita lex est*, would adhere to the letter; while another man, equally conscientious, but of a more enlarged and liberal turn of thought, would disregard the letter, as courts have often done, and look to the object and intent of the Legislature. On this, however, all would agree, that to bring the law into operation the strictest, fullest, and most unanswerable evidence was indispensable.”

The futility of this reasoning is apparent to every lawyer—unambiguous in its terms—and the formality of its prohibitions rendered more emphatic by the exception of Justices of the Peace, the law has no “spirit and intent” by which its letter can be restrained. It can only be construed according to the plain language used by the Legislature and any attempt to restrain act by imagining the spirit and intent of the Legislature would be as destructive of established principles as well as impracticable, for who could tell what office was petty and what not; what enactment adequate and what inadequate for the operation of the act—or where to draw the line, and I can only sincerely hope that this flexible construction of acts of Parliament will not follow Mr. Young into the legal position he now occupies, for never before have I heard that an act of Parliament clear in itself could be restrained in its obvious application by the imagined notion of the Legislature that passed it; such principles if carried out to their legitimate results would sap the foundations of sound jurisprudence. The next point I have partially considered and shewn its inconsistency. It is this, that “a stricter rule of evidence by the very principles of the Constitution rose up to protect these gentlemen, to use Mr. Young's own words—than would have been required in civil or criminal actions against themselves because “the rights” of the constituencies came into play.” And it is on this distinction that Mr. Young justifies himself. Now no rule of evidence is better defined or of more frequent occurrence than that acting in an office is presumptive evidence of being entitled to act and precludes, in the first instance, the necessity of any other proof of appointment or qualification. When therefore Mr. Young says that Mr. Cochran was not proved to have been commissioned or sworn, he merely misleads. He was proved to have been commissioned and sworn—proved in the mode in which the law authorises such proof to be made until contradicted—that is indirectly by evidence of having acted

The notion that this rule expands or contracts according to the nature of the case to which it is applied is an absurdity. I have a case under my hand, where to establish a charge of murder it was necessary to prove that the man slain was a and this rule of evidence was applied and supported and the man was hanged. Surely a man's life was of at least equal consideration with the rights of a constituency. Other cases I have before me of receiving in actions of ejectment and other actions where the par-

ties claimed in an official character proof of acting was held sufficient. Surely the parties who were turned out of their possession were entitled to demand that evidence. On what authority does Mr. Young assert that the English equally with the Provincial rule declares that a Coroner until he is sworn is not in full possession of his office.

Our law requires him to be sworn but it does not follow that he may not legally act before he is so. I have cases here to that effect and one in which an official act was recognised by the Court—although the act of Parliament directed that the officer should not act until sworn,—a very different kind of requirement from ours. But if Mr. Young's law was all right as to the necessity of being sworn—still the question did not arise for proof of acting was *prima facie* proof of being sworn—if to be sworn was necessary. It will be remembered that the evidence to which I refer is only *prima facie*,—and that Mr. Cochran if he could have done so (and it would have made out his case) might have given testimony to invalidate his being commissioned or sworn. He not only did not do so but he refused to be examined and the Committee refused to apply to the House to compel him; and Mr. Young does not hesitate to tell the Colonial Secretary that “for reasons which it would be a waste of time to go into, I concurred with a majority of six to one, and thought it was inexpedient under the circumstances to refer the question to the house.” In other words, Mr. Young would not take measures to compel Mr. Cochran to give evidence as the law authorised, and yet gave him his vote on the pretence that facts were not proven, the existence or non-existence of which must have been within his own knowledge; and Mr. Young was a judge sworn on the case and bound to act impartially between the parties.

HON. PROV. SECRETARY would be sorry to interrupt, but he thought these frequent references to Mr. Young, considering that that gentleman was now on the Bench, were highly injudicious.

DR. TURNER.—Why, then, was he brought down here?

HON. MR. JOHNSTON.—Sir, when I reflect on these cases,—when I take into consideration all their attendant circumstances,—I cannot help characterising them as antagonistic to every known principle of law, of evidence, and of justice,—subversive of the best interests of society, and destructive of all political morality. Let me ask, sir, whether any ministry in England would have dared to elevate a man to the Queen's Bench who had been complicated and concerned in so flagrant a violation of the first principles of law. Never, sir, never! The Press, the Bar, the House of Parliament, would have put the attempt down had a Government been found daring enough to make it; and we owe it to our colonial degradation that it is done here,—to the utter insignificance of colonial interests in the eyes of British statesmen do we owe it, that a case fraught with such consequences is passed over by the

Duke of Newcastle with no other notice than that he saw no reason for declining to recommend Mr. Young's confirmation.

Let me quote the Duke of Newcastle's own example against himself. While in the Colonial Office, some years ago, if my recollection be correct, he appointed an English lawyer to a judicial office in one of the colonies—I believe in Australia. After he had left England to enter in his office it was mentioned in Parliament and the press that he had been found guilty of some connection with a case of bribery. The Duke of Newcastle could not withstand the pressure, and was forced to cancel the appointment. Why the difference? The offence was not greater than the wilful perversion of judgment for private and party interests; the proof could not be clearer, for here it was entirely in writing, and uncontradicted—nay, incapable of contradiction; the case could not be more plain, for here it depends on principles that the veriest tyro understands. Wherefore then the distinction. The case of the Australian Judge occurred in England, was brought under the influence of English feelings and principles, and was mooted in the English press and Parliament—and the most insignificant influence in Parliament will outweigh that of your whole colony.

In closing my remarks on these documents I repeat that I have not professed to notice everything they contain; what is of least moment in the despatches I have passed by—and, as for the Minutes of Council, they are beneath notice. Take as an example the allusion to the insignificant affidavit against myself, which I disposed of at the time, and would not dignify by discussing now. The members of Council know they were basely insinuating a contemptible falsehood—and in their allusion to a prosecution on the affidavit they know, or they are deplorably ignorant—that a charge of perjury cannot be maintained on an extra-judicial affidavit—and they know also that my character needs no vindication from a thing so utterly worthless.

Let me now ask the attention of the House to a few general observations growing out of the documents before us; and when two points referred to in Lord Mulgrave's despatch are considered, I think the whole argument will have been dealt with. Lord Mulgrave deals at great length with the motives and conduct of his late advisers; he dilates equally largely upon the alleged weakness of the Conservative party, and asserts that an appeal to the country would have probably left them in a still smaller minority. Now, I will suppose Lord Mulgrave to be right on both these heads, and I ask, what then? A wrong was perpetrated—deteriorating the moral character of the country; irrespective of parties, that wrong demanded reparation. It was his Excellency's duty to rebuke the outrage and to vindicate the law, whatever might have been the motives of his late advisers—whatever the result of the elections. It was due to the people to afford them an opportunity of rectifying the evil.

The Lieutenant Governor had seen a Government inaugurated on a violation and infraction of the simplest, plainest principles of law. It was his solemn duty to avert an example so deleterious. Let me remind the House of the principles I commenced my argument with,—an evil example in the highest places of authority operating over the whole face of society. What is the condition of Nova Scotia? Divided into two parties, and public opinion trampled down under party feeling. A Government in existence contrary to law, within the knowledge and apprehension of every man of the commonest capacity. The consequences are clear: the supporters of the Government know the wrong, yet glory in the triumph, and reap its fruits, and laugh in their sleeves at the dishonesty, imbecility, or the simplicity of their rulers, by whom it is acknowledged or permitted. What, I ask, is the moral influence of Lord Mulgrave's policy on these men? The opponents of the Government, they, too, know the wrong; stung to the quick by the injustice, they draw from the Duke of Newcastle and Lord Mulgrave's practical teaching the baneful lesson that the end sanctifies the means—and that fraud, disregard of law, and violence, are the weapons that self-defence demands they shall use—and to make the lesson complete and fruitful all Nova Scotia beholds in the chair of the Chief Justice of Nova Scotia a man who has himself assisted in violating the law, and disregarding its enactment, and who has won his elevation by the perversion of judgment. What then I repeat is the lesson of morality taught by the Assembly of the Province, and ratified by the Duke of Newcastle and Lord Mulgrave? Does it not establish the doctrine that power is to be obtained at any price, that the end sanctifies the means; that public honor—political morality are as nothing in the scale with the security of a Lieutenant Governor's position and greatness in Downing Street; for while the Earl of Mulgrave fills pages with idle personalities and electioneering calculations, the consequences of this outrage on law and right do not receive even a passing notice either from himself or the Duke of Newcastle. Surely, sir, that which tends to depreciate and break down the moral sentiment of the country; to weaken the restraints of law and those obligations which men of honor and integrity respect and act upon, was worthy of some regard at the hands of those elevated by Providence to rule over a free people—some comment at least had it been only to preserve the decency of appearances? Had it been but a single county in England thus affected this contemptuous indifference had not been shewn, but we are colonists and must rest contentedly as we may under the brand of colonial Helotism.

I turn to consider some observations made in this debate.

The Hon. Prov. Secretary told us that "devilish iniquity" had been practised in the Representation Bill. The charge is utterly

unfounded, which he has made against that measure; the word he uses reminds us whence the hon. gentleman derives the slander, by calling to mind the father of all lies, and furnishes evidence of his too familiar intercourse with that too influential personage. (Laughter.) But the bill to which he refers is not open or amenable to any imputation; it was based on a broad general principle calculated to strike away some of the acknowledged imperfections and incongruities existing in our Representation system, and it was applied to every case within its operation fairly and without respect to party or personal interests. It did not profess to place all the voters in the province on the same footing. That was impossible, without an entire remodelling of the system—to which none would be more opposed than the hon. gentlemen opposite. But it took away the wrong under which in the same county some electors had one, while others had two votes, and other irregularities of that nature—and gave to the electors in each county the same privilege; yes—with the single exception of Halifax, where, in consideration of the large population of the city, one additional member was given to the Western division. The objection that in one or two counties the votes of some of the electors were diminished arose from the principle adopted of dividing large counties where the number of representatives being over three they were capable of equal division, as being the most convenient arrangement, and it seems of little moment whether an elector has four votes running over the whole county or two in common with half. The complaints made by North Hants and North Colchester do not touch the principle of the bill, and have repeatedly been shown to be unfounded. But they ought not to complain of this bill when they owe some of their most effective members to its operation.

The hon. President of the Council also undertook to say that the member for Argyle was returned for the purpose of opposing the then Government.

Hon. PROV. SECRETARY.—No, I never said that.

Hon. Mr. JOHNSTON.—Well, the hon. gentleman said that he could not come here to support them. Now, has not the hon. member for Argyle contradicted the hon. gentleman most emphatically? for he told you himself that he came here to support us at the risk of his life rather than be absent. After that, can he say that he was not returned to this House to support the Conservative party? What more can a man do than peril his life for his party! Sir, when I know what has passed under my own eye with regard to these gentlemen; when I have seen them entering into our confidence and partaking of our councils, exhibiting all the feelings and earnestness of warm devoted partisans; and when I know that in exhibiting these feelings they were but carrying out the views of their constituents, I cannot but feel astonished at the exhibitions which they

now make of themselves, and I ask if they are conscious of the position in which they stand in Nova Scotia? Why did these gentlemen go over? He (Mr. H.) says when we were not doing right: Why, sir, they left us before they had an opportunity of knowing whether we were going wrong, and they left as soon as the Government changed. Mr. Hatfield pleads that he voted with the Government first because they were encouraging retrenchment; whereas the amendment of my hon. friend (Dr. Tupper) which he voted against had more retrenchment in it than the resolution for which he voted. But the hon. President of the Council asks what did Mr. Hatfield do to draw upon him the indignation of the hon. member for Cumberland. It is because he read statements which were an insult to the understanding of this House, to his constituents, and to the common sense of every man that heard him; because he endeavored, in a full knowledge of all the facts, to say he was not in a minority at all; and he adduced some seventeen of his constituency who signed a paper—to meet a petition of over five hundred persons. This and other arrant absurdities must cause surprise mingled with indignation.

These hon. gentlemen had no excuse for changing sides; they could not plead that the interests of their constituents required such a step. Their conduct, sir, stands forth a naked instance of desertion of party for purely personal and unworthy motives. And therefore when I see them rising and making such exhibitions of themselves I feel that they are insulting the common sense and moral feeling of the country; and when I see Lord Mulgrave, in his dispatch, contrasting them with the nine gentlemen who when their constituents and themselves were insulted, were driven over, I must ask if his Lordship has not allowed his present advisers to have too much influence over him, and to breathe into him too much of their spirit and political temper.

But what need of petitions to show the condemnation of Messrs C. Campbell and J. Hatfield? If their constituents have the ordinary feelings of men must they not have condemned them—when we trust a man, and he abuses our confidence it is but human nature to feel indignant and demand redress. We know that these men were sent to represent certain objects and support a certain party; and as they have not done so, but have deserted their constituents and gone over to the opponents, can it be a matter of surprise that their constituencies should resent their conduct in the most unequivocal terms. If they did not do so, they would not manifest the understanding and feelings of intelligent men; knowing them to be upright and intelligent people, we feel that they must be moved by feelings of the liveliest indignation against the men who have betrayed them.

Now suppose there were two speculations afloat in Halifax, affecting the interests of the western portion of the Province, and

that a number of the men of Digby and Argyle, believing the one to be favorable and the other to be inimical to their interests, should raise and send five hundred pounds by the hands of Colin Campbell and Hatfield, for the purpose of advancing their favorite speculation; but that, to serve their own objects and interests, these men diverted the money entrusted to them, and applied it for promoting the hostile undertaking injuriously to the interests of the men who had employed them,—what would you call them? Not honest men, certainly. And will any one tell me, sir, that the people of Nova Scotia do not value their political interests as much as they do their money—and that they do not feel as much insulted when their confidence is betrayed in their political rights as in their pecuniary interests.

In drawing to a conclusion, let me enquire for a moment into the fruits of Lord Mulgrave's policy.

One of the first things that his Lordship found was that there was sitting beside him an Executive Councillor convicted of a daring official falsehood, one which none of his colleagues in this house has yet ventured to deny or even palliate. I know that men in official positions must oftentimes sacrifice much of their private feeling, but I cannot imagine that any one who respects himself would find the situation of Lord Mulgrave in this respect to be particularly agreeable.

Then we have had the Council convicted of gross misrepresentations in their statements to the Lieutenant Governor. I have convicted the gentlemen opposite of having in three different instances, in reference to a particular period in our history, falsified the truth and this I have shown by the Journals themselves. I cannot imagine that it is very agreeable to the Lieutenant Governor to find that documents have been put into his hands, by the Council for the purpose of misleading him and through him misleading the Colonial Secretary; such disrespect at least he never received at our hands.

Again his Lordship has seen an Attorney General convicted of bribery by a sworn committee, and exonerated by a partizan vote.

He has seen his government so weak that they cannot appoint a Solicitor General or a Legislative Councillor from the house, and when two seats become vacant, they lose both. He has seen the Solicitor Generalship tacked to the Railway, in a manner certainly not indicative of strength.

In the management of two principal public works—the Railway and Lunatic Asylum—the law has been trampled on without excuse. I confess I do feel moved by these two instances of legal infraction, knowing, as I do, that no Government in England, however strong, would venture thus to violate the law without some pressing necessity. One naturally enquires—and this is one of the most pregnant questions that must grow out of this argument—What is the duty of a Lieutenant Governor? However little may be thought by Colonial Secretaries and Lieutenant Governors, of such acts as I have de-

scribed; by men who are associated with colonial interests but a little while, and only while it promotes their own objects—be it remembered that the effects of their conduct remain—the seed they sow will bring forth their fruits long after they have passed away and are forgotten—and bitter must be the fruits of illegality and fraud. What, then, is the Lieutenant Governor? Let us understand whether he has functions that require him to assume responsibilities, or whether he is merely an instrument through which to direct the courtesies of society and make up the ceremonial of state. Sure I am, in this case, the people of Nova Scotia are far too practical to be disposed to pay as dearly as they do for the Lieutenant Governor, if his office rank no higher than do things of ceremony.

Then he has seen Mr. Smellie restored to office, in outrage of decency. For without going into the merits of his case, it is quite evident that there was good reason to demand that that individual should not be put back into his former position.

Unable to carry a policy proposed in the Speech, for Railway extension, the Government acknowledge their weakness, and violate constitutional principle by the leader separating from his Council, and seeking aid from the minority.

Having basely villified a large religious denomination, they now deny the policy that gave them their temporary success, and meanly cast themselves at the feet of the men they insulted, to crave their mercy. Generous men may afford to pity, but their pity will be mingled with loathing or contempt—loathing for past ingratitude, contempt for present baseness.

They crouch at the knees of the Lieutenant Governor to beg for time to strengthen themselves from the Opposition, that they may escape an appeal to the people, which, in June last, they boasted would result to Mr. Johnston and his party, in "a crushing defeat, more humiliating than the last."

To retain Lord Mulgrave in their toils, they fabricate pages of the most miserable distortions of the past history of the country.

Their whole strength is derived from Colin Campbell and John Hatfield, who, in going over to them, violated their pledges and betrayed their constituents.

And yet, in the face of all this, these men holding a Government falsely acquired, and retained in opposition to the sentiments of a majority of the people here, to talk of cutting up the constituencies! Their necessities, I grant, are great—but their unscrupulous audacity is greater.

Addressing the members of the Government Mr. J. exclaimed:—You prepared your way to power by bigotry, hypocrisy and basest mendacity—you laid the foundation of your government on the infraction of the laws—you raised it up by corruption and intrigue, and the only support left you is derived from treachery.

Yes, Mr. Speaker, Bigotry, Hypocrisy and Falsehood—illegality, corruption and treach-

ery,—are the elements that have formed and sustain that contemptible thing that in mockery is called the Government in Nova Scotia. Its pestilential example debases wherever it extends;—its foul influences contaminate the land; and the people watch with burning impatience the opportunity to trample it out of existence.

Happy would it be for the provincial honor could its disgraceful history pass into eternal oblivion, and no record of it stain the annals of our country.

The Hon. Gentleman then moved the following resolution:—

Whereas, The party now in power assumed the Government upon a majority of two exclusive of the Speaker obtained at the General Election in 1859, including several who were ineligible to sit in Parliament, which was increased to four by the action of an Election Committee unseating Mr. Campbell and seating Mr. Morton as a member for Queen's County—

And Whereas, The Elections in Cumberland and Victoria caused by the appointment of Mr. Young as Chief-Justice, and Mr. Monro as Chairman of the Board of Works, have resulted in the defeat of both the Government candidates, exhibiting an immense change in public opinion in those counties, and destroying the entire majority obtained as before mentioned—

And Whereas, Messrs. Colin Campbell and J. V. N. Hatfield, notwithstanding they were returned by the constituencies of Digby and Argyle upon the most unqualified pledges to oppose the party now in power, and for some time did so; yet they afterwards joined that party, and the Provincial Administration now owe their entire majority on the floor of this House to the support they derive from the change of these two members—

And Whereas, The Government, after the defeat in Cumberland and Victoria, were informed by His Excellency the Lieutenant-Governor, "that any further diminution of their strength would necessitate either a reconstruction of the Government or an appeal to the country, "as he did not think after all that had taken place, the business of the country could be satisfactorily carried on under such circumstances,"—

And Whereas, His Excellency at the same time informed the Secretary of State that, in his opinion, "a dissolution would most likely be necessary before the party controversy which has now existed for more than a year, can be satisfactorily settled,"—

And Whereas, Since the date of these Declarations of His Excellency the Lieutenant Governor the Government have suffered "a further diminution of their strength" by the public action of the constituencies of Digby and Argyle and of Guysborough in unmistakeably repudiating by public meetings or petitions the conduct of their Representatives and praying a dissolution of the Assembly—

And Whereas, The Leader of the Government has admitted in debate that the Government are divided and at variance on the most important question before the Country

propounded for the consideration of the house in the opening speech of His Excellency the Lieutenant Governor,—that of Railway Extension—

And Whereas, The Leader of the Government thus condemned by the Country and proved to be in an unequivocal minority has declared in the Legislature that there shall be no dissolution until he had remodelled the constituencies by a new Representation Bill adapted to the necessities of his party—

Therefore Resolved, That so soon as the necessary business of the Legislature shall have been transacted, due regard to the Constitution of the Country demands that an appeal to the people shall be had in order that the Country may be governed in accordance with the well understood wishes of the people.

SPEECH OF HON. ATTORNEY GENERAL.

The Attorney General then spoke as follows:—In rising to make a few observations on the subject before the house, he did so with the full consciousness of how difficult it was to follow the hon. and learned gentleman from Annapolis, whose eminence as a lawyer and a politician, whose skill as a practised debater and orator, placed any person at disadvantage who rose to address the house, while it remained under the influences of his appeal. He would, however, not shrink from the duty devolving upon him to address to the house a few remarks upon some of the general features of the subject to which attention had been called. But first he felt it his duty to enter his protest against the most un-English and unconstitutional doctrine which the hon. and learned gentleman had propounded, as regards the position of a member of that house. That hon. and learned gentleman had propounded a doctrine which sapped the very foundations of Representative Government. By the constitution of the country, by the theory and principles of Responsible Government, we are sent here to deliberate and discuss, to hear all that is to be advanced on any question of a public nature, and to decide as our judgments and our consciences may dictate. But the hon. gentleman's doctrine deprives us of that right. We are to decide, not according to our own convictions of what is proper or right, not according as may seem for the best interests of the country, after a full consideration of the question, but according to the opinions of our constituents, who have never heard the discussion, and who are probably less able than ourselves to come to a correct judgment. The representative is to be the only man in his County who is to be deprived of the power of free action—the only man who is not at liberty in his decisions to act in conformity with his judgment and his conscience. Sir, I reprobate this doctrine. It is not in conformity with the genius of English principles. It is subversive of all constitutional government. It reduces the members of Assembly to mere delegates; it deprives them of freedom and responsibility, and degrades them to the position of mechanic-

ally registering the decisions of their constituents.

But the doctrine is still more objectionable when it is urged as the hon. and learned gentleman urges it. He declares that certain gentlemen were sent here with the express object of retaining a certain set of men in power, and that was their highest duty. I would like to know how such a doctrine as that would be received in the Imperial Parliament. Why, sir, it would be met with a shout of derision and ridicule. Imagine a member of the House of Commons rising in his place and saying he was sent there, not to discuss public questions, not to act according to his conscience, but to vote in any way that would keep a particular minister at the head of public affairs. Sir, there is a responsibility which every member owes to his constituents. When elected, he must act according to his own judgment, but when the time comes in which by the constitution of the country he has to appeal to his constituents, he must be prepared to vindicate himself before them; and if he cannot do so to their satisfaction he must give place to somebody else, whose opinions and sentiments accord better with theirs.

Sir, this is no new doctrine of mine. I have not only held it always, but I have acted upon it. I have done so under circumstances well known to the gentlemen in opposition. I did so in sustaining, against the general opinion of the party I acted with, the compromise made with the General Mining Association on a great question of public policy. I did so in the belief that that compromise was just, that it was in accordance with the best interests of the country. If it were to be done again, I should do it. I took the hazard of the opinions of my constituents. Had they been called upon to give their opinions, they would have probably been adverse to my own. Had petitions been circulated among them asking my resignation, I have no doubt that many who had given me their support would have withdrawn it. But this was not done. The time came round when I had to appeal to them again. I went to them; I explained my motives and objects, and my constituents, whether satisfied or not that I was right, were at all events satisfied that I had acted according to my judgment and my convictions, and returned me to the house at the subsequent election by an increased majority.

This, sir, is the course I pursued in sustaining a measure in which the hon. and learned gentleman was deeply interested. I am sure he is satisfied I was right in taking that course—and yet he refuses to other gentlemen the right to act with similar independence, in assuming a similar responsibility.

But, sir, there seems to me to be a fallacy which underlies the entire argument of the hon. and learned gentleman. He says that the present government owes its origin to the vote of a majority of this Assembly, who were no real majority. That no consideration is due to the votes of certain gentlemen whom he is pleased to declare ineligible; and that there-

fore the government is founded on infraction of law and order, and is not entitled to be considered as representing the well understood wishes of the people. Now, sir, throughout his whole argument the idea has continually recurred to me—suppose you take the assertion for granted, suppose you admit his charges of disqualification, suppose you grant that the men whom the people sent here from the different constituencies to represent them, may not be able to hold their seats, on the ground of objections which bind them in their individual capacity—what then? Is the voice of the people any the less emphatic on that account? Suppose my hon. friend from Londonderry, Mr. McLellan, has been chosen by a majority of 500, and sent here by his constituents to declare their opposition to the government of the hon. gentleman from Annapolis, and suppose for any reason personal to himself he could not retain his seat, does the hon. and learned leader of the opposition mean to tell us that he is not just as truly and as unequivocally condemned by the people of that constituency, as if they had sent any other gentleman in his place? Is not Mr. McLellan the embodied expression of the opinions of that constituency? What matters it that Mr. Esson, with his 700 of a majority, sent from Eastern Halifax to enter a protest against the government that has passed away, may have had the right to hold to bail in actions in the Supreme Court? Does his possession of this paltry office nullify and destroy the opinions of a majority of the constituency which sent him here? Surely such a doctrine as that is too absurd; and yet it is upon such grounds, such technical distinctions that the whole argument is based. It is not pretended that any gentleman acquired his seat in this house by influence derived from his possession of any office he held.—Therefore, granting the whole case of the hon. and learned gentleman, granting all he says relative to the disqualification of the individual returned, still when returned he represents the constituency—and therefore so far as the constitutional effect of his vote is concerned, from the time he takes his seat in the house, he is to all intents and purposes the voice of the men who sent him there; and that voice should have its constitutional effect till his seat is vacated by the tribunals appointed by law to decide his right.

But the hon. gentleman is very indignant that the house in 1860 refused to decide by open vote upon the right of certain gentlemen to sit here. I do not understand this view of the subject. The law of the land provides a mode by which all election petitions are to be decided. It creates a tribunal which proceeds, with the sanction of a Court, to conduct a judicial inquiry; which has the power to examine and swear witnesses, and which gives its judgment under the solemnity of an oath. I do not intend to argue that these judgments are given with the strictest impartiality; the hon. gentleman has assailed them in every imaginary mode; but what I do

say is, that I cannot understand, if he characterizes as worthless the decisions of a sworn committee, what guarantee he could propose to us that the open vote in the house was likely to be any better. If he has no faith in the decisions come to under judicial solemnities, could he have expected better when these solemnities were not imposed. If the decision of a committee is stigmatized as that of a partisan committee, how much better would have been the decision of a majority of the house. But committees were substituted by the law for the whole house, with the express view of avoiding the inconveniences of an open vote. The mode of selection was certainly not unobjectionable. The decisions were not always unquestionable; still they were the only tribunals to which the constitution delegated the inquiries in the first instance; and the attempt to take the investigation out of the ordinary course, was itself a violation of usage and law. The disqualifications were sent to the committees for inquiry; they were inquired into, and the three first committees which reported, containing a majority of gentlemen on each favorable to the late Government, decided that the alleged disqualifications were not within the spirit of the law, and confirmed the members in their seats. The other committees did the same, and in the end no gentleman was removed from his seat on the ground of any alleged disqualification. And yet the hon. and learned gentleman tries to persuade this house that it was the duty of the Lieut. Governor to step in when the house refused to deviate from the law and try the disqualifications in the open house—to do so on his own responsibility—and dissolve the house. And again, when the committees who did try them and found nothing in them gave their decision, to step in and by dissolving the house declare that he, whose business it was not to try the cases, should punish by dissolving the house those whose duty it was to try them for acting according to their judgment, right or wrong. What would be thought of a member of the House of Commons staking his reputation as a constitutional lawyer on such a doctrine. A House of Assembly had just been elected; the members returned represented the majorities in each constituency. Yet, upon grounds wholly technical and apart from the expression of the real wishes of the people, the Lieut. Governor must step in and convulse the country, on his own responsibility, by a general election. Surely, these gentlemen who had been duly elected had no right to be sent back to encounter the annoyance and trouble of another election, even if it were true that the committee on some other gentleman's election might have misconceived the law, or looking beyond its letter, construed it according to its spirit. But the hon. and learned gentleman has endeavored to strengthen his case by a quotation from the speech of the Earl of Chatham in reference to the proceedings of the Commons in the case of Wilkes. Was that appropriate to the present case? What was it? Wilkes had written a libel in the *North Briton* on the House of

Commons. It had been brought to the notice of the house, and he was expelled. He went to his constituency, was returned, and again expelled,—but this time was declared to be ineligible. Col. Luttrell, who held a seat in the house, vacated it and ran against Wilkes, who was returned again by a large majority. But the Commons seated Luttrell and turned out Wilkes. Where is the parallel? The Commons in that case were endeavoring to deprive the majority of their right—they were endeavoring to seat the nominee of the minority; and if the Earl of Chatham did think the power of the Crown should be invoked in such a case, it was merely to prevent the voice of majority from being quenched. But it was exactly for the opposite reason Lord Mulgrave was to interfere. There was no question that the gentlemen alleged to be disqualified were the representatives of the majority, and Lord Mulgrave was to interfere, not to protect, but to defeat, if possible, the solemn decisions of the people at the hustings. It is certainly an extraordinary state of public affairs. It is a wonderful incident in the life of a statesman, that he should be anxious to remove from the people's house the right to decide upon the people's choice—that he should aim a deadly blow at the constitution of the country, by asking another branch to reverse the decisions of this House. If the hon. and learned gentleman is not satisfied with the tribunals which decide these cases, let him erect other tribunals more to his taste; let him contrive out of the materials the house furnishes to select the judges—but don't let him go out of it, and least of all let him not delegate to another branch the right to decide whether we should sit here.

The hon. and learned gentleman has referred to his Representation Bill as presenting a claim upon the confidence of the country. My hon. friend the President of the Council, has spoken of the "*devilish ingenuity*" with which that bill was framed. The hon. and learned gentleman says that if it was framed with *devilish ingenuity*, it did not succeed. He says it is to that bill we owe the presence here of the hon. and learned gentleman for Inverness. That may be true; but the bill was not framed to bring Mr. Blanchard here. (Hear.) When they cut up Hants, little did they anticipate that my hon. friend Mr. Cochran would have to confront them with his manly opposition, and probably the result of the elections in Southern Colchester hardly came up to their expectations. The result proved—not that there was any lack of *devilish ingenuity* in the framing of the bill,—it showed only that

"The best laid schemes of mice and men,
Do sometimes gang agloe."

Sir, I believe I was deeply indebted to the unfairness of the bill for the success I met with in my election. I had a plan made of the counties of Hants and Colchester; I had the plan of the division of Hants pictured in bright colors. This was a matter on which the people could judge from their own personal knowledge, and while the hon. and learned

gentleman for Annapolis tells us of the fair and honorable principles upon which his bill was based; I took this plan, and showed stamped on its face, in broad, bold outlines, the undeniable evidence of fraud! I put it to the people, friends and foes, to look at that plan and then ask themselves if it bore the marks of being based on *high moral principle*! I hold that plan now in my hands, and ask the House to look at it. Here is Hants, shaped like an egg. How is it divided? Not crosswise or lengthwise, but the middle is cut out in the shape of a wedge and called one district, and the two ends, separated by the wedge, are hooked together at the points and called another district. But the object of the bill was not achieved. When Hants was run in 1858, upon the death of Mr. Dymmock, it was found that the majority of Mr. Churchill's constituency of Falmouth was against him. It was apparent, then, that Hants was gone, and that all five members were to come in to aid the Opposition. Hants, therefore, was called upon to give up one of its members, and when they transferred the seat to Inverness they felt pretty secure of it. The division of the county secured them two more, so that they converted an opposition of five into a majority of one by this single manipulation.

What was the operation in Colchester? The poll books of the election of 1858 gave them the means of deciding how that county was to be cut up. Colchester sent two members representing the entire county; returned by handsome majorities, sustaining the then Opposition. It was divided into two districts, each district sending one member, with a respectable majority in favor of the same views. But a little legerdemain could change all that, and place two of the seats at the disposal of the then Government. Accordingly a large slice was taken off the smallest end of the county and added to the largest; a body of some 200 voters all of one way of thinking were moved from one side of the county where they naturally belonged, and transferred to the other, so as to swamp the constituency they were added to; and this bill was intended to crush the voice of Colchester. All its representatives,—the members of the county and the member of each district,—were of one mind; they were the constitutional voice of the people of the county, and had a right to decide in a matter peculiarly concerning themselves; but their voice was set aside, and the county divided to suit the views of hon. gentlemen opposite. True, it did not accomplish the object; but the prospects were so bright that they justified the hopeful anticipations of the hon. gentleman from Cumberland, who declared in his place here after the bill passed, that his great fear was, that Her Majesty would cease to have, in this House, a constitutional Opposition.

But, was this all? Not so. When the elections came to be run, the public property of the country—the engines and cars of the railroad—were used for partizan purposes, as if they were the private property of the candidates; and even some of the men who were at

work at the railways, who had no stake or interest in the country, many of whom were entire strangers, some of whom had spent the preceding winter in the Poor House in Halifax, were carried at the public expense to the polls, put through the requisite oaths, and every man on the works who polled against my colleague and myself, was rewarded out of the public treasury, by being allowed pay for the day! And yet the very men who do these things turn up the whites of their eyes, and pretend to look with holy horror at anything like bribery or corruption!

That was the case in 1859. In 1860 the old Government was upset, and a new election for Colchester became necessary, on my accepting an official position. What took place then? Why, we are told that all the men on that side are saints, and all those on this side sinners. Well, sir, I look upon the side of the saints—I look at the very High Priest of them, the Eli of the body—and what do I find? I find a scheme concocted in his own temple, committed to the charge of his sons, to raise by the subscriptions of the faithful such a sum as might be necessary to corrupt and buy over the constituency of the county. A gentleman was selected who held an office under the late Government, who shared their confidence, and undertook to be their candidate. That gentleman when he came into the county, proclaimed in most unmistakable terms at the first public meeting he held, by what means he intended to gain his election, and was most probably the first man in any hustings's address that ever told the assembled people that he was determined to obtain a seat, cost what it might.

And he did not speak without book. He or his friends carried out with great vigor the policy he had announced. I hold in my hands an interesting document. It is no unusual thing to lay on the table of the House a Blue Book; but the one I hold is not exactly that. It might be designated a *Black Book*. It exhibits in a very lively way the interest taken by a very consistent old gentleman in the pecuniary concerns of the county. It shows a kindly disposition to condescend even to take mortgages of twenty-five to thirty pounds upon the small farms of the county. It is a very long list, but as it would be ungenerous towards the kind lender of that sum, to suppose that he did not have security for the entire amount of his advances, it is but fair to suppose that the small sums varying from \$10 to \$20, which were given as gratuities to these people, came from another source. These probably came out of the High Priest's bag. And yet, with all this flood of corruption, with the purpose conceived and avowed of buying up the constituency and carrying it by bribery, these gentlemen have the assurance to come into this house, and talk as if they were the impersonators of all that was good and virtuous.

Well, sir, after the election was over, one of the sons of Eli was sent into the county. He was occupied in raking up all the garbage and filth of the county, to try and find

some act to show that I had done something which might vitiate the Election. And he did find something. He found a fellow of the name of Johnson, who said he had tried to sell himself, and who swore he did not vote at all, for an inducement held out to him to remain at home; and yet he could not tell his story, such as it was, without perjuring himself clearly, distinctly, and unequivocally. Anxious to connect me with the transaction, he swore to a conversation in my office which never took place; a conversation which three gentlemen present at the same time, swore never did take place except in the imagination of the witness; and yet upon this testimony was sustained the charge against me!

But I had almost forgotten the compliments I had received from certain gentlemen in the House at the election. The honourable gentleman for Sydney had spent some little time in discussing political subjects in the county. It seems if the affidavit is to be depended on which I hold in my hand and which the other day I exhibited to him, that he did not confine his persuasion entirely to metaphysical arguments. He seems to have used others more in accordance with the principles on which the opposition were conducting the campaign.

But another gentleman in the House, the hon. and learned member for Pictou, had also busied himself a good deal with the same election. He spent a considerable time in the county. He canvassed against me; harangued meetings against me; represented the opposing candidate on the hustings; protested against the validity of the election, on the ground that the oaths were so administered as to prevent electors from perjuring themselves, and last, but not least, he seems to have entered with some spirit into the traffic in votes if the affidavit is to be believed, made by a Mr. McKenzie, a countryman of his own, which has been printed; and yet the hon. and learned gentleman who was so mixed up in this whole affair was the Chairman of the Committee to decide whether or not the charge against me was true. Is it to be wondered at if I do not acquiesce in the decision of a tribunal so presided over?

I should like to know if every gentleman who sits in this house was to be condemned upon testimony such as was thought sufficient in my case, how many there would be here that would be entirely safe. Will the hon. and learned member for Cumberland lay his hand on his breast and say he would be free from any such stain? I will not refer to individuals, but I will undertake to say that, conducted as elections have been for the past few years, there are few men representing the counties which have been the subject of keen contests that can declare themselves altogether sinless.

I have introduced into this house a bill which I trust will be effective in the suppression of such practices at elections. This bill will prevent not only those who are immediately engaged from the use of corrupt

practices, but it will reach others, whether members of the Assembly or Legislative Councillors, who, for such purposes, advance large sums of money on loan—and when this act becomes part of the statute law, the penal effects of such courses will extend to all who engage in them. All parties will be then on equal footing; but while the law has permitted with impunity an organized scheme to carry a county by the most unblushing corruption, it does seem to me that the men who concocted and carried out the scheme, whose hands are stained with the criminality of it, are not exactly the persons to complain, if there were a foundation for the complaint, that the party thrown upon his defence resorted to the same means that were used in the attack.

Sir, I do not intend to travel over the laboured argument of the member for Annapolis, or to comment upon the general principles which are so largely discussed in the dispatch and the minutes, but there is one point I cannot pass over, because the hon. and learned gentleman has challenged my particular attention to it. He says he will listen with anxiety to know what grounds there are for any distinction between the amount of evidence that would be required in a civil or criminal proceeding against an office-holder, to show that he was a holder of the office, and that which would be required in a proceeding before an election committee to establish the same fact. It seems to me that the distinction is perfectly clear, and that it is a distinction founded not only on common law and common sense, but recognised by the statutes. Suppose a party elected to a seat, and a petition against him, does the law allow him to abandon his seat and hand it over to the petitioner? Not so—the English law provides that in case he does not choose to defend it himself, the constituency may be admitted as parties, and conduct the enquiry. This recognizes their position, and settles his. He is there only in a representative capacity. In a civil or criminal proceeding against him, his admissions are matters personal to himself, but in a proceeding by petition they have a different bearing. Suppose a party not an office-holder chose to admit he was, would that be binding on those behind him? Certainly not, and therefore the same measure of proof that would be quite sufficient in the one case might be quite insufficient in the other.

But the hon. and learned gentleman is quite indignant that the proof brought to show Mr. Cochran to be a office holder, was not sufficient for that purpose. Now, what are the facts? Everybody knows that statutes of a penal and disabling character must be construed strictly, and therefore, if it was intended to disqualify Mr. Cochran, the best proof of the fact that could be given would be required. Now it became necessary to show that he was sworn into the office. That was not attempted to be proved by any witness. The petitioners proposed to call Mr. Cochran. Now it was made clear

before the Committee that there was but one legal way of procuring his testimony. The Counsel should have requested him to attend. If he had refused or declined, they could then have been asked to invoke the power of the House. But the counsel for petitioners did not choose to take that course—and was content to rest his case on the evidence, without the production of Mr. Cochran. The counsel had the power of getting Mr. Cochran's testimony, if he had chosen to avail himself of the proper course, and if he did not choose to take that course, is it not a ground of fair presumption that he did not wish to call that gentleman and that the testimony if adduced, would not have strengthened the petitioners case?

The honorable and learned gentleman was very eloquent about the infraction of law, and the impropriety of certain gentlemen holding seats here. Will the hon. gentleman let me put this question to him? If Mr. Cochran, Mr. McLellan, and Mr. Smith were to go over to him and say, we are greatly dissatisfied with the Government we have been supporting; we have had our eyes opened to its short comings, and intend to vote with you hereafter. I ask him if we should hear anything more of the ineligibility of these gentlemen—would he call out to them stand back, I see ineligibility written on your foreheads, or would he receive them with open arms? (Laughter.)

Mr. JOHNSTON—Let them come.

Hon. ATTY. GEN.—I could not trust you—I know what the result would be. They are ineligible so long as they sit and vote here. Let them sit and vote over there, and away goes the stain. The marks are effaced from the forehead. The story of dissolution is at an end—there is no further need of it. The only object of the gentlemen opposite is accomplished. They would return to power by the aid of votes which are ineligible only when against them; and there is nobody on either side of this House who does not feel and believe that the whole story of infraction of law and order would end in a moment.

Sir, my idea of the spirit and intention of the Disqualification Bill is entirely different from that of the hon. and learned gentleman for Annapolis. Let us look for a moment at its origin. The mischief feared when these Acts were first introduced was the preponderating influence of the crown. The position of offices held at the will of the sovereign was assumed to give the sovereign power over the holder. If he was a member of the House of Commons, it gave the crown an undue influence, and enabled the ministry of the day to carry measures they could not carry otherwise, through this influence. The object of these bills was to cripple that power, and not to allow any man to become a representative of the people who was in a position to be unduly influenced by the power of the crown. Theoretically, therefore, it was intended not to diminish or limit the choice of the people, but to diminish and limit the power of the crown. In these ca-

ses, however, there was no violence to that theory. The gentlemen who came in here, did not come and vote for those who had the power of dismissing them. On the contrary, they braved that power and voted against the ministry of the day in spite of the supposed influence arising from the possession of office, from which they were liable to be removed.

But how was the bill passed? The first bill introduced was one to exclude Judges of Probate from the Legislature. The bill was considered to be aimed at certain gentlemen politically opposed to the Government of the day. When the bill came up, members rose and declared if the principle of exclusion was to extend to these offices, it might as well extend to others, holding emoluments under office from the crown. And therefore a bill was introduced, containing the clauses on which all these difficulties had arisen. The bill was never properly discussed, and, like many other bills that pass, had become law without being sifted, considered or understood.

Mr. HENRY.—Do you mean to assert that?

Hon. ATT. GEN.—So far as my recollection goes, there was no discussion. I ask the hon. gentleman himself if he had any idea of the scope of the bill?

Mr. HENRY.—I had a most thorough perception of its nature. The question of the Justices came up. He thought it unfair that a man who received 5s. should come under the operation of the bill.

Hon. ATT. GEN.—Well, all I can say is, that if the hon. gentleman had a knowledge of the full effect of that bill, his knowledge was in advance of that of anybody else. Take, for instance, the office of Notary Public. Nobody dreamed of the applicability of the bill to such an office. Nobody supposed it ought to apply to it. And I believe there is not a lawyer on either side of the House who would have thought of resigning that office if it had not been for the accident of its occurring to some gentlemen in Halifax that it might be made a question, and thereupon telegrams were sent on both sides to parties supposed to be affected by it, asking them to resign. If this bill were to be supposed to apply to every office of emolument, it would be as applicable to the recipient of a shilling as to one whose office gave him a large salary. Mr. Esson, with his Commission to hold to Bail—an office which might give him 2s. 6d. a year—was as subject to it as Mr. Cochran, whose 4 years' service yielded him 12s. Why then was not Mr. Esson's case proceeded with? If amounts had nothing to do with the question, then Mr. Esson was in the same position with those who were proceeded against. Yet that case was deliberately abandoned—and that too entirely by the concurrence of the very men who were so emphatic in the condemnation of the other cases. Yet if one was wrong, the other was wrong, and there could be no sound reason why the sponge could at the option of gentlemen opposite be applied to rub out the ineligibility in the one case and not in the other.

(As it was now 7 o'clock, at the suggestion of Hon. Mr. Howe, the debate was adjourned, with the understanding that the hon. gentleman continue his address on the following day.)

The house adjourned until 3 o'clock the next day.

WEDNESDAY, March 6.

The House met at 3 o'clock.

Mr. BOURINOT presented the following memorials from the County of Cape Breton in favor of direct compulsory taxation for the support of schools: From the inhabitants of Catalogne, Mira, Cow Bay, Gabarus, North side Mira, and Sydney Mines.

Also from E. P. Archibold for aid to deepen and render secure a harbor at Glace Bay; but as it involved pecuniary assistance it was not allowed to remain on the table, and was handed to the Government for consideration.

Mr. ROSS presented two petitions from the inhabitants of Boularderie in favor of taxation for schools.

Mr. WADE presented a similar petition from Digby County.

Mr. HEFFERNAN presented a petition from Guysborough County, praying for an alteration in the law relating to the inspection of pickled fish.

Mr. BLANCHARD presented a petition from Mabou in favor of compulsory taxation for schools.

BILL TO EXTEND THE JURISDICTION OF MAGISTRATES.

Mr. BOURINOT moved the second reading of a bill introduced by him, extending the jurisdiction of Justices of the Peace from £10 to £20.

Hon. ATT. GEN. thought the bill should be carefully considered before it was decided to give so large a power into the hands of the magistrates without wishing to reflect upon that body at all. He was of opinion that it would be unwise to increase their authority by extending their jurisdiction.

Mr. BOURINOT said the bill was in accordance with the opinions of the majority of business men in his county. He thought the magistrates just as capable of dealing with a case of £20 as one of £10. With some exceptions the magistrates of the Province would compare favorably with many members of the legal profession; there were men who disgraced the one and the other. There could be no doubt of the necessity which exists for some improvement in the system of collecting small debts. At present you had to employ a legal gentleman and take your case into the Supreme Court where you are delayed from term to term, and put to great expense.

The present system was rotten to the core, and it was time for all to unite for its improvement.

Mr. MORRISON was afraid that if the object of the hon. gentleman was to prevent the interference of the gentlemen of the long robe, he would fall short of his mark, for he

thought that the effect of the bill would be to open up a new field for the Attornies.

Mr. WADE thought it was time the House should seriously consider the present criminal jurisdiction of Justices of the Peace. He mentioned instances that came under his own notice, showing the bad working of the present system.

Mr. BLANCHARD said some people seem to think there must be a natural enmity between lawyers and laymen, and some even go so far as to believe that the former class are the enemies of all mankind. (Hear and laughter.) He thought the bill before the House rather favoured the lawyers, for they would attend before the Magistrates' Courts, and the appeals would be more numerous. He thought the bill should go further and provide for the Registry of Judgments obtained in Magistrates' Courts.

Mr. HARRINGTON (who was inaudible) was understood to speak in favour of the integrity of the Magistracy generally and their competency to deal with cases brought before them.

Mr. COCHRAN considered the present system of collecting debts by Magistrates wrong. The plaintiff now goes to a Justice states his case to him and obtains a summons, thus leaving a one sided impression on the Magistrates mind, and giving him a week to think over it before the trial comes on. Some system should be devised by which the person who tries a cause would know nothing of it until it comes on to be heard.

Mr. BOURINOT said all the arguments used against his bill were against the principle which now exists; if true, the statute should be swept away; all he sought to do was to extend the power of the Justices, and he thought that if they were competent to exercise their judgments over a matter of £10, they could do so equally well over £20.

Mr. MORRISON said if the facts stated by the member for North Hants were correct, he would say that the Justice who listened to a one sided version of the story should have his commission withdrawn,—all he should do in the first instance was simply to issue a summons.

Hon. ATTY. GEN. said if the member for Cape Breton wished to confer a boon upon the legal profession, he could not take a more effectual mode of doing it than by the present bill.

Mr. BOURINOT.—I assure you I do not intend that.

Hon. ATTY. GENERAL.—That will be the result. At present the lawyers do not generally attend before the magistrates, but the moment you make it worth their while they will; and he would ask what sort of a position would the Justice be in, with two lawyers before him, confusing him with knotty legal points. He did not wish to disparage the Magistracy of the country; many of them were men of intelligence and probity; but, in a Province like ours, in many cases the Justices are appointed more with reference to the discharge of some local duties, than for

the exercise of powers contemplated by the the bill. The County Courts in England, where these cases are disposed of, are presided over not by Justices of the Peace, but by Barristers of high standing. He thought it not wise to extend the jurisdiction of the Justices.

Mr. HENRY did not think it safe to trust the majority of the Justices in the county with increased power. Lawyers, however, should not complain, for it would have the effect of increasing their emolument.

Mr. SHAW thought some measure should be brought in to revise the whole of the present system.

Hon. PROV. SECY. thought if a return was had it would be found that a great many of the magistrates turned their business into a trade. The remedy was simple—let them pay all their fees into the County Treasury, and make their duty a labor of love, and he thought the amount of business would be considerably diminished.

Mr. McFARLANE said a large body of the trustees were intelligent men; but it could not be denied that there were many exceptions. He did not think it wise or prudent to extend their power.

Dr. TUPPER suggested that the bill be sent to a select committee. He had been inclined at first to vote against the bill, but when he found so many gentlemen of the long robe opposed to it, it made him suspicious and inclined to think there must be some good in it.

Mr. S. CAMPBELL said the hon. gentlemen referred to errors of the legal gentlemen; for these there might be some remedy. He had better turn his attention to the blunders of his own profession, and try to remedy them; there was an old saying, "dead men tell no tales." (Laughter.) He would oppose the bill, for he could see no necessity for it, the present system being in his opinion quite sufficient.

Mr. C. J. CAMPBELL thought the bill did not go far enough; the judgments obtained in the Magistrates' Courts should be recorded as well as those of the Supreme Court. You can try twenty cases before a Justice, and the whole fees would not be more than £4; whereas, if you go to a lawyer he will charge you £20 for one case. He thought the power of the Justices should be extended, and every layman should support the bill.

Mr. LONGLEY thought if a Justice could settle an account of £5, he could one of £20. He did not think the Justices, as a body, open to the charge of fostering litigation; they rather discouraged it.

Hon. Mr. WIEN believed that there were some honest men in the Province. He thought this system of imputing selfish and unworthy motives to hon. gentlemen, should be put down, as it was calculated to destroy the moral feelings of the country. He was in favor of the bill, and in matters of account which were not of an intricate nature, he would just as soon have them tried before a Magistrate as not.

Mr. WADE said the lawyers have been charged with acting from interested motives;

he found on looking over the list of Justices, that the introducer of the bill is one, the member for Hants, and nearly all these who support the bill.

Mr. BOURINOT said, that although a Magistrate, he had not issued a summons for some years; the proposed change, therefore, could not benefit him.

Mr. PRYOR would vote for the bill, if the County of Halifax was included.

Mr. TOBIN thought the power of Magistrates should be restricted, rather than increased. It would be found that throughout the country, at times of elections, people were threatened to be sued in Magistrates' Courts, unless they voted in a certain way. The bill would increase the facilities for doing this, and other acts of oppression. He should vote against it.

Hon. Mr. LOCKE—That can be done just as easily in the Supreme Court. It does not sit as often, it is true, but writs can be issued at any time, and judgments by default obtained in 14 days. He would support the bill.

Mr. TOWNSEND could not see why Justices could not decide cases over £10 as well as suits under that amount.

Mr. SHANNON said the time must come when some tribunal, such as the County Courts in England, must be established to decide the class of cases referred to.

It was moved that the bill be deferred for three months.

On division there appeared—for the motion, 26; against it, 21.

For—Heffernan, Hatfield, Cowie, A. Campbell, McKenzie, Harrington, Shannon, Johnston, Grant, Jas. McDonald, Cochran, McFarlane, Blanchard, Attorney General, Tobin, Wade, Henry, Morrison, Donkin, Robertson, Howe, S. Campbell, Brown, Ross, Hon. C. Campbell, Esson—26.

Against—Townshend, Killam, L. Smith, Burgess, Coffin, Bailey, Pryor, Churchhill, Morton, Longley, Wier, Chambers, Bourinot, C. J. Campbell, Tupper, McLellan, Locke, Shaw, P. Smyth, Caldwell, McKinnon—21.

HON. ATTORNEY GENERAL said—On the previous evening he had asked the attention of the house to the more general features of the question under discussion. He had endeavored to shew that the members returned by the Sheriffs of the various constituencies as the choice of the majorities, were constitutionally the exponents of the sentiments of the people; and that even though individuals among the persons so elected might labor under a personal disqualification, and might therefore be liable to removal, still they were to all intents and purposes, the expression of public opinion of these constituencies. He had endeavored to shew that these rights remained until the members returned were unseated by the due course of law. That the law had assigned one, and but one, tribunal, for the deciding of such cases, that the members alleged to be disqualified, were tried by that tribunal, and the supposed personal disqualifications repudiated on the trial. That this could not be charged as an incorrect judgment because

there was no court that had the power of review. That it could not be charged as a party decision, because the three first cases reported had on each a majority of the members of the Committee who were the friends and supporters of Mr. Johnston, who, however, were obliged to decide against his law.

He could not help thinking that a great deal of the outcry that had been made about the infraction of law and order was intended for a different purpose. It reminded him of the chirruping of a bird whose nest had been suddenly disturbed. You find it making a great noise far away from the nest, endeavoring to divert attention from the real locality, and if it succeeds the young birds are scarce. Just so with the members of the late Government. They know it would not be safe to allow attention to be closely turned to the administration of the affairs of the country, and with that view they got up all this cry, and hoped that under the excitement caused by a false issue, they would escape the detection of their short-comings in respect of other and far more important points of public policy, in which they are amenable to censure. He thought that this country was much more concerned in questions sought to be kept out of view, than they were in those so prominently obtruded.

If it could be shown that, as men of business, the late Government had failed in their duty to this Province; if it could be shown that they received the public affairs in a sound and satisfactory condition; that they had charge of them for three years only, but during that short period they had introduced financial difficulties of the most serious character; that they had plunged from one difficulty into another, till they had involved the province in an enormous amount of debt; that their recklessness and incapacity had brought the country to the very verge of ruin;—if all this could be shown, then, he apprehended, the people of Nova Scotia would consider these rather more important inquiries than whether Mr. Chipman had a right to a voice in the management of the Cornwallis Dykes, or Mr. Cochran had impannelled a jury over a dead body, found floating in the Shubenacadie.

He proposed to call the attention of the House for a few minutes to these inquiries, and would do so with a desire to place the matter plainly and clearly before the public. The hon. and learned gentleman from Annapolis asks for a dissolution of the house, in the hope that the chances of election may bring him back to power. It is therefore a most legitimate enquiry, how he used the power of government when he had it?

In 1854, the people of this country entered upon the construction of a great public work. From that period up to 1859, when our railways were completed to Truro and Windsor, the public funds had been employed in their construction. From 1854 to 1857, the former government had the expenditure of the monies. From 1857 to 1860, the late government had

that work to do. He wished to contrast these two periods.

In 1854, the construction of the first section of the railway began; and the funds to be employed in this work were to be derived from three different sources. What were those? First, the Savings Bank; secondly, the Treasury Notes; thirdly, the sale of Debentures.

The Savings' Bank had been in operation long before, and when the public works were determined upon, we were already in debt to that Institution £50,000. We had also issued of Treasury notes the sum of £56,862 10s. We opened these two sources of supply, and during 1854 we derived from them the entire amount which in that year was appropriated to construction. In 1855 we began to sell debentures, and during that and the next year we appropriated their proceeds, together with monies drawn from the Savings' Bank and Treasury, to construction. When the Young Government went out of office, they had, independently of the proceeds of debentures, drawn from the other two sources, the following sums :

From the Savings' Bank,	£56,000	0	0
Treasury Notes,	60,000	0	0
Making in all,	£116,000	0	0

Now, sir, this sum it was their duty to apply in aid of the construction of the works, independently of providing for the interest accruing upon our debentures. Did they do so?

They gave to the Railway, during the years 1855, 1856, and 1857, in all, the sum of

	£106,645	9	0
And they left in the Treasury,	22,384	9	3
Making in all,	£129,029	18	3

While the funds they had drawn from Savings' Bank amounted to

£116,000	0	0	
And the interest on debentures to 31st December, 1856, to	£8,874	16	11
	£124,874	16	11
	4,155	1	4

So that they left the government which came in, in 1857, the means to pay all the interest which up to that date had accrued. All they had then to do, was to provide for the current interest out of the ordinary revenue, and to appropriate to purposes of construction all sums borrowed by them, from whatever source they might be derived. They continued in power during 1857 and 1859.—They increased the issue of treasury notes, they borrowed further from the Savings Bank, and they sold Provincial Debentures. How did they respond to the obligations devolving upon them? Did they meet the interest annually accruing? Did they devote to construction the money borrowed for con-

struction? That would be seen when the facts were stated.

At the close of 1859, the public accounts shewed that there had been borrowed, in all, since the commencement of the railway—

From Savings Bank	£75,000	0	0
Treasury notes,	52,000	0	0
Proceeds of debentures sold,	1,034,748	16	3
Total,	£1,151,748	16	3

And there had been appropriated in construction,

So that there was a balance of	£101,810	7	1
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of money borrowed which was not applied to construction; that is to say, a sum exceeding on the average £33,000 a year, or nearly one hundred pounds a day, had been borrowed and used to pay interest.

But it might be said—True, the former Government had no difficulty in meeting the interest; it was trifling in amount. It only began to be considerable after the late Government acceded to power; therefore they could not be expected to deal with it as their predecessors had done. That was true. It never was expected that the entire interest should be paid out of the revenue derived from the old tariff. It had always been assumed that to meet that interest a special tariff should be imposed. A large part of our revenue was derived from certain unenumerated goods which formerly paid 6 1-4 per cent. The late Government had hardly got into power before they brought in a bill to subject those goods to an additional 3 3-4 per cent. This then was a special fund, designed to aid the Government and furnish the funds to meet the interest. What did that tariff yield?

In 1857 the 10 per cents gave	£65,017	8	6
“ 1858 “ “ “	55,057	18	11
“ 1859 “ “ “	70,039	14	0

In all £190,115 1 5

From this sum, it was fair to deduct what would have arisen from a few articles subject to 10 per cent. before the alteration, say

£10,115 1 5

Leaving a balance of £180,000 0 0

Counting this as the proceeds of 10 per cent., the amount derived from the 3 3-4 additional would be £67,500; so that here was a clear addition to the revenue, placed in the hands of the late Government, as an aid to the payment of the interest, of the enormous sum of £67,500. But was this all? Not so: they tried the experiment in 1857, and in 1858 came down and declared the funds in their hands insufficient. They said they could not meet the interest unless a deduction was made in some of the usual appropriations, and they asked the house to give up part of the road vote. The house did so. For the three years, from 1854 to 1857, the road vote was £130,000; from 1857 to 1860, it was only £92,000;

so that, in addition to the increased revenue, amounting to	£67,500
here was a diminished expenditure of	38,000
amounting in all to	£105,500

which was therefore a fund provided by the province, at the request of the late government, and specially intended to enable them to pay their interest and keep intact the public credit. And yet it was found, with all this assistance, not only did they not pay the interest, but they borrowed over £100,000 more than they ought; thus adding a permanent burden of £6,000 a year to the debt of the province.

Then again look at their management of the railway. In 1857, when only 22 1-2 miles were in existence, it paid all expenses and yielded a profit of over £2,000. In 1859 there was a profit of £1300, while in 1857, when the work was finished and the whole line open, it failed to meet its expenses by £2,100—shewing a loss of £3,400, as compared with the preceding year. So that not only was the province obliged to pay the entire interest out of other sources, but it was compelled to advance £2,100 out of other revenue, to keep the work a-going.

Such was the state of public affairs when the late Government left power; and was it any wonder that this disastrous condition should excite dismay?

When the new government came into power, they had to meet the difficulties of the position. An administration, the most reckless and extravagant that ever existed, had brought the financial affairs of the Province to the very verge of ruin, and it required some skill and some management to extricate them from that position. Yet it was done. The first attempt to economize was made on the railway. A scheme was submitted by the new Chairman shewing that a saving of some £4000 a year could be made in the expenditure. How was it met? The house would recollect well the resolution which was aimed at the gentleman who introduced that saving—a resolution which implied a censure upon him, and which was supported by declarations that the saving would put in peril the life of every person that travelled on the line. Yet the policy prevailed, and it was sustained, too, by the votes of two of the gentlemen who had previously supported the late government, and who differed from them in this instance because they considered the great interests of the Province of more consequence than success in a party vote.

What did the result of the year shew?—Why, that instead of the Province losing £2,100 by the year's work, it gains over £5,000, and therefore that in this single operation there is a contrast of over £7,000 in favor of the policy of the present administration.

The next subject the government grappled with was the revenue. Not only did they proclaim their policy, but they acted upon it. They not only made rules, but they adhered to them, and proceeded, regardless of friend

and foe, to enforce the revenue laws; and what was the result? The revenue was collected; smuggling was discouraged; the fair trader protected; and, at the close of the year, the Province had the satisfaction of having in its coffers a revenue of about £20,000 over that of the preceding year.

Now, it could not be pretended that the past year was one of prosperity,—that our exports were large, or that our imports exceeded those of the previous year. Imports were, to a large extent, regulated by exports,—and a Province could buy only when it had something to sell. Last year, certainly, the trade in every article of export was in a depressed state; the ordinary staples of the country were not in demand in foreign markets, and any person acquainted with our commerce knew that it was a very dull year. The addition, therefore, to the revenue was not due to improvement in trade; it was very largely due to the determination vigilantly to enforce collection.

The Railroad then was redeemed, the revenue raised, order and economy introduced into every department, and at the end of the year, instead of being as we would have been had the late Government remained in power, £30,009 to £40,000 deeper in debt, the Government had met every demand of the year out of the resources at their disposal. But it may be said, and the hon. member for Cumberland has said, that in doing so they had acted as their predecessors had done, and met the interest out of the funds accruing from the sale of debentures. That was true in one sense; they had withdrawn the funds from across the Atlantic. They used them there instead of remitting them from here to pay interest; but they differed from the example set them in this, that every pound they took there they replaced by one here. That could easily be shewn. On the 31st Dec., 1859, we had Railway funds in the hands of Baring Brothers, we had Railway funds in the Bank of Nova Scotia, and we had debentures to sell. The account, as rendered by the Receiver General of the late government, charged as paid all interest due to the 1st January, 1860, including the coupons upon £100,000 sterling of Railway debentures, owned in Nova Scotia. Though charged, the latter sum was not paid, and therefore when the account represented that in the Bank of Nova Scotia there was a sum available to the extent of \$25,398.07

There ought to be deducted as due Bond-holders in Nova Scotia for interest charged as paid,	14,005.00
Leaving really in the Bank,	\$10,593.07
Add to this the funds in hands of Baring Brothers,	12,276.47
Add proceeds of sales of £8,250 Railway debentures, sold in 1860,	35,445.00

And this shews the entire amount of the construction fund, \$58,314.54

During 1860, the Rec'r General had paid towards construction,	30,069.86
So that the balance remaining un-expended of that fund, was	28,244.68
And of that sum there was in the hands of Barings,	1,139.40

which left \$27,205.28
to be accounted for on this side of the Atlantic.

The Receiver General's account shewed that there was a balance to the credit of the Province at the end of the year of 44,123.10, or a sufficient sum to meet the whole balance of Railway construction fund, to pay 15,000 due to the Nova Scotia Bond holders for interest, on the 1st January, 1861, and leave a balance of \$2,000 over all.

But it would be contended, as it had been, that some of the debt which had been incurred by the late government was due to the expenditure in connection with the Lunatic Asylum. That was no answer. There had been a large expenditure on that institution during the past year, and if to that amount were added the extraordinary expenses incurred in consequence of the visit of the Prince of Wales, it would amount to a sum equal to the average of the Lunatic Asylum expenditures during the three years the government held power, if it did not exceed it.

He thought, therefore, the house would perceive that the main difference between the two administrations was, that the one devoted themselves to the real practical business of the country—they economized the public expenditure; they introduced vigor and order into the public departments; they carried out rigidly the revenue laws; they labored to increase the public credit, by keeping the expenditure within the income. While the other considered all these matters of little moment, compared with questions of way-office keepers, and coroners, and commissioners of Law.

But he was quite sure that the general community put a different estimate from the hon. gentlemen opposite upon these matters, and notwithstanding the prophecies of the hon. gentleman from Cumberland, when the real facts came to be known all over Nova Scotia, he would rely with confidence upon the answer which would be given, in case an appeal to the people were made. The hon. gentleman had prophesied before; he had foretold what would happen at the last election; he had made his prediction when he stood on the vantage ground of his Representation Bill, and had been terribly mistaken. He would probably find that the calm, self-reliance which enabled the then opposition to win a victory under such circumstances, would not desert them when the circumstances were more favorable, and that the appeal to the public opinion of Nova Scotia, come when it would, was not likely to be very prejudicial to the party which sustained the present government.

Mr. HENRY was about to address the House, but as the hour was late, he would prefer adjourning the debate, and speak to-morrow.

The Debate was then adjourned.

Mr. GRANT from the Committee on Consuls' Fees, reported at considerable length. The committee recommended that the matter be brought before the Imperial Government.—The hon. member moved a resolution, in accordance with that view.

Hon. Mr. JOHNSTON asked the Government to furnish the names of the census enumerators for Annapolis.

Mr. CHURCHILL enquired of the Government when the Petition from Windsor respecting the Right of Way for Railway, would be considered.

The PROVINCIAL SECRETARY said that question should be taken up as soon as they could overtake it, probably next week. Petitioners can then be heard before Committee.

The House adjourned until 3 o'clock to-morrow.

THURSDAY, March 7th.

The House met at 3 o'clock.

Mr. ROBERTSON presented a petition from Barrington in reference to encroachments upon Nova Scotia fishermen by fishermen on the coast of Labrador.

Mr. ROBICHAU presented a petition from Clare in favor of Assessment for Schools. Also, a petition from Salmon River, in opposition to taxation for that purpose.

The House went into Committee on Bills, and passed a bill to authorize a loan for the erection of a Poor House in Pictou; and a bill to amend cap. 83 Rev. Statutes—"Of the Currency."

A bill relating to the County of Hants was considered.

Mr. MCFARLANE had no wish to interfere with the county of Hants, but he was afraid the bill would not work well.

Mr. COCHRAN explained that the county of Hants was 50 miles in length. At present it was found very inconvenient for the county officers and others to travel some 20 miles to the Shire town to attend the Sessions. This bill divides the county, and provides for two Courts of Sessions, one in the eastern and the other in the western portion. It merely seeks to allow the people of Hants to manage their affairs in the way most convenient to themselves.

At present there is a great feeling between the eastern and western parts of the county as regards taxation for roads. In the eastern part a great many new roads are necessary, and it is difficult to get authority from the western portion to open them as they will be taxed. The bill remedies this, and provides that no tax shall be levied on a district, unless first imposed by the authorities of that district.

Mr. CHURCHILL did not wish to obstruct the bill, but he was afraid it would not accomplish the object intended.

Mr. TOBIN thought the bill would introduce a new principle. It was, in fact, making two counties out of one.

Mr. MCFARLANE thought the bill would create difficulty. Suppose a Court House or County Jail was to be built, one division of

the county might say, "We will not pay for it unless we have it built in our district,"—and so with the other district.

Mr. ROBERTSON said no new principle was involved. It had been tried in Guysboro' and Shelburne counties, and no difficulty had arisen.

After some further remarks from Mr. CHAMBERS, Hon. Mr. HOWE and Mr. COCHRAN, explanatory of the necessity for the measure, the bill passed.

Mr. CHAMBERS stated that it would be read at the Sessions before it became law.

A bill to provide for the erection of an hospital at Pictou created a long discussion.

Mr. HARRINGTON was opposed to imposing a tax of the kind contemplated by the bill, without any information being given as to the probable amount that would be derived from it. He would move that the tax on masters of vessels be reduced from 25 cents to 15 cents.

Mr. GRANT explained that the object of the bill was to benefit the sailors, and to save masters and owners from the expenses they were put to in case of sickness. It was of no advantage to the inhabitants of Pictou. The amount of the tax was very small, and he had no doubt the sailors themselves would gladly pay the sum of 9d. out of their wages to secure them accommodation in case of sickness.

Mr. HARRINGTON thought they had just as good a right in Arichat or any other port to impose a tax on shipping for a similar purpose. He did not think it wise policy to tax the shipping interest; it would tend to retard the increase of the merchant marine.

Mr. GRANT.—It only amounts to 1s. 6d. upon vessels of 50 tons, and 6d. for every additional 50 tons.

Mr. JAS. McDONALD was surprised to hear the member for Richmond oppose the bill, as it would peculiarly benefit his constituency. Suppose a vessel entered the port of Pictou five times a year, the whole charge would not amount to forty shillings, which bore no comparison to the risk of the expense which would be incurred by one case of sickness.

Mr. KILLAM thought if the bill was intended for the benefit of ship-masters, it was strange they did not move in it. He thought if a tax was imposed, it should be so much a ton upon the shipping, as in New Brunswick, say twice a year, and let the coasters go free.

Hon. Mr. HOWE said it was the intention of the Government to bring down a grant of \$500 for the object referred to in the Bill!

Mr. TOBIN approved of the principle of the Bill, but not of the mode of imposing the tax. It should be upon the shipping.

Mr. GRANT thought a tax upon the ship-owners, rather unfair, as the sailors would get the benefit of it.

Mr. CHURCHILL was in favor of tax upon shipping, rather than upon the seamen. He did not see Pictou had more right to an Hospital than any other port.

Hon. SPEAKER thought the Bill should

be tried as it was for one year. He did not think a small tax of this kind would press hardly upon the seamen, and he had no doubt they would be glad to pay it.

Mr. JAS. McDONALD.—If you impose a tax upon shipping you make the owner pay everything, while the Bill makes the seaman pay his share.

Mr. TOBIN moved that the tax be 5 cents per ton upon all shipping entering the port of Pictou to be paid once a year.

Mr. TOWNSEND thought as the people of Pictou derived benefit from every ship that went there, they should be taxed too. Every port in the province would be equally entitled to a grant of \$500 from the Government.

Hon. Mr. HOWE said when other members came with a similar bill it would be time to consider their claims. He approved of Mr. Tobin's amendment, as it was in accordance with established custom.

Hon. Mr. WIER said the only objection to the 5 cents per ton for the season was that a large vessel of 1,000 tons might make only one voyage during the year. It would be better to have it 2 cents per ton for every voyage.

Mr. HUGH McDONALD.—The principle of the bill imposing a tax upon sailors contravenes the policy of the law which makes the ship liable for the expense of the sickness of the seamen.

Mr. MORTON thought there would be a difficulty in collecting the tax from the sailors. It would be better to impose a small tax upon the tonnage of every ship entering the port—as was the case in every port that he was aware of—where such a tax was imposed.

Mr. MORRISON said in New York the men had to pay Hospital money. It was paid by the captain, but charged to the sailors.

After some further discussion,

Mr. HARRINGTON moved that vessels under 60 tons be exempted, which was lost.

Mr. TOBIN moved that the tax be 5 cents per ton, to be paid once in the season, which, on division, was lost.

Mr. HUGH McDONALD moved an additional clause, providing that in case of any deficiency in the expenses it be borne by the county, which passed, and the bill passed.

The bill to enable D. C. McCallum to receive letters patent being brought up, Mr. S. Campbell moved that it be deferred for six months. After some desultory discussion the motion passed on a division.

The committee then rose and reported.

Mr. J. McDONALD moved to rescind the vote on the bill relating to Mr. McCallum.

PETITIONS.

HON. PROV. SEC. then said:—No man respected more than he did the right of petition. The right of every subject to petition his Queen, or her representative, or the Legislature, was a part and parcel of the privileges and rights of every man throughout the length and breadth of the British Empire. Whilst he would be unwilling to see these rights abridged when

properly exercised, yet he considered that no man had a right to abuse such a valuable privilege by obtaining any man's signature by false pretences. He gave great weight to petitions to which men voluntarily and knowingly put their names; but he attached but little importance to those manufactured in one part of the Province by an organised committee, and sent into the interior to be hawked about and signed under all imaginable false pretences. He did not mean to say that he held any member of the Legislature responsible for the manner in which these petitions were being dealt with; he merely wished to call attention to the system which was now going on in various parts of this Province. Take the County of Digby for instance. He held in his hand a note addressed to one of the representatives of that County.

The hon. gentleman here read the note; it was to the effect that "one of your late supporters is going around with a petition, and making false statements to get signatures to the same;" "through ignorance I put my name to it, and only afterwards did I find that it was against you and the present Government." This letter was signed by John Smith.

He then read another which said in substance:—Since I last wrote you Mr. Charles Jones has been around with a petition getting signatures for a dissolution of the House of Assembly; the people told me he said it was direct from the Governor himself. The same writer also says that one L. McDonald was going around in a similar manner.

He would ask the member for Digby to give him that celebrated petition, with the 500 names, that had never yet been handed to the member for Digby for inspection.

The hon. gentleman then read the following affidavit.

Personally appeared before me the 2nd day of March, 1861, Colm Porter of Weymouth, in the County of Digby, who maketh oath and saith, that one Michael Lovett, of Weymouth aforesaid, did, on this day, present a petition to him to sign for a dissolution of the House of Assembly; that the Government it through, and if the people wished it he would dissolve the House. This he said in presence of several persons.

COLIN PORTER.

Sworn to at Weymouth, the 2nd day of March, 1761, before me,

SERENS JONES, J. P.

Now this system was going on in various parts of the Province, and he was authorized to say by the Lieutenant Governor, that all such statements as these were entirely without foundation. No one in any portion of the Province was authorized to use his Excellency's name.

He had called the attention of the House the other day to a paper sent to the members for Guysboro', characterising the petitions which had been forwarded against them to the House, as a fraud to a large extent upon the county. He held now in his hand a

similar paper signed by ninety-six individuals whose names were attached to the Guysboro' petition. These individuals now say that they were either deceived or defrauded or an improper use made of their names which they did not sanction. From that county came also two or three other documents. The hon. gentleman here read a statement from one James McCoy of Port Mulgrave, to the effect that "he learned with surprize that his name was upon the Guysboro' petition. If that was the case he wished it struck off as he had never authorized anybody to put it there. One James Flanery also rote he never signed or consented to signed the petition; Edward May of Port Mulgrave writes to the same effect; William O'Neil, of the Middle settlement and one Michael Meagler made a like statement.

The hon. gentleman having read the statements of these different individuals went on to say that they would afford a very fair idea of what was going on, and the value that ought to be set on it. He contended that no man had a right to sign another man's name to a petition, sent to the Legislature, without his authority, as legally required. The hon. gentleman concluded by stating that while members of his side of the House were disposed to grant the fullest exercise of the right of petition, they did think that the practice followed by certain parties, in this matter, was highly discreitable.

Hon. Mr. JOHNSTON would ask the hon. Provincial Secretary if he was aware that such affidavits as he had read were an infraction of the law.

MR WADE thought it proper to make a few observations, since the county of Digby had been brought up in debate. He was at a loss to understand why these documents should be brought down and read; he was equally at a loss to know why the Lieutenant Governor, holding such a high and dignified position, should have authorized his Prov. Secretary to come to the house and state that no petition had received his assent; such a statement was altogether unnecessary and out of place.

In regard to the affidavit just read he would state that Colin Porter was as honest and upright a man as could be found throughout the county; he was not the kind of a man who could not at all times understand precisely what a man might tell him. He had not the least doubt in the world, that that affidavit was got from him under false pretences. He would also state that he was positive Mr. Lovett was not the man to deceive Mr. Porter, or any one else.

The hon. gentleman went on to defend Mr. Jones, the person accused of misrepresenting the object of the petition alluded to; he could not believe the charge, though it should emanate from Mr. Everett, a magistrate, and a respectable man. Mr. Jones had been for years his (Mr. W.'s) political opponent, and indeed it could be asserted it was he who brought his hon. colleague (Mr. Campbell) out. At all events, that gentleman did all

he possibly could do to put Mr. Campbell in. And if Mr. Everett had stated deliberately that Mr. Jones had gone round with a fraud in his mouth, then he (Mr. W.) was present to give such a statement his unqualified dissent.

The Provincial Secretary had come down and stated that the Lieutenant Governor had authorized him to assert that he had nothing to do with the petitions that were being circulated. He would now ask that hon. gentleman if he was also authorized to say that His Excellency would turn a deaf ear to them, if such came before him sooner or later?

HON. PROV. SEC'Y.—The Governor could not turn a deaf ear to any petitions but would treat them with all respect, when they came before him properly.

MR. WADE was glad to hear the hon. gentleman say that the Lieutenant Governor would pay all proper deference to those petitions which came before him in a legitimate and constitutional manner.

He next answered the Provincial Secretary in regard to the requisition given to his hon. colleague, Mr. Campbell. When that requisition had been fully signed, a letter was written to that gentleman, asking if he would accept it; but he refused. That was the reason Mr. Campbell had not received it.—Now, concluded Mr. Wade, I give to the hon. Provincial Secretary this answer—if he will assure me that my hon. colleague will listen to that requisition—will do what he asserted in a letter some short time ago, and what his supporters thought he would do—that is, resign—then I promise in the course of a week to place this document in Mr. Campbell's hands.

HON. PROV. SEC'Y would ask, might it not be possible that that petition was a good deal like that sent from Guysborough? That requisition should have been shown to Mr. Campbell for his inspection.

HON. C. CAMPBELL wished to know what the hon. gentleman (Mr. Wade) meant, by bringing up the name of Mr. Charles Jones in the way he had done, in reference to himself.

MR. WADE had not used one word with the intention of injuring Mr. Campbell. It was his duty to stand up and defend the character of a friend who was assailed. He could not allow Mr. Everett, under the cover of a letter, to stab his hon. colleague's friend; one, too, who was connected in relationship with him. In relation to the requisition, he would state, that he had, as a matter of course, returned it when Mr. Campbell would not accept it, to the source whence it had emanated.

MR. COCHRAN was understood to state, that the requisition should have been presented to the hon. member Digby, for inspection.

MR. HENRY said, that the hon. member for Digby had had the fullest opportunity of scrutinising the requisition, but he had refused, saying that he had changed his mind in reference to it. He contended that no member had a right to rise in his place and read a paper of any kind, except in elucidation of his speech; it was an unwarrantable liberty.

He had documents in his possession of directly an opposite character from those now read by the Provincial Secretary; but he had not thought it necessary to adduce them. Now, suppose the hon. Provincial Secretary had brought forward affidavits from Edward May and others. He (Mr. H.) had letters in his desk, showing that there were different persons bearing the same names. If he was not mistaken, that Edward May had a son who signed the petitions.

MR. S. CAMPBELL said that the hon. member for Annapolis had stated it was criminal to take such affidavits as had been brought up that day; but he would ask that hon. gentleman if it was not a crime of equal magnitude to induce simple persons upon false pretences to sign petitions concocted in Halifax and sent to the rural districts? As regards the petitions, he would say that their concocters had done their best, and had done their worst; they had sowed the wind, and were now to reap the whirlwind. Now, he did not set the slightest value upon petitions of a political character. His constitutional law was this, that this country must be governed upon the opinions of the people as expressed in Parliament and in other places; that he held to be the true constitutional rule, and accordingly could not pay the least regard to petitions of the nature of those which had been brought before the house. He would say, in all deference, that the individual who occupies the position of the representative of her Majesty in this country would not be governing this country upon constitutional principles, if, instead of taking the sense of the people of this country as reflected by the sentiments of their representatives, he took the opinions expressed in petitions concocted by party instrumentalities, and signed by party misrepresentations. He held in his hand a work which he thought all would be willing to recognise as an authority on parliamentary law. He would now read some passages from it, and give the references on which they were based:

The general rule of Parliament with reference to the signing of petitions, as expressed in a resolution of the House of Commons, of November 14, 1689, is, that "all petitions presented to the House ought to be signed by the petitioners, with their own hands, by their names or marks;" to which there appear to be three exceptions—*first*, when a petitioner is *unable from sickness to sign his name or mark*, in which case, another person may sign for him at his request or by his authority or consent; *secondly*, where a petition is all in the handwriting of the petitioner, in which case, if his name appears in the body of the petition, it need not be signed at all; and *third*, when a petitioner, being out of the realm, has sent a full and legal authority to subscribe his name for him, in which case the petition may be signed in the usual manner by attorney.—*Commons Journals*, 10, 285; *ib.*, 30, 499; *ib.*, 34, 800; *Hatsell*, 2, 189, note; *Hansard* (1), 21. 1, 2. See also *Lords Journals*, 51, 507, 519; *Commons Journals*,

85, 541; *Ib.*, 91, 325; *May*, 385; *Hansard* (1), 19, 1148; *Ib.*, (1), 35, 862; *Parl. Reg.*, 32, 2.

“When the names attached to a petition, except as above mentioned, appear upon inspection, as, for example, where they are written by the same hand, or are declared, not to be in the handwriting of the parties, whose names they purport to be, the petition is not receivable.—*Commons Journal*, 10, 285, 286; *Hansard* (1), 11, 33, 34.

“The House of Commons, by a resolution agreed to, June 2, 1774, declared it to be highly unwarrantable, and a breach of the privilege of this House, for any person to set the name of any other person to any petition to be presented to this House. Independently, however, of any expressed declaration to this effect, there can be no doubt that the presentation of a forged petition (and a genuine petition with some forged and some genuine signatures upon it must be considered as to the former a forgery) is such an imposition and insult, as must of necessity amount to a breach of privilege.—*Com. Journal*, 34, 800.

“If the Committee appointed to investigate a charge of forgery report that the offence has been committed, the offender is punished by commitment to one of the public prisons.”—*Commons Journal*, 80, 445, 561, 582; *Ib.*, 84, 187.

“Where a petition consists of several skins of parchment, or several sheets of paper, attached together, it is an established rule in both Houses that the skin or sheet upon which the petition itself is written, or upon which it terminates should have at least one of the signatures upon it. This rule is established in order to guard against the imposition of names being procured for one purpose, and attached to a petition for another.

The reason of this rule is fully and forcibly expressed in the following remarks, made in debate, in the House of Commons, by the Attorney General, 1817: If petitions could be received, written with the signatures on one piece of paper, and the application upon another, what security had the house that they were genuine? Might there not be a bureau in town for the manufacture of petitions, and another in the country for procuring signatures? And might not some demagogue join the operation of the two without any authority from the persons whose names were employed? The House should be open to the grievances and representations of the people, but it should know whether the statements of those grievances and the prayer for relief really came from themselves or were brought forward by persons who abused their confidence, in order to influence the public discontent.”—*Commons Journals*, 72, 128, 144; *Hatsell*, 2, 198, note; *Hansard* (1) 30, 257, 258; *Ib.* (1) 35, 94, 95, 96.

Now, it might be said that this was the law of Parliament, but it was not law that should operate upon the mind of the Lieutenant Governor; but if such doctrine was respected in the House of Commons, and would

be enforced here while checks exist in other quarters, with how much greater force should it operate in the highest branch of the Legislature, where decisions are final, and without appeal?

He believed in the well understood wishes of the people as expressed in Parliament, and for that reason he was not allowed to pay the slightest attention to petitions. Touching the memorial from the County of Guysborough, he was in the continual receipt of letters, in which parties whose names were appended repudiated entirely that memorial, and assured him of the fact, that by misrepresentation and unworthy means alone, was such memorial obtained.

If simple people are deluded into signing these papers, he hoped that the parties who induced them to do so, whether to be found in the city of Halifax or in the rural districts, would be brought to answer for that misdemeanor against the dignity of Parliament, either at the Bar of this House, or before the criminal court of this country, to be tried for their offences.

Mr. HENRY said, the extracts just read were not new; the committee who, years ago, drew up the rules of the house, considered these resolutions not applicable to this country.—Referring to the letters which had been read, he said he had received counter statements, and had a letter written by one of the members for Guysborough, which illustrated the means used to induce petitioners to falsify their first signatures. He would show it to the hon. member (Mr. Campbell) the next day, if he wished.

Mr. S. CAMPBELL replied, that if pressure could be brought to bear on petitioners to induce them to retract, how much more easy was it to obtain signatures in the first instance. The best mode was to pay no attention whatever to these petitions, but to come back to the true constitutional rule of having the opinions of the people expressed by their representatives. It was stated that the law and rules alluded to were not included in the rules of the house. Let the hon. member turn to the last rule, and he would find, that “in all other cases not otherwise ordered, the house will be guided by the rules and usages of the Imperial Parliament.”

Mr. MORRISON doubted very much if the hon. member for Cumberland knew the book whence the extracts were taken.

Mr. HENRY—You will find it in Hatsell.

Mr. MORRISON remarked that he understood petitions had been sent from the city of Halifax to Colchester. He must say that if ever any body of men in any country did work for their own destruction, it was the gentlemen opposite. The hon. gentleman then presented two petitions from Colchester, asking for assessment for the support of schools.

Mr. H. McDONALD stated that he was opposed at all times to deception being practised, and regretted that the rules of the house should be so often violated by the reading of letters. He said he had in his possession a letter from

Guysboro, which shewed conclusively that there was no fraud or forgery with respect to the 112 names in the Guysboro petition (alluded to on a former occasion); they were all placed there in a legitimate manner; at all events, in a manner that had been followed frequently by different petitions, as well as by another reverend gentleman in 1859 on the occasion of the representation bill.

Mr. S. CAMPBELL mentioned that he had in his possession a letter from one of the most respectable men in the county of Guysboro, in which he stated that two of the individuals whose names were signed to the memorial, assured him that not only had they not signed, but had never heard of it being in circulation in their settlement.

The subject then dropped.

Hon. ATTY. GENERAL reported from the standing committee the following committee on Rand's petition: Grant, Tobin, Coffin, Townsend, McLellan. Also, Mr. Blanchard and Mr. McFarlane, in the place of the hon. Prov. Secretary and Dr. Tupper, on the committee appointed to investigate the charges made in the Guysboro petition.

The hon. gentleman also introduced a bill to give greater powers to boards of health in counties.

The house then adjourned until 3 o'clock the next day.

FRIDAY, March 8.

The House met at 3 o'clock.

The following bills were read a third time—a bill concerning the County of Hants; a bill authorizing a loan for the erection of a Poor House in Pictou; a bill to provide for the erection of an Hospital at Pictou; a bill relating to the currency.

Mr. SHANNON, from the Committee on City Bills, reported against a bill respecting assessment in the City of Halifax.

Mr. McFARLANE asked special leave to present the petition of James T. Morse and others of Amherst, praying for the passage of an Act for the improvement of Upper Amherst Marsh.

Mr. COFFIN presented a petition from Barrington in favor of taxation for schools.

Mr. BLANCHARD introduced a bill to amend Cap. 28, Rev. Stat., "Of Crown Lands," the object of which is to withhold the possession of lands applied for, until the grant is made out.

After some remarks, the bill was read a first time.

Mr. McFARLANE moved that the adjourned debate on the Dispatches be resumed.

Mr. COCHRAN moved, in amendment, the second reading of a bill relating to the representation of the County of Hants.

Mr. HENRY presumed there was no intention on the part of gentlemen opposite to interfere with the debate.

Hon. Mr. HOWE had no desire to interfere with the hon. gentleman, but it must be borne in mind that there was a good deal of business before the House, which required immediate attention.

Mr. COCHRAN merely wished to advance the bill a stage, so as to have the discussion in Committee of the Whole House.

Mr. HENRY considered that the adjourned debate took precedence of any motion.

Hon. SPEAKER.—Strictly speaking, the Order of the Day is the motion of the hon. member for Pictou, upon Railway extension.

Hon. Mr. WIER thought it was time that it was understood whether the business of the House was to be continually obstructed by these endless speeches.

Mr. HENRY was there as a representative of the people, to deal with this question, and he should like to see the Government that would prevent him.

Dr. TUPPER.—If the Government are afraid of the discussion, they had better say so.

Hon. Mr. WIER.—We are not afraid.

Mr. HENRY said it was an invasion of the rights of the people to endeavor to stifle the debate. He had not previously occupied much of the time of the House, and he intended now to express his views.

Hon. Mr. HOWE had no desire, if he had the power, to stifle debate; he was as ready for it as gentlemen opposite, but there were some bills before the House that should be advanced a stage.

Hon. Mr. JOHNSTON thought it ill became the leader of the Government to talk of wasting time, when on the previous evening he had occupied the time of the House by reading a parcel of letters, and had presented the spectacle of dragging the Lieutenant-Governor on the floors of the House to sustain a position so absurd as not to be entitled to a moment's consideration.

Dr. TUPPER could scarcely imagine it was the intention of the Government to interfere with the debate, when the leader of the Government had, on the previous day, suggested the adjournment, so as to give the member for Sydney time for his address. It was time the country knew that the Government have endeavored to stifle debate, in order to press forward a measure which had for its object the changing of the representation of a county, so as to enable one of their supporters to go back to a different constituency from that by which he was returned. If it had come to this, it was time gentlemen opposite were dealt with outside the walls of the Assembly.

Mr. COCHRAN would say frankly that he had no desire to shut out the member for Sydney from the debate. He merely wished to have the bill read a second time and sent to committee, so as to have one discussion upon it instead of two. As regards the taunt that he was misrepresenting his constituents and was afraid to go back, he would say that he had at that moment just as good right to his seat as the [first day he had assumed it, and if his colleague would go back to the constituency of Hants, he would do the same.

Mr. CHURCHILL was willing to do so.

Mr. MORRISON would like to know what the member for Cumberland meant by the

threat that he would deal with gentleman on that side of the House outside its walls.

Dr. TUPPER meant that an indignant people were rising in their might; that from Cape North to Cape Sable the evidences were accumulating of the desire of an outraged people to rid themselves of a Government destitute of even the semblance of power, exhibiting, day by day, the evidence of their helpless imbecility.

Hon. Mr. HOWE said that that last year we had the same story of a powerless majority, not going to live a day, existing only by sufferance, &c., and yet, some how or other, the business of the session was satisfactorily managed, and since then Nova Scotia had enjoyed a quiet, happy year, and nobody was disturbed but a few gentlemen opposite, who deluded and misled their own followers with the hope of a dissolution.

Mr. BOURINOT.—I deny that any gentleman this side was deluded.

Hon. Mr. HOWE continued.—This Government is not weak or imbecile, but one thing perhaps they were—a little too forbearing, and a little too indisposed to economise the people's time. He had no wish to shut out Mr. Henry's speech.

Dr. TUPPER.—You can't do it.

Hon. Mr. HOWE.—The member for Sydney knows that it is not my habit to shut anybody out of debate. I have the power now.

Dr. TUPPER.—No, no.

Mr. HOWE.—Not to shut out his speech, for he can make it on any motion, but to deal summarily with this debate, if so disposed. The member for Cumberland says the country is uprising. Let it arise; I am quite content to abide the result. I have lived too long in this country to be afraid of Nova Scotians.

The uprising of the tide I can understand, but Mrs. Partington trying to sweep back the Atlantic with a broom, is something like the puny efforts of gentlemen opposite to stir up the people of this country by means of petitions manufactured in this city, and circulated broadcast over the land.

(The hon gentleman concluded by stating—in reference to these petitions—that, when it was brought to his notice that use had been made of the Lieut.-Governor's name, to induce people to sign them, he had felt it his duty, officially and publicly, to contradict the statement, as he had done on a previous day.)

The Hon. SPEAKER enquired if the member for Pictou intended to proceed with his resolution for Railway extension, that being the Order of the Day.

Mr. JAS. McDONALD said.—If it is the determination to deprive the member for Sydney of his right to address the House, then he would proceed with his Order of the Day—otherwise he would not interfere.

Mr. BLANCHARD understood that it was the intention of the member for North Hants to have his bill read *pro forma*, and then committed.

Dr. TUPPER.—A bill of that kind cannot

be read *pro forma*; it is a measure designed to strike a blow at the rights of the people, and to prevent them from passing an opinion on the acts of their representative. Mr. Henry's speech could not be shut out; it was competent for him, on the reading of the first clause of the bill, to make his speech upon that.

Hon. Mr. HOWE said there were two bills before the House—the one under discussion, and the one relating to the Inspector of Mines; the member for Sydney could make his speech upon either of the bills.

After some further remarks,

The Hon. SPEAKER said.—I shall now put the motion on the second reading of the bill relating to the County of Hants.

A call of the House was had.

While the Messenger was out—

Hon. Mr. JOHNSTON asked the Hon. Prov. Secretary to lay on the table the letters and papers read by him on a previous day, relating to the signature of petitions in Digby County.

Hon. Mr. HOWE would do so when the petition signed by the 500 names requesting Mr. Colin Campbell to resign, was placed upon the table.

Hon. Mr. JOHNSTON had nothing to do with that. It was a rule of Parliament when papers were read as part of a speech, they should be brought down for inspection.

Dr. TUPPER also asked for copies of correspondence relative to an accident which occurred last summer, on the railway, between Halifax and Bedford, during Mr. McCully's absence in New Brunswick. He would call the attention of the Government to the desirability of having some law to empower committees to take evidence under oath, as was the case in New Brunswick. He would also take the opportunity of inviting the attention of the Government to the important subject of Education. It would be recollected that in 1857 the House increased the Educational Grant by £4,000, and the report of the Superintendent for the following year speaks of the beneficial effect of the increase. In consequence of the state of the finances, the House on the following year was compelled to withdraw the increased grant. It was evident that the country was retrograding in the matter of Education, and he took the opportunity, before the Estimates were brought down, of inviting the attention of the Government to the importance of an additional grant for Educational purposes.

Hon. Mr. HOWE said it was not the intention of the Government to bring down any increased grant this year. As the census was being taken this year, they thought that next year would be the proper period for the review of the whole system of Education; no change would be made until then.

The Messenger having returned,

MR. HENRY ON THE DESPATCHES.

Mr. HENRY then addressed the house substantially as follows:—Having been delayed for two days in giving expression to my

views on a most important question now before the country, I take advantage of the present motion to address the house.

In approaching the consideration of the resolution moved recently by the hon. member for Annapolis, and upon which he addressed the house, I will confess that when I do so it is with feelings of delicacy and hesitation, and with the knowledge that that research and display of powerful arguments evidenced by him has left but little for me to touch upon. However, in the enquiry which it will be necessary for me to make I must refer to some of the subjects to which that hon. and learned gentleman alluded in the course of his eloquent and able speech. And I may here state that I listened attentively to the speech of the hon. Attorney General; I will not now characterise it as an answer, for it was a speech, but certainly no answer.

I regret, sir, I am not able to deal with this question in a legitimate form; from the evident tendency of gentlemen opposite I feel that I am now speaking in opposition to their wishes, and after they have done their best to stifle and procrastinate the debate.

The hon. Attorney General undertook to reply to the telling and valuable arguments enunciated by my hon. and learned friend the member for Annapolis; but after he had endeavored for a very short time to grapple with some of the minor portions of that speech, he felt, as the House must have felt, that his efforts to grasp the arguments and answer them resembled those of the pigmy to grasp the globe—the hon. member was thrown back by his own futile efforts to encircle it; and with his usual sagacity, he directed the attention of the house to subjects directly foreign to the resolution and the arguments which the hon. member for Annapolis had adduced.

I will now touch upon two or three points as given us by the hon. Attorney General. The first one was relative to the position laid down by the hon. member for Annapolis, in regard to the members for Argyle and Digby. We all remember the comparison drawn by the hon. leader of the opposition; he compared these two individuals, to two commercial gentlemen, who had been sent up to pursue a certain specific object which they did not do, but violated the trust reposed in them. The Attorney General then says, the members of this house are not delegates. A commercial delegate has a trust, sir, reposed in him, and so have the hon. members for Argyle and Digby. But I care not whether they are delegates or members; there is an honorable principle which must pervade and govern men in every position of life, and I would not envy the position of those, who hanging on to the tail of a majority in this house, must feel that in doing so, they are betraying the trust reposed in them, and misrepresenting the views of their constituents. Happy indeed may the man be who can feel at all times that he is carrying out honorably any trust placed in him; and let me here say in all frankness, if five hundred

of my constituents were to come here and say that I had violated my pledges and abused their confidence, for purposes best known to myself, would not my position be humiliating in the extreme. I would wish to know where is the nice distinction between a betrayal of a trust by a commercial traveller or agent, and a violation of trust by a member who every hour knows he is acting contrary to the wishes of a large number of his constituents.

The hon. member for Argyle denies this, but let me tell him that the law opens a course by which he can test his position, and ask the people to decide whether his continuance here is a violation of the trust reposed in him, and whether they can confirm and ratify his conduct in this Assembly. I hold that both these gentlemen may pretend what they like about these petitions which have been brought here; I hold that whilst they sit here and are afraid to go back to their constituents, they show conclusively they are betraying the true interests of their constituents. Their efforts to throw contempt upon these petitions will, I am confident, be regarded by every well regulated mind as mere evasions, by no means reflecting credit upon them.

We know that some gentlemen come here entirely unpledged, and, that others again come pledged. And in the latter case, I maintain they are in all honour, bound to carry out their pledges, unless, indeed, they have every reason to believe that the views of their constituents have changed; and then feeling that they are carrying out their wishes their only true constitutional mode of proving to the country, that they are not usurping the power which the people once placed in their hands, is to go back to the people.

The hon. Attorney General next touched upon the mode of trying the ineligible members, by the house or by the committees; and he told us that the offices did not produce their return, and that, even if ineligible, they represented the views of the people; adding that he presumed if they were sent back by a committee they would be re-elected. I cannot tell what reason he had for coming to that conclusion. The hon. member for North Hants, was only returned by a small majority; and I do not think that the introduction of the bill now before us, evidences that he has much confidence in the result, if he went back to the people. It is pretty well known that he did manage to get an accidental majority; but when the people had an opportunity to look back at the policy by which he got returned, in all its bearings, they doubtless felt inclined, in case his seat became vacant, to fill it up forthwith by another from the opposite ranks. The hon. member might easily know that there was an alteration in the popular sentiment—that the people would repay with contempt and scorn the injury that had been inflicted upon them by misrepresentations.

We are told that it was quite legitimate for a Government to be turned out in 1860 by the votes of ineligible men; and the hon.

Attorney General says, it matters not whether they were ineligible or eligible, as long as they represented the voice of the people. Should the Attorney General of Nova Scotia enunciate the doctrine, that it is not of the slightest consequence whether men are legally or illegally entitled to be here? Is not that a matter which concerns the vital interests of the people of Nova Scotia? Nobody, I think, can deny it. But the hon. Attorney General says that these gentlemen had a majority of the people they represented, and that they had as much right to be here as if returned in accordance with the law. Go into any insurance company's office, and see whether ineligible parties are allowed to vote. No, sir, they have bye-laws which restrain them. The secretary furnishes a list of the persons who are entitled to vote, and they alone are allowed to do so. Suppose some ineligible persons go in, and with assistance of others make up a majority, and elect their own President and officers, contrary to the wishes of the true majority—could that be considered legal? A vote to change a Government should be alone passed by men legally entitled to the right, just as in the case of the election of officers by any insurance or other company.

(The hon. gentleman here went on to allude to the decision of the committees.)

Hon. PROV. SECRETARY said that he considered it was exceedingly improper to be continually questioning the right of hon. gentlemen to sit on the benches, and referring to the decision of committees. He would call the hon. gentleman to order.)

Mr. HENRY continued.—I am only following the example of the hon. Atty. General; the President of the Council could listen to him with a good deal of complacency.

Hon. PROV. SEC.—He was answering the speech of the hon. member for Annapolis.

Mr. HENRY.—Well it is not necessary that I should dwell on this part of the subject: I will pass it by to prevent further discussion.

We all remember that the gentlemen by their own votes refused to allow the house to decide upon their qualifications, and thereby changed the Government. Now we are told that the late Government had not the right to ask the Governor for a dissolution. I reply that we had. Suppose Lord Palmerston after an election found that there were five and twenty revenue officers, for instance, returned to oppose his Government; and that these, with another lot of members, had banded together and passed a vote of want of confidence in the Ministry by a majority of five or six, what would he say. He would say, you are here in violation of the law; I disregard your votes. Rid yourselves first of your ineligibility, and when that question is decided come here as members of Parliament, representing the views of the people. Would he resign if they persisted in their course? No, he would pay no attention to the motion of want of confidence. Would Her Majesty refuse a dissolution if she found the house acting as this house has done? Would she not have said

—No, Lord Palmerston, I will not allow you to be put down by men illegally returned to Parliament; I will sustain the law and permit you to appeal to the people of the country, and take their views as to the position you occupy. It is the duty of the Governor, sir, to vindicate the law, to maintain it in all its purity, no matter how or whence the attempt to evade it comes.

Now, how are we to look at the question as connected with the carrying out of Responsible Government in Nova Scotia? The Government is to be drawn from that party in whom the people have confidence; and they are to continue in power until displaced by a legal majority. In the present case, the responsibility that would rest upon a government in England was removed from the Government of Nova Scotia; the Governor stepped in, and assuming its functions, took the responsibility upon his own shoulders of refusing a dissolution. I would now ask if that is Responsible Government or not? I maintain the negative proposition. All responsibility should be thrown upon the advisers of the Governor. This is a matter connected with the interests of the people, and they should be the sole judges. If they sent his late advisers back to power, it would have shown that these were right. He would then be free from the annoyances that must naturally result from the consequences of the course that has been adopted in preference to that which is in accordance with the true principles of our constitution.

The Attorney General, having vainly attempted to cope with the powerful arguments of the hon. member for Annapolis—arguments that were incontrovertible—endeavored to draw attention from the main question at issue, and went into the consideration of the representation bill, of the charge of bribery against himself, and on the next day when he continued his speech, dilated on the question of the railway, the revenue, and such like matters.

Now, I would like to ask what had all these questions to do with the subject propounded in the resolution brought forward by the hon. and learned member for Annapolis. He referred to the representation bill, and said it did not carry out its objects, and instanced the returns of the hon. member for Inverness, of himself, and the hon. member for North Hants. Well, he did not endeavor to enlighten us on what was passing through his mind as to the object he attributed to the introducers of that law; he did not tell us what he claimed to be the object. The object at various times has been stated to be very different. One time, it was to extend Catholic influence, and we were frequently told that there were to be sixteen Roman Catholics returned through that bill. Never was a more fallacious statement made than that the object was to extend the influence of the Catholics of Nova Scotia. The gentlemen opposite now say they never upheld proscription; that they never introduced a Protestant manifesto on the floors of this House some time ago. Yet these are

the gentlemen who, in reference to this bill, told the Protestants of Nova Scotia that it was only intended to extend the influence of the Catholics throughout the country. Let me turn the attention of the Protestants to some of the provisions of that bill. What are Shelburne and Queen's but Protestant counties, and how many members were given them by that bill? Three to each. Now, is not the population of Cape Breton more than double that of Shelburne? and yet only two members were given her. Can we in that case be told that the object of the bill was to increase the influence of the Catholics? I now ask who are the gentlemen that sit here from the county of Cape Breton? Why, a Protestant and a Catholic, and every one knows that the people of that section could have returned two Catholics if they wished. Similarly with my own county; it has double the population, perhaps, of Queen's, and yet is satisfied with two members, whilst Queens has three. It is an absurdity to say that the object was to increase Catholic influence, when all the facts show the contrary.

(The hon. gentleman here alluded to the plan of the county of Hants mentioned by the hon. Attorney General. That hon. gentleman said he had taken it through his county, showing it to the people, and that it greatly assisted his return. Well, he (Mr. H.) could easily comprehend the influence of his eloquence upon a plain simple people; they would naturally believe all he told them when there was no one present to contradict his statements.)

I will now turn to another observation he made, and I can only say that I am astonished that a gentleman, occupying the prominent position of Attorney General, should make statements which I am led to believe are not founded upon fact. I do not accuse him of making an intentional misstatement; but I point out to him the risk which a public man runs when he makes statements upon mere hearsay evidence. He says there were a number of railway men, some twenty of them out of the poor house, carried to the polls at the public expense, and who took the oaths. That is certainly a bold assertion. Here is an emphatic charge of perjury against a number of people. The first enquiry the House has to make is, were twenty individuals really taken out of the poor house? I have it on the best authority, that but one individual who attempted to vote was in the poor house the week before, and he was immediately recognized, and his vote was not taken.

We would imagine, from the manner in which the railway men are frequently spoken of, that they were an unfortunate set of Irishmen, who had no settled place of abode. I find that most of these men were Novascotians, that had come from the counties of Cape Breton, Guysboro, and others. Where is the impropriety of these parties voting?

The hon. gentleman then referred to the charge of bribery against himself. Whilst we condemn the infraction of law, and the government, for the manner in which it was formed;

whilst we condemn the gentlemen opposite for the mode in which they have retained themselves in power, the hon. Atty. General says, I will not answer all that, except by showing how bad you are; I acknowledge I cannot answer the charge against myself; although I cannot deny the correctness and soundness of the arguments, yet I will get out of the scrape by endeavoring to show that the other side is just as bad. The hon. gentleman puts me in mind of a person put into the criminal dock charged with larceny, and saying, Well, I cannot defend myself; I think I will endeavor to escape punishment by bringing a charge of something that is not very correct against one or two of the witnesses or against the prosecuting counsel. How does the hon. Atty. General undertake to act? What are the charges he brought against us? First, that the plot to purchase his county was hatched in the office of the "High Priest, Eli." It is very easy, we all know, to make these charges; to prove them is more difficult. It is very easy to allow one's imagination to run wild, sometimes; but if I am dependent upon that wholly for the proof, I am a false accuser—an unworthy slanderer. Now, I say, until we have some proof given us of his assertions, the Atty. General does not stand in a very favorable position. Then he talked of a statement made by Mr. Marshall—that he came there with thousands. Mr. Marshall made no such statement. I heard what he did say. He was charged with having said so, but he denied it. He said that if they found that the people were to be controlled, not allowed to have the exercise of their free judgment, they would find that other parties could procure the means to get them freed from the state of bondage in which they were placed. That is the version of the story which I heard, altho' a different one was given by the Attorney General.

The hon. gentleman then referred to my presence in the county in 1860, and rather insinuated that I had made use of something more than rhetorical means to oppose him. I will ask the hon. gentleman to hand me a certain document which has not been put upon this table although it has been asked for. The hon. gentleman could put that paper in the newspapers, but not on the table. When called upon the hon. Prov. Sec. said it was not in the possession of the government—a mere excuse—for it was in the pocket of the Attorney General; it was therefore in the possession of the government. It is an affidavit made by an individual well known to be unworthy of credit; whose affidavit would hardly be taken for the price of a jack knife. (The hon. gentleman here created some laughter, by stating that he forgot two umbrellas and a valuable knife which he bought in London, at the man's house, but he never could find them again, though he had good evidence that the knife was sold in Pictou.)

He has another affidavit drawn by his partner or by himself. And, sir, that is from another celebrated individual; I will say

nothing about him ; I know him by reputation, and I believe, sir, you yourself know something in regard to him. These are the individuals they have got to make affidavits to cover up the charge of which he has been convicted by five gentlemen sworn to investigate the case. These are the persons who are selected in the County of Colchester to make up affidavits to conceal the position of Lord Mulgrave's Attorney General, and one of these affidavits is sent home to delight the eye of Her Majesty's principal Secretary of State for the Colonies. I am not astonished at ignorant people producing affidavits and sending them here ; but I must acknowledge I am surprised to see the Attorney General of this Province taking hold of one from an unworthy person in his own County, in order to effect an impression on the minds of the Governor and the Colonial Secretary, and thus support his position, which he felt was so thoroughly untenable and devoid of defence.

All I can say about the charge against the hon. gentleman himself, is, that if I had had charge of that prosecution, I would have placed him in the witness box, and examined him, unless, indeed, he was protected by the committee, as in the case of the hon member for North Hants ; I would also have asked him if a thousand pounds was not subscribed by his own friends in Halifax, and several hundred pounds by himself. I would have gone further, and put his partner in the box, and asked the power of the house upon the agents who, when called for, failed to appear. And then I think the hon. gentleman would find it still more difficult to exculpate himself.

But he told us the other night that this man Johnson was contradicted by three individuals. Now, sir, it is quite clear that a man may be wrong upon one point, and be, nevertheless, telling what he believes to be true and honest. Because some men swore they never heard Mr. Archibald say, "You have made a good job of it," the hon. Attorney General considers that Johnson has perjured himself. Is that sufficient to falsify the testimony of a witness in all other particulars ? I think not. But take up the evidence of his own witness last winter, and there is not an honest jury in any court in Nova Scotia that would not have convicted the hon. Attorney General of bribery ; and then I ask, is he in a position to come here and make vague charges of perjury against individuals without a particle of proof ?

I shall now turn to another portion of the address of the hon. gentleman. He talks about the protection they have given to the officers of the revenue. I think he should have waited until that committee which was appointed to investigate the charges made in Mr. Rand's petition had reported, and then we would be able to find whether they have actually given any protection to their officers. If the statements be true, we will find that the government displaced an officer because he had seized smuggled property in the possession of a friend of some member of the government. —

It will be time enough for the hon. Atty. Genl. to talk of sustaining public officers when we have had this case investigated.

We are then told that there have been large savings in the railroad. We have heard this assertion frequently, but it wants confirmation. There is a committee of the house yet sitting ; and I believe they will be able to let you know the actual truth in this matter.

Without dwelling on some of the other observations of the hon. Attorney General, I shall go on to make some remarks relative to other matters. In reading the report of some of the speeches made at the commencement of the session, I was not a little amused by those of the Prov. Secretary ; for any one would necessarily come to the conclusion that the hon. gentleman had proved himself one of the greatest despots that ever existed. One would imagine whilst perusing them he was the House of Assembly—the government ; he actually ignores the existence of the Legislature, of his colleague, of the Governor, of everybody but himself ; it is always what he will do, and what he will not do. I read in one of these speeches, not that nine gentlemen crossed the floor, but nine gentlemen *left me* in 1858.—He endeavored to justify the hon. members for Argyle and Digby, by reference to the action of myself and eight other gentlemen in that year. Now it would be worth while looking at the position of these gentlemen, and at that of the hon. gentleman himself. One of them happened to be Provincial Secretary at that time ; another was a member of the government. We were told in the despatch of Lord Mulgrave that they crossed the floor, but it was not added that two of them belonged to the government ; that it was not nine gentlemen that supported the government that went over, but that the government itself was divided, and broke up on that account.

In all fairness it might have been stated that the constituents of the nine gentlemen approved of their action, and the only one who backed out of the position was beaten by five or six hundred. I therefore think His Lordship paid the nine gentlemen a poor compliment when drawing the comparison between them and the members for Digby and Argyle.

I deny that any one has a right to charge me with crossing the floor. I think no proof of such a fact can be furnished. But I would like to know how he can make it out that any of us went from *him*. The hon. gentleman was not in the government at all ; he was chairman of the railway ; yet he has the modesty to say that I, a member of the executive, his official superior, and bound to look after his acts, left him. That is a point beyond my forbearance. and demands this brief notice, if nothing more. The hon. gentleman now denies he had not advocated proscription ; he wishes us to draw a nice distinction between the time he was a member of a government and the time he was a leader. Let me ask him if he was led by the nose to promulgate wrong opinions for months whilst Mr. Young was leader ; and that now, when he is chief, he will take a different course ?

Every one knows the nature of the cry by which they obtained their position; it rung from one end of Nova Scotia to the other; through it they succeeded to power, and now feel that they cannot carry it out. I told the Catholics in 1859 that they need not vote for me because they entertained alarm at this "proscriptive" policy; it was all a ruse intended to be made upon the Protestants; when the elections were carried, these gentlemen would pretend to be just as good friends as ever. I can bring hundreds of my own people to prove these words. And last session, the hon. gentleman who now holds the office of Chief Justice said, Proscription, forsooth, who ever talked of proscription? The Catholics will participate in our school and road money, and in other expenditures, equally with other denominations. They will find that the alliance they have entered into is an unholy alliance, and that we are their best friends. There was no proscription in those words; they had forgotten by that time the ruse that brought them into power.

Mr. Henry went on to say, he would call the recollection of the Prov. Secretary back to the time when he was virtually the leader of the Government, and the Atty. General, Mr. Uniacke, was nominally so. He would remember that a number of gentlemen who sustained him then had the independence to resist him in a good many of his measures; that meetings were held and resolutions passed by all the members except one, calling upon the government to carry out their views; there was a committee of five to keep up the connection between the party and the Executive Council. I (Mr. H. continued), the hon'ble member would remember, took a leading part in all these meetings, and in endeavoring to get the gentlemen to agree upon certain principles; and the hon. gentleman will remember that he took credit afterwards which I and others forced upon him. I only make these allusions to show the hon gentleman that there have been times when he was reminded that he had colleagues and a party at his back, and could not ignore them as he does now.

I will now turn for a moment to a consideration of portions of the despatches.

It being known that that the vacant seat on the bench would be filled up by Mr. Young, on the 26th July Mr. Johnston addresses the following letter to the Earl of Mulgrave. (Mr. Henry here read the letter.) Here is a charge made of a most serious nature; one which if true would incapacitate any one from sitting on the bench. It is a charge not lightly made by the hon. member for Annapolis on behalf of the party to which he belongs, and which he believes compose the majority of the people of this country. What attention did Lord Mulgrave make to it. It is the slightest. The charge is made and it is offered to be proved; but there is no opportunity afforded nor notice taken. Mr. Johnston, on the 6th August addressed a letter to the Duke of Newcastle himself; and I have to ask what was done. It was sent home; the charge was preferred. I

was handed to the accused, who made his statement, and it was sent to the Colonial Secretary. Now, it is right that the people of Nova Scotia should know that if a gentleman is accused of any crime, and if the governor should be personally friendly to him, a copy of the charge will be handed to him. He will be allowed to answer it. Then there is no fresh notice taken of the matter; the answer is not communicated to the person who made the charge, but it is all kept quiet. Let people know how a friend of the Government will be dealt with.

Hon. PROV. SEC'Y said, that precisely the same course that was taken with reference to Mr. Young, was taken in the case of the hon. member for Sydney, when charges were brought against him on the occasion of his receiving the office of Queen's Counsel. The man who defended him then was the Chief Justice.

MR. HENRY—I hope the Provincial Secretary will not endeavor to draw a parallel between the two cases. Does the hon. gentleman mean to say that there was a charge made against me? He knows that there was not. The only objection was, that I did not practice in the Court of Chancery or in the Metropolitan Court. Will the hon. gentleman compare my case to that of a gentleman charged with perjury?

The hon. gentleman here alluded to a case of a gentleman in England, whose appointment to a Judgeship in Australia was revoked because he had been concerned in some case of bribery. How differently did the government in Nova Scotia deal with the case of Mr. Young.

In the conclusion of his letter of the 6th August, the hon. leader of the opposition refers the Duke to the opinion of the Law Officers of the Crown. He asks for information, and answer to the case that he presented. Were any of these requisitions complied with?—Though His Grace had ample time to refer all the documents to the Law Officers for their opinions, he did not do so. Here were questions that required the attention of legal minds to be appreciated and understood, and yet he did not make the necessary enquiry. I say more, that the individual charged should have sought enquiry. Suppose I was accused of some dishonorable action, and that I was about being elevated to a high position, would I ask the government of the day to appoint me at once? No, sir, I would not accept office until I had fully acquitted and justified myself. I would say to Lord Mulgrave, I am prepared for my trial; bring forward my accuser; I am prepared to meet him. Such was the course that should have been taken. No enquiry, however, was made, and the Duke of Newcastle simply contented himself with having the appointment confirmed.

I shall now read from the letter of the 16th August, 1860, a passage which refers to the disqualification bill, and see whether it gives a full idea of the scope and intent of that bill, or whether it is not calculated to mislead and

deceive the Duke, as regards the officers intended to be included within its operation. After referring to the act of 1858, disqualifying Judges of Probate and Prothonotaries, he says, touching the act of 1859:

"Now, it may at once be conceded, and indeed all parties are agreed, that this was a hasty, ill-advised measure, the extent and scope of which was not foreseen or considered as it ought to have been. By its letter, no person holding any office of profit or emolument, was eligible to sit either in the Assembly or the Legislative Council. The Legislature never intended, nor, as I believe, did a single member of either branch foresee, that the terms of this act, strictly construed, disqualified the holders of a multitude of petty offices which by no possibility could affect their independence, and therefore went far beyond what the framers of the law ever contemplated."

I would ask is this true—that this bill was a hasty ill advised measure, passed without sufficient consideration? I assert that its effect was well known, and that everybody knew it included all persons holding office of emolument under the government. I think, during the time the bill was under discussion, it was the member for Cumberland enquired whether it would affect Queen's Counsel. The answer given by Mr. Young himself was that it would, and it was decided to exclude them specially from the operation of the bill. Another member stated that it would include Justices of the Peace, and they were accordingly exempted. This will show that the bill was well considered and its effect known; and I have no hesitation in asserting in the face of this house and the country, that it was well understood, both in the house and out of it—that every person holding an office of emolument under the government, would be disqualified from holding a seat in Parliament.

(The hon. gentleman here read another extract from the letter, on the subject of way-office keepers, notaries and others, as follows :)

"It was discovered, just in time before the general election of 1859, that the office of a notary public was held under the provincial government, and being an office of profit, might disqualify every lawyer in both houses; and, as a measure of precaution, the office, which in this country is a necessary adjunct to a professional income, was resigned. There are a number of coroners scattered all over the province, whose emoluments in many cases do not amount to twenty shillings a year; a number of commissioners for taking bail, whose emoluments are still less; a number of health officers, having a legal right to some trifling fees, but in the majority of cases receiving none; a number of commissioners of sewers, whose emoluments are seven shillings and six-pence per day, paid by the people who select and employ them; upwards of three hundred way-office keepers, many of whom consent to act merely for the convenience of the public, and whose emoluments, in a majority of cases, do not exceed three or four

pounds a year; and a number of other offices, the whole amounting probably to seven or eight hundred pounds.

"To suppose that the Legislature intended to disqualify this multitude of men, comprehending so large a share of the intelligence of the country, and almost every man of their own body, involves a pure absurdity."

The writer of this endeavors to prove that as way-office keepers receive their appointment from the Post Master General they are not under the government; but in reality there is no distinction. The statute provides for the appointment and removal from office of the Post Master General, Postmasters, Way Officers, &c., by the government; and it is a clear evasion of its letter and spirit to say way-office keepers are not under the government; and the policy of the bill indicates that no such distinction was intended. So with coroners; there is no difference in principle between their commissions and those of Notaries Public; and yet Mr. Young was so strongly of opinion that the latter were included in the Bill, that he resigned his commission as Notary. Why then should not a coroner resign also?

Again, I would call the attention of the House to another extract from the gentleman's letter, giving his opinion as to the effect of the bill upon health officers and commissioners of sewers. He says there are "a number of health officers having a legal right to some trifling fees, but in the majority of cases receive none—a number of commissioners of sewers whose emoluments are seven shillings and six-pence a day, paid by the people, who select and employ them;" but omitted to add that both officers were appointed under commission from the Governor in Council. I would like to inquire in what respect they stand different from magistrates, whom it was considered necessary especially to exclude from the operation of the law.

You will bear in mind that it is written, not by a layman, but by a gentleman who is claimed by his friends to possess an enlarged mind, and great legal acumen; and yet he endeavored to make the Duke of Newcastle believe that these officers who, although paid by the people, receive their commissions from the government, are not affected by the bill.

I contend that the act being general in its terms applies to all these small offices. What was the opinion of Sir Richard Bethell and Sir Henry Keating, both eminent lawyers, and now distinguished judges, and wholly disinterested in the decision of any of the cases submitted to them. They gave it as their decided opinion that persons holding these offices were disqualified by the law. And what answer does the writer of the letter give to that? Could the English jurists not construe the law as well as the chairman of a partisan election committee? He says to the Duke that, although the letter of the law distinguishes them, the legislature never intended it. I say the legislature did intend it; but if it did not, I ask, is that the way a judge upon

the bench deals with a question before him? does he stop to enquire how long it took to pass the law he is about administering? or whether it was carefully considered? No; but he says—Here is the law, whether good or bad, if its meaning is plain, it is my duty to administer it. Every lawyer knows that where the provisions of a statute are clear and unmistakable, it must be construed and administered according to the plain and obvious meaning of the words used; and it is only in cases of doubt raised by the ambiguity of the words of a statute, that a judge is at liberty to reject the letter, and be influenced by what he may arbitrarily assume to be the intention of the legislature in passing it. And yet the man who is now Chief Justice of the province says that, in a case where the law is plain in its language and well understood, that it should not be administered, because, he asserts, the legislature did not intend what it said in plain terms! I would ask, if he would hold such doctrine as that on the bench of the supreme court of Nova Scotia? I deny that the spirit or intention of the act is at variance with the letter—and this is no case where lawyers would differ. I do not hesitate to say that, if left to twenty unbiassed lawyers, there would be no difference of opinion.

Reference is made in this letter to the case of Mr. Peter Smyth, and the writer cites that as an excuse for the course he pursued on the committee of which he was chairman, and gives that as an instance where the *spirit* of the law was considered, and not the *letter*.

Now, what were the facts of that case?—Under a law which was in operation for about two years, Mr. Smith had collected money for a public work, but for which the law allowed him no compensation; and it was proved that at the time he ran his election, he could not have received any emoluments, for the law was not then in operation; and yet this is the authority given by this great legal mind for the course he pursued. It was well known to the person who wrote this letter, that in Mr. Smyth's case the committee decided that he did not hold the office, not that the office would not have disqualified him, if he had held it. The statement is made in a manner calculated to mislead a man a thousand of miles away, the duties of whose high position would scarcely allow him to do more than hastily read a matter so brought before him at such length.

The writer, after referring to Mr. Smyth's case, says:

“In like manner the seats of Dr. Webster, attacked as a health officer, and of Mr. Chipman, attacked as a commissioner of sewers, were confirmed by committees, and on these three committees the then political friends of Mr. Johnston had the majority.”

The excuse here given is, that because some of the other committees, composed of laymen, had decided upon, as he says, the spirit, and not the letter of the law, therefore he, the aspirant for the highest judicial position in

the land, must shelter himself under the opinions of laymen, and decide in the same way. Is that a dignified position for a future Chief Justice to occupy? Is it a sufficient reason for the decision he gave? But sir, he is wrong again, for these committees did not decide against the letter of the law; but upon other grounds altogether, which must have been known to Mr. Young. Again, in another place, he asks, “Why were these significant facts suppressed?” Why, did he not admit that they had no bearing upon the case—that all the documents and all the facts necessary for a correct decision had been furnished to the Crown Officers in England, and that nothing had been suppressed?

Again, it is stated in Mr. Cochran's case that there was not sufficient evidence of his appointment as coroner. I would ask why was he not examined? But I contend there was sufficient evidence. It was proved, under his own handwriting, that he had acted as coroner and received £2 10s. from the Treasury for his services, for which, as coroner, he gave a receipt. He had acted as coroner, and was sufficiently proved to have held that office—and that was sufficient *prima facie* evidence. The majority of the committee, by refusing to call him, at all events did not exhibit much desire to arrive at the true state of the facts, and I do not hesitate to say that Mr. Young now sitting on the Bench of the Supreme Court will decide in a similar case that the proof of the appointment was abundant.

Mr. Young again says:—“He complains that the committee did not apply to the house to compel Mr. Cochran to be examined against himself, but it is a sufficient answer that this is in the discretion of the committee; and for reasons which it would be a waste of time to go into, I concurred with a majority of six to one that it was inexpedient, under the circumstances, to refer that question to the house.”

I admire the modesty with which the writer says that he “concurred with a majority of six to one” of the committee, when it is well known that he led the majority on step by step, and formed a prominent part of the majority himself.

He does not venture to say that the committee had not power to compel the attendance of Mr. Cochran before them, but he says it was *inexpedient to do so*, and after he had gone into the whole question of the ineligibility of the parties referred to, he informs the Duke that they decide, not upon these grounds, but upon the want of proof of the appointments. He says:

“But whatever may have been the leaning of other members of the committees, with whom I was associated, my decision in the two cases of Mr. A. M. Cochran and Mr. Lewis Smith, did not proceed so much upon the construction of the statute, as upon defect of proof; and upon this head I must invite the attention of Your Grace to a very obvious and sound dis-

tion, which Mr. Johnston has altogether overlooked.

“Had action been brought against Mr. Cochran as a Coroner, or against Mr. Smith as a Way Office Keeper, or had they made themselves criminally liable as such, their acting in those capacities, would have been held in a court of law sufficient to charge them, without proof or appointment. In such cases, only their own interests and positions were concerned; but when their seats in the Assembly were attacked, when, in the case of Mr. Smith, the candidate having the minority of votes claimed to be the sitting member, the interests and rights of the constituencies came into play; and before they were jeopardized or injured, a stricter rule of evidence, by the very principles of the constitution, rose up to protect them. I was of opinion, therefore (and I think that no impartial and clear-headed lawyer will differ with me,) that to unseat either Mr. Cochran or Mr. Smith, there must be clear proof that they had been legally appointed to their respective offices, and held them under all the restrictions and sanctions of the law.”

“Now, there was no such proof in either case.

“In Mr. Cochran’s, it was not shewn that he had ever received or held a commission as Coroner. Notice to produce a commission had been given, but it was not produced, and secondary evidence could not be found. But there was still a more fatal and striking objection. Our Revised Statutes require that a Coroner should be sworn into office before a Judge of the Supreme Court, or the Custos of the County. Had Mr. Cochran been so sworn the range of inquiry was extremely limited, and the fact could have been easily proved; but it was not proved. We may assume, therefore, that it did not exist; and as the English, equally with our Provincial rule, declares that a Coroner, until he is sworn, is not in full possession of his office, on what principle of law or justice, in the absence of such proof, could Mr. Cochran have been unseated? This view was taken by five out of the committee of seven, and I concurred with the majority, which is the principle gravamen of Mr. Johnston’s letter.”

The Chief Justice, his political proclivities and party necessities are well known, and we might fancy we hear him indulging to one of his opponents last winter, when he had under his judicial care the cases in question, in such *harmless badinage* as the following: “Do you think we are such egregious fools as to unseat one of these men!” “Do you think we are such fools as to commit political suicide?” He might have added, “Do you think I am such an ass as to decide against Cochran or Smith, when my doing so will forever prevent my becoming Chief Justice?” Here, then, we might discover why it was *inexpedient to force Mr. Cochran to give evidence.*

It will be remembered that although Mr. Young writes at length to fill the Duke’s mind with the point of eligibility, he says he de-

cidet not on that point, but on the want of proof of the appointments of Cochran and Smith. Take, then, the case of Mr. Smith, a way-office keeper. It cannot be contended that there was not sufficient proof in his case; the committee had his receipts for his pay as way-office keeper before them, and his declaration that he would faithfully perform the duties of his office, and his resignation *after the election*. Surely, then, no unbiassed mind could require more proof. The reason given, is that the appointment was made by the Post Master General. Mr. Woodgate is an officer under the government from which he receives his commission, and so is every officer appointed by him. If way-office keepers are not government officials, why were they threatened in Cumberland the other day with dismissal, if they voted against the government? If not officers under the government, how is it that so many have been displaced, not by Mr. Woodgate, but by the present government? Not officers under the government? No officers under the government when a political movement is necessary, but they soon come under the government when they vote against their friends, and their places are wanted. I am aware that the Under-Secretary of the Treasury is not affected by the English act, because he is not immediately appointed by the government, and is considered not an officer *under the Crown*. Although the case has been decided in Parliament, it is no parallel to the cases here, for many reasons.

I shall now proceed to cite some cases to show that where a man is proved to have exercised the duties of an office, it is sufficient proof of his appointment, and that therefore there was abundant proof in the cases under consideration.

In a case in 1836, where a plaintiff sued as Vestry Clerk.

(1836.)

McGahey vs. Alston, 2 M. & W. 206.

The plaintiff sued as vestry clerk.

Plea, that he was not vestry clerk.

[Sir W. Follett] objected that the issue being whether the plaintiff was vestry clerk, it was incumbent on him to prove by proper evidence that he had been duly appointed to that office, or by producing the books containing the appointment by the vestry. It was not sufficient to prove merely that he had acted as vestry clerk. Here his right of action depends on his being vestry clerk; unless he be legally invested with that office, the action must fail.

Park, B.—I think the first objection which has been taken is not a valid objection, and that proof of acting was sufficient. The plaintiff is a public parochial officer, and the rule is that all public officers who are proved to have acted as such, are presumed to have been duly appointed to the office until the contrary is shewn.

It is quite immaterial that the action is brought in the name of the officer. In all actions against justices and constables, no more is required than proof of their acting in these characters.

In this case the same position was taken by Sir William Follett, that there was not sufficient proof of his appointment. What does the Judge say?

Parke, Baron says: "Officers who are proved to have acted as such are presumed to have been duly appointed to the office until the contrary is shown."

Take another case in 1833, *Butler vs. Ford*.

This was under a special act for Leamington, which gave commissioners power to appoint watchmen, *who were to be sworn in*, and have the like power as constables—although requiring by the act to be sworn in evidence of writing was held sufficient:— (1833.)

Butler vs. Ford. 1 Crown and Mans. 662 By sect. 78, the men chosen were to be sworn in as constables, and were to be invested with the like powers, authority, privileges and immunities as any constable.

Lyndhurst, C.B.—Upon the question raised as to the evidence offered at the trial to establish that the defendants were constables and watchmen, I think it was sufficient to prove that they acted in these characters. Evidence of this nature is evidence that they were duly appointed. It is not conclusion, but quite sufficient as a *prima facie* case.

In another case of ejection by the lessee of the trustees of the poor the same doctrine is laid down:—

Dev. E. d. Bowly vs. Barnes. 82, B. 1037.

Ejection by lessees of plaintiff as overseers of the poor. The defendant's counsel objected that their appointment ought to have been moved, and that it was not enough for the purpose to shew that they were acting as churchwardens or overseers. The objection was overruled.

In another case of the assessment by Commissioners of land tax acting was held sufficient:—

Doe vs. Young. 82, B. 68.

To make out the title, it was necessary to prove an assessment by Commissioners of Land Tax. There was proof that the parties had acted as Commissioners *after* the signature, but none of them having acted *before*.

Denmore, C. J.—When persons who have exercised a public duty are shewn to have done an act within the scope of that duty at a particular time, we may assume that they were exercising the particular duty when they did the act.

Coleridge, J.—It is an admitted point that acting in an office is proof of being officer, and that rule clearly takes effect in favor of an act done (before) the time to which the proof relates. But the same principle applies when that time is subsequent to the act done. The inference may be carried upwards as well as downwards.

In another case 5th 2, B. 122 the Judge says, "the same rule of evidence runs through all offices from that of a judge to that of a vestry clerk."

HON. MR. HOWE.—If you were impeach-

ing the Chief Justice before a legal tribunal the course you are pursuing may be correct.

MR. HENRY.—I am impeaching the Government, and I don't intend to allow any one to deter me.

The hon. gentleman continued—Here is a case of the appointment of a constable, the Judge decided that his acting as such was sufficient proof.

"Gordon was indicted for murdering Linnel, being a constable in the exercise of his duty. Linnel had a warrant against Gordon, and with a party of men got over the garden wall, with the purpose of getting into the house. Being warned by Gordon first not to make the attempt, Gordon fired and killed him. It was objected that it was necessary to prove his election to the office—overruled, and the prisoner was hanged."

In this case no proof of the appointment of the constables or of his being sworn was given. *His acting alone* was sufficient to hang a man in England, but in Nova Scotia not to turn out an ineligible member.

Having thus disposed of the objection of the want of proof, I will turn to another objection named by Mr. Young. He says, after touching upon the want of the proof of appointment, "But there was still a more striking and fatal objection—Our Revised Statutes require that a coroner shall be sworn into before a Judge of the Supreme Court, or the Custos of the County, &c.," as before cited.

To shew that Mr. Young is *again wrong* as to this very *fatal objection*. I will cite cases which the well known industry of Mr. Young might easily have discovered, had he wished to give an unbiased opinion.

In 3 B. & Ad. 625. *The King vs. Main*.

Indictment for refusing to serve as constables, and the proof was that he had *refused to be sworn in*, which was held sufficient.

Littledale, J.—With regard to the objection that in order to sustain the charge in the judgment, more ought to have been proved than a mere refusal to be sworn in—it is true that a man may discharge the duty of the office of constable without being sworn in; and if, notwithstanding, the defendant had refused to be sworn in, it appeared that he had discharged the duties of the office in person, such refusal would not be proof of a refusal to take upon himself the office.

And in 3 Carr & Payne 212. "The court admitted the act of a Trustee of Turnpikes, although he had never been sworn in, and the act of Parliament declared the Trustees should be incapable of acting, unless they took a *prescribed oath*,"

I have thus shewn that there is neither law, justice, or reason for the course pursued by Mr. Young in these cases, and I shall not now detain the house with any further remarks on the letter.

Now, sir, having gone over these branches of the subject I shall make a few observations in reference to some other matters. In doing so, it will be necessary to go back to the formation of the Government last year. The House met at the usual time; and the

majority of eleven claimed by the hon. Prov. Sec. was reduced to three.

Hon. PROV. SEC.—I never claimed a majority of eleven.

Mr. HENRY—Well, at all events, it was reduced to three when the House met. By the votes of ineligible men the Government was changed, the Governor having refused a dissolution. It is now necessary to look at the position of parties at that time and enquire whether the gentlemen opposite were in a position to form a Government upon constitutional principles, and conduct the public affairs satisfactorily. What was the first step? They asked to adjourn this House for a month, because they said they were going to form a new Government. They were told that it was against the rules of this house to adjourn it over for a month; but by means of their majority they adjourned; and we had the names of the Executive on the next. When they were obliged to resort to such a step as that at the very commencement, we cannot but feel convinced of their weakness.

I maintain that that very step showed that they were in no position to form a Government. His Lordship, then, had good reason to tell these gentlemen that they were not competent to form an administration; and when he allowed them to do what was done, I think he did it without that due consideration which ought to be expected from him.

In the next place, Mr. Young does not run an election; being evidently afraid to meet his constituency. A new office had to be created for him in order to enable him to form a Ministry. An old despatch speaks of a President of the Council administering the Government in the absence of the Governor; but it is now altogether inapplicable; and it is certain that the present President of the Council is not the man to step into the Governor's shoes. The fact that General Trollope took the Governor's place, last summer, is evidence to show that the appointment of President of Council is now out of disuse. Under that old despatch the Governor himself is President of the Council whilst he is here, and the General when he is away. The Provincial Secretary cannot be placed in a position to carry out the operation of that despatch.

The railway act required that there should be three commissioners; but the Government dared to override the law in regard to this important public work. They cannot find any sanction of law for placing the railway under the arbitrary control of one man.

(Mr. Henry here took occasion to contrast the position of Mr. McCully with that of Mr. Howe, who, whilst chairman, would not remain in the Government. Mr. Young endorsed the views of the latter gentleman as to keeping this great public undertaking distinct from the Government.)

Not content with having given the hon. gentleman the sole, despotic control of this work, they confer on him another office—that of Solicitor General. He was, in fact, chief cook and bottle-washer to the Government.

I do not doubt that many persons will find it difficult to reconcile themselves to the fact of this hon. gentleman holding so many offices, and engaged in so many duties; he must neglect some of them.

Mr. Anderson was appointed Receiver General with a seat in the Legislative Council. Were the qualifications of this gentleman so superior to any others that it was considered indispensable to add him to the several Councillors already resident in the city of Halifax? That is a libel on the rural districts. All will remember the position taken by Mr. Young in 1858, on the occasion of the appointment of Mr. Dickey to the upper house. In an amendment to one clause of the address then proposed by the Government, said that his appointment was at variance with the principles laid down of late years, and was unjust to the other counties which had no resident member to represent their interests in the upper branch. (The hon. gentleman here read from Mr. Young's words to that effect.) Where is Mr. Young in 1860, when he wanted to form a Government? Why, sir, we find him going into Mr. Anderson's counting house, and appointing him to fill up a seat in the Council, and thus adding to the number of Councillors resident in this city.

Now permit me to look at the present condition* of this Government. After they had got over two gentlemen returned to oppose them, no doubt, they felt perfectly safe. Then they felt there was no risk in appointing Mr. Young to the Chief Justiceship, and Mr. Munro to the Board of Works. Two counties had then to be appealed to; and, sir, we all know that they spoke against these hon. gentlemen and their policy in a voice that cannot be misunderstood. Then, sir, they found that the people were getting their eyes open; that they could be no longer hoodwinked by any false cries of proscription, and such like delusive means.

The hon. Provincial Secretary, in one of his letters, tries to conceal the real fact of these defeats. He did not say that such a change had taken place in the feelings of the people that the candidates of the Government could not but be beaten. The Provincial Secretary contents himself with saying that circumstances did not favour them at that time.

It will be remembered that Mr. Young complained of running an election in winter. Now what did the Government do on the occasion of the recent vacancies? Why, they held the election towards the last of December. For four months, then, these seats were unfilled. The people used to enquire very frequently the reason of this delay. We all know that it was simply to give the Chief Justice an opportunity of appointing a friend of theirs to the office of sheriff.

I shall now turn to notice some other points. In Lord Falkland's time, the hon. Prov. Sec. considered that petitions were a constitutional mode for the people to express their sentiments, and that a Governor could not pass them by. Has the hon. gentleman's

opinions undergone a great change since then, and has he resolved on this occasion to decide according to the expediency of the moment? Are these petitions to be considered one day of great weight, and entitled to support, and on another worthless?

The hon. gentlemen have attempted to disparage the petitions that have come to this house. Well, I will not dwell on them; I would simply advise him not to get excited about them. That two gentlemen should sit here in defiance of the well understood wishes of the people, with credit to themselves or to the men that sent them, is what I cannot reconcile to myself. Why, sir; I could not go home to my county, feeling that every man that looked upon me considered that I had deceived my constituents. I look at some gentlemen who adopted a proscriptive policy in 1856; and I can imagine them sitting here day by day, violating the confidence of their constituencies, knowing that those who returned them looked upon them as the betrayers of the trust reposed in them. I felt then that examples were being held out which would tend to prevent the carrying out of those sacred and moral obligations which are due from the representatives to their constituents. When I saw the late leader of the government adopting a proscriptive policy, though returned by Catholics, and knowing that every day he sat in the House he was misrepresenting the feelings of his constituents, I felt, sir, that an example was being set which could not but be considered discreditable.

I therefore say that the Government cannot say they enjoy the confidence of the people of this country, unless they can show that the constituents of these two gentlemen ratify and approve of their conduct.

His Excellency in one of his last despatches says that "any further diminution of strength would necessitate either a reconstruction of the Government or an appeal to the country." I would ask him now to look at the position of those two hon. gentlemen who have gone over, enquire whether it is not evident that they are here in violation of the express pledges that they gave. It is not difficult to imagine that at the time this despatch was written his Excellency did not expect that these counties would send in petitions, and loudly resent their conduct. I maintain the moment there is proof given that these two gentlemen do not represent their constituents fairly, there is an evident diminution of strength.

I will now with these remarks ask the house for a moment to consider the position of the Government at the present time. Let us ponder on the miserable, humiliating position they occupy. Let us look at the personal relations which they bear towards each other; and let the country then determine whether they are the men whom a Governor, possessing the manly, independent feelings of a Governor should have around him.

One man we find convicted of false state-

ments, and by his present leader of being "largely inaccurate."

We see the leader of the Government coming down with a speech, and saying that they are divided in regard to the railway and other prominent questions. Do not these internal divisions evidence beyond dispute, that they are entitled to no consideration? They show that they do not possess the elements to carry on the Government of this country. The Provincial Secretary says if he cannot carry his measures he will try to effect a reconstruction, and that he will resign when he cannot do so. I confess it is refreshing to find that the Provincial Secretary actually admits that he will give up his office when he has no majority to sustain him. Let me tell him that I believe it is his first duty to resign if his Government cannot agree on leading questions, and allow his Excellency to see whether there is not another party that can form an administration. But if there be no such party, then give the hon. gentleman a dissolution.

Thus we find this same individual, to whom I have already referred, sitting beside the Governor, convicted of an intentional misrepresentation, of having falsified his figures for political purposes. His Attorney General has been convicted of bribery by a sworn committee, and white-washed by a party vote; whilst he sits with a colleague at the Council Board, who has publicly stated that he had wished him to be fined a hundred pounds. A pleasant position for two members of the same Government, indeed! We can easily imagine the kindly feelings of these two hon. gentlemen towards each other.

I now come to their position as a body. I may say that they hold their position by the votes of ineligible members; by bribery, and violation of trust in Argyle and Digby; and convicted on all sides of public misrepresentation; screening their friends from charges of smuggling, perjury, and forgery. They have been begotten in sin and brought forth in iniquity. They have violated for party purposes the laws they were bound to respect. They may be sustained by a noble Duke who knows them not, and whom by gross misrepresentations they have beguiled; they may be sustained by a Governor who has now before him abundant evidences of their falsehoods and their weakness; but, sir, they can no longer beguile the people, who condemn their debasing acts, and now pant ardently for the moment when they can follow the inspiring example already set them by the counties of Cumberland and Victoria.

The debate was then adjourned.

After some few remarks from some gentlemen in reference to admission to the people's gallery, the house adjourned at half past seven until 11 o'clock the next day.

SATURDAY, March 9.

House met at 11 o'clock; and sat with closed doors until half-past one o'clock, discussing a question of privilege.

Resumed at 3 o'clock.

Hon. Mr. Howe stated that he had received a petition, numerously signed, from Hantsport, on the subject of steam communication in that locality. The subject was provided for in the estimates.

Mr. SHAW presented a petition from Clements on the subject of taxation for schools.

Mr. GRANT presented a petition from the members of the Pictou Agricultural Society in reference to the establishment of a central board.

Hon. Mr. Howe, by command, laid on the table certain papers asked for by the member for Annapolis, connected with the accident on the railway last summer, accompanied by a letter from the chairman of the Railway Board.

Dr. TUPPER regretted that the Attorney General was not in his place, as he wished to enquire whether, when he (Mr. A) and the Receiver General went to the scene of disaster, Mr. Marshall did not endeavor to make them believe that the accident occurred from a brick falling on the track, and that Mr. Moir shewed that such could not be the case. That explanation, at all events, had been given in the organ of the government. He would move that the papers just read and the report of the chairman of the railway board be referred to the committee on railways, and that the committee have power to send for persons and papers in order to have a complete investigation into the affairs of that department. He would be prepared to show the committee the reckless extravagance and destruction of property which is taking place under its present management.

Mr. HOWE was not afraid of the most thorough investigation. Mr. Moir, from whom the member for Cumberland had obtained his information, was for some time superintendent of the locomotive department; in consequence of a difficulty with Mr. McCully he resigned, and it was not until after that, that he volunteered the information referred to, which, if true, it was his duty to have given to the government of which he was an officer, long before. In his opinion, the road was in a better condition than it ever was.

A long desultory debate then ensued, as to the condition of the railroad, and the mode of keeping the accounts, in which, Dr. Tupper, Hon. Mr. Howe, Mr. Johnston, Mr. Tobin, hon. Attorney General, Mr. Jas. McDonald, Mr. Esson, hon. Mr. Wier, took part. After which the papers were referred to the railway committee, with the understanding that the committee have power to send for persons and papers, and have authority to make a thorough investigation into the affairs of the railway department.

Mr. SHANNON introduced a bill in reference to the Board of Health in Halifax.

THE ESTIMATES.

Hon. FINANCIAL SECRETARY said—Mr. Speaker, I beg leave to lay on the table of the house the estimates for this year. I may say, in

introducing that paper, you have, for the first time in the Province of Nova Scotia, presented to you, a picture of the probable income and expenditure of the year, or I may rather say, the actual expenditure. You have in that paper not only the sums authorised by law, but also those that are to be provided by this house; you will find them placed in parallel columns. Under the head of the civil list, you find \$52,365 authorised by law, and \$29,680, to be voted by the legislature; the militia, \$8000; the legislature, including the both branches, \$38,740; the public works, \$85,745, all of which has to be voted. Now, Mr. Speaker, under that last head, you have light houses, the Hospital for the Insane, Government House, Provincial Building, Penitentiary, Sable Island, schr. *Daring*, and the expenses of the Board of Works. And I may also observe, that that sum of money not only includes the probable expenditure of the year, but also all the money that was drawn by the Board of Works representing the different departments at the end of the year. We have then the Poor Asylum, \$8,200; the rations to troops, \$50; education, \$66,685, of which \$58,550 is authorised by law, and \$8,135 to be voted by the Legislature; for agriculture, \$2,160, the same sum as last year; return duties, \$14,620, that authorised by law on exportations being \$14,500, and the rest made up of two small sums of money returned to individuals; steam boats and ferries, \$22,086, all of which has to be voted. In addition to the other services of last year, it will be found that this year we have provided for a steamer to ply on the Basin of Minas, \$3,000; on the eastern shore, for one between Halifax and Boston, touching at Yarmouth, and other ports, \$4,000. We also provide for the Gulf steamboat, \$2,400. Revenue expenses, \$51,220, of which \$16,640 is authorized, and \$40,581 to be voted.

(The hon. gentleman here stated that all the services were arranged by counties, so that gentlemen would see how much each county receives for its officers connected with the revenue.)

The next item, Mr. Speaker, is the public debt authorised by law, which is put down at \$26,2200, composed of \$20,000 of interest due to Savings Bank depositors, of \$240,000 railway interest, and of \$2200 for commissions to Messrs. Baring. We estimate the public printing \$4,846; navigation securities \$4,835. This is of some interest to gentlemen who live in those counties where there are breakwaters; the breakwaters, it will be understood, that are to receive the following sums, on the conditions of last year, are: at Montagon, Digby Co., \$260; Solonies, do., \$120; Comeau's Brook, do., \$100; Scot's Bay, Kings Co., \$225; Cheverie, Hants, \$100; clearing out Birch Town Creek, Shelburne, \$30. We have also included in this estimate the sum of \$4000 for steamboat landings at Digby, Hantsport, Porter's Point, &c.

We have for ordinary relief \$1,226; Board of Health, Pictou, \$177,44; Indians \$169,

this amount being swelled on account of small pox having unfortunately made its appearance among these people.

In regard to the road and bridges, I may say I hope before a great while we will be able to adopt the system in use in New Brunswick; but in the meantime it is proposed to give \$100,000 for that service, to be appropriated in the usual way. Besides which, it is proposed to grant the following

SPECIAL GRANTS.

From Plaister Cove, via Whyecocomagh towards Baddeck, (\$1200 of which to be expended in Inverness, and \$300 in Victoria,)	\$1500
From Mahone Bay to Mills Village, On new road to Acadia Mines, Londonderry, conditional, \$1200; subscribed On Horton Bridge,	2800
From Corbury Settlement, Clare, to Yarmouth,	1200
From Annapolis to Liverpool, via Maitland, (two-thirds of the amount in Annapolis, and one-third in Queen's County),	1600
Pugwash Harbor Bridge, on condition members borrow \$3200,	600
Guysborough Road, from St. Mary's to Guysborough,	1000
New Roads, Shelburne County,	1600
Tracadie to Port Mulgrave, condition, \$600, subscribed,	1200
Main Post Road and Bridges between Barrington Township line and Chebogue, including Aboiteau at Eel Brook,	1000
	<u>\$14,100</u>

The next item is road compensation, which is very small—\$261.

We estimate the expenses of the Post Office department at \$70,000; the judicial expenses, \$1,850; distressed seamen, \$200; Coroners' inquests, \$450; miscellaneous, \$20,065; unforseen expenses, \$9000.

The hon. gentleman here referred to the fact, that \$12,000 was provided for the Halifax Court House.

He also stated that it was proposed to build three light houses during the coming season: one at Cape Sable, one at Cape George, and one at Boar's Head, in the county of Digby. Gentlemen smile when we refer to the county of Digby; but they must be aware that very frequently vessels have been destroyed on account of the want of a light house in that locality.

Mr. WADE stated that that light house was one of great importance; it had been recommended for years past.

Mr. SHANNON asked what had been done about the light house asked for at St. Margaret's Bay?

Hon. FINANCIAL SECRETARY thought it would better for hon. gentlemen to take the appropriate time to ask questions. The hon. gentleman then made the following statement.

ESTIMATE OF REVENUE AND EXPENDITURE FOR 1861.

Assets remaining on hand 31st Dec., 1860:	
Balance in Receiver General's hands	\$44,123 00
Duo from Casual Revenue	29,066 67
“ Collectors Colonial Duties	38,287 20
“ Canada, New Brunswick, and P. E. Island, for Light Houses	4,728 14
“ Counties, advances for Road Services	9,801 53
	<u>\$126,006 54</u>

Liabilities of the Province, 31st Dec., 1860:	
For undrawn monies, Roads and Bridges	\$5,472 45
For undrawn monies, Other services	73,700 12
Railway Damages, belonging to Counties, deposited in Treasury	4,686 23
Railway Construction Fund	27,205 29
	<u>111,064 09</u>

Balance Assets on hand 31st Dec., 1860:	\$14,942 45.
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PROBABLE ASSETS FOR 1861.

Excise and Light duties	\$710,000 00
Casual Revenue, viz:	
Secretary's Office, for Fees	\$3,000
Mines	28,000
Crown Lands	23,000
Board of Revenue	2,500
Hospital for Insane	10,000.
	<u>66,500 00</u>
Post Office	48,000 00
Railway	25,000 00
Canada, New Brunswick, and P. E. Island	4,700 00
Great Britain, for Sable Island	2,000 00
	<u>856,200 00</u>

\$871,142 45

ESTIMATED EXPENDITURE FOR 1861.

Authorized by existing Laws	\$421250 00
To be voted by the Legislature	449521 00

Total estimated expenditure for 1861— \$870771 00

Now, sir, in laying this statement on the table, I think I may congratulate the house upon the prospects of the year, upon being able now to approach the substantial business. I shall move, in the first place, that the supply be granted to her Majesty, and that, on Wednesday next, we go into committee of supply for that purpose.

[A desultory discussion then ensued, in regard to several points in the estimates, in which Dr. Tupper, Financial Secretary, J. McDonald, and others took a part. As a long debate took place on a future day, and will be printed somewhat in *extenso*, it has

been found necessary to abridge the proceedings of this day, as well as others. By this mean only, can the numerous and lengthy speeches on constitutional questions be given at an early date.—REPORTER.]

The House adjourned at seven, until three o'clock on Monday.

MONDAY, March 11.

House met at 3 o'clock.

Mr. GRANT obtained special leave to present a petition from a Lodge of Odd Fellows at Pictou, asking for an Act of Incorporation. He introduced a bill in accordance therewith.

Mr. COCHRAN presented a petition from Samuel Clarke and other shipmasters, then in Glasgow, asking for the passage of an act to authorize the appointment of a Board of Examiners qualified to grant certificates to competent shipmasters. The petition was referred to the select committee who have charge of that subject.

Mr. GRANT, Chairman of the Select Committee on Consul's Fees, moved the following resolution on that subject:

Resolved, That the Provincial Government be authorized and empowered to test the right of the British Consul at Boston to the fees he claims, by a suit at law, and that His Excellency the Lieutenant-Governor be respectfully requested to bring to the notice of the Imperial Government the views and facts embodied in the Report of the Select Committee to whom the subject of Consul's Fees was referred.

Hon. Mr. HOWE laid on the table an affidavit of Mr. Compton, relative to the destruction of the Revised Statutes at the late fire.

Hon. COLIN CAMPBELL presented two petitions, one from the ladies of Digby, praying for the passage of a Prohibitory Liquor Law.

Mr. COWIE presented a petition from Queen's County, in favor of taxation for schools.

Hon. Mr. HOWE, by command, laid on the table a dispatch from the Colonial Secretary to the Lieut.-Governor, relating to contributions from this colony to the Exhibition of Works of Art and Industry, to be held in London, in 1862.

He would call the attention of the House to the importance of the subject, at another time.

Hon. Mr. WIER presented a petition from the American Telegraph Company, praying for an Act to amend the Act Incorporating the Nova Scotia Telegraph Company.

Mr. BROWN, from the Committee on the Statute Labor Law, reported a bill to regulate the performance of labor on highways.

Mr. S. CAMPBELL presented a petition from Guysborough in favor of taxation for schools.

On motion, the adjourned debate on the Despatches was resumed.

ADJOURNED DEBATE—SPEECH OF DR. TUPPER.

Dr. TUPPER addressed the House as follows: Having briefly stated my views in regard to the Despatches at the commencement of the debate, I would have been content to have allowed them to stand, sustained as they were by the very eloquent and able speeches of the hon. and learned leader of the Opposition and the hon. member for Sydney, who, I may say, have exhausted the subject; but gentlemen, opposite, in replying to me, took the liberty not only of introducing a great deal of irrelevant matter, but allusions that were personal to myself, and others who are not here to defend themselves. The hon. Prov. Secretary, instead of endeavoring to answer the arguments I advanced, turned aside from the discussion of the real subject to deal, not with the great question and principle at issue, but with the advocate. He considered it answer enough to say that I was flippant of speech; and with an egotism for which he is daily becoming more remarkable, he turned attention to the long list of great questions in our history with which he has been connected, and contrasted them with anything I have done in my short political career. He thinks it sufficient to answer any argument which I adduce, by allusions to flippancy of speech, and his long array of public services. Now, sir, it would be strange if an hon. gentleman so long in this House as he, could not bring up an array of great questions with which he had been associated, and point to a great variety of public services that had been rendered to this country, against which no man who had been but a short time—some half-a-dozen years—in this Legislature, could be able to challenge any contrast. I am not in the habit of turning aside from the question under discussion when persons who have been denied the benefits of education, and of society and intercourse with men of cultivated minds, think proper to meet any observations I may make, by low, personal abuse, or ungentlemanly observations; I treat them and their remarks with that compassionate contempt which I think they alone merit. But when men who have enjoyed the benefit of an enlarged education, of every opportunity to cultivate their minds, hurl at me observations which they are ill able to afford then, sir, I cannot afford to pass them by unnoticed. If there is a public man in Nova Scotia who, at this moment, has to rest almost his entire claims to consideration to declamation alone,—upon flippancy of speech—that man, sir, is the hon. Prov. Secretary; and therefore it ill became him to meet my arguments in the manner he did. Sir, I may be flippant of speech, but yet I never was so flippant as to liken myself to the Apostle Paul, to Demosthenes, or to Hampden. The hon. gentleman smiles; and I acknowledge he may be able to select one passage of Scripture in which he may find some point of resemblance in the Apostle to the Gentiles to himself. The Apostle Paul says that he became all things to all men; and in that respect,

think, he may fairly challenge a comparison. Flippant of speech I may be; and yet I never used these powers of language to profess principles one day which I took back the next, to suit a selfish purpose. Though an hon. gentleman has stated, on one or two occasions, that I endeavored to raise a cry of proscription,—by pointing, not to public speeches, but to personal and private conversations—yet I am confident that no men know better than the leader of the Government and the hon. Attorney General, the inaccuracy of such statements. These gentlemen, well acquainted as they are with the various circumstances which took place in 1856, know that I am not open to the charge of ever having undertaken or advocated, or proposed or consented, to the proscription of any class of persons in this country. I challenge any one to show a single speech which I have ever made in contradistinction to the policy of equal civil and religious privileges to all, without respect to sect or creed.

Look at the past career of the hon. Prov. Secretary. Having opposed the ascendancy of any body of people in this country, and having vehemently claimed the same rights for Catholics as for any other denomination, the time came when he found it necessary to abandon that ground. He did not hesitate, when it served his purpose, to uphold the proscriptive principle, and to sound the tocsin of religious war in this country. I point him to the letter signed by himself, at the time of the appeal to the country in 1857, when he identified himself with the Protestant Alliance, and adopted their platform on which he undertook to stand as a public man. Where, sir, does he stand to-day? No longer finding that platform tenable, he takes it back with the same flippancy that he had advanced it. He now gives up the Protestant Alliance; having used them to obtain all the power they could afford him, he casts them to the winds, and treats them with indifference and contempt. Not satisfied with that, he makes his Financial Secretary recant the principles upon which he was elected. That hon. gentleman now states that the report of his speeches at Musquodoboit, published in his own paper, and left uncontradicted down to the present session, is not reliable, and that, in fact, like the Provincial Secretary, his doctrine of proscription was propounded for a certain purpose, which, having been attained, he now gives it up. The hon. Prov. Secretary taunts me with flippancy of speech, but he has never found me taking back on one day what I propounded on another. He must not tell me that he never advocated proscription. I am right glad, I confess, to see him come here and announce as the polar star of his Government the only principle worthy of the free people of Nova Scotia, "equal rights to all;" but he will not forget that the minds of hon. gentlemen will revert to the time when he considered it necessary to assume a very different position to advance his own interests. On the hustings at Windsor—and he has never been able to controvert it—he not

only advocated proscription, but persecution; he then denounced my hon. friend the Atty. General, for not having indicted a religious body for publishing what they believed to be the truth.

Where is he to-day? The act remains, but we have not seen any indictment filed by his own Attorney-General, now that he has the power. His speech on the occasion alluded to, amounted to this: Give me the power and control, let me have a Crown Office, and I will let you see how we will defend Protestant interests. But what is the result? Why, a deluded people gave them their aid, and the Attorney General sits here and complacently hears his leader take back the very principles which brought them into power, aye sir, scout them and hold them up to derision, declaring that he would put a Catholic in the Government as soon as the best Protestant in the country. The hon. gentleman has also the modesty to liken himself to Demosthenes! I admit that those acquainted with ancient history may find a passage in the life of that great orator which will bear out the resemblance. It will be remembered that Demosthenes has been charged with having the same weakness for gold; that when his pecuniary interests interfered, he became dumb.

He has told us of his readiness to resign office, and of the indifference that he has always felt in regard to it; yet I am not aware of any office in this country which he did not grasp if he could, or that he did not hold with tenacity as long as possible. He seized upon the chair which you, sir, now occupy, at the first opportunity; and though he said he went so defiantly into the Council of Lord Falkland, and that he did not crawl into it, yet he has to admit that that act received the denunciations of his friends and party; and having gone there he was ready to take the opportunity of placing himself in one of the largest offices of emolument in the Province. Nor did he, when there, retain the confidence of many of his party. At the election for Amherst, Mr. Logan was returned for Amherst, after expressing his opposition to the hon. Prov. Secretary; and even Mr. McCully, one of the present colleagues of the hon. gentleman denounced him (Mr. Howe) as selfish and an ingrate, and, from one end of the country to the other, the prevalent sentiment was, that he was mainly intent upon subserving his own interests.

But the hon. Prov. Secretary says that he has resigned office several times. Under what circumstances? let me ask him. Unless I have been always laboring under a misapprehension, he only resigned it on an occasion when he was assured of a *quid pro quo*; in fact, he could not say, with the Apostle Paul, that he was "chargeable to no man."

I will remind the hon. Provincial Secretary that I have not been idle, or forgetful of the public service whilst in this house. When I sat on the opposition benches under Mr. Young's government I turned my at-

tion earnestly to a great reform and brought it to the notice of the house; I was appointed chairman of a Committee to improve our Jury law; and to the efforts of that Committee you owe the alteration in that law. Before that time we had the old system of twelve unpaid jurymen; we reduced the number of jurymen, and they are now paid in some measure for the important services they perform. I will place that as one measure, trifling as it may be in comparison with those of some hon. gentlemen, as a proof of my desire, from the time I entered public life, to use what power I had for the public advantage; and certainly I believe the bar and the bench will both admit that it effected a most necessary and important change. During the time I was a member of the Cabinet some most important changes were effected. Let me turn the hon. gentleman's attention to the Mines and Minerals question. Let me ask him who exhibited flippancy of speech on that occasion. This subject which had long baffled all the efforts of the hon. gentlemen opposite was at last brought to a happy termination; the mines and minerals of the Province were relieved from the monopoly that had been pressing upon them. Well, sir, this was a question in which he had pretended to take great interest; he had denounced anything like taxation upon our minerals, and had always advocated far beyond every other man in this house the removal of all restrictions, and even went so far as to denounce the principle of taxing coals in this country—using the forcible simile, that we might as well tax turnips and potatoes in the field as coals at the pit's mouth. What did he do when the measure was perfected and brought down? You found him with the same flippancy of speech, with which he had before advocated it, denouncing the measure, and the main portion of his speech was that the duty upon coals was reduced too low; and all this because he thought he might by the sacrifice of principles subserve his party interests. Then turn to the disqualification bill, which was passed whilst we were in the government, and which would not have been brought forward if the first bill we carried to remove certain officers from the Legislature had not been enacted. I turn to that bill as one of the most valuable reforms that has ever been placed on the Statute book, and which was carried when we were in power.

I am aware, Sir, that during the time the hon. gentleman was in power, there was a number of occasions in which he turned his attention to alterations in the laws; but they have all been of one character: either to increase the power of the government, of which he was a member, or to advance himself and his party. But to continue, there is the Representation bill. The hon. gentleman had time and again dealt with the representation of the country. He did not mind going into Colchester to cut it up to suit himself and his party; but he never had the courage to grapple with the broad prin-

ciples of the general representation of the Province. We brought the question forward, and carried it through although it was met by the energetic efforts of the gentlemen opposite who wished to keep up the rotten borough system in this country,—to give the small townships the powers of large counties. I may also refer to the question of the initiation of money votes which he never ventured to deal with, and which the leader of the former government, Mr. Young, said on several occasions no administration dared to bring forward. The moment my colleagues and myself felt that it was necessary to deal with it we did not hesitate to grapple with the subject; and it now owes its existence to the fact of having been placed in the governor's speech of the government of which I was a member. I point to these measures as some slight evidence that neither myself nor colleagues were inclined to be idle, but that we were desirous rather to use our best efforts to place on the statute book those measures which we saw the country required. And, Sir, let me say if there is one fact which entitles me to rest a claim upon public confidence, it is this, that on all occasions I have raised my voice in maintaining that broad and liberal principle of "equal rights to all" which should ever be upheld in a free country; that I have successfully resisted the unprincipled effort to circumscribe the rights and privileges of any denomination.

But let me turn the attention of the house to some questions of no little moment; let me take the question of free trade. Where do we find him—one of its most vehement advocates down to the time when there was something practical to deal with, when the Reciprocity Treaty was proposed. We find him in hostility to its adoption notwithstanding his frequent advocacy of the doctrines of free trade. The Reciprocity Treaty was carried in defiance of his opposition just as the monopoly of our mines and minerals was removed in spite of his most determined efforts. So that you look in vain either through the Statute book or in the public history of the country, to find where the hon. gentleman has used those great powers of which he was so often boasts for the advocacy and the passage of those great principles and questions which would tend to the benefit of the country. I am aware that he always falls back when hard pushed, upon one thing; he says, "I gave you responsible Government." If there are no measures that I ever propounded for the public good, at all events I gave you Responsible Government, and that surely is sufficient. I know that a number of people labored under that belief for a time; and I acknowledge that I myself also shared that delusion—that I believed for some time that we had through him obtained the system of government which we possess; and I was the more inclined to think this from the very unequivocal denial he gave to the statement of the hon. leader of the opposi-

tion—who told us that when Lord Sydenham came here Mr. Howe modified the principles he had previously advocated. Referring back to the history of that period I find that the hon. member for Annapolis was quite right, and that the people must understand that our system of government was not Mr. Howe's at all, in fact, in all its leading features here, never entered into his mind, but that it was matured and brought here by Mr. Powlett Thompson. I find, Sir, that a whole page of the paper of which the hon. gentleman was then Editor was taken up not with maintaining like a man and a statesman the principles he had ever advocated,—but in taking back, word by word, all the sentiments he had ever advanced on responsible government, humbly accepting the *dicta* of a Governor-General—and giving an elaborate eulogium upon Mr. Thompson's views, and admitting their great superiority to his own. He not only took back his opinions in order to get into the Council at that time, but he even concludes with a pledge to the Governor-General, that he will haul down his own flag, that he will adopt the governor's principles in all their entirety, abandon his previously professed principles and cease from all further agitation. He writes thus:

"There is a slight difference between what we contemplated and what His Excellency is about to establish; which we shall frankly state; but this is more than compensated by other admirable features of the plan, for which the majority never ventured to stipulate, but which, while they make the system complete, will, or we are much mistaken, be more acceptable to the Reformers, and more distasteful to their opponents, than any form of Responsible Government that our Assembly ever offered for their acceptance.

"We contemplated an Executive Council distinct from the Heads of Departments, but who should have sufficient control over these to enable them to see the business properly done, and to protect all parties from their petty airs and obstructive policy. The members of this Council were to give advice in local matters, and local appointments, and to be held so far responsible that the Governor could dismiss them when they deceived him, or were likely to lead him into scrapes; and that the Assembly could compel them to resign, whenever, by a want of talent or discretion they had forfeited its confidence. This, then, was our Responsible Government—the head and front of our offending. The Governor-General's plan is to have, first, a Governor who shall respect 'that free, dom which is the birth-right of Britons,' and who shall feel it his pride to be the leading mind in the Colony—who shall treat the people as British subjects, 'consult their wishes and their feelings,' 'promote their interests by well-considered reforms, and suit his administration of affairs to the growing importance and varying circumstances of the Colony.' Secondly, an Executive Council composed of the Heads of Departments and leading members of both branches of the Legislature, possessed

of political influence, and nobody else, except in extreme cases.

* * * "The members of this Council are to be held responsible to the Governor for the advice they give him, and may be dismissed whenever he chooses. * * *

"There is another point of difference between this Council and that contemplated by us in the pamphlet published in 1833, and alluded at by the proposition made to the Governor last autumn. Had that proposition been accepted, we should have had a Council doing the work, and the heads of departments and public officers enjoying their emoluments, but exempt from all responsibility to public opinion. The Governor-General tackles them into his team, he makes them conduct the Government, and he tells them distinctly that if they cannot obtain sufficient Parliamentary talent to assist, they must move off and hand over the offices to those who have the requisite weight and ability. *This is a very important improvement upon our plan, and most completely reverses the old order of things, in which the public officer was everything and the member of the Legislature nothing.* * * *

"The theory of the Governor-General's plan differs from ours in this—the Queen's representative 'can devolve the responsibility of his acts on no man,' that is, he will be held responsible for every act done in his Government, and cannot yield to other hands any portion of its patronage; while we believed that the direct responsibility might be fairly shared with his Executive Council. In practice, however, there will be very little difference between the two modes, the whole scheme being based upon public confidence and popular support, and the Executive Council having to defend all appointments, and having the privilege to resign if they are not satisfactory, the greatest weight will, in all such matters, be given to their representations and remonstrances, and any Governor must be an idiot who dispenses his favors regardless of their position and his own * * *

"These are our guarantees, for the present we think they are sufficient; and we have a confident belief that some measures will be taken, within a very few months, to place our institutions on a national and firm foundation, and to make the visit of the Governor-General remembered by Nova Scotians with gratitude and pride. *With this assurance we shall cease from active agitation, and desire our friends to do the same; and if those who oppose us choose to pursue a different line of conduct, we can afford to laugh at them, and add another lesson of courteous moderation and forbearance to the many for which they have long been in our debt.*"

(Commenting on these passages, Dr. Tupper said that the House would be surprised to find that the system of Government now in operation in Prince Edward's Island,—a system which has excited the ridicule and contempt of every Colonist and Englishman, and was denounced in the Organ of the Government here—was actually that which the hon. gentleman wished to introduce into this country. All the passages that he had quot-

ed throughout, showed that the hon. Provincial Secretary had completely retracted his views, and had eulogized the plan brought here by the Governor-General.)

So it appears, continued the hon. gentleman, when the first opportunity offered, and the Governor-General agreed to give him an official position on the proviso that he abandoned his former principles and friends, he forgot what was due to himself as a public man, and consented to accept place and power on terms so humiliating.

But the hon. gentleman, whilst he has not had the courage to openly charge it upon me, has ventured to insinuate that my statements could not be relied upon as accurate. He commenced his reply the other day with a quotation from a speech of Dr. McCulloch, in which he concludes, is it true? It is quite right to challenge the correctness of any man's statements in debate, but I think it is unfair for him to meet me in that manner, in order to evade the arguments advanced. However I am prepared to meet him on that ground—to challenge him to an investigation into the accuracy of our respective statements. Now, sir, I hold in my hand a letter from Mr. Hincks, Governor of Barbadoes, dated December, 1860, in which he charges the hon. gentleman with deceiving him. After it was proved that the hon. gentleman had convulsed these Colonies to no purpose, in regard to the railway, and that his delegation was entirely bootless of any result, Mr. Hincks came down here, and as he states in his letter, Mr. Howe accepted his proposition to adopt the valley of St. John route for the railway; and more, he pledged himself to Mr. Hincks to join Canada and New Brunswick, in a delegation to England. I know that he will here say, that the house censured him and he could not go; but in my hearing, in the presence of hundreds in Cumberland, whilst running the election, he said he would redeem his pledge, and join Mr. Hincks in England. He subsequently stated publicly that he thought it better to keep out of entanglements. Mr. Hincks put before the world, that the hon. Provincial Secretary undertook to join him in England, and submit their project jointly to the Colonial Office, and afterwards wrote two letters, promising to meet him; but had failed to keep his word. As we learn this from the letter of a Lieutenant Governor, he will of course see the propriety of calling its accuracy in question. I think Mr. Hincks might say, "Is it true?" But, sir, I need not travel out of the record to convict the hon. Provincial Secretary of large inaccuracies.

Now, sir, if ever there was a document that came from a statesman that ought to be especially accurate, it should be this I hold under my hand—a Minute of Council; because it is a declaration of himself and colleagues of what are presumed to be matters of fact, and because it is intended to influence the mind of the Lieutenant Governor, and to go among the records of the Colonial Office. As I have said, I need not go into his past history to point to scores of instances where

he has failed to recognise his pledges. He has here declared that there are unpledged men in this house who have joined Mr. Johnston since the election. I call upon him to sustain that assertion; I call upon him to name a single gentleman on the opposition benches in this house, that upon the hustings before the election did not give the people the assurance that he would sustain the late administration.

I will now instance another assertion in this remarkable Minute of Council, which is equally inaccurate. With reference to removing the ineligibility of certain members by an *ex post facto* law, or a declaratory statute, he said that such an idea existed only in the imagination of the hon. leader of the opposition, and that such means of disposing of that difficulty had never been thought of by them. Yet, sir, it is well known that Mr. Howe attended a public meeting with Mr. Young, and heard the latter make the declaration, that they intended to remove the question of disqualification by immediately passing a declaratory act when the house met. Yet he now so far forgets what is due to himself, as to put down in a Minute of Council for the guidance of the Lieutenant Governor, and the information of the Colonial Secretary, a statement completely at variance with the facts.

I will yet give him another instance. He has stated in this document, that the leader of the opposition governed the country for years by a majority of one, and it has been repeated again and again, and the Lieutenant Governor has been induced to state that in his dispatch, which is incorrect. Mr. Howe further asserts that this majority of one was created by defections from the other party; but it has been shown that such could not have been the case, inasmuch as Mr. Howe and Mr. Johnston were members of the same administration at the time the elections were run. It has been proved from the Journals that Mr. Johnston's majority commenced with two; Mr. Ryder, who retained his seat for ten years, made it four, a new election in Pictou made it six, and Mr. Power eight. The Financial Secretary has come to the hon. gentleman's aid, and has told us who was the gentleman that composed the majority—that it was Mr. Benjamin Smith. I ask you to read that gentleman's letter, in which he gives a direct contradiction to the statement, and indignantly asserts its untruthfulness, proving that it was impossible, from the existing condition of things, that such could be the case, and showing that his colleagues were precisely in the same position with himself; and yet they were not referred to. The leader of the opposition has shown the house that they had a majority of four during the first session, a majority of six at the commencement of the third, and a majority of eight for the remainder of the term. And yet, with these facts standing out distinctly on the legislative history of the country, we have the hon. gentlemen attempting to mislead the Lieutenant Governor by statements of this kind, with

reference to the past history of the Province.

But I also find it stated here, that the late government concealed from the Governor in 1859, the fact that Mr. Blanchard had resigned all his offices by telegraph. What will the house think of this statement, when it has been proved that the first intimation that we had that such a telegraph was in existence, was in 1860. No telegraph was sent to the Secretary's office.

Hon. PROV. SEC'Y—Why, Mr. McCully's clerk took it there!

Dr. TUPPER—The hon. gentleman is mistaken; he left a written resignation on the counter, with Mr. Blanchard's name to it, without saying a word, and there was nothing to show that it was done with Mr. Blanchard's authority. The first knowledge we had of the telegraph was from Mr. Blanchard himself, after the house was in session. It was only, I may say, by a comparison of the handwriting with other documents in our possession, that we found who had signed the name of Mr. Blanchard to the paper. As soon as Mr. B. stated in debate here that a telegram had been sent, it was known to the Governor.—The statement that we kept any fact from the Lieutenant Governor, was entirely without foundation.

The hon. gentleman says in this minute of council that at this moment a majority of the people of Nova Scotia supports his administration, and a majority of the people as contradistinguished from their representatives in this house. Is that true? The hon. member knew it was not: he knew by the sheriff's returns, deposited in his own office, that over fifteen thousand more votes were thrown at the election in 1859 for the persons who went on the hustings declaring their adhesion to the late government, than all the rest put together.

There is another misstatement in this singular state paper. He says that the late government knew, in the event of a dissolution, that they would sustain a defeat—a crushing defeat—more humiliating than the last. Look at that assertion in the light of the intervening period. Is there a man who does not know that so far from our knowing any such thing we had the best evidence at that time that the other side was conscious that, in the event of a dissolution, they would have been left in a powerless minority, conscious as the people were that they had forfeited their confidence, Who can look at their conduct in the formation of the government, and doubt that they knew they were then in a minority? Is not the fact patent to all that out of five lawyers in their ranks, they had but one who dare go before the people for re-election!

I now come to a matter more purely personal; and I shall convict the hon. member of a further misstatement; and that is in reference to his denial of the accuracy of the report of his speech on declaration day at Amherst. Dr. T. here read the report of Mr. Howe's speech, and said he was prepared to hold himself responsible anywhere for its accuracy.

He continued: Mr. H will not deny that he admitted that he was fairly beaten, or that he spoke in very complimentary terms of your humble servant. If ever I had occasion to blush in my life it was when it was my painful duty to hear one of the most fulsome eulogiums upon myself that I ever listened to. After descending at length upon my personal influence in Cumberland, to which he attributed his defeat, and added, "I could take him and beat either party in the county, for there is *more go* in him than in any half half dozen of the best men I have"—(roars of laughter). He admitted that McLean's appointment was a most unfortunate one for the government. He said he appointed him because his office had been wrested from him. He also said in connection with that, that he was not satisfied that if he had not appointed him but they would have carried the seat by a large majority.

Mr. DOXKIN—These were the words as I understood them.

Mr. McFARLANE—That was the interpretation I derived from his statements.

Dr. TUPPER—I have already explained what the hon. gentleman said with regard to Mr. Young. My colleagues can say whether Mr. Howe's speech could bear any other interpretation than that Mr. Young had carried the seat by his money.

Mr. McFARLANE—The understanding was in the county that it was the bag that gave him his election; the hon. gentleman did induce us to believe that when they had the bag they could show a good fight.

Dr. TUPPER—I come now to another statement, which I think is also largely inaccurate. This minute of council declares that the present government increased the revenue £29,000 and decreased the expenditure £8000, when they well know that neither is true. How can these gentlemen show that they have largely increased the revenue? what had they to do with it? Look at the returns, and see whether these gentlemen are in a condition to send to the Secretary of State the assertion that they have increased the revenue by £29,000. I have already adduced evidence to show that the revenue would have been much larger if they had had nothing at all to do with it; that by one transaction, that of the *Hungarian*, they lost thousands of pounds that should have accrued to the revenues. Everybody knows that the trade returns display the fact that these gentlemen got the twenty thousand pounds mainly by the action of the previous government, which, with the distilleries closed, left the market clear of rum, and thus gave the present party in power some fifteen thousand pounds. The truth is undeniable that as far as the increase of revenue is concerned, they were not *in a position* to draw a contrast with their predecessors. In 1859 we had a natural increase of over £18,000, derived from the general articles of trade, and when the stoppage of the distilleries deprived us of a large amount of revenue; whereas they have an increase of but £5000 from these sources.

Having obtained £20,000 by the agency of their predecessors, they so far forget their position as to endeavor to mislead his Excellency and the Secretary of State by a statement which is entirely inaccurate.

They also state that they have reduced the expenditure by eight thousand pounds.—Where is the evidence of that? I invited the attention of the house at our last meeting, to the fact that the expenses of the legislature, of the collection of revenue, of public printing, and several other services, had been largely increased by the present government. And yet, with these facts before them, they make these inaccurate statements, in order to give them a position in the eyes of the Governor, which they knew at the time they did not deserve. They even say they have made the public works self-sustaining, when there is indisputable evidence to show that, so far from that being the fact, never was there a statement made that was more thoroughly unreliable and destitute of the slightest foundation.

Now, I think I need not take up the time of this house any longer, in showing that the hon. gentleman's statements were largely inaccurate, and that he was not exactly in a position to talk about any person in this country displaying flippancy of speech. I have called the attention of the house to the fact that his *sole* claim to consideration rests in his declamatory powers; and, sir, I will now add, that whenever he has undertaken to deal with questions of business or finance, he has proved himself utterly deficient of those qualities which can only entitle a man to public confidence. He admitted it himself the other night, when he stated that we ought to make him a ward in chancery, so little able was he to attend to his own business. I admit that this arises from the possession of generous qualities, and a liberal spirit that has prevented him from hoarding money, as other men have done in this country; but that disposition which has rendered him incapable, upon his own showing, of taking care of his own property, incapacitates him from dealing with the public funds of the country and public property. In running my eyes down the list of public questions which have engaged his attention, there is one more important than all the others; and that is a question which owes its inception to the fertile mind of the hon. member, and which has been managed by whatever skill and ability he possesses; and let me ask if he can claim, in connection with that work, any credit for business talent? I now refer to the railway. I have already alluded to the fact, that in undertaking to deal with the Quebec and Halifax railway, he was unable to grasp the subject; and this is patent to the country, he himself says, that he returned from England entirely mistaken as to the bargain that he had made—that he called the house together, at a cost of three thousand pounds, and convulsed the adjoining Provinces, until their public men found that he had utterly misunderstood the whole ar-

angement, and that all their exertions had been thrown away. Subsequently he introduced the present enterprise, and he again deluded himself and the Province. What kind of arrangement did he affect? We hear the hon. member for West Halifax ask, with astonishment, Is it possible we are paying two thousand two hundred dollars for getting the interest paid on the railway debt? The hon. member for Eastern Halifax asks, who made this arrangement, which he denounces as most miserable. Yes, sir, who made that which business men, starting up, have denounced as ruinous?—who, but the hon. Provincial Secretary himself? Nay, more; he absolutely sold, bargained away, £150,000 worth of bonds of Nova Scotia, at par, which the person who bought them turned round and sold at a premium of five per cent. These, sir, are the evidences he has given of his ability to deal with business questions, and I point to these as proofs that his claims as a public man rest on flippancy of speech.

Now, I have stated before that the entire credit for this railway scheme is due to the hon. member. He told us that it was going to enrich the country, and in every way improve our condition. What is our position to-day? The Attorney General talks of a cost to the country of a hundred pounds per day. Why, sir, we owe it to the Provincial Secretary, that he has mortgaged our revenues, created a public debt, which is fastened down upon us for an entirely unproductive work, which takes over £165 every day throughout the year from the pockets of the people, to pay the interest upon the liability which he has entailed upon the country, without any adequate return, and which must continue for a long period. That is his claim to public confidence—that is the evidence he has given this country of his business talent.

Again—he volunteered his services on a recruiting expedition to the United States, and he managed that matter just as he managed the railway enterprise, or any other business that he has ever undertaken. Why, sir, we are indebted to his having a light pair of heels, when he escaped through a back window at Delmonico's, or otherwise we should have had one of our high officials in the State Prison, with his head shaved. (Laughter.) Why, sir, he so mismanaged his business, that he was denounced in the British Parliament as that man Howe, who had nearly involved two great nations in a bloody war. After that, he came here and broke down his own administration, in order to shake off the responsibility of his failure, and place it on the back of some one or other of his then political associates; and now he sits in Council with one of the chief offenders as his colleague.

I will now pass on to notice a few observations that fell from the hon. Attorney General. I must say that I felt, when that hon. gentleman rose on that occasion, a degree of interest that perhaps I never experienced before, in regard to any speech made by any member in this house. I felt that the time had come

when this house and the people of this country were to have exhibited to them, whether the government of the day possessed in its Attorney General a man qualified for the position he held. I felt if ever he had an opportunity of appearing to advantage, it was when he rose as the chief Crown Officer of Nova Scotia to reply to one of the most powerful speeches against him and his government that had ever been delivered on the floors of this house; and I hoped that he would have risen to the occasion, and proved himself a great constitutional lawyer; and worthy of the position which has been given him—a position which may entitle him to take at an early day a place among the Judges of the land. To what did we listen? If this house, if His Excellency, or any one else wanted any additional evidence to prove that the government stood in an untenable position, that there was no man among them equal to the emergency, they had it when the Attorney General, in dealing with the able speech of the leader of the opposition, was obliged to descend to his three told stories about the Colchester election, and other things of that description, and finally having shrunk from any attempt to grapple with the great constitutional argument which was before the house, proceeded to mystify the house in reference to figures.

One of the remarks of the hon. gentleman was a very fatal one to himself. He says Chatham was justified in condemning the Parliament for endeavoring to stifle the voice of the people. What is our case? Do we require to add another word to this declaration of the first crown officer of the country; that a majority is no majority, as representing the opinions of the country, and is entitled to no confidence, when it stifles the voice of the people? We have proved that they are stifling the voice of the people. They stifled the voice of the people in the formation of the government; they turned a deaf ear to the cry from the electors of Cumberland and Victoria; they disregard the denunciations of Digby and Argyle, and now throw contempt upon the movement of the whole country!

In objecting to this house passing a vote with reference to the disqualification, the Attorney General enquired, what better would a partizan house be than a partizan committee? He might have gone further, and asked, what comparison can there be given between the vote of a house not acting under the solemnity of an oath, and the decision of a sworn committee? He was not in a position to carry the argument so far; for unfortunately his interests at the close of last session required that their majority should be brought up here to negative the verdict of a sworn committee of this house. The hon. member knows right well that his party has used the power of both partizan committees and a partizan majority, just as suited the necessities of the hour. It has been asserted that there was no intention to remove the disqualification by a declaratory act. Mr. Young publicly asserted he would do it. What did the Lieut. Governor do?

He sent for Mr. Young, and showed him that despatch—telling him in effect, If you pass a declaratory act to remove the disqualification, the house must be dissolved. I am at a loss to reconcile the statement of his Excellency, that he would have been glad to dissolve, with the fact that he informed the leader of the opposition of the very mode by which he could avoid a dissolution. But the hon. gentleman knows right well that the whole tenor and spirit of the opinions of the law officers of England, shewed that the passage of a declaratory law or any other means of removing the disqualification would bring the Legislature into contempt, and must of necessity require a dissolution. Nothing can be clearer than their opinion that these office-holders must be re-elected before they could legally sit here.

The hon. gentleman soon turned from this constitutional argument to the discussion of the representation bill, and said there was fraud stamped on the face of it as regards the county of Colchester. I will show that the Attorney General undertook to deceive the house as to the result which had been produced by the decision of the county. In the first place, the change was made upon the petition of nearly all the electors affected—those in Earltown—who came forward and memorialized this house to place them in the southern district, because their business and interests lay there; and upon that memorial Earltown was added to South Colchester. He undertook also to say that we had done wrong numerically by the division. What will the house think when I invite their attention to the mode by which we attempted to mislead the house! It was by taking a statement of the poll of 1859 of the southern district, when he knew that one of the most hotly contested elections was run, and putting it alongside that of the northern district, where there was hardly any contest, hundreds not having come forward to vote.

How did we get our criterion for the division? We had a contest, clear and decided, by which to make it; that was the election in 1858, when Mr. McLelan was elected for the whole county; and the division we made divided the constituency to about 50 votes. Yet, sir, after such a division the Attorney General declares that fraud was stamped on it, because there was an overwhelming body of electors in one district as compared with the other.

This matter was fully discussed when the bill passed; the same statement was made that I have just adduced, and was never controverted; every pains was taken to make the calculation accurate, and the county was divided in the most equal and fair manner.

The hon. gentleman also charged me with having admitted that a body of men were paid to go and vote against him at the time of the general election. I have before stated that it was not true; and he must be aware that, so far from having made any such admission, I had stated exactly what had occurred, and that was, that the government had nothing to do with the matter, until long after the election

had taken place. The superintendent came to know whether he should deduct the day's pay from the men who had gone to the election in 1859, and stated in connection with that, he had altered the mode by which many of these men were employed, by which more than a day's pay had been saved in the price of their tools. I told him not to deduct the day's pay from them, and that this should apply to them indiscriminately, without reference to the persons they voted for. I hardly think it was appropriate for the hon. gentleman to bring the charge forward; it has been explained again and again, and is perfectly understood. The late government having opened the railway to Windsor and Truro, and not having given large entertainments as the gentlemen opposite did, said that they would not deduct this day's pay from the men who had constructed the road, when they were asked about it. That is all.

Now, sir, he has spoken of a subscription having been got up for the election last winter. Why, is that anything to bring up? Does not the hon. member know that I never ran an election without his side having been canvassed for money? Does he not know that the system of raising money was organized by his party, and has thus become prevalent in this country. He has referred to an hon. gentleman in the other branch, and produced a list of mortgages, and says he has a bill which will stop it in the future. Sir, he will never carry a bill to prevent gentlemen doing that to which he has alluded. Let the hon. gentleman bring the list on his own side, and he will find mortgages for far less amounts. What swelled the list which he has adduced? It was because the hon. gentleman in the other branch was compelled in many instances, since the election, to rescue people from the tyranny of the hon. member for Colchester, who was incensed at their using their liberty at the polls. That any bonus was given to the parties relieved by the gentleman in question, is without foundation; everything was of the fairest and most business-like character, reflecting honor upon the gentleman who was concerned in the matter, the head and front of whose offending was, that he enabled men to vote according to their principles and their conscience.

If, sir, there is a question which the hon. gentleman ought to shrink from discussing, it is that of bribery. He says Johnson perjured himself on the oaths of three witnesses, and all the grounds he has for that assertion is the fact that what passed *sotto voce* between Johnson and the Attorney-General, was not heard by other persons in the room, engaged in business. When a person comes into his office, does he mean to say that his clerks are to act as eves-droppers? But it was not upon Johnson's testimony alone that the hon. gentleman was placed in the position of having a charge of bribery fastened upon him by a sworn committee; it was upon the testimony of his own witness Dickey, his agent, who proved that this pure

and incorruptible man who never wished to bribe a man in his life, sent to a man to ascertain what he would take for his day's work, and tried to prevent him from voting; his agent posts off in the dark hours of the night, and then talked it over, and consulted how he could effect his object and yet escape the charge of bribery, they eventually concoct the plan how the vote could be stopped, and the hon. Attorney General's seat saved. But the hon. gentleman found that his law was wrong; he found himself in a difficulty. The scheme was not so successful as he supposed, and he has had to suffer the consequences of his corruption.

The Conservative party, when they wanted money for election purposes, never dipped their hands into the public chest and drew it out. He talks of fraud being stamped on the Representation Bill; let me point him to an act which, in point of audacity, was never before equalled by any Administration in Nova Scotia.

This House is aware that a good deal of discussion ensued here in reference to railway claims; that when the committee was appointed to ascertain the claims due to railway contractors, Mr. Cameron appeared before it, and stated that those claims were without foundation. It afterwards appeared that he had himself put in a claim for £9,000. Now, I have already called the attention of the House to the fact that a gentleman in the other end of this building, subsequently pressed this claim on behalf of Mr. Cameron on the late Government; but it was resisted because it was shown by the Chief Engineer to have no foundation. Mr. Cameron then petitioned the House. A committee was formed upon which gentleman opposite had a majority, for we were more liberal in regard to such committees than these gentlemen themselves are now; and the Prov. Secretary was chairman of that committee. Mr. McCully came before that committee as an advocate, and Mr. Northup, who was interested in the contract, pressed the claim in every way possible. The whole matter was thoroughly investigated, but it broke down so completely, that Mr. McCully's own friends could not make a report in his favor, but repeated that the claim should be re-measured. This was refused by Cameron and McCully, who were doubtless aware that it would not stand the test. It was re-measured by Mr. Smellie, and when the measurements were made up, a fraud was perpetrated to the extent of giving Mr. Cameron £2,000 more than he was entitled to. These measurements, in fact, proved Mr. Cameron to be £1,100 in debt to us, instead of anything being due to him. Thus Mr. Smellie demonstrated the fact that Cameron's claim had no foundation in justice. But will this House believe that when the Cumberland election was coming off, the Government went to a man who has been known to sustain them more largely than any other man in Halifax, and absolutely paid him £1,250 of the people's money on that claim, upon which it had been proved

that Cameron had already received £1,100 too much? Was this reported to the House? No, sir; it was concealed in the public documents in such a way, by mixing it up in the construction account, that it took a week to find it out, where it was discovered among the public accounts, paid by an order from the Prov. Secretary, under the date of Nov. 9th, when the bill was passing round for the recent elections, to their wealthy partizans. Mr. Howe sends this order to Hon. J. McCully, to pay over \$5,000 to Mr. Northup; not only without law, but in defiance of the authority of this House, who refused it. Down to the present hour you have not had the slightest intimation how they have disposed of this claim. They thought it was forever concealed, and that the facts would escape observation. This, sir, is one fact which I put against the miserable and paltry insinuations of the hon. Attorney General, with reference to corrupt practices on this side of the House. Never, sir, in the history of our country, has a fraud so daring been ventured upon before.

Now, sir, I come to another part of the hon. Atty. General's speech—that referring to the public finances. I may tell hon. gentleman who have not been in the House as long as myself, that when I first came here I was in the habit, when the Atty. General rose and commenced talking about figures, to pay the most profound attention to his statements; he looked so smooth and plausible that one almost received anything he said as truth. I have lived to overcome that delusion. I know now that when he comes to figures, it is his last resort; when he boxes figures, (to use the hon. Prov. Secretary's words), it is pretty low water with him. I find that the hon. gentleman did not come, on the last occasion, to that part of his speech in his usual, calm manner. He stammered, grew red, and when he sat down and the hon. member for Yarmouth asked him a pertinent question,—Do I understand you to say that the revenue of 1860 covered the expenditure?—he replied, "Well, not exactly. I hope so. I am not perfectly aware!" That was the kind of exhibition he made of himself.

The Attorney General asked what was the condition of public affairs when we resigned office. I will very briefly invite attention to the condition of this country when they resigned. You all know the condition of the railway works and of the public credit. That, at the time they resigned, failing to sell bonds upon any kind of reasonable terms in England, they borrowed all they could from the Bank of Nova Scotia, and got all they could by pawning the bonds which they could not sell, and had even recourse to private individuals; and the works were in such a deplorable state of confusion that the Prov. Secretary thought it necessary to get up a *bouleversement* in the public affairs, in order to get rid of them. We therefore found the railway involved in inextricable difficulties, and the other public departments in a condition not much better. We

found the most monstrous contracts ever made, in connection with the Lunatic Asylum, by which thousands of public money were being wasted; we found an intemperate clerk of works in charge of that structure, and everything going to the bad.

Sir, there is no question, perhaps, that is so important to the people as the ability and capacity of gentlemen to deal with the expenditures of the country, and their disposition to economize the public funds. The gentlemen opposite were a long time in power, but did we find that they were careful to economize the public money? We found about as melancholy a picture of public waste as it was possible for any country to exhibit. Take a glance at the last four years they were in power. In 1852,—and I will take the leading items of expenditure,—the legislative expenses were £5,847; in 1856, when we turned them out, they had got them up to £10,196—only an increase of £4,349 in four years! Let me turn to the revenue. In 1852 the expenses of collecting the revenue were £7,008. In 1856 they got them up to £9,422,—only an increase, in four years, of £2,414! The postal communication cost us, in 1852, £1,057, and in 1856, £7,912—only an increase of £6,855 in four years! The public printing in 1852, I find, in the Recv. General's account, to have been £395; four years afterwards this economical Government had raised it to £1,498. The advance, which is an item to be taken in connection with these other services, in 1852, was £2,476, and in 1856, £5,413—only an increase of £2,937. In the miscellaneous services in 1852, were £1,396, and in 1856, £5,890—only an increase of £4,494. I have put the leading items of expenditure before you, and have shown you that this *economical* Government was most recklessly strewing the public money here and there, and acting as if there could be no end to it. But this is not all, sir. During the past year they have not only exceeded their own estimate by £10,000, but have spent thousands of pounds more on these services than we did in 1859. The hon. member has asked, did we not pay a portion of railway interest out of the bonds? We would have been idiots had we not paid the interest in the way we did. At the time that we held the Government, what was our position? Were we in the position of these gentlemen, possessing the tremendous power which we gave them, for they could not have obtained it without our assistance? At that time no Government was in a position to deal with the expenditure of the country, and they know that when they were challenged in 1857 with the most reckless conduct that ever a party was guilty of, Mr. Young's excuse was, "It is not in the power of the Government to control the expenditure of the House." Thus I answer the hon. gentleman when he charges upon us extravagance; I tell him that this House and not we, were responsible for the public expenditure.

When the hon. gentleman talked in the way in which he did, he was conscious that

he was not misleading the older members of House; it was his intention to delude the new members, who have not so much experience of him as myself. He knew that he was responsible for every dollar of it himself, and that he had sanctioned it as a member of the Legislature. Mr. Young's answer to the charge of extravagance made against him in 1856, was, "The initiation of money votes does not belong to the Government of this Province. I have repeatedly warned the house of the inevitable consequence of the system, a new spirit must be breathed into the house, else we cannot meet our obligations." What is the position of the gentlemen opposite? We have given them the power of which Mr. Young speaks—the initiation of money votes; and yet with that power, instead of restricting the expenses, they have largely increased them, not only beyond any former years, but \$10,000 in excess of their own estimates last winter. Well, sir, as I said before, the hon. gentleman has brought his great charge, that we paid the interest out of the bonds. What then? This House knew and it knows now, that we were carrying the Lunatic Asylum to completion, and they knew this railway interest was pressing upon us; and under these circumstances, what did the House do? Why, they authorized us to borrow the money required to construct and finish these public works which had been begun, and instead of using this authority, we took back from railway construction money lent by the Province, and used it to pay the interest, instead of creating a new debt. We have not used a dollar of the bonds sold in London to pay the interest, except nominally. We made construction pay back the money which we had loaned; and that the Attorney General knows, is a sound and correct principle. Now, they did precisely the same thing. Out of \$242,000 chargeable for railway interest, during the past year, but \$171,937 appears, in the Rev. General's account, as paid from the general revenue. The account of that officer shows that he paid the interest with the bonds sold in London, just as we did, as far as it was necessary.

The hon. Attorney General ought to rise superior to this miserable attempt to impose upon the credulity of the ignorant. The refusal on the part of the Government to submit a clear and intelligible statement of the income and expenditure of the past year, shows clearly that the investigations of the hon. member for Yarmouth, which prove that there has been a large over-expenditure during the past year. In fact, the figures which the hon. Attorney General has submitted, establish the same conclusion. It is therefore quite evident that the receipts were not equal to the expenditure; and I have no hesitation in saying that the statement in the speech is at variance with the facts. (Dr. Tupper here reviewed the figures submitted by the hon. Attorney General.)

I have thus shown you, by the figures of the hon. gentleman himself, that there is a

large deficiency in the receipts of the year, as compared with the expenditure, and that, with reference to the payment of interest across the water, they did precisely what the hon. gentleman brought a charge against us for, time and again. If the hon. gentleman will read the statement of the hon. Financial Secretary during the last year we were in power, he will find that we had relieved the country a great deal from financial embarrassment, and that in the next year, it was expected that the receipts would cover the expenditure, as it would have done, had not the present Government come into power. Having obtained their increase from the absence of rum from the market, and having been relieved from the enormous load which we had upon our shoulders in bringing the Lunatic Asylum to completion, these gentlemen turn round, and possessing the initiation of money votes, they say they have improved our finances!

Now they say it is simply owing to their exertions that there has been an increase during the past year in the revenue. They say they have made alterations in the forms. Why these have been actually treated with derision by the whole mercantile community. That story of duplicate entries ended in the derision of the country; and they were never enforced. They made new oaths, but I am inclined to regard them as illegal. They knew that the very men who had charge of the revenue department were their own friends, and whom we maintained in power because we thought they were doing their duty faithfully. If a question of an increase or a decrease in the revenue is conclusive proof of their capacity, I ask them how they stand before the house with a large decrease in the last quarter in this city. According to their own argument they should retire from office. They say they have sustained their officers. I would wish to have some proof of the fact. Go to Pugwash where they turned out an officer, and put in one of their own friends; the revenue has largely decreased, and on their own showing they should dismiss him. I call attention to this fact, to show how idle it is to attempt to mislead the country by arguments of such a character. That story of the sugar at Canning does not bear the assertion out that they sustained their officers. He could get no authority to act because he was dealing with a government whose friend was challenged. I call upon the Attorney General, and ask him how he could slumber over that matter for months, and screen a man who had been guilty of the most atrocious attempt ever made to defraud the revenue.

Now I think I have answered all the observations made by the hon. Attorney General. I will now for a few moments direct the attention of the house to the question before it. I need not remind the house of the circumstances under which we advised His Excellency to dissolve the house and appeal to the country; but I will remind you of the fact that he called upon the Crown officers for their opinion, and sent that opinion

to the Colonial Secretary, and asked for explicit information, which was given by the Crown officers of England in the clearest form; but you search his Lordship's despatch in vain to find the slightest reference to the position that the question really occupies. We did not ask for a dissolution simply upon our own opinion; we had the authority of the English law officers of the Crown, given in the most conclusive manner, to the house and to the people, that the constitution of the country, that the principles of our government, that respect for the law required, if an attempt was made to evade the law in regard to the disqualified that a dissolution should follow. We thought if the Lieutenant Governor had any functions at all to discharge, it was to vindicate the law, to say that the constitutional privileges of Parliament should be preserved. His Lordship differed from us, and thought as the house had decided to refer the question to committees he could not interfere. We believed that there could be no better authority to deal with these cases than the house itself, and that the act of the house directly, or by its committees, was of the same character, and that therefore we were entitled to a dissolution. He did not think that the refusal of the house to pass upon the question warranted a dissolution. Did we assail His Excellency then, or challenge that opinion which we said he conscientiously held? No, sir. But I do not hesitate to say that at that hour I never dreamed for an instant that the Lieutenant Governor, if these committees reported against the decisions of the Crown officers of England, would hesitate to say,—I am in this position; I have the opinion of the law officers, that if the law is over-riden by the Legislature, and that clearly applied either to the house or its committees, I must terminate your existence; and that has been done, as I am instructed by the dispassionate opinions of those who represent the crown. But when the committees sat the law at defiance, and the Governor refused to dissolve, the case was altered. Sir, we would have failed in what we owe to the Legislature and to the people, if holding the sentiments which we do, that the principles of constitutional government had been ignored, and that the Lieutenant Governor had violated the express instructions placed in his hands,—we had allowed the matter to rest. Sir, if we had done that we would have forfeited that claim which I confidently believe we now justly possess upon the confidence of the free people of Nova Scotia.

Now a good deal has been said about running to Colonial Secretaries. I acknowledge that we stand in a far better position than we did before the granting of Responsible Government, and that under ordinary circumstances such appeals are unnecessary for local matters. But, I ask, to what quarter is a party to go for redress, under our present system, when a charge is against a Lieutenant Governor for having failed to exercise the prerogative rightly. With reference to the

exercise of the prerogative there is no other source of appeal except to the authority from which the representative of Majesty derives his power. If the Lieutenant Governor held his office from the people, to them would be the appeal—then it would be necessary to go to the people themselves; but whilst the British Government exercise the right to elect a man to preside over us, it is the only constitutional mode to go to the foot of the throne. I have high authority under my hand. I will now read from the words of a statesman admitted by gentlemen opposite to be high authority,—Earl Grey, who says in his Colonial policy—

“I cannot concur with those who would prohibit all interference on the part of the Home Government in the internal affairs of the Colonies. It seems to have been overlooked by those who insist that such interference must always be improper, and who would adopt without any qualification the rule that the Colonies should be left to govern themselves, that this would imply leaving a dominant party, perhaps even a *dominant minority* to govern the rest of the community without check or control.”

What is our position? That the party opposite was a dominant minority, and that a party undertook to form an Administration who did not at that hour, and have never possessed a legal and constitutional majority, or the confidence of the people. Under these views we were bound to adopt the course which we did; and believing that his Excellency had failed to exercise the prerogative in such a mode as would permit the people to be governed according to their well-understood wishes, we went to the Colonial Secretary. I was never sanguine as to that appeal. I have felt that our position as British Colonists is so contemptible, that a colony must appeal in vain against the policy of a Lieutenant-Governor whom they have sent here. It has always been the policy at the Colonial Office to uphold the opinions of a Lieutenant-Governor, whatever he, in his wisdom, sees fit to exercise. We have no one to advocate our claims in the Imperial Parliament—the only influence to which the Ministry bow. The Lieutenant-Governor, on the contrary, has a great advantage in being able to sustain his views, because he has his private correspondence and the private ear of the Colonial Secretary, and numerous other advantages which no Colonist can have. Therefore, I say, I never relied much upon the interference of the Secretary of State; but I felt, in dealing with a high functionary, and in maintaining the free institutions of our country and the rights of the people, we were bound to exhaust every means that the constitution placed within our reach. I believe that the agitation of this question will be fruitful of the most useful results, not only to ourselves, but to the whole of British America and the other forty colonies that belong to the British Empire, because it illustrates the constitutional mode by which the public opinion of a country can make itself felt and understood.

Again we have the following from the same authority:

"In giving, therefore, all fair and manly support to your Council for the time being, you will carefully avoid any acts which can possibly be supposed to imply the *slightest personal objection to their opponents*, and also refuse to assent to any measures proposed to you by your Council which may appear to you to involve an improper exercise of the authority of the Crown for *party* rather than *public* objects.

"Clearly understanding, therefore, that refusing to accede to the advice of your Council for the time being, upon a point on which they consider it their duty to insist, must lead to the question at issue being brought *ultimately under the decision of public opinion*, you will carefully avoid allowing any matter not of grave concern, or upon which you *cannot reasonably calculate* upon being in the end *supported by that opinion*, to be made the subject of such a difference." * * * * *

"The adoption of this principle of action by no means involves the necessity of a blind obedience to the wishes and opinions of the members of your Council; on the contrary, I have no doubt that if they see clearly that your conduct is guided, not by personal favor to any particular man or party, but by a sincere desire to promote the public good, your objection will have great weight with the Council, or, should they prove *unreasonable*, with the *Assembly*, or, in last resort, *with the public*."—Earl Grey's Despatch to Sir John Harvey, 1846.

From all this, it is evident that it is the first duty of a Governor to study the sentiments of the people.

Having carried our remonstrances to the Duke of Newcastle what did we get in reply? I am glad to find that although his Grace sustains the Governor as usual, he yet qualifies the declaration of the Earl of Mulgrave that under no circumstances can he interfere with the action of a majority of the Legislature; and we find this further significant statement running through his reply, that he hopes the people of Nova Scotia will sustain the view that Lord M. has taken; evidently looking anxiously to that ultimate tribunal as one to which both the Lieutenant Governor and his Grace must be subject.

What is the position we occupy now? The hon. Provincial Secretary has taunted us with occupying a position discreditable to ourselves in connection with this agitation.

Sir, although we have failed in making that impression that the facts warranted on the mind of the Duke of Newcastle, by this manly, open and independent agitation of those free principles that should prevail in a colony, the public sentiment of the country has been aroused to the assertion of its own rights, and to treat with contempt the government who have shrunk from the power of the people, and to sustain the men who have endeavored to exhaust every constitutional mode to obtain redress.

In that dispatch where the Lieutenant

Governor shows that he had been misled, and gives evidence of the impression made on mind by the minute of council by statements which I have shown to be unfounded—he tells you that the country had not spoken out, that there had been no petitions, no public meetings by which he could be led to suppose that his advisers did not possess the confidence of the people. The late elections have opened his eyes, and has caused him to write another despatch which gives us all the *corroboration* which we desire as a party, and which proves most unmistakeably that he is now of the opinion that the questions under consideration are so far from being satisfactory settled, as the gentlemen opposite would make us believe, by the Duke of Newcastle, that "a dissolution will most likely be necessary." When his Lordship penned those words he gave the indorsement of every act that had been performed by myself and colleagues, in regard to the agitation of these questions and appeals which we have made. Again, his Excellency has gone further, and declared after the Government had been defeated in Cumberland and Victoria that any *further diminution* of strength would necessitate an appeal to the people, I say then we are in a position to demand that step be taken, because we have not only seen a diminution of strength of the most unequivocal character, but it has taken place in the very mode selected by his Excellency, as that by which we should test the strength of public opinion.

From the attempt of the hon. member from North Hants (Mr. Cochran) to introduce a representation bill, we see his Excellency felt it was impossible for the government to come down here with a representation bill when it had been proved at the polls, by public meetings, and petitions, that his ministry was in a minority. I say, sir, his Excellency knows right well that to permit his government to bring down to the Legislature such an important public measure, devoid as they are of the confidence of the people, would be a mockery and an insult—would be to say, Before I dissolve and allow you to speak at the polls I will do just what my ministry feel is necessary to give them a majority, and sustain them in power. I feel, sir, that the bill will never come here with the sanction of the Lieutenant Governor; but that his pledge will be redeemed in a manly and honorable manner, that having permitted his government to go on and transact the essential business of the country, we will then be given an opportunity of passing on the questions now under the consideration of the people. I feel confident I need not refer to the very different position in which the question will be placed if such a course be adopted. Having proved to His Excellency that he has a ministry around him, acting in defiance of the well understood wishes of the people, I consider that there is but one course that can justly be pursued. And, sir, if the people of this country are treated with contempt, if they are deprived of the true constitutional mode of express-

ing their opinions, there is but one resort left to them. Then the constitutional Opposition of this house would be driven to assume a duty which they have never yet been called upon to assume; a course shown by Earl Grey to be open to us. Sir, the moment so flagrant a violation of our rights was permitted as the continuance in power of a government after it had been shown, by the clearest evidence, that it had been shorn of its strength,—not only the people of Nova Scotia, but of British America—and wherever free institutions and the principles of liberty are upheld—would rise and vindicate their rights by that determined struggle for freedom which must ever ensue when an attempt is made to put down the liberties of free men.

The House adjourned at seven, until eleven o'clock the next day.

TUESDAY, March 12.

MORNING SESSION.

The House met at 11 o'clock.

Mr. S. CAMPBELL, from the committee on the amendments of the law, reported a bill relating to County assessments, with a reconsideration that the same be referred to a special committee. Referred accordingly, to the Attorney General, James McDonald, Brown, Cochran and Harrington.

Mr. BLANCHARD presented a petition from Inverness, in favor of taxation for schools.

Hon. ATTY. GENL. presented one on the same subject, from Truro. He also introduced a bill to amend chapter 168, Revised Statutes, of the administration of criminal justice; and a bill to amend chap. 70, Revised Statutes, relating to railways.

Dr. TUPPER asked for a return of all papers connected with the payment by the Chairman of the Railway Board, of the sum of \$5,011 to the Messrs. Northup, on account of Mr. Cameron's railway contract.

Mr. HOWE had no objection to bring the papers down, although all the accounts of the railway department had been lodged in the Financial Secretary's office, and were now before the committee of public accounts. He would explain that Cameron had a claim for a balance due upon his contract when the charge was brought against him and Mr. Smellie of a conspiracy to defraud the government. While that charge was pending, he (Mr. H.) refused to consider Mr. C.'s claim, but when a Jury had acquitted Mr. Smellie; and by consequence every one connected with him, he felt that Mr. Cameron had a right to have his claim investigated. The government therefore referred Mr. Laurie's report upon the claim, and papers connected with it to Mr. Poole, a gentleman who was formerly connected with the Mining Association, and whom Mr. Johnston consulted when in England on that question,—a man of acknowledged talent and skill, and who was certainly no partizan of the present government. That gentleman took a month to consider the matter, and reported that a balance of some £1200 was due to Mr.

Cameron, and he (Mr. H.) then gave an order for payment out of the construction fund. It was paid in the usual manner, and the accounts went in to the Financial Secretary's office.

Dr. TUPPER rose to reply; when the Speaker said there was no question before the house.

Dr. TRAPPER—I wish to shew that the explanation given is no explanation at all.

Hon. Mr. HOWE—The rule is, when the government are asked for papers, and refuse to bring them down, a motion can be made—not otherwise.

Mr. Jas. McDONALD had on a previous day moved that the report of the committee of the whole house, against a bill for granting letters patent to Daniel C. McCallum, be not received.

The motion now came up for discussion.

Mr. Jas. McDONALD explained that the object of the bill was to remove the disqualification caused by the non-residence of the applicant. He then would have to go through the usual formalities required by law.

After a long discussion, the motion was carried by 21 to 19, and the bill was re-committed.

The House went into committee on bills, and passed the bill just referred to.

The House adjourned until 3 o'clock.

AFTERNOON SESSION—*Mr. Blanchard's Speech.*

Hon. PROV. SECRETARY moved that the adjourned debate be resumed.

Mr. BLANCHARD said—I do not intend, Mr. Speaker, to imitate the example set by hon. gentlemen opposite—some of whom have occupied the attention of this house for three hours, others for six hours,—but in addressing the house shall endeavor to curtail and circumscribe my remarks within reasonable bounds, touching only such arguments of gentlemen as seem to demand a reply, and directing my observations to the very points of such arguments; for I do not believe that volubility constitutes oratory, but rather that it consists in pertinence and brevity of expression.

Before dealing with the main question under discussion, allow me, sir, to refer to a personal matter affecting my eligibility to hold a seat on these benches, and more particularly on this point, to the remarks of the hon. member for Cumberland (Dr. T.). In debate, last evening, he stated that “the government were not in a position, until the meeting of the Legislature, to omit my name from the list of those assailed as ineligible to sit here.” In answer to this statement, let me refer to the journals of 1860, in which the case made out by the government, with the exception of two, is thus described: “One was a surveyor of shipping, whose resignation (if made at all) was not made till the 26th of April.”

The government, then, were in possession of some knowledge of the facts—a knowledge which subsequent events proved should have induced them to omit my name. A question arose as to whether persons resigning less than ten days before the holding of the sheriff's court, on nomination day, had or had not a right to sit in this house. The opinion of the

crowns officers was asked; the act was quoted as follows :

“No person holding any office of profit or emolument under the Provincial Government shall be eligible as a member of the General Assembly, unless, within ten days previously to the holding of the Sheriff's Court for the nomination of members, he shall resign such office of profit or emolument, and signify such resignation to the Provincial Secretary.”

The provincial crown officers were asked the meaning of this section, and particularly the words “within ten days before.” What opinion did they give? After referring to the peculiar circumstances under which the act was passed, they continue: “It appears therefore clear, that resignations, as relating to the House of Assembly, made after nomination day, are, under the express terms of the act, too late; and we also think that the act, construed according to its spirit and object, places on the same footing resignations made less than ten days before nomination day.”

This opinion was thus made to bear against my resignation, the only one to which it could apply. But what further? We all heard the hon. members for Annapolis and Sydney deliver an elaborate argument, and assail the present Chief Justice for having declared that a statute should not always be construed strictly and literally, but according to its spirit and object. Now, was it not peculiarly inconsistent for these gentlemen, who, when it suited their purpose, so construed an act, “according to its spirit and object,” as to make the word “within” nearer *without*, now to denounce the hon. Chief Justice for adopting a principle of construction which they had themselves propounded? The “spirit and object” was, I believe, to keep possession of their offices and salaries; and when everything else had failed, this forlorn hope of ineligibility was resorted to, and laws construed just as would best suit their purposes. Either the members for Annapolis and Sydney are wrong now or they were wrong then. I leave the house to decide in which instance they were in error. But, sir, in contradistinction to the expressed opinions of the learned Provincial Crown Officers, we have the constitutional views of the Imperial Crown Officers, justly required in a case vitally affecting the independence of this house. What do they say?

“We do not concur in thinking that the true construction of the provincial act requires that the resignation, which should render a candidate eligible, must take place *not less* than ten days before the nomination. *It is not so expressed.*”

A more decided and unequivocal contradiction to the law laid down by the then Attorney and Solicitor Generals in this province could not have been given, and they were compelled to abandon the position they had assumed and acknowledge in effect that they were either knowingly or ignorantly unsound in the constitutional doctrine they had propounded. Were they not sworn officers?—yet, who ever thought of charging them with perjury—

though their law was thus explicitly negatived? What further? After the opinion of the English Crown Officers had thus been given, after the house had met—after I had publicly exhibited the telegram, dated on the 26th April, in the handwriting of Mr. Hoyt, so often referred to,—after the extraordinary scene in this house, in which the hon. member for Cumberland declared that Mr. Hoyt had told him that no message had or could come over the lines on the 26th April, while it was abundantly clear that one or other of them had made a misstatement,—after the passage of a very celebrated vote, expressive of want of confidence in the administration,—on the 4th of February, the then executive council, including of course Mr. Johnston, Mr. Henry and Dr. Tupper, addressed a letter to his Excellency, from which I will read a short extract. Referring to the opinion of the English Crown Law Officers, on the subject of the qualification oath and the ten days, they say :

“In both these particulars, we deferred to the opinion of the Crown Law Officers in England, and abandoned our purpose of putting the qualification oath to those gentlemen we deemed ineligible from holding offices; and also gave up the intention we had entertained of urging the objection which arose in one case, that a resignation had been made (if made at all) less than ten days before nomination day.”

Now, sir, after having attached their names, each and all of the then defeated government, to such a document as that, abandoning the question of disqualification regarding myself—will it be believed, that a petition was presented against myself, a committee struck, and when it was found that chance had given them five Conservatives to two Liberals on that committee, that they pressed the investigation with the greatest pertinacity. I may be told, sir, that other charges were preferred—that a riot had occurred, and that a polling place had been changed. I am at this hour proud to say, that on these points the prosecution entirely broke down, and that a unanimous vote of that committee so decided. Thus, sir, nothing could be brought to bear affecting me, that in the least degree justified the action taken on these points. But again I ask, will it be believed, that after the explicit, unqualified abandonment of the charge of ineligibility, that question was pressed to the very extreme. The telegraph by which I resigned was not, as alleged, sufficiently proved. After I had placed it beyond the shadow of a doubt that such a telegram was transmitted on the 26th of April—after I had proved by Mr. Hoyt that it came over the lines, by Mr. McCully and Mr. Northup, that it had been received on the same day, and by Mr. Keating, that the resignation was filed in the Secretary's office on that day,—after I had proved that the telegraph produced was an exact copy of that handed in by me at the office in Port Hood—yet the committee were requested and strenuously urged by Mr. Johnston, to decide that the case was not made out, because the tele-

graph operator at Port Hood had not been produced. What, sir, was the "spirit and object" here? Yes, sir; we saw Mr. J. W. Ritchie brought up to conduct the matter; he abandoned it the very first day. Mr. Gray succeeded him, and he abandoned it also, after attending once or twice. Mr. Norman Ritchie appeared once; and then, as a last resort, a gentleman intimately connected with a member of the government, the son and partner of the hon. member for Annapolis, was produced to contest every inch of ground, and take advantage of every technicality, no matter at what cost, either of time or principle,—and the only object of which must have been, either to induce the majority of the committee to decide contrary to justice and the recorded opinion of the Executive Council, or to give me as much annoyance and put me to as much expense as possible.

Yet, notwithstanding all this, that committee, with the member for Cumberland (Mr. McFarlane) chairman, by a decision nearly, if not entirely unanimous, retained me in my seat. So far, then, as I am concerned, I hope nothing more will be said about ineligibility. But the hon. member for Cumberland, as well as the ostensible leader of the opposition, has time and again upbraided me with having betrayed my constituents. Perhaps I may have been enabled to take the wind out of the sails of some bitter personal and political foes. It has been said in another place that I am a degenerate descendant of the Blanchard family. I would, indeed, sir, be degenerate, and so would be any members of that family, who would be found supporting the hon. member for Annapolis, or the party he leads. My personal influence, and that of my friends, may have secured a few votes from those politically opposed; but they were given with a full knowledge that I would oppose the then government. I deny having betrayed the confidence or abused the trust reposed in me by those who sent me here. Have hon. gentlemen opposite the hardihood to affirm that I was elected to this House a supporter of theirs? If so they but little understand my position—they strangely misapprehend the sentiments of those who sent me here. What right had they to claim the man against whose election they had thrown their whole weight and influence—or did they believe me their friend when they prepared that celebrated case and opinion. I again assert, in the hearing of this House and of the country, that on the hustings I avowed my intention, if elected, to lend my aid towards breaking down a Government which I considered unworthy the respect or confidence of the people of this province.—True, sir, after the proofs read by me last session on this subject, I did not expect that slander would have been repeated. Yet the hon. member from Digby, a few evenings since, thought proper to do so. I did pledge myself that I would join no government, and support no party that would proscrib[e] any man, and that if any government did so they would find me their most earnest and strenuous opponent;

and I here ask if that very sentiment has not been over and over again reiterated by the leader of the present government. Having said this much, I shall pass on to other topics premising that I would not have troubled the house with these personal references, had not the hon. members for Cumberland and Digby thought proper to impute perfidy and treachery to me—attributes which I am rather of opinion they can lay claim to with more propriety than I. It has been said that no lawyer in the Province doubted that the law required candidates to resign *more* than ten days before nomination day, or that the qualification oath applied as well to office holders as to property qualification. With all deference to those who make this assertion, and without egotism, I may say that as one lawyer I doubted; and that I took the oath on nomination day without a single conscientious scruple, although warned by certain wise and far-seeing individuals, whose wisdom had no doubt been derived from those who construed laws "according to their spirit and object," that I was committing perjury. Sir, I read the law as in the English language it was expressed—neither adding to nor detracting from the import and significance of the terms used,—and that I was right the decision of the highest legal authority has indisputably proved. But this rule which was to be so stringently applied in some case, seemed in the opinion of certain hon. gentlemen extremely elastic in others. The hon. member for Richmond did not resign his office until after the period which gentlemen opposite declared was the time for doing so; he sent in his resignation on the very day that I did, and by despatch also; yet his eligibility was never questioned—the late most honest and incorruptible government were willing that he should sit here, but would have expelled me if they could.

Let me now turn your attention to the question of the disqualified; if my memory be not treacherous, when the hon. member for Annapolis at the last session assailed the action of the committee—the Provincial Secretary rose and rebuked him for interfering with the action of a body drawn from the house itself and acting under the solemn obligation of an oath, and requested the hon. member to forbear. He at once abandoned the line of argument he was pursuing, and tacitly, if not openly admitted the propriety of the Provincial Secretary's remarks. How comes, it, then, that at this session those attacks have been renewed, with increased acrimony and bitterness? And that one chairman has been especially singled out as the object of vituperation and attack? Was there not as much proof of Mr. Webster being health officer, or Mr. Chipman a commissioners of sewers, as of the hon. member for North Hants being a coroner? It was proved that the commissions had been issued and forwarded to them, and in Mr. Chipman's case, that he had acted; yet the member for Richmond (Mr. Harrington), a lawyer, was chairman of one of these committees, and on both there was a majority

of conservatives, and both decided these gentlemen were eligible. Why is it that these gentlemen have not been attacked? And why is it that the members opposite reserve all their indignation, and denunciations of "flagrant disregard of law," for the hon. Chief Justice? And let me say, that I am rejoiced that the committee did give my colleague his seat. Take the case of Mr. Smith. Yet what was it? The hon. member for Sydney says the work was completed and the office had expired. Let me state the facts. £1000 was given for the construction of a breakwater at Port Hood, by an act of the Legislature, which also imposed a tax of three pence per ton on all vessels visiting the port; and the monies derived from that source were also to be appropriated towards the breakwater. A commission issued to Mr. Smith and myself. The £1000 were expended in two years, upon which a per centage of about £50 was charged and paid, and about £50 or £60 tonnage duty collected, on which also 5 per cent was exacted and received by us. True, this duty was not collected after two years had elapsed, for we found that the cost and trouble of collecting exceeded the amount received. Still, there was the commission; there was proof of acting: there was the statute still unrepealed. Will any man, with a particle of candour in his composition, say that the case of the hon. member for North Hants comes within the provisions of the statute, and that Mr. Smith's case does not? With the hon. member for Sydney for one side of the house, the law is to be construed "according to its spirit and object"—with the other, his principle is *its lex scripta!* Now, sir, I was present at Mr. Cochran's committee, when the occurrence of which the hon. member for Sydney has attempted to make so much capital took place. Mr. Ritchie moved the committee to compel Mr. Cochran to attend, he not having obeyed the subpoena; Mr. Halliburton got up and read the law, quoted cases in opposition to the application, and showed that the action of the house could not be required to compel a member to appear under subpoena—that he ought first to have been *requested*. The chairman then distinctly stated in Mr. Ritchie's presence, that when he signed the subpoena, he had intimated to Mr. R. that he had doubts of its being the proper course; and that he took the subpoena at his own risk. Mr. Ritchie did not appear to be able to controvert Mr. Halliburton's law, and, as I considered, rather yielded the point. By a reference to the minutes of the committee, it appears that they went out, deliberated, and decided 6 to 1 not to grant the application; and voting with these six, I find the names of Mr. Robichau and Mr. Martell. With what face, then, can it be urged as a matter of charge against the Chief Justice, that he improperly refused to ask the exercise of the power of the house to compel Mr. Cochran to appear. Why was Mr. Cochran never *requested* to go before the committee, which was the legal, the constitutional, the proper course to pursue? Had

they first requested, and been met by a refusal, they would then have been legally entitled to ask the interposition of the house. Guilty of indiscretion, of illegality themselves, it is too bad for them, at this late day, to charge corruption on others, because they either did not know, or did not choose to act upon, the law.

When an hon. member of this House ventures to make assertions with respect to the action of members of Committee, he should do so with care, and not partial or colored statements; much less is it excusable for such men as the hon. member for Annapolis and the hon. member for Sydney, to impute to one who was a Chairman of Committee and is now Chief-Justice of this Province, the crime of perjury, merely because on a question of constitutional law, they differ in opinion!

Does not every member of the profession know that, in the whole range of our jurisprudence, from its inception down to the present hour, differences of opinion are everywhere to be found, as well between the judges on the bench, as the lawyers at the bar? To accuse a man of perjury because he does not see a subject in the same aspect as yourself, seems strange doctrine. Each one is responsible for his opinion, but his own conscience is the judge of the rectitude of his intentions, nor should any man assume the exercise of functions that do not belong to him. Do we not all recollect, in times gone by, how the hon. member for Annapolis held up his hands in holy horror, when the judges were attacked? "What!" said he, "do you venture to impugn the purity of the ermine—to taint the fountains of justice?" Eloquently did he espouse their cause, and men listened and gave him credit for sincerity. But now the ermine may be unjustly sullied—the fountain of justice may be assailed, and the hon. and learned member for Annapolis will lend his assistance to accomplish both objects. Now it is all right, and he would have us believe that he is actuated by nothing but duty; a sense of public duty! Yes, Mr. Speaker, to him a most painful public duty it is, to accuse the Chief Justice of perjury! But, sir, what after all, was the gravamen of the charge of the hon. member for Sydney? He says, "this question has never been tried; had an enquiry been instituted, the subject investigated, and a verdict of acquittal been given, I would not have had a word to say." Sir, has there been no investigation—no enquiry? Did not the Duke of Newcastle hear and investigate the whole subject, and decide against the member for Annapolis? The hon. and learned member for Sydney says it requires a lawyer to understand these questions. Surely that nobleman was adequate even to this herculean task! And I am much mistaken, if, in an encounter with his lordship on Constitutional Statute Law, even the hon. member for Sydney would not find that he had got his match. I now see some men lawyers on this side the House, who entirely condemn the principles sustained by the members for Annapolis and Sydney as un-

sound,—unconstitutional—untenable; on the other hand, I could point to members of the legal profession on the other side, who acquiesce in and adopt their doctrines as right and legal. He would have us believe that the case was not tried, because it was not referred to the Crown Officers. Where was the standing Counsel of the Colonial Office, whose duty it is to exercise a rigid surveillance and supervision over everything embracing a legal question, submitted to the Colonial Office?

If I mistake not the Under Secretary of State, Mr. Merrival is himself a lawyer, and is it probable that he never saw these papers which the Duke says he had carefully read over. It is not my intention to go further in this question;—the fallacy of the arguments used by those hon. gentlemen is to me as I think they are to the House sufficiently apparent. The hon. member also says that no further opportunity was given to produce testimony. What further testimony could have been given than what was forwarded. Had not the hon. member for Annapolis enclosed copies of every paper on the subject, including minutes of testimony taken before the committee, and had he had not carefully prepared an elaborate case. These the Duke had with the reply. The whole gist of their remarks—the whole tenor of their respective addresses leads inevitably to the conclusion that their sole, I may say selfish object was to force Lord Mulgrave to dissolve. The despatches themselves contain the best refutation of their views. The Lieutenant Governor has put the points of this case clearly and fully, and no arguments I could use, would more effectually and fully expose the absurdity of their demands, or the false and untenable doctrines they have propounded.

The member for Sydney made some reference to the learned Attorney General, but as that gentleman is quite competent to protect himself, I shall not assume the province of his champion,—but he talks of malign accusers and malignant accusations, and asserted that the Attorney General was a malign accuser because he had asserted that he believed money had been sent to Colchester, or subscribed in this city for the purpose of corrupting the electors of that county. In answer to that I refer him to the hon. member for Cumberland, who last evening announced that the bag had now become a recognized part of our system. When such a statement is unblushingly made by a leading member on his own side of the house, implicating them all—it ill becomes him to talk of malignant accusations. He referred to some Australian judge who was recalled by the Duke of Newcastle because he had been at one period guilty of bribery. This but exhibits the fallacious character of their own argument, for while it proves that the noble Duke would not sanction such an appointment when brought home to the perpetrator, it also evidences that he did not consider the parties they assailed guilty of any crime. The same authority decided both cases, but while they laud the act in the one case they condemn it

in the other. The Duke of Newcastle and the British Government may do right sometimes, but when they decide against these honorable gentlemen, Oh, they knew nothing of the matter, were not *lawyers*, did not try the case, and treated colonists with contempt.

Mr. CHURCHILL. The hon. gentlemen is putting the Speaker to sleep. (Laughter.)

Mr. BLANCHARD hoped soon to put the member for Hants (Mr. Churchill) politically to sleep forever. (Laughter.)

Hon. Mr. JOHNSTON would put it to the hon. Speaker whether it would not be hard if he had not the privilege of sleeping sometimes.

Mr. BLANCHARD did not wonder that the Speaker required rest after some of the six hours orations of the member for Annapolis. (hear.)

Mr. BLANCHARD continued. The hon. member for Sydney seems to consider it a very unjust and improper thing that the Chairman of the Railway Board should at the same time be Solicitor General; and says that no man could do the duties of both offices; but he forgets that when he filled the exalted position of Provincial Secretary—an office perhaps the most onerous and responsible in the country—he could yet find leisure in his capacity of Queen's Counsel to attend the Eastern circuit, and spend some five or six weeks away from his office in the prosecution of that and other lucrative business. Surely then the Chairman of the Railway Board might be pardoned for bestowing a few hours in conducting public business of a responsible and difficult character without remuneration, or in closing up his former business.

Now, sir, I have other notes of the hon. gentleman's lengthy effusion to which I might turn the attention of hon. gentlemen—but as other gentlemen will no doubt deal with these subjects, and I do not desire to weary your patience, I shall briefly refer to one or two important topics, and then close my address. The hon. member for Cumberland has seen fit to revive and bring here the case of Mr. Smellie. Intimately acquainted with all the circumstances of the case I should have allowed his vituperation to pass just at its worth; but I do feel it my duty—not as that gentlemen's advocate—for our connection in a business point of view has long since terminated—to wipe out the impression the member for Cumberland sought to create that Mr. Smellie's acquittal was owing to his having received "the benefit of a doubt." Sir, if any man was ever followed with inveterate and determined malignity—with deep and deadly vindictiveness—that man was Smellie. Long ago it was evident to me that a secret plot was concocted to effect that man's utter, irretrievable, irremediable ruin; and that the most persevering determination existed to make him out a guilty man. Was it not patent to all the world—does not every man who hears me know that months before the trial—before that innocent man had an opportunity of vindicating his cha-

racter from the reproach his dismissal had cast upon it,—through the pages of the Colonist newspaper it was heralded to all the world that a gross fraud on the public had been attempted, and that Smellie and none other than he was the guilty party? Week after week was the public mind impregnated with this idea,—and advantage taken of the power of the press which was a disgrace to those who made use of it; prostituting a noble public institution to the vile purpose of perpetrating a flagrant individual wrong. The member for Cumberland says that Smellie was ingeniously, if not ingenuously, defended. Sir, I take no credit to myself for ingenuity in that defence. I established a plain, simple, straightforward case,—nor did I make a single appeal to passion or to prejudice. On the jury were men of all classes, and of nearly all creeds—certainly of all shades of politics—and after patiently investigating the whole case they went out and in fifteen minutes returned a verdict of acquittal. Now, sir, I will not charge the parties who reported that trial with misrepresentation; I believe it to be impossible for any reporter to have given that case in its entirety turning as it did upon distinctions clear, yet finely drawn, without having a thorough knowledge of it beforehand—and without a minute and careful inspection of the books on which the errors had been made.

The errors in these calculations were discovered on the 9th Decr. Mr. S. was requested by Mr. Laurie to correct them, and these corrections were completed on the 15th December, and the book formally handed over to Mr. Laurie—but strange to say the subject was never brought to the notice of the Government until the 30th of the same month—15 days additional. Now is it not a singular fact, that for 15 days this matter was allowed to slumber; that until all the alterations were made the matter was not lifted—and that even the Chairman of the Board, Mr. McNab, states, "I was first made aware of their having been alterations made in the calculations by the government sending for me in reference to the subject." A curious and significant coincidence that the head of a department should first hear of a fraud upon it through the government, between whom and that department he was the only legitimate organ of communication. I understood the member for Cumberland to say he was present at the trial.

Dr. TUPPER. No! I did not say that.

Mr. BLANCHARD. I thought not, else the hon. gentleman would never have addressed the argument he did to this house. Sir, it was proved by witness after witness, that had Mr. Smellie chosen he might have altered the books to any extent without the possibility of detection,—and that nothing short of two additional measurements would have brought the fraud to light.

Mr. Smellie made the measurements on the ground, with an assistant. Dr. Tupper says he could not have measured fraudulently—as he would have been detected by his assistant. On the trial that very assistant

proved that Mr. S. could have made any amount of fraudulent entries without his knowledge. Mr. S. plotted the areas in his book by these measurements: In this part of the work no errors were found, nor was it pretended that in plotting or calculating the areas, in which complicated and difficult calculations existed, there were any errors. Now where were these errors? In the simple process of multiplication and division which gives the cubic yards. The course is to multiply the result of the areas by 66 and divide by 27,—so that if after the areas were thus plotted errors occurred in the calculations they were easy of detection—everything being open to the inspection and supervision of the Chief Engineer, who we have been told time and again was a competent, astute and clever-headed man. Mr. Hewitt says "it would be easy to plot the areas on paper so as largely to increase the amount; *it would be very difficult to detect the fraud.*" Now, sir, is it to be supposed that Mr. Smellie—competent to his business—knowing how easy it would be to discover the fraud in one case and how difficult in the other—for the purpose of putting £2022 in the pocket of Mr. Cameron—chose the course most open for detection? The thing does not bear the light of reason for an instant, and bears on its face the greatest improbability, and I may here remark that Judge Bliss gave great weight to this view of this case. But the great question upon which the counsel for the prosecution rested their whole case was whether the figures had been placed outside or inside the ruled columns. For if Mr. Smellie copied them in from the outside he must have done so fraudulently, and some reasonable belief of his culpability might have been entertained, particularly as they found the correct figures in four instances still remaining outside the columns—and Mr. Smellie they asserted could not have copied these accidentally. It is to this point that the hon. member for Cumberland refers when he says that the Judge and Jury and Counsel were all misled by the substitution of the word "the" for "these." (Hear, hear from Dr. Tupper.) I will show the hon. gentleman that his argument is fallacious. It was proved that these calculations were checked by Hewitt, McHefey and Uniacke; and yet not one of these said that the figures found outside the columns were Smellie's; and not one of them could swear that these pencil figures were not made in the subsequent corrections. But to set the matter at rest, one of the witnesses for the prosecution, Mr. McHefey, stated at first that the figures were first entered outside the columns—I put the book in his hand and after going over the columns, and when I had compelled him to prove in a great number of instances that the pencil marks were still traceable in the columns, when he came to 393 he at once said "*There have been pencil figures in the columns; I conclude that the pencillings made by Mr. Smellie must have been in the columns.*" Is it not too bad, then that when the case for the Crown

—concocted, bolstered up, arranged beforehand as it had been—broke down entirely; when it was conclusively shown that in ten, fifteen, twenty cases the figures had been entered in pencil in the columns—out of the mouth of a witness for the crown—that at this late day the charge should be revived, and the character of an honest and honorable man be assailed without a shadow of ground.

It is not my intention to imitate the example of the hon. member for Cumberland, and impugn the character of any man, nor by vague suspicions and dark inuendoes, to blast his reputation; but I ask, sir, if it was not strange, as was proved on the trial, that Mr. Laurie should have had this Look in his possession locked up, for days? (Hear, hear.) I undertake to assert, sir, that the charge of Judge Bliss was not reported nearly so favorably for Mr. Smellie as it was given, and that under it, after hearing the testimony, no jury would or could, under their oaths, have hesitated a moment in acquitting him. Sir, I was astounded to hear the member for Cumberland say that “Mr. Smellie left the Court without a shred of character.” Was not witness after witness put in the box—men of the highest integrity and undoubted probity—who proved that the gentleman accused bore a stainless reputation, until on this point, his Lordship Mr. Justice Bliss interposed, declaring himself convinced, and stayed the tide of testimony we were prepared to give? Without a character, sir! What did Mr. McNab say? “Mr. Smellie bears an irreproachable character, and is much respected by all who know him.” This is the testimony which the man who knew Smellie best—who had control over the office in which Smellie worked, gives regarding him. Mr. Doull, also, the gentleman whom Dr. Tupper, a few days ago, deservedly lauded as one of the first men in the city, gave him the highest character. Mr. Shannon spoke of him as possessing a character second to no young man in the city. Mr. Howe and Mr. Stairs freely endorsed this opinion, and we were going on to examine Mr. Donald Murray and others, when stopped by the Judge. Let the member for Cumberland, then, refrain hereafter from indulging in such license of speech respecting a man whose honor, probity, and honesty, his (Dr. T.’s) own political friends universally respect and esteem. It would be well for any gentleman around these benches if, in time of need, he could command such testimony; and the day may come when even the hon. member for Cumberland may find it no easy task to get so many respectable political opponents to say as much for him.

The hon. gentleman also says it has been whispered around that Mr. Laurie was guilty. Well, I tell him I never whispered it, but I do tell him that, were I possessed with the same spirit he delights in, I could throw around even the friend whom he delights to honor, a cloud of suspicion quite as strong as that which once surrounded Smellie. How

was it that, on the trial of a cause involving a fraud in an office over which Mr. Laurie was Chief Engineer, he was not to be had? Strange it is that, although they had full power to obtain his testimony, no attempt was ever made, and that the man of all others who knew most of these transactions, should have been absent! One thing I will say, that it would have been better for Mr. Laurie as well as for Mr. Smellie, if the former had been examined. (Hear.)

The member for Cumberland went on to say that if guilty of nothing else, Mr. Smellie was culpably negligent in having inked in figures without discovering that they were not his own. He will recollect that McLaffy and Hewitt had gone over these calculations before and had made numerous unimportant corrections, and Smellie knew this, and he must know that these corrections must unquestionably have involved the alteration of many figures. Is it so wonderful, then, that Mr. Smellie, in inking in these figures, which he did rapidly, and without pausing to discriminate whose they were, should not have discovered the difference? The charge of stupidity and carelessness, thus falls to the ground.

But there is another important fact, that, in the first 140 pages there are but three errors—easily accounted for. In measuring, the distance from one peg to another was generally 65 feet; but, in some cases, a peg was put between, reducing the quantity by one-half—these three errors occurred in consequence having been made the multiple 66, instead of 33, as the result was exactly half of what it should have been. After these, the errors were all in bunches—a dozen or fifteen following each other consecutively in a column—then for 40 or 50 pegs more, none could be found, until you came to another bunch of 10, 12, or 15. This did not look like the act of a man who, with plenty of time, had sat down deliberately to perpetrate the fraud, but rather as the act of one who had hastily seized upon the idea, and as hastily and bunglingly executed it.

There was one piece of testimony given on the trial of that cause, which should not have been there. The veriest criminal in the land if interrogated before trial, is warned not to commit himself, and told that anything he may say will be taken down and used in evidence against him,—and yet, without such warning, before the Executive Council Mr. Smellie was hastily and suddenly summoned without any charge being preferred against him, and his explanation taken down by the then Attorney General, without his being told that he was to be dismissed, or that proceedings were to be instituted against him—without counsel, and without time for consideration; and this paper thus obtained, containing not only his statements and admissions, but also the reasoning and inferences of the counsel, and Mr. Laurie’s statement, is read in evidence against Mr. Smellie, upon a general admission by him of its accuracy. Mr. Johnston swears that Mr. Smellie admitted all that document contained

—reasonings, inferences, and all—while Mr. McNab affirms that he admitted the facts, but not the inferences. Was it fair, I ask, to use such evidence? and is it creditable to the hon. member for Annapolis, that Judge Bliss felt himself compelled to tell the Jury that Mr. Johnston must be mistaken, and that it was inadmissible to believe that Smellie could have admitted the whole contents of that paper? I am sorry, sir, that the hon. member for Cumberland made this explanation necessary, but I could say no less than I have, after this attempt to revive and fasten upon the character of this gentleman a charge which ought never again to have been mentioned after his honorable acquittal. But, sir, to make this matter worse, the contract of Mr. Cameron's was brought up, and the hon. member for Cumberland would make it appear that 11 or £1200 had been illegally paid. In turning attention to Mr. Smellie's case, I found it necessary to advert to that contract, and on careful consideration I found that Mr. Cameron occupied a very distinct and different position from that of the other contractors.

The hon. gentleman here went on to explain the nature of railway contracts; that the contractors undertook to perform a certain specified work for a certain sum, but that there were attached to each contract what were called schedule prices, intended to guide the Board and the Government in making monthly payments as the work progressed, in paying for any extra work which they might require to be done, or in deducting for alterations in the contract, by which less work might be required. In Cameron's case he claimed to be paid a sum of £1,365, which, he said, had been ascertained to be due to him, and which had been settled and determined on as done, by the officers of the Board. The other contractors claimed to be paid for extra work not ordered, but which they contended was caused from imperfect measurements, by which, they alleged, they had been deceived. They were anxious to break up their contracts, and desired to be paid not according to these, but according to the work they had done at schedule prices. It will thus be seen that the claim of Cameron was founded on principles directly opposite to those of other contractors, and that no measurement of the whole work done by him, would do him justice.

It has been said that the measurements were made under the report of the committee, and this I deny, as the report of the committee was that he should be offered the alternative, either of having his work re-measured, or leave given to sue the Government. The latter alternative, which was all he had ever asked, was defeated by party action in the House, and the former he repudiated as he has always done, and for reasons which I think I have made abundantly plain. Thus the matter stood when the present Government came into power. They referred the whole matter to Mr. Poole, a thoroughly competent man, who having examined all the accounts and the work itself, reported to the

Government that \$5,010.46c. was justly due to Mr. Cameron, which they paid and carried to the account of construction, and to Cameron's account, just as similar payments had always been carried. The hon. member would have us believe that there was something underhand and secret in this transaction, and that the charge was covered up in the accounts, so as to be difficult of detection. This I explicitly deny; the amount paid Cameron under this report being patent on the face of the accounts, and easily seen in Mr. Morrow's handwriting. Mr. Smellie was acquitted on the 9th. On the 12th the order for this money was given, and on the 14th it was paid,—and all this appears open and above board, without mystification or concealment of any kind. And yet this is the wonderful mare's nest which the hon. member for Cumberland compliments his own sagacity in having discovered!

A statement has also been made that Messrs. Northup & Sons were concerned in this matter, and that they having buttoned up their pockets, it was necessary to bribe them with this sum, before the Cumberland election. That is a mere suspicion, founded on nothing, and for which the hon. gentleman is indebted to his imagination. During the progress of the work Messrs. Northup & Sons drew some of the monies payable to Mr. Cameron, upon his order, and when this amount became payable, it was paid to them as usual, upon a specific order. When, therefore, the hon. member talks of malignant slanderers, I tell him he had better look at home to find them.

Having occupied so much of the time of the House with these subjects, I shall not refer to others which have been referred to in this debate, and upon which I intended to have spoken, but will conclude by thanking you and the House for the patient attention with which you have listened to my remarks.

MR. HARRINGTON'S REMARKS.

Mr. HARRINGTON said. It is not my intention, Mr. Speaker, to address the house at any great length in answer to the hon. gentleman who has just resumed his seat. It becomes my duty, however, to reply to a few of the observations with which he has favored the house. And first, sir, as to the statement that he never during his career announced himself as anything but an opponent of the then government; in answer to his statement, I need only refer to the affidavit produced here last winter by the hon. member for Inverness, Mr. McDonald.

Mr. BLANCHARD. That affidavit did not refer to the subject in question.

Mr. HARRINGTON. Even so, sir, how can the hon. member sit and vote with gentlemen opposite in the face of his declaration that he would support no government that would proscribe any man, when the late leader of the government, now the Chief Justice, near the close of the last session—on the floor of this house openly declared, that though he was willing to accept the support

of the Catholics, not one should hold an office under government.

Hon. PROVINCIAL SECRETARY. I am sorry the hon. gentleman has seen fit to make so unfounded a statement,—I most explicitly deny having ever made such a statement.

Mr. HARRINGTON. The hon. gentleman has mistaken my allusions. I say the remarks of the late leader so fell on my ear; let that be as it may the situation occupied by the hon. member for Inverness—the known feelings and sentiments of a majority of his constituents—the course pursued by the late opposition in denouncing the Catholics, all preclude the idea that he ran his election having announced opposition to the government of the day. The hon. member referred to the action of the committees; I was chairman of the one drawn to try the case of the hon. member for King's, Mr. Chipman. That case was principally decided on special facts, and an act which did not apply to any other case. Mr. Chipman had, when appointed Financial Secretary, tendered a resignation of the office of Commissioner of Sewers, then he afterwards in 1858 acted as such. An act passed about the year 1852, if I recollect aright the year, allowed the proprietors of the dyke to choose three Commissioners of Sewers. They acted on this and named another: these were the principal grounds that influenced the committee in retaining Mr. Chipman in his seat, and they extended the most favorable construction of the law to him; all the committee considered that the office he held came within the act. Taking all the circumstances of the case into consideration I thought Mr. Chipman ought not to be disturbed in his seat. In my case everybody knew that the committee were drawn to try a mere bogus question—got up for a purpose. It was alleged that my resignation was not made in time, and therefore I was ineligible. Sir, this was a mere fabrication without foundation in fact. On the 14th April, if I remember aright, I resigned my office of Judge of Probate, and on the 21st that of Notary Public, both of which were in the Secretary's office in time, but I had sent a second resignation of the last office fearing the first might not have arrived.

The case of Mr. Smith was clear as noon day. He was appointed a commissioner to expend £1000 in two years, or £500 in each year, under an act which allowed no commissions or emolument, and if the learned member for Inverness or Mr. Smith took their remuneration they did it contrary to law.—They expended the money, rendered their accounts, and their office and authority terminated, and there was no further connection with the Government, and there the matter ended. The law gave a commission of 5 per cent on the expenditure on road commission. But it did not extend to Mr. Smith's commission in that case.

The hon. and learned gentleman says that Mr. Smellie went out of court with clean hands; sir, in my opinion, if the friends of

that gentleman desire to do him a service the best way to preserve his good name, or so much of it as he may acquire in society, is to preserve silence. It is said that Mr. Smellie has been slandered and maligned. The Judge's charge, I assert, does not justify Smellie, he gave him the benefit of the doubt, but his charge must always leave suspicion around the character of Smellie. Sir, if that cause had been tried by a Scotch Jury, they, in my opinion could only, and would have found a verdict of "not proven," instead of "not guilty," and I believe they would have done Smellie ample justice. In that case strongly suspicious facts existed—and on these facts the public opinion of the country does not, even now, entirely acquit Mr. Smellie of complicity with the circumstances referred to. As to Mr. Cameron's case, I think the government acted most unwisely, unjudiciously and improper. If they wished to do Mr. Cameron a favor, they might at least have taken some other course than that of putting their hands into the public chest, and passing away the people's money to secure the influence of friends on the eve of an election. Whether that money was rightfully or wrongfully paid, in my opinion the government were bound in the first place, to have asked the sanction of this house—the authority of the people's representatives before disbursing their funds, as this House had before by committee reported against his further claim. (Hear.) It is not my intention to occupy time further—but I cannot resume my seat without referring to the character of the despatches laid on the table—and expressing my regret that Lord Mulgrave should have allowed his name to be mingled up with reflections and personal allusions to the conduct and career of the hon. member for Annapolis in past years; and, sir, when it is apparent that a Lieutenant Governor has become quasi partizan, it is high time for the people to enquire what responsibility he bears, and what benefits are derived, what beneficial results accrue from the continuance of so expensive a branch of our governmental establishment. Whether, indeed, it would not be wiser—more congenial to our tastes—more advantageous to our interests that governors should be selected otherwise than at present, and whether indeed our loyalty would not be better encouraged and preserved than by such a medium between us and the Mother Country.

With these remarks, sir, I shall resume my seat, first expressing my intention of voting for the resolution moved by the hon. and learned member for Annapolis.

THE DESPATCHES.—MR. MORRISON'S SPEECH.

MR. MORRISON said—At this hour, when the shades of evening are closing around us, it may be deemed imprudent, if not presumptuous, for an old man like myself, whose impaired eyesight requires the broad light of day to decypher his notes, to rise and address the house. But, sir, I do not feel inclined longer to delay the few remarks I have to offer; and if, during their delivery, anything

should fall from me of a personal nature, reflecting on any hon. gentleman, let him, at the outset, consider that I have begged his pardon—(laughter). However, sir, so many bitter, personal, slanderous remarks have been made during this debate, that I feel it necessary to retaliate, and now give hon. gentlemen due notice that I intend to lay on the rod pretty hard: for I have always been taught, when assailed, to use the weapons of defence with which God and Nature have gifted me.

Now, sir, something like sixteen days have been wasted in a Constitutional Debate, costing the country not much less than \$600 per day, or £2400, while not a shadow of benefit—a particle of good to the country has resulted from it.

Let me take another view of this case. What kind of an opposition have we now? The former cry with the other side was—Oh! the lawyers; the lawyers. May we not retort it back upon them now? What do I see opposite? Nine lawyers and one hungry doctor—equal to two lawyers, any day—(laughter). Never, in the whole course of my life, have I seen evinced such a longing, anxious, insatiable desire for the loaves and fishes, as hon. gentlemen opposite day by day exhibit.

The hon. member for Cumberland entertained the house for some half an hour in telling them of the great bargain effected by the late government in the settlement of the mines and mineral question, and the incalculable advantages to be derived from the arrangement.—Glad am I that the errors of that act rests on gentlemen opposite; and most unfortunately for us one of our friends was connected with that transaction; for I have always averred, and still adhere to the opinion that the settlement of that question was effected on a basis most disastrous for the people of Nova Scotia, and that had it never been made, we should at this moment have had from £10,000 to £12,000 additional revenue in the provincial chest. A question was recently put by a Mr. Wood to the Secretary for the Mining Association in London, and published in the Mining Journal of July, 1859, to which he replied, that with the change in the reciprocity act and the arrangement made with the government of Nova Scotia, they had bettered their circumstances to the extent of £10,000 in one year. But, sir, since the opposition are content with small things, I suppose, under the circumstances, we must allow them to have the credit of that, as well as other arrangements they have made.

The hon. and learned member for Cumberland tells us that he never told a lie in his life.

Hon. Mr. Howe—I hope the hon. gentleman will qualify that: say a misstatement.

Dr. TUPPER—Oh! let him go on.

Mr. MORRISON—Mr. Speaker, he said *lie!*—(laughter). But the hon. member was sent home on a railway mission; and what did he get? A railway? No, sir!—a *valuable impulse*—(laughter). For some time we were at a loss to understand what that meant: nobody could exactly understand its import; everybody

supposed it was something wonderful; until, at last, the hon. member was wafted to the shores of New Brunswick, and there it was discovered that this “valuable impulse” was in fact a *repulse*, and that he had been turned away from the doors of the Colonial Office—(laughter). Did he tell us the truth on that occasion? I believe not; or else he did not tell it in New Brunswick. But, says the member for Cumberland, the Chief Justice dared not go back to that county. Sir, it was not necessary: every one expected that in a few years, or a few months, it might be, in the natural course of events, an opportunity would offer for him to reach the goal of his ambition; the government did not desire to appoint an Attorney General, and be compelled to appoint another a year or two afterwards,—and the result has proved the propriety of their policy.

He also said that the expense of every public department had been increased. Well, sir, what then? How did they conduct public affairs? With less expenditure, they could give but £3 4s 9d to the roads and bridges, and were obliged to borrow monies from the railway funds, or let that service go by the board. Sir, if we have raised the expenses, we have also increased the revenue, and can afford, without trenching on the railway, to make the usual appropriations, with an increase of \$14,000 for the road and bridge service—(hear).

He also stated that the last elections in North Colchester were but a sham, and that hundreds of electors did not poll their votes.—That statement, sir, is not only “largely inaccurate,” but entirely untrue. Never was there a warmer contest than my colleague and myself were compelled to run; not only were we obliged to meet and face our enemies in Colchester, but the influence of Water street & Co., in Halifax, was brought to bear. My opponent came down here and mounted a table in Nash’s Variety Hall, and made a statement that if he could obtain a small sum of money, Morrison would be ousted; and that loosed the purse strings of the said Water Street & Co., and the material for the contest was at once furnished. I boldly assert here, that the hon. member for Annapolis, with all his talents and acquired fame, and the hon. member for Cumberland, with all his flippancy, could not have polled as many votes as the two gentlemen who ran against my colleague and myself; and if they don’t believe that, let them come there next election and try. In the year 1855, I contested the Northern district, and was opposed by John Ross, Esq. The gentleman first brought out to oppose me, after having canvassed the district, I ran him off the track; and at the eleventh hour they brought up Mr. Ross, believing that from his antecedents he would be enabled to overthrow me by a very large majority. The election was keenly contested—every effort was put forth on both sides to bring up the adherents of the respective parties to the poll. On that occasion, Mr. Ross polled 879 votes, and I polled 974 votes—giving me a majority of 95,

and making the total number of votes thrown 1853. In that number was included 260 votes in Earltown—which being deducted from the gross amount of 1853, leaves 1593,—being the number then polled in the North district of Colchester, as at present constituted. In 1859, Mr. McLellan polled 1151, and Mr. Fulton, his opponent, 595—giving a total of 1754, without Earltown. Now, deduct the 1593 polled in 1855 from the above amount, and it shows an increase of 161 in about four years—being rather more than the average increase. With these facts staring him in the face, this truth-telling man asserts that in the Northern district, at the last election, there was but a nominal contest. A more determined phalanx of men do not exist in any county, than the Conservatives of that district; for we have beaten them time and again, and yet they come up to the polls with as much animation and vigor as ever. A nominal contest, indeed! Why, sir, each man polled as though he believed his individual vote was to turn the scale throughout the Province of Nova Scotia.

The member for Cumberland dwelt at great length upon, and deplored in heart-rending accents, the inefficient state of the Asylum. What are the facts? The late government caused the bottom of the southern wall to be stripped bare, and then piled a quantity of little round cobbling stones alongside, sprinkling a little mortar among them—while not one pound weight of the original structure rested upon them. This information I obtained from a person who labored at this work while in progress; and I undertake to say, that the whole of the expenditure was of no more service in supporting that building, than if a crazy old lady were to lay her *cudgel* against the basement of a four-story building to prevent it from blowing down. (Laughter.)

The hon. member told us that the speech of His Excellency was entirely at variance with facts. In my opinion, this is not the way to address this house respecting His Excellency the Lieutenant Governor, who cannot be here to defend himself. He says the Governor had outraged our feelings, and violated the instructions of the Crown. Surely, sir, members of this house can find other matters for discussion—matters of Provincial and local interest, to occupy their spare time, without stepping beyond the legitimate bounds of decorum, to insult the Representative of Majesty. (Hear.)

They never weary of telling us that, taking the whole Province, they had a majority of 15,000 of the electors in 1859. I have never been able to discover the data on which they based their calculations and from which they deduced these results. For my own satisfaction I have made a calculation, which I will explain to the house. Taking the Census of 1851 as the basis, and giving to the Conservatives all the population in each county represented by them, and to the Liberals all the population in each county represented by Liberals, and where the counties are divided

in representation, dividing the numbers according to the respective parties representing them,—that is, in a county having three representatives and returning one Conservative, I give to the Conservatives one-third of the population of the whole county; and *vice versa*,—I find that at the close of the poll in 1859, without the one-third of Digby, Argyle or Queens—which we had a right to claim—the majority in favor of the present government was over 3000. Upon the same principle of computation, we had, under the rate-paying system, a majority of 1,700. Taking an agricultural basis, the government party represent in this house some 30,000 acres of cultivated land more than their opponents. How they can boast, then, of a majority of the electors in their favor, is entirely beyond my comprehension.

The hon. member for Cumberland told us that they had a right to cut up Colchester, and separate Earltown from the Northern District, because the people had petitioned for it. Sir, I believe it was he that petitioned for that division. I ask him who indited that petition? Was it not himself? I tell him it was; that he prepared it and placed it in the hands of his friend, Mr. Logan, from Tatamagouche, to forward to the people of Earltown for signature. That gentleman, very indiscreetly it must be confessed, boasted to a friend of mine as he went along that he had done so—exhibited it to him, and bragged of what an excellent writer the Provincial Secretary was, and of the short time he took to write it. (Laughter.) How does he dare then, in the face of these facts, to justify that act by stating that the people petitioned for it? That petition was got up, as many are now being initiated and circulated through the country, on false pretences.

I am sorry the hon. member for Sydney is not in his place, but I believe he is somewhere about the building, and wish some of his friends would request him to attend, as I wish to give him something of a castigation, and do not wish to speak of him in his absence. He labored for three hours and a half endeavoring to convict the Chief Justice of perjury, made foul insinuations, and imputed all manner of evil motives to his conduct on the election committee of last year. But, sir, before he closed, he read one short sentence from the letter of Mr. Young to the Colonial Secretary, which gave an emphatic and flat contradiction to his whole argument, dispersed his flimsy sophistries, and established the position of the Chief Justice beyond the shadow of a doubt. What was it? That the hon. Mr. Young acquiesced in opinion, on the occasion referred to, with five of the committee, thus proving conclusively that had Mr. Young so chosen he might have voted against his friend from North Hants, and still that gentleman would have been seated; but, sir, that noble-minded man, perfectly conscious of the right, would not shrink from the responsibility his duty imposed upon him,—hence the virulence and bitterness of the hon. member for

Sydney, who, small in his own mind, cannot bear to see magnanimity evinced by another. He tells us that the member from Hants would have been convicted in a court of law. I ask him if there are not laymen in courts as well as on Committees of the House? Are there no juries formed of laymen? Let me tell him for his information that juries are sometimes judges of law as well as of fact—and that he might, and I think would, have found Mr. Cochran sustained even in a court of law. Again, he enunciated the idea that the present government had lost the confidence of the people, and that they were rising in their might to overthrow the administration. Sir, petitions have been scattered throughout the length and breadth of the land by the thousand, and in some counties, from all I can learn, have been, up to the present time, signed merely or largely by colored persons, and boys of from eight to ten years of age. These petitions, I am well aware, have been manufactured by a few disappointed, hungry politicians, in Halifax, and sent to the country for signatures; and ask His Excellency to dissolve the Parliament, thereby declaring that the House is corrupt. Sir, I wonder at the bold and bare faced effrontery of these men in thus approaching the Lieut. Governor and asking him to condemn the majority of this House, their own sworn committees, himself, and the Duke of Newcastle, for that is what they are virtually doing, when they implore him to dissolve Parliament. I much mistake the qualities of his Excellency's head and heart if he cannot see through this well concocted, but innocuous design to destroy his government, and weaken his own position as a British statesman.

The most amusing part of the hon. member for Sydney's whole speech was that wherein he referred to a certain celebrated jack-knife—the loss of which he seemed to mourn with so much feeling. It is well known that in consequence of his great "parliamentary experience," he was chosen as one of the delegates, and sent home, for the purpose of maturing a Railway project to connect Nova Scotia, New Brunswick and Canada; upon which occasion the hon. gentleman fobbed £375 of the people's money. Yes, sir, he was sent home for a Railroad, and what do you think he brought out? A jackknife! (Laughter.) We had the declaration from his own lips. A pretty dear jackknife costing £375 of the people's money. But what became of the celebrated knife for surely its history will prove interesting? He told us he went to Colchester to assist John J. Marshall in gaining his election, and visited the house of Mr. Johnston, a very corrupt man—whose oath he said would not be taken wherever known for the smallest amount. What took him there to see such a man unless it were for purposes of bribery? He says when he went he had in his possession two umbrellas and a jackknife—when he left the house he did not take them with him; he says I will not say they stole them—then what conclusion can be come to Mr. Speaker,

other than he gave them for a bribe to obtain votes for his friend. He says the day was wet; we may surmise that Johnston said—"I can't go to vote without an umbrella"—and Mrs. Johnston—"I have a long distance to go for water—I would like to have the other umbrella"—"Oh! yes," says the boy, he has a fine jackknife father, I must have that if you vote for Marshall." Oh! yes, yes, says the hon. member, anything you like, only vote for Marshall! (Laughter.) And then it was that the hon. gentleman lost his favorite jackknife, which cost the Province £375. (Laughter.)

He tells us that we are about to have a dissolution. I don't believe that he believes that story himself; and why not? If he thought a dissolution was impending long before this we would have had a motion from him for a grant to the 'Arasaig Pier—for I never knew an election about to take place without the hon. gentleman moving and obtaining a grant for that purpose. (Laughter.)

The hon. gentleman copied the example set him by the hon. and learned member for Annapolis of reading his speech. It was painful to see these two men, one of them having 48 years experience at the bar, and the other something over 20, standing up here before the public and reading declamation by the page for a living. Sir, before I would stoop to copy such an example and read declamation by the page against absent men in high position in order to get my bread, I would not hesitate to take my whip in hand and go down and become a negro driver. (Laughter.) I never see these worthies thus engaged but I am reminded of the fable of the ignoble donkey kicking at the dead lion. He said that the revenue laws had been violated. Sir, did I please I could tell the hon. gentleman some stories about the County of Sydney which would not set very well on his stomach—not nearly as well as the ale that he obtained from a certain wrecked vessel—bottled up and sold as a cure for the dyspepsia. (Laughter.) Understanding that he has partaken freely of that beverage for a similar complaint I am glad to find that its effects in his case have proved beneficial—and rejoice that I can recognize in his hale and hearty appearance something like a return to his usual good health. (Laughter.)

The member for Sydney denied that his friend Marshall had stated in Colchester that he had some thousands to assist him in his election, and also said that he had heard Mr. Marshall deny it on nomination day at Truro. The hon. member for Colchester (Mr. Campbell) immediately rose and said that proof positive of his having made that statement was given on nomination day at Truro; Mr. Henry still denied, and said that he (Mr. C.) was not accurate. Now, sir, I undertake to give the facts. I was present and heard Mr. Marshall deny that he had made such a boast; the hon. Attorney General then rose and asked if there were any persons present who heard Mr. Marshall make that boast in

Stewiacke. From 50 to 100 persons rose at once and said they did. One man, and to my knowledge one only, said No! I think his name was Ellis. Mr. Marshall then called for Mr. Rutherford who brought him there to confirm his denial. That gentleman dodged behind the heads of others and kept out of the way, being too honest a man to affirm that which he knew to be untrue. This scene I saw with my own eyes and heard with my ears—and never shall I forget the spectacle presented by John J. Marshall as he stood before the constituency of Colchester attempting to brazen out the conviction, and snapping his fingers in the face of the assembled people. (Hear.)

The hon. gentleman for the clumsiness of his remarks and the wearying tedium of his repetitions, was even more remarkable in his dull and heavy evolutions, and I would only liken him to the revolutions of a large, ungainly, and unsightly log wheel in an old bank mill in my own neighborhood—(laughter)—continually revolving, but exhibiting nothing new nor getting any further ahead. (Laughter.)

The hon. and learned member for Annapolis addressed the House for some six or seven hours on the resolution he proposed—which, as well as his speech, are based on false premises. He has written and spoken on the assumption that there are certain gentlemen here ineligible to sit on these benches as the representatives of the people. Indeed, sir, he says that they have been declared ineligible. This declaration is not worth a rush. Declared ineligible! By whom? A few disappointed politicians, whose ambitious hopes have been thwarted. Sir, these would-be prophetic politicians told the people of this country in the press, and in their stump orations as well as in their minutes of Council, that these men were disqualified to sit here. First, they said the House was bound to prevent them from taking their seats; then the representative of Majesty was to interfere and scatter us to the four winds of heaven. Then the Committees were to unseat our men and leave them once more master of the position—but, failing all this, the Duke of Newcastle was to interpose his authority, and declare this Legislature venal and corrupt. But, sir, these bugbears are all dispersed, and we yet live and count for something in this country. Condemned by the House, condemned by sworn committees, condemned by the representative of Majesty, and condemned by the noble and illustrious Duke who presides over the Colonial Department in the bosom of the British Empire—he yet stands up here, and again vociferates the cry of ineligibility, and declares that the gentlemen on the Government side of the House, are a band of usurpers. (Hear.) Sir, he never rises with that cry on his lips, but he presents himself, to my mind, as a living monument of his own mental imbecility. He labored for half an hour to prove that the Crown power to dissolve Parliament at pleasure; here, sir, for once, I agree with him. I

hold it to be sound British constitutional doctrine, that the Crown has the power and the right to dissolve when it thinks the exigencies of a particular case demands it; the question now is, "Does such an exigency exist at present?" I believe it does not. Will the gentleman show me, in the example of England, an instance where Her Majesty has ever dissolved the Legislature at the request of some disappointed politicians, who have, within and without the walls of Parliament, bruted it abroad that the Crown has been recreant to its duty, and has acted unconstitutionally towards them? Sir, they cannot, in these days of reform, point to the mother country, and show me an illustration of the dog-in-the-manger principle which they are attempting to carry out here; but, Mr. Speaker, while I hold that the Crown has the power to dissolve, I also maintain that it has an equal right to refrain from dissolving when neither the law nor the public interest, in the judgment of the Queen's Representative, demands a dissolution. The power of the Crown should be wielded for the general benefit, and should not be exercised at the solicitations of a disappointed few, nor should the representative of Majesty give heed to petitions got up on ex parte statements. I hold the doctrine that the representative of Majesty in this country is bound to govern according to the well understood wishes of the people, as expressed through their representatives—not through petitions. It is strange, sir, that the hon. and learned member for Annapolis can see only one side of this question—the power to dissolve, without recognizing the power to retain; and yet this is the man who thought he was sufficiently impartial to become a Chief Justice! I agree with him when he tells us that the representative power springs from the people. Now what have the people said of the three men whose power he attempted, by the merest quibble, to destroy? In the three constituencies these gentlemen represent, there are, in round numbers, about 3,600 electors, and their united majorities in 1859, approach 700. Now take Annapolis, a county having about 3,500 electors—any man with a majority of 700 in that county might well boast of standing high with his constituents. And yet the majority of the member for Annapolis, Mr. Speaker, was not 700, but only 17!

They obtained their power from the people, and every man of them, if they had been unseated, would have been returned with largely increased majorities. Now, I ask, What have they done, since their arrival here, that has rendered them amenable to the charge of ineligibility and usurpation? They have assisted in unseating a Government which, during the three years they mismanaged public affairs, spent, in round numbers, £100,000 more than the general revenue of the country yielded. And more, sir, they reduced the road and bridge grant from £42,000 down to £25,000 a-year; and they have assisted in establishing an Administration who, in ten months, have by vigi-

lance and good management increased the receipts in the revenue department over £20,000, and by receipts from other sources and the exercise of a vigilant economy in working the departments, gained and saved something like £10,000 more. This is the mortal offence, and hence the outburst of wrath and the cry of indignity. The hon. member for Annapolis and his friends have, for ten years, been perpetually asserting that they could manage the public business infinitely better than the present Government. They had three years trial, and we have all seen the dreadful result. We did think, sir, that these three years of extravagance and mismanagement would have been enough to satisfy the cravings of their nature. But no—it seems that it will require four years more to satisfy their hungry maw. We are told that it is patriotism which prompts them to struggle for a return to power. Patriotism, indeed! Sir, it is a kind of patriotism that may bulk largely in the filmy eye of the wanton politician, but it is not current in the minds of the people of this country. Go ask yonder yeomanry, who, with uplifted axe, have girdled the majestic oak and laid low the lofty mountain pine and who, by their rigid economy and indomitable perseverance, have subdued the forest and made fertile the plains, filling the meadows with their herds, and covering the mountain side with their flocks. Go ask these men what they think of the patriotism of those who gave £241 to an individual for the keeping of three cows and three horses, for a little over one year—when they can obtain but 40s. per ton for their hay, and 40c. per bushel for their oats. Go ask the stalwart fisherman who goes down to the sea in ships—it may be, in very little ships—tossed upon the crest of the billow, and who, by his skill and perseverance, draws a precarious living from the finny tribes inhabiting the mighty deep, and who, with creaking mast and bending oar plies his way exposed to the peltings of the pitiless storm, to a haven of safety. Approach him as he sits in his little cot, recounting his many hardships and his hair-breadth escapes, and ask him what he thinks of the patriotism which induced these men to give to one foreigner a salary of £1,500, while they could not afford to the fishermen a shilling to make a road to his settlement, or erect a beacon to point out the trackless pathway to his home. I think he would say “your patriotism is not current with us.”

Go ask the merchant who, behind his desk, pores over his ledger by the midnight lamp, and is straining every nerve to meet the demands against him, what he thinks of the patriotism that induced these men to give 70 or £80,000 of extras to foreign contractors, while they were unable to afford a pound to develop the resources of the country.

The leaders of the Opposition have been travelling through the length and breadth of the land, endeavoring to scare up petitions, asking, in effect, that they should be returned to office, and permitted to squander another £100,000! Now, I am prepared to

make a proposition to the hon. gentleman: if they will tell us honestly that they cannot make a living without being fed out of the public chest, I am willing to submit their case to any four judicious minded men, and I do not think they would be willing to give more than £1,000 a year to support them. This would be far preferable to their going down, hat in hand, to Digby, Argyle, and Guysboro', and soliciting charity—asking alms of the people, in the way of petitions, and infinitely preferable to allowing them to put their hands in the public chest, for, sir, when the opportunity is afforded they take too much—instead of a £1,000, they take £100,000. I would wish the hon. member for Annapolis to turn his eyes to the right and to the left, along the benches, and I ask him where are his colleagues and compeers of 1848—echo answers, where! They are all gone; there is not a man by his side who was elected with him in 1848. I ask him, again, to seek his compeers of 1847. Where are they? Not a man, with the exception of the member for Richmond, is to be found beside him. And again I would ask him, where are his friends and supporters of 1851? Not a man elected on that day to sustain him, now sits on these benches. And yet again, I would ask him, where are those elected to support him in 1855? Out of the 22 then elected, but four can be found in the House—all poisoned off by his baneful principles—and I would warn those who now support him, to take heed lest they meet a similar doom, and to make their exit from his presence as soon as they conveniently can.

Sir, the ear of Juggernaut has not been more fatal to the benighted Hindostanee, than have been the political principles of the hon. gentleman to his party. He has labored to prove that he obtained a majority at the polls in 1844. Sir, I tell him he never came back from an election in a position to elect a Speaker. Had he chosen a Speaker in 1844, his majority of one was gone—so much for that period. But, sir, he vaunts that the nine gentlemen who passed over to him in 1857, were all re-elected in 1859. My version of the story differs from his. His 22 passed over to the nine; and I desire that this House and the people of this country should know and understand his position. Of the 22 gentlemen who, in 1857, discarded their long-cherished principles and joined our old allies, but five were returned at the polls in 1859. This, sir, I think, is the true version of the story which the hon. gentleman never wearies of telling; it speaks volumes, and inculcates a truth that future statesmen will understand and value.

They boast of the result of the elections in Cumberland and Victoria—I do not wish to prejudice the case now pending before a committee of this House, but I can only say that I believe the whole investigation to be premature, since by the latest accounts from Victoria, the poll in that county has not yet been closed! How will the hon. member for Annapolis feel, if his friend should be in

seated, after he had gone at the head of a torch-light procession to the Depot, and escorted Campbell into the city, in violation of law.—(Hear, hear.) The hon. member for Cumberland is perpetually pointing to the late election in Cumberland, as something wonderful. I do not envy that gentleman his position. I do not envy the man who represents a constituency which has decided that it was right to give £241 for the support of three cows and three horses a-year; which has decided that it was right to give £1,500 a-year to a foreigner, for no earthly benefit, but to waste the people's money; which has decided that it was right to give foreign contractors £80,000 more than, under their contracts, they were entitled to. Sir, I say again, I envy not the man who represents such a constituency.

But, sir, I do sympathize with the people whose representative has so far forgotten his position and the respect due to his constituency, as to insinuate to his constituency on the floors of Parliament that the Queen's representative had been bribed by the renovation of Government House to commit an unholy and unrighteous act in elevating Mr. Young to the Chief Justiceship. Sir, I was astounded when the base and baseless insinuations fell from his lips. But, sir, I was not more astounded than I was when I learned that the hon. member for Cumberland had recently *crawled* to his Lordship's table and licked the crumbs, as it were, therefrom. Had I been guilty of using such a base insinuation, and again went to his Excellency's table and licked the crumbs thrown to me, I would have thought myself more mean than the meanest Indian dog that treads the forests of Nova Scotia.

The hon. member from Yarmouth, Mr. Killam, told us that he was no partizan but held himself free to act on all occasions independent of party. Why, sir, of all the rigid partizans I have ever known in this or any other country I think the hon. member for Yarmouth is the most rigid. Once he was a great stickler for economy, and parted with his old friends in consequence of his being opposed to the Railway policy in this country, because as he alleged it would prove ruinously burdensome to the Provincial finances. But a few years having elapsed, what do we find? The hon. gentleman ignoring his economic principles, and aiding the late Government in scattering with unexampled profusion the Provincial funds; dealing out extras here and there, hither and thither, to foreign contractors for that very work—and acquiescing in the payment of railway salaries to railway engineers, &c.;—utterly exorbitant;—and not content with this, as if to cap the climax of his inconsistency, he supported the late Government in prosecuting an expensive survey for a Railway to the village of Hantsport and the town of Pictou. (Hear.) And the only mode by which the hon. gentleman can now retrieve his character is by voting for the extension

of the road to Pictou under the scheme of the hon. Provincial Secretary.

The hon. and learned member for Annapolis has repeatedly taunted the Government with weakness, and dared them to test their strength at the polls; it will be within the recollection of hon. gentlemen in this house that on one of these occasions I ventured to take up the glove and retort the challenge back on the hon. and learned gentleman—and I then stated that if he would resign his seat—go down to Annapolis, and face his constituents, that I would also resign my seat and throw myself upon my constituents, and that the ineligibility of members or constitutionality of the Government should be determined by the respective majorities we brought up from the polls; or if he was not satisfied with that offer I would still give him another chance, viz., that if he would resign and present himself before the north district of Colchester for re-election, I was prepared to contest the County of Annapolis—the result of these elections again to be the proof of ineligibility or constitutionality. But, sir, he dare not accept either of these alternatives.—he knew right well that the decision would prove adverse, and he is driven to the petty procedure of getting up one sided petitions to be signed by his beaten, headstrong, rampant political partizans,—calling on his Excellency to dissolve the House. Sir, I tell him now as I told him before that he is not here as the representative of the free and independent yeomanry of the County of Annapolis; he is here the nominee and representative of Moses Shaw, Esquire, by whose personal influence and on whose back he was at the last election carried into this assembly—and that too in violation of our election law, for he admits that one of the polls was closed an hour before the period prescribed by law. I admit the constituency to be a very respectable one, but surely not very numerous, confined as it was to the person of Moses Shaw, Esquire. (Laughter.) The hon. gentleman has dared to speak of bribery in connection with the Colchester election; but, sir, I think he is the last man who should hiss a sentence on that score. Do we not all recollect the affidavit of a Mr. Criss, which was read here under the hon. gentleman's nose. Criss attested to the fact that the hon. gentleman had given to his wife 20s. worth of groceries, and on the day of the election had put into the hands of a Mr. Harris to be afterwards given to him (Criss) if he would vote for the hon. gentleman and his two friends. Mr. Criss complained that Mr. Harris, the hon. member's agent, had played him false, and had only given him \$3 instead of \$4. How did the learned member meet that affidavit? By making a virtue of necessity, and frankly admitting that he found Mrs. Criss unwell and had given the groceries;—as to the money he could not give a very satisfactory explanation. This, I think, is a fair set off to the bribery story of the hon. and learned Attorney General.

The hon. gentleman is asking this house to pass a vote of want of confidence in the present

government : for what? Is it because they have given something like \$15,000 over and above the usual appropriation for the road and bridge service? I challenge the hon. gentleman or his friends to vote against the grant and then face their constituents if they dare. He asks them to vote in support of a party who paid away some £30,000 railway extras, and against an administration that is giving some \$15,000 extra to support and benefit their own people, and improve their roads and bridges. Sir, I will watch with curious anxiety the decision on this part of the budget. He has not hesitated to affirm that the Minutes of Council of the present government are mere stump orations: I ask, sir, what his minutes of Council and official letters were? A combination of misrepresentations and hustings speeches, comprising the most gross perversions of truth, and calculated to mislead the persons to whom they were addressed; a more unfounded libel on this people was never perpetrated, than some the statements which came from the pen of the hon. gentleman in his official correspondence of last year; and; sir, I do not hesitate for a moment to say that this electioneering speech of Dr. Tupper which the hon. gentleman had the bad taste to send home to the Colonial Office, to be returned here and published at the expense of the people of this country, should not be permitted to go on the journals of the house. Sir, I fearlessly assert that upon that point alone, I should have no hesitation in contesting the member for Cumberland's own county with him, and I will never consent that my constituency should be taxed that Dr. Tupper's speech may be published in the journals.

The member for Annapolis says that his representation bill of 1859 was based on sound and equitable principles, and that he had no other object in view but to pass such a measure as would do equal justice to all parts of the country. I should like to know how he dare to make that statement in my presence. Sir, I could read to the hon. gentleman the history of that measure. The member for Argyle would not allow the hon. gentleman to touch with irreverent hands his snug little preserve in that township; nor would the hon. member for Queens, then a member of the government, permit him to interfere with his county—stating that as then constituted two seats were secure. But, Mr. Speaker, how was it with Kings? "Cut the county as I wish," said the hon. member from Kings, (Mr. Bill,) "and I will bring you four supporters to the government"—(hear.) Another hon. gentleman interfered, and an altercation ensued. I warn you, said the latter gentleman, to leave Kings as it is, or you will make the matter worse. It was then that the hon. member for Annapolis, growing irate, pushed his glasses upon his forehead, and said—Now, let Mr. — make a representation bill. Let the hon. gentleman deny this if he dares, and I will be prepared to give him some further disclosures respecting his measure that will neither add to its or his dignity. How was it in Colches-

ter? It became necessary, by some means, if possible, to get rid of my hon. and learned friend the Atty. General. Hence the cutting and carving of that fine old county. My hon. friend was to be sacrificed at all hazards; and I have no hesitation in saying that a more base act of ingratitude was never perpetrated by any man or body of men. When the hon. member for Annapolis and his government were in a helpless condition, and could not effect an arrangement with the Mining Association without the assistance of some gentlemen from this side of the house my hon. friend, at the peril of his own political reputation, lent his ability and assisted them out of the dilemma in which they were placed. After all this, when their purpose and ends were gained, they turned upon him and attempted to destroy his position by cutting his constituency from under his feet; and not content with that they must needs send their late Financial Secretary into that county to contest the seat of my hon. friend last winter,—when every machination, no matter how disgraceful, was resorted to, and the appliances of Water-street and Co. freely used, to ensure his rejection. But, sir, we have had a little satisfaction in return for all this annoyance; for, sir, it was in Colchester—the scene of their iniquitous proceedings, perpetrated for the purpose of retaining and regaining power—that the hon. and learned Chief Justice took his seat for the first time on the bench as a judge; and it was there, sir, that the hon. and learned member for Annapolis was compelled to humble himself before the court, and say: "My Lord," and "Please your Lordship!" (Laughter.) Nor is the member for Annapolis content to bury the hatchet, now that Mr. Young has been elevated to a position far above the reach of his attack. He follows the Chief Justice to his seat on the bench, and does not scruple to use his privilege of Parliament—his license of speech—to accuse the highest judicial functionary in the province of the crime of perjury. Sir, I never witnessed a more disgusting scene, than when he—a man of three score and fourteen years of age—having prepared his document—after sleeping over and pondering it well—stood up here, and evinced a degree of malice preposterous unbecoming a barbarian. Yes, this man of 48 years' experience at the bar—also a deacon of a christian church—wishing to stab men in high position, and fearful to trust his tongue to the extempore delivery of his woful production, lest he might violate the rules of parliament, and subject himself to the power of the house, actually rose in his place, and read declamation and foul slander by the page against the representative of majesty and the Chief Justice of this province. Sir, I despise—I loathe—I hate—I abominate this cowardly practice of slandering absent men; it is beneath the dignity of this house, and degrading to the people of this country; and if this system be persisted in, no honest man will be found willing to accept a public position in this country. Sir, I have been his school-

master here before on constitutional points. Let me now for a time constitute myself his monitor, and say to him, that when night has cast her sable mantle around, and he has retired to his rest, let him ponder deeply, on his pillow, of the duty he owes to his God and to his fellow-man, and resolve no longer to tread the dark and thorny maze of persecution, in which nothing can be found for an opponent but the reed, the sponge, and the vinegar. Let him resolve henceforth to follow the golden rule, and "do to others as he would wish others to do to him." And, now, sir, I hope the hon. gentleman will receive this admonition in the same kindly spirit in which it is tendered to him, and that he may improve thereby. Perjury, indeed! Do not the judges in England often differ on points of law? and yet who ever heard of a judge accusing one of his brethren of perjury because he did not agree with him on points of law? And yet this is the style of attack in which the hon. member for Annapolis indulges with respect to the Chief Justice.

He seems to manifest a great anxiety on behalf of the present government, and tells us in trumpet tones of the load they have to bear, and expresses fear that Jonathan McCully, whom he says they have to carry on their back, will break them down,—that Mr. McCully is the feather that will break the camel's back. But, sir, let me tell him that we have witnessed another scene in this country; we have seen the hon. Mr. Johnston bow down at this table and take Mr. Wm. Condon on his back, and struggle on with him for two years. At length, believing himself strong in his own strength, he thought he could take on a hind rider, and in 1859 he stooped and picked up the member for Halifax, with "the bill, the whole bill, and nothing but the bill;" and then having sent his satellites east, west, north and south, away he posts himself for Annapolis; but by the time he arrived there he began to find his burthen rather heavy, and he was compelled to call on his friend, Moses Shaw, to relieve him of the weight. In the meantime the people of Nova Scotia blandly bowed him out of the government.

I was amused, sir, to witness with what holy horror and sanctimonious seeming the hon. member charged some person away down somewhere in Cornwallis with having violated the law of the land and committed a fraud on the revenue. Sir, I can tell him that I have known of a fraud attempted on the revenue in the Custom House in Londonderry, where he himself, the deacon of a Christian church, was by letter of instruction assisting another deacon of another church, to obtain the entry of certain articles of merchandize, liable to ad valorem duty, at a little more than half their value; and I hesitate not to say that the hon. gentleman's instructions induced that poor man to swear to what was not true, and he boasted of acting under the advice of the hon. Mr. Johnston, and that he had paid him \$5 to obtain it; and not only that, but his own son and partner, W. A. Johnston, went to the Receiver

General's Office, and threatened that if the officer at Londonderry did not give up the goods, he would bring an action in the Supreme Court. I wish to know now, sir, with what face that hon. gentleman can charge any man with attempting to defraud the Revenue.

I feel, Mr. Speaker, that I am now addressing you against the dinner hour; I have not yet exhausted my notes, and would only say to gentlemen opposite that whenever they desire to renew the attack they will always find me rough and ready. With these remarks, sir, I shall resume my seat for the present.

The House adjourned at 7 o'clock.

WEDNESDAY, March 13.

House met at 11 o'clock.

A bill to enable Daniel McCallum to obtain letters patent, was read a third time.

Mr. SHAW presented a petition from certain inhabitants of Annapolis county, praying the passage of an act to prevent the destruction of porpoises. He introduced a bill in accordance therewith, to amend cap. 95, Revised Statutes, of the preservation of useful birds and animals.

Mr. BOURNOR presented a petition from Sydney, in favor of taxation for schools. Mr. ROSS presented one from Big Bedeque, against taxation.

HON. ATTORNEY GENERAL, in presenting a petition from Earltown, against the passage of a bill altering a polling district in Colchester, availed himself of the opportunity of correcting a statement he had made on a previous day, as regards the relative majorities in the Northern and Southern Districts of Colchester, in the election of 1858. Instead of their having been in 1858, as stated by him, a majority of 53 only, in the Northern District, he found, on looking over his statements, he was mistaken. There was a much larger preponderance in favor of the North; there were 358 more votes polled in that year, in the Northern, than in the Southern. Since that election was run, the population of the South had increased, from various reasons, and the electors in the South District now, as evidenced by the election of 1859, exceeded those of the North by a very large number. He felt that this explanation was due to gentlemen on both sides of the house.

Dr. TUPPER said, in reference to the petition just presented, that he held in his hand a letter from Mr. George Reading, accounting for the petition not being more numerously signed. It was got up under the idea that the bill of the member for Hauts was intended to affect the County of Colchester, but they had subsequently understood that to be incorrect, and their efforts had been retarded. The hon. gentleman read the letter.

He was glad the hon. Attorney General had made the explanation he had, for it shewed that the two districts had been divided as closely as possible, as regards the number of the electors in each, by the present Representation Bill. He contended that there was no necessity for altering the present division; the discontinuance of railway operations in

the Southern District will lessen its population; while the iron Mines of Londonderry, and the other public works in that part of the County, will attract more population to the North, and make it increase more rapidly than the South.

HON. ATTORNEY GENERAL—When the bill comes before the house, it will be time to enter into the discussion.

The House went into committee of supply.

HON. FINANCIAL SECRETARY, in moving the first resolution, in answer to remarks from the opposite side of the house, disclaimed any intention on the part of the government of favoring certain counties more than others; on the contrary, they had looked at the interests of the whole Province.

As regards the erection of Light Houses, he hinted that no government would treat that subject in a party light. It was proposed to put the sum of \$12,000 at the disposal of the Board of Works for this service. It was the intention to build one at Cape Sable—no one could object to that; situate in the highway of nations, it should have been built long ago. On the other side of the Province, it was the intention to build another Light House in the Bay of Fundy.

Again, in the matter of roads; it cannot be said that the government are actuated by political motives. First, the road from the Strait of Canso to Bedouque; it is said that the County of Inverness belongs to the opposition; it is proposed to spend a large sum of money, not for the benefit of that county alone, but to connect the people of Nova Scotia proper with the Island of Cape Breton. In connection with that, we have the steamer on the Gut of Canso; and although a large sum is put down for that service, it is expected that a large increase will take place in the collection of light duties.

Dr. TUPPER—What is the result of the change of the system this year?

HON. FINANCIAL SECRETARY—There is an increase of light duties of about \$1615 over any previous year.

There was a body of lawless men trading through the Gut, who evaded the Customs duties altogether, and it was hoped by combining the excise and Light services together, that more of these duties would be collected.

As to the steamboat service, it was proposed to connect Halifax with Boston, touching at Yarmouth; and so in the Basin of Minas, a complete system of steam communication would be established. And provision has also been made for connection with steamers traversing the Gulf of St. Lawrence.

It had been said that certain counties had been marked. This he denied. Look at his own county, Eastern Halifax, suffering for want of roads; and yet he had given other counties the preference to wait another year, when he felt assured justice would be done. And so with the counties represented by the hon. Provincial Secretary and the hon. Attorney General. This would shew that the government were actuated by no party motives,

but by a desire to advance the interests of the whole Province.

Mr. PAVOR enquired whether the petition of Mr. Archibald had been under the notice of the government.

HON. FINANCIAL SECRETARY replied that the petition had been before a committee of the house two or three sessions, and had always been reported against, although he thought he had pretty strong claims.

The hon. gentleman then moved the first resolution, granting \$29,680, and explained that the grant included a sum for small contingencies in the Financial Secretary's and Receiver Generals offices—such as books, telegrams, &c., for which no provision is made. He also explained, that under the law, the clerk in the Receiver General's office receives a salary of £200 a year; but by an order of Council, made in 1855, this salary was increased to £250, which he received ever since. The same applied to his own office. It became necessary that these sums should be granted by law; and that would explain the seeming increase in these salaries.

Mr. HARRINGTON would not allow this resolution to pass without expressing his conviction, that the government having got the initiation of money votes into their own hands, having usurped the control of the purse strings, had divided the public monies amongst their own supporters. He complained that the fisheries, the great source of wealth and revenue to the Province, had received no consideration whatever; while, as regards the road money, they were yet in ignorance as to how much each county was to receive.

HON. Mr. HOWE believed that the sub-division would be the same as before.

Mr. HARRINGTON then pointed out what he considered the unfair distribution of the road grant, and contended that some counties had been favored more than others. He complained that aid had been withheld from an important road connected with a coal mine in his county, in consequence of the opposition of a supporter of the Government, who was interested in other mines. He thought the sooner the present system of initiation of money votes was broken up the better. There was one vote in the estimates which he had always opposed, and that was the grant to the Governor's private secretary. He considered it nothing more than an addition to the Governor's salary.

Mr. A. CAMPBELL denied having opposed the grant to the road alluded to; on the contrary, he was deeply interested in it.

After some further explanation on this subject,

Mr. KILLAM said, on running his eye over the public accounts, he found that the expenses of 1859 exceeded the income by about £9,400. He thought that before any money was granted, the Government should bring down a fair statement of the real financial position of the province, which everybody could understand.

HON. PROV. SECRETARY said the accounts

were prepared in the same way they had always been. Suppose at the end of the year a deficiency existed, he took it for granted the country was in a position to borrow a few thousand pounds on the credit of the next year.

After some further remarks, the committee adjourned; and the house also, until half-past two o'clock.

The House having re-assembled at three o'clock, the estimates were again taken up in committee, and caused a good deal of discussion.

Mr. HENRY did not consider the estimate arranged in that lucid, satisfactory manner that should be expected; it gave no definite information in many essential particulars. There should be some more detailed statement to guide the House in its expenditure.

Dr. TUPPER referred to Mr. Killam's skill as a financier, and the statement he had made respecting the accounts. Railway accounts, he said, were so mixed up with the ordinary revenue, that it was difficult to separate them. He looked with suspicion upon the grant proposed to the steamer between Halifax and Boston.

Mr. H. McDONALD did not feel disposed to vote for one penny appropriation until the estimates were sent in, showing clearly the receipts and expenditures, so that the House might be guided in its appropriations. He said when an experienced hand like Mr. Killam could not clearly understand the accounts under the present system, how was it to be expected that young, inexperienced members on either side, could.

Mr. LONGLEY seconded and supported the resolution, and stated that he could not believe the figures of the Atty. General.

Mr. HOWE remarked that Mr. Killam had been Chairman of Public Accounts for years; the same system prevails now as before, and yet he (Mr. K.) never suggested any change. If any better mode can be adopted, he will heartily assist in carrying it out.

Hon. ATTORNEY GENERAL, in reply to Mr. Longley and other members, stated that gentlemen could as easily ascertain the position of the Government as their own. If we can show that all our debts have been paid and means left to meet this year's claims, that should be considered satisfactory. The estimate, he said, was clear. If, at the end of the year, our liabilities were \$111,000, assets to the extent of \$126,000 were certain, viz., there were \$44,000 in the Treasury. Due from Coal Mines, \$26,066. Collectors, \$38,287, besides sums due from New Brunswick, Canada, and P. E. Island. These various sums will meet all liabilities, and leave \$15,000 to meet interest on Debentures.

Mr. TOBIN said he held in his hand the work annually published in Canada, which exhibited the whole of the expenditure for the year. It was only for the Government to adopt a similar plan of showing every item for which money was to be granted.

Hon. PROV. SEC. stated that Canada had had the initiation of money votes in practice

for some years, and had perfected the whole system.

After some further desultory debate, a number of the usual public grants passed.

After the committee had adjourned, on motion of the hon. Atty. Gen., the following committee on road damages was appointed: Messrs. Harrington, Ross, Colin Campbell, and Donkin.

Then the House adjourned until 11 o'clock the next day.

THURSDAY, March 14.

MORNING SESSION.

House met at 11 o'clock.

Mr. MARTELL introduced a bill to naturalize certain aliens.

Mr. JAMES McDONALD introduced a bill to authorize a stipendiary magistrate in the town of Pictou.

Mr. SHANNON introduced a bill to amend chapter 137 Revised Statutes relating to insolvent debtors.

Mr. A. CAMPBELL asked leave to introduce a bill in addition to cap. 157 Revised Statutes of offences against religion. The main object of the bill is to give greater facilities for the punishment of persons breaking the Sabbath—especially Fishermen casting their nets on that day.

A long discussion ensued, and the general opinion appeared to be that there was already sufficient law on the statute book if properly carried out. The bill, however, was read a first time.

The Statute Law and the Bribery bill were ordered to be printed.

Hon. Mr. JOHNSTON asked the government to lay on the table a copy of Mr. Cameron's contract.

Mr. GRANT asked the Government to bring down a statement of the road masters' returns on the railway for the years 1859 and 1860.

Hon. Mr. LOCKE, chairman of the Committee on the Fisheries reported against a bill introduced by Mr. Bourinot, to extend the operation of cap. 85 Revised Statutes of the River Fisheries.

Mr. BOURINOT had brought it in at the recommendation of the Grand Jury for the County of Cape Breton.

After some discussion Mr. Bourinot moved that the report be not received—which was lost by 18 to 23. Notice to rescind was given. The House went into committee on bills, and passed a bill relating to streets in the city of Halifax. It was recommended that a bill imposing a tax on dogs be referred to a select committee.

The committee adjourned—the House resumed.

The following committee was appointed on the dog tax bill—Messrs. Bourinot, Brown, Chipman, Henry and McFarlane.

House adjourned until 3 o'clock.

AFTERNOON SESSION.

The House met at 3 o'clock. The resolutions passed in committee of supply were taken up.

Mr. BOURNOR said—Mr. Speaker, I have looked over this estimate not for the purpose of finding fault but rather with the intention to see whether justice has been done to that important section of the Island of Cape Breton which I have the honor of representing in this House. It will be in the recollection of many that when the system of the initiation of money votes by a government was brought up here last session, I was among the first to raise my voice against it, for I disapproved of giving such enlarged powers, as it would necessarily give, to any administration. The measure, however, passed, and we are already beginning to see some of the effects of this system. Certainly I think when the financial statement is brought before us that the least we had a right to expect was that we would be given a full detailed statement of the expenditures.

With regard to the division of monies among the several counties, the hon. Financial Secretary says he will do justice to those counties which have been overlooked this year. Now looking at the hopes he held out last year, I have every reason to doubt that the promises he makes to-day will be actually carried out. I know that three hundred pounds was taken from the three Railway Counties last year, and divided among four other Counties; and at the time I remonstrated strongly against the manner in which this division was made, the County of Cape Breton being entirely overlooked. I stated also that the hon. Prov Secretary had promised justice would be done to her;—but we have seen no results ensue from these promises this year. And, sir, let us look for a moment to the claims Cape Breton has upon this House. What special extra grants have ever been given to her? Not one. Possessing a population of 20,000 inhabitants, with extensive roads and innumerable bridges in every section, she has been set aside this year without a special grant of any kind. Last year, to keep our roads and bridges in repair we had to borrow money; and this must be paid from the small sum that is now set apart for us. I will illustrate the subject by stating that there are three large bridges within ten miles of each other, which have to be built in a year or two, and which will ensure an expense of about £1200. Now let me ask how it is possible to build these with the scanty amount at our disposal. For several years past, it has been the desire of numerous mariners that a lighthouse should be built on the west side of Scaterie. It was indeed recommended by committees of this house years ago, and a memorial was presented this year by myself, signed by most respectable ship owners and others interested in trade. That application was made under the present system, to the Financial Secretary, and I need hardly mention it has been entirely overlooked. I consider that this lighthouse has as much claim upon their attention as those the gentlemen opposite have determined to build immediately. Among the extra grants for the roads and bridges I see a sum given for a road from

the Acadia Mines in the County of Colchester, \$600. Now I presented a petition from a Mr. Archbold, of Sydney, asking assistance to build a harbor at Glace Bay, where he carries on a coal mine. Such would be not only an advantage to himself but to the whole country around. The coal fields in this vicinity are among the most extensive and valuable in the Province; and if money had been given for the purpose I have mentioned it would have conferred a benefit on the whole Province. Quite sure am I that Mr. Archbold had as great claim to consideration as those who work the Acadia mines; but for all it was passed by. I do not wish to condemn that vote; I merely wish to show that whilst grants have been given to other parts of the Province, it is very remarkable that Cape Breton has been for one series of years left over invariably. When we look at this county with its great resources, and its small grants compared with other portions of Nova Scotia, we cannot but reflect that due justice has not been done to her. When I look under the head of Navigation Securities I find that the extraordinary votes amount to \$4835, and \$14,100 special grants for roads and bridges, but not one penny has been set apart for that part of the Island. If Cape Breton had received some special sum to develop its resources, to improve its roads and bridges, or harbors I would not have to complain; but strange to say it has never had any justice done her by any government, either past or present.

I look again under the head of school monies, and see how unequal is the grant. Gentlemen may say we have given you the same amount as we have been in the habit of giving for past years; but that does not justify the smallness of the vote for the present year, under the new system too, and by a government which assumes to be liberal. The County of Cape Breton had in 1851 a population of 18,700; and the grant set apart is \$2929. Now I look further down the list and see Lunenburg with a smaller population, say 15,500, has a grant of one hundred dollars more. I call your attention to this to show there is a distinction drawn between the two counties, and I am exceedingly desirous of knowing the reason of this. So the County of Inverness which has less population and wealth, and whose resources are certainly not to be compared to those of Cape Breton, gets actually \$600 more. Who then can deny that injustice is done?

My hon. friend from the County of Richmond (Mr. Harrington) said he would defer until another occasion the subject of the St. Peter's Canal. I will not defer it. I say this should form a part of this estimate; a sufficiently liberal sum for its completion should in my opinion be there. That work is an old standing promise; it is one by which hon. gentlemen on the other side obtained certain support for the construction of the railway. Though an attempt has been made here to deny that; it is, however, a statement which is known to be true by every one who is

acquainted with the history of that stupendous folly.

With reference to the subject of compulsory prepayment of postage which has been brought up in this debate I may say at this time that I hope it will be adopted; for I am confident it will be more convenient and conduce to the increase of the revenue. I may also state that I cannot see how it is to be expected that gentlemen are going to vote away \$70,000 in one lump for postal services without having some definite information on the subject, and so it is with other items in the estimate, which are vague and undefined.

In conclusion, Mr. Speaker, I trust that before this estimate is adopted, it will be considered that it does not deal fairly with all, but that the Government have considered their interests as individuals and as a body more than the substantial interests of this Province—and that party considerations are considered by them paramount to all.

Hon. Mr. JOHNSTON moved the following amendment:

Resolved, That it is the duty of the Government, before proceeding to provide for the expenditure of the present year, to lay on the table of the House a clear and intelligible statement of the Provincial revenue and expenditure for the past year, showing whether the revenue was equal to, or fell short of, the expenditure, and the exact balance between them, which has not been done; and that, therefore, the report be referred back to the committee, that the Government may make and exhibit such a statement before the supplies are finally decided on."

On a division, this amendment was lost by 25 yeas to 29 nays.

The hon. gentleman then moved the following amendments, which were severally lost by the same division:

Resolved, That it would be unjust in this House to increase the annual appropriation for the Financial Secretary's Office and other similar services, as propounded by the Government and reported from the committee, after having concurred in large reductions in the salaries of important subordinate officers—and that therefore the report be referred back to the committee, for the purpose of reducing such appropriation to the amount of last year."

Resolved, That it would be unwise for this House to vote a gross sum for unforeseen expenditures, and thus relieve the Government from the proper responsibility they are now under in making any advances for the public services; and that therefore the report be referred back, for the purpose of being modified accordingly."

Resolved, That before asking the House to provide a specific sum for the gross expenses of the Crown Land Office and other services, the Government ought to submit to the House a general statement of the mode in which amounts are to be subdivided; and that therefore the report be referred back to the committee, for that purpose."

The resolutions reported from committee, then passed.

Mr. PRYOR introduced a bill entitled An Act Incorporating the Nova Scotia Marine Insurance Company. He stated that the purpose of the bill was to allow the Company to hold real estate beyond the amount limited by law.

Mr. ESSON presented the petition of certain boot and shoe manufacturers in the city of Halifax, praying a revision of the tariff relative to leather; also a petition in favor of taxation for the support of schools.

Mr. HENRY brought in a bill to amend the act respecting assessments in the County of Halifax. It was intended to remove from mortgages the double assessments.

Hon. FIN. SECRETARY introduced a bill entitled "An Act to provide certain sums for the civil service of the Government of this Province."

Hon. PROV. SECRETARY laid on the table certain correspondence respecting the Exhibition of 1862.

The House then adjourned until 3 o'clock the next day.

FRIDAY, March 16.

House met at three o'clock.

Mr. HENRY enquired of the Chairman of the Committee on the Guysborough petition, whether they had come to any conclusion as to sending for witnesses.

Hon. Mr. HOWE thought it unwise to put such a question until the committee had reported.

Mr. McFARLANE intended, as a member of that committee, to have brought the subject before the House; there was a difference of opinion as to the power of the committee to send for witnesses. He and the member for Annapolis, forming the minority, being anxious that ample facility should be given for investigation, thought that the committee had power to issue subpoenas, and the expenses incurred would be for the consideration of the committee; but the majority of the committee refused to issue subpoenas, unless the parties applying would be answerable for expenses.

Hon. SPEAKER.—Unless there is some motion before the House, this discussion cannot continue.

Mr. HENRY moved that the Revising Committee be requested to appoint another committee in this case.

Mr. MORRISON never heard of such a thing as that when the House had appointed a committee, because somebody was dissatisfied he comes in and moves for a new committee.

Mr. LONGLEY was astonished at the action of the committee that morning. The Counsel for petitioners had asked for authority to send for three witnesses. The chairman refused, confessing, at the same time, that he had power to do so. What could be more reasonable than the offer that, if the petitioners failed to substantiate the charges, they should bear the expense? And yet the

friends of the party implicated in the most serious charge that could be brought against a member of this House, refuse to take the first step towards investigation.

Hon. Mr. HOWE would be sorry if any impropriety occurred. He knew nothing of the matter, but thought it should be settled by the committee. He doubted the propriety of sending for witnesses to Guysborough, at the public expense.

Mr. BLANCHARD would not allow statements to be made not in accordance with the facts. The facts are these: we were asked to send for three witnesses, without any explanation being given, and without the counsel for petitioner having opened his case, or stated what he intended to prove. I look upon this committee as different from an Election Committee, where the law provides for issuing of subpoenas and the payment of the expenses.

I thought it necessary, before I granted subpoenas, that some reason should be shown why it was necessary to send for them at the public expense. This was not done; and, therefore, I refused to grant subpoenas unless the parties applying agreed to be answerable for their expense. If this House thinks fit to order me to do so, I am content.

Mr. LONGLEY.—It is in vain to mystify the matter. The proposal was made to send for three witnesses only; if they failed to substantiate the charges, why then, of course, the petitioners would have to bear the expense.

Mr. McFARLANE.—It must also be borne in mind that two of these witnesses are hostile, and will not come up unless compelled, and unless their expenses are guaranteed.

Mr. S. CAMPBELL.—Do you mean to say that the first name on the petition is a hostile witness?

Mr. McFARLANE.—Perhaps he is not; but one of the persons sought to be subpoenaed is a particular friend of the hon. member for Guysboro'.

Mr. S. CAMPBELL.—You said the three witnesses were hostile.

Mr. McFARLANE.—I deny that.

Mr. WADE rose to order, and enquired of the Speaker whether, according to Parliamentary rules, the member for Guysboro', whose conduct was the subject of debate, had a right to remain in his seat and take part in the discussion?

Mr. S. CAMPBELL.—This is not a matter touching myself personally. It is a question as to whether a committee should be discharged, and I have as much right to speak as any other member.

After some further discussion,

The SPEAKER decided that, as the question before the House affected the conduct of the committee and not the member for Guysboro', he had a right to speak.

The debate then proceeded.

Dr. TUPPER said that he had before urged that the majority of the committee on public accounts should be composed of members of the Opposition. So, he thought, committees to try charges against members of the House

should be composed,—and he instanced the manly conduct of the Provincial Secretary, who, when he was once charged before the House, insisted that the committee to try the charge should be selected from his opponents. The rules of order in cases like the one before the House should not be too rigidly drawn.

Mr. Howe said that the committee had not been improved by leaving too such good-humored gentlemen as the member for Cumberland and himself off. He thought the Committee had better go out again, attend to their duty, and the house proceed to the order of the day.

Hon. Mr. JOHNSTON contended that the petitioners having brought the charges to the notice of the House, that their duty ended there, until they were called by the Committee.

Hon. PROV. SECRETARY said it was the duty of Mr. Marshall and the other witness to have come to the House, and prepare to make good their charges. His belief was that those charges could not be sustained, or Mr. Marshall would have been present.

Mr. COFFIN took a similar view—and intimated that the man who would prefer such accusations against a member and not appear to prove them, deserved to be punished himself.

Mr. C. J. CAMPBELL said in all Counties there were plenty of persons who could at any time get up petitions against members. The charges against the member for Guysboro, he had heard on his way up to the House, and when he arrived and saw the Speaker out of the chair, he thought there was something in what he had heard. The hon. member went on to say that if he had made a charge against any member, he would have been ready to defend what he had said, and he thought in this case the witnesses should have been there; and if he had been on the committee when it opened and not found the witnesses there, he would have quashed the whole affair.

After a good deal of further debate (gentlemen of the opposition contending that the step taken by the committee would lead to the belief that there was a wish to stifle investigation; which was denied by gentlemen on the opposite side) the subject dropped, and the House adjourned at a few minutes after seven.

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SATURDAY, March 16.

House met at 3 o'clock.

Several bills were read a second time.

Mr. CHIPMAN presented a petition from Cornwallis in favor of taxation for schools.

Mr. HUGH McDONALD presented a petition from the inhabitants of Ship Harbor, praying that the steamer which run on the Gut of Canso may touch at that place.

Mr. MARTELL laid on the table a return from the Arichat Academy.

Mr. HARRINGTON presented a petition from inhabitants of Grand River against taxation for schools.

Mr. CHAMBERS introduced a bill to provide for the rebuilding of the bridge over the St. Croix river.

The bill relating to streets in the city of Halifax was a third time—and the Bribery bill was read a second time.

The House went into committee on bills. A bill to amend the new practice act was taken up.

Mr. WADE, the introducer of the bill explained that the main object of the bill was to enable Prothonotaries in the country in the absence of a Judge to enter up judgments, and tax costs in cases of default—thus saving the expense and delay of sending to Halifax. After a long discussion, a motion to strike out this clause was lost—the clause passed.

The bill then passed.

The bill relative to the Bethel at North Sydney was then passed; after which the Bribery bill was taken up and a number of clauses passed.

The committee having risen at 7 o'clock, the house adjourned.

(The Reporters have been obliged to abridge several days proceedings, in order to ensure speedy publication of all the lengthy speeches on the despatches.)

MONDAY, March 18.

House met at 3 o'clock.

Mr. S. CAMPBELL had, on a previous day, introduced a bill relating to the district of St. Mary's. He now presented a petition from magistrates and others in the county of Guysboro, praying the passage of an act by which the district of St. Mary's would be relieved from certain taxes.

HON. ATTY. GENERAL introduced a bill to amend chap. 136 Rev. Stat., of Juries; also, a bill to amend chap 131 Rev. Stat., of the jurisdiction of Justices of the Peace.

Dr. TUPPER asked the leader of the government to lay on the table the original return made by Mr. Taylor to the Chairman of the Railway Board, shewing the comparative receipts on the railway in the month of November, in the years 1859 and 1860. He had previously called attention to the mode in which that return had been published in the *Gazette*, and had then charged Mr. McCully with cooking the figures so as to deceive the public. He subsequently had asked permission from the government to visit the railway office at Richmond and examine the books, which was granted under such conditions as compelled him to refuse.

The railway committee had that morning visited Richmond for another purpose, and having obtained the permission of Mr. Howe and Mr. McCully, in their presence he examined the letter book of Mr. Taylor, and found that he was entirely borne out in the statements he had made. He found Mr. Taylor's return to be honest and fair. Before that return was sent in Mr. T. received a letter from Mr. McCully directing him to alter the system, and make his return in calendar instead of

lunar months, as heretofore. That was done, and including the five days of each year to the month, Mr. Taylor's comparative statements between the month of November in the years 1859 and 1860, shewed a deficiency in the latter year of over \$350. Mr. McCully, however, suppressed the corresponding extra days in Nov., 1859 and then declared in the *Royal Gazette* a balance in favor of November, 1861 of more than \$1800; while Mr. Taylor's return shows that, if the five days had been included as they ought to have been, and as they were in the original return, there would have been a deficiency of more than \$350.

Hon. Mr. HOWE would bring down the papers with pleasure. He did not draw the same inference from Mr. Taylor's return as the member for Cumberland did. A new system of keeping the accounts had been contemplated. Of course it had to be introduced some time, and perhaps it would have been better to have left the old one alone until the end of the year. One thing, however, he was glad to be able to state—on asking Mr. Taylor whether, in making his final annual return, everything had been put in which was necessary to shew a fair, honest comparison between the two years, he said it had,—so that if one month did not exactly contrast with another, it was a small matter compared with the general returns of the whole year.

Dr. TUPPER enquired whether Mr. McCully could give any reason for taking that sum of \$2167 out of the comparative statement; it was not necessary for the introduction of the new system. He could have had no other object than to mislead the people.

Hon. Mr. HOWE was aware that the hon. member took that view which he thought was a most unfair and ungenerous one, altho' he frankly admitted that it was one that anybody disposed to take an unfavorable view of Mr. McCully's conduct would naturally take. The matter, however, would be investigated by the railway committee.

ADJOURNED DEBATE—*Speech of Mr. S. Campbell.*

Mr. STEWART CAMPBELL said—Mr. Speaker, the adjourned debate having been now resumed, I avail myself of the present opportunity to make a few remarks in connection with the question before the house.

I may say at the outset, that I regret that the course of this debate has been so frequently interrupted, and that the ideas which in the full tide of a continuous discussion one naturally gathers, cannot in the present instance be made available.

I do not intend to follow the leader of the opposition through all the minutiae and details of his very elaborate, and, I may say, able address, but I purpose rather to deal with the general scope and character of his remarks; I trust, therefore, that if, in the course of the observations to which I have now to ask the attention of the house, I omit to mention any important portion of his speech, he will not suppose it is because it cannot be answered, but rather because this debate has already drawn too largely upon the time that might

have been more advantageously employed in other business, and because the topics to which I may not refer, will come more conveniently under the review of other gentlemen on this side of the house. And now, sir, I will betake me to the duty which I have assigned to myself, and which I am about to discharge—standing, as it were, in front of the constituency I have the honor to represent, and whose opinions, and even whose feelings, I am here to express and to reflect.

Mr. Speaker, I shall not revert at any length to that memorable transaction of the first day of the session, in which the hon. and learned member for Annapolis, and myself, bore a part. I shall not say a single word to bring into undue prominence the individual who now addresses you. But I cannot resist the expression of the thought, that the bitter remorse which must have aroused and awakened the conscience of the hon. and learned member in connection with that flagrant degradation of every attribute of charity, ought from thenceforth to have induced him to pause in his onward course of vengeance and detraction. But, sir, it was not so to be. Bad, wicked, sinful as such assault was, his poison-bag was not emptied. It was still the storehouse of the garnered memories of blighted hopes and irrecoverable position. The unlimited indulgence of unrestrained and unrestrainable invective, would to some extent appease the anguish of the past. He could not be content with the humble quarry which myself presented. More abundant and nobler game were in the field. His weapon is at hand, and if mourn he must, over the failures and mortifications of the past, he will at least revel in the consolatory joy, that his Ishmaelitic hand shall not grow sluggish in its cunning, or fail to wound where it must fail to destroy. Hence, sir, the exhibition which he made of himself the other day, in the introduction of his resolutions; hence his unslacked thirst—his ardent desire for greater pre-eminence in vituperation and vilification, than even his learned friend beside him; hence the out-heroding Herod, which he personified when his jaundiced vision swept the horizon of our political history, and he dealt with the events which have marked its progress since the last general appeal to the people of Nova Scotia. Sir, when I heard the speech of the hon. and learned member on the introduction of his resolutions, my imagination turned, but it was but for a moment, to the mighty *Ætna*, and the lava tide which streamed upon its breast. I thought of the desolation which the surrounding plains presented; I thought of the hearts and the homes whose happiness had been blasted by its overwhelming and relentless and devastating fires. But soon I stilled that thought—I had done *Ætna* if not Heaven wrong. And then the speech of the hon. and learned member begat another idea. My imagination took another range; it travelled to another section of the globe—it took me to the land where

I thought, sir, of a denizen of that land—of that ferocious human, the murderous Malay, whose small or great affronts are at once magnified, vindicated, and resented by his uncivilized, unchristian, untameable and unchangeable temperament. I thought of the fiend in human form who madly rushes forth with “creese” in hand upon the crowded thoroughfare savagely delighting to run a *muck* wherever the best breasts are to be found to yield their life blood to his assaults. And, sir, when this second thought beamed upon my mind, I felt indeed that second thoughts were best, and that I had in that degraded specimen of humanity an illustration—nay, a very picture of the hon. and learned member for Annapolis which would do no discredit to the highest attainments in photography; and that the speech he delivered might well be assimilated to that merciless and man-slaying avocation in which the Malay in his savage nature and untutored state delights so wantonly to indulge. Sir, am I not justified in instituting this comparison? We shall presently see. What are the facts? I shall no longer deal with imaginary things,—the hon. and learned member is before us.

He has, for some months past, been nursing his wrath to keep it warm—he has just rushed forth—his victims crowd his path. You have heard his speech. Let us see who have been the objects of his attack—let us count them if we can; the list is a long one, but you shall have it. Sir, he attacks the Grand and Petit Juries of the County,—he attacks the Juries of this country,—he attacks the Election Committees of this House,—he attacks the majority of this House,—he attacks the Attorney-General of this Province,—he attacks the Chief-Justice of this Province,—he attacks the members of the Executive Council, individually and collectively,—he attacks the Representative of Her Majesty in this Province,—he attacks the Colonial Secretary,—and, sir, he only stops short of attacking the Crown of these realms, not, as we know, from any feelings of loyalty or love to anybody, but from prudential motives—from fear as regards himself.

Mr. Speaker, I ask you,—I appeal to this House and to the people of this country,—must there not be something wrong in the personal and political idiosyncrasy of the hon. and learned member? and can it be supposed that any considerable section of the population of this Province is so besotted and so blind as to accept as their constitutional guide and as the exponent of their wishes and interests, so wanton and ruthless a violator of the ordinary laws of decency and propriety, of public and private virtue! Sir, I can not believe it.

But, sir, let me observe with some particularity, the right the hon. and learned member has assumed—that of abusing his privilege here, and becoming the calumniator of all classes and condition of men. Let me analyze and test his moral principle; let me search for his integrity as a public man; let me enquire into his legal ability; let me try

out his merits as an adviser of the Crown, and as the leader of a party and a Government. These qualities and positions, it seems, are not and ought not to be the possessions and privileges of the gentlemen on this side of the House—they are the exclusive property of the hon. and learned gentleman and his friends. Sir, we shall see by the time I have done, or I am much mistaken, the iniquity of this arrogant monopoly; we shall see how fearfully it has been abused in the hands of himself and his party; and, sir, I trust that beyond these walls, and by the masses of this Province, a lesson will be learnt that the restoration of such a leader and such a party to power in this country, is not a consummation so devoutly to be wished.

Sir, the hon. and learned member, for three years ending February 1860, was a member of the Executive Council, and Attorney General of this Province. Let us see what the oath is, that is required to be taken by such functionaries. On application in the proper quarter, I have been favored with a copy of that oath, and I will now read it for the information of the house, and that of the country :

“I, A. B., being chosen and admitted of Her Majesty’s Executive Council in the Province of Nova Scotia, do swear that I will, to the best of my judgment, at all times when thereunto required, freely give my counsel and advice to the Governor, Lieutenant Governor, or officer administering the Government for the time being, for the good management of the public affairs of the Province; that I will not, directly or indirectly, reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor.”

Mr. Speaker, I presume, in fact I assert, that this oath was administered to, and subscribed by the hon. and learned member for Annapolis, when he assumed the duties of the offices to which I have referred. When he reached so elevated a position, there were resting on him, as the occupant of it, obligations of the most responsible and imperative character. Our common experience will testify that every oath taken in courts of law in the ordinary administration of justice, is considered by the most humble recipient, as involving the gravest responsibility. It imposes a duty of the most sacred character. But, sir, if what I may characterize as an inferior obligation to do what is right between man and man, is regarded, and properly regarded, in the light which I have mentioned, with how much more sacred reverence, and more profound awe, ought that superior oath which I have exhibited, to be regarded and respected, when the circle of responsibility became enlarged, and the affairs to be dealt with under that obligation cover the surface of a country, and embrace the interests of a people? Oh! sir, it strikes me that he who ventures to assume such responsibilities and such duties under such an oath, ought to be correspondingly anxious, nay, solicitous in the extreme,

that no imputation of the slightest shade of turpitude should in any such connection be found to tarnish his integrity or his reputation. I am not at all partial, Mr. Speaker, to the habit of using harsh terms, or applying opprobrious epithets to any man while in the discharge of my public duties. I am most unwilling to imitate the very bad example in that respect so frequently observable in this house. And if I am ever forced to do so, it is with unfeigned reluctance. I do not feel inclined to use that foul term “perjury;”—it is an odious crime—it is an odious expression. But, sir, I am bound, in connection with the subjects I am now discussing, to say, that I would be well warranted in charging every thing which would bring the conduct of the hon. and learned member for Annapolis within the scope and definition of that grave offence which he himself has not hesitated in the most unmeasured terms to hurl at his opponents.

It is now my intention, Mr. Speaker, to make some reference to the contents of the Journals of 1860, and to offer a few comments on certain documents which appear in the appendix to that volume; and, sir, I feel the more at liberty to take this course, inasmuch as when the subjects there disclosed, were discussed in the house at its last session, I occupied a position which debarred me from taking any part in those interesting debates. I beg, now, sir, to read some extracts from a communication of the hon. and learned member for Annapolis to the head of the government, under date 9th June, 1859, a date at which the house will see the hon. and learned member was in every condition to deal with His Excellency fully and fairly :

“As it may be interesting to Your Excellency to know the general results of the late election, I beg leave to notice some of the particulars.

“Twenty-six of the members returned are known supporters of the Government.”

Sir, had the hon. and learned member not written another knee, or spoken another word than are supplied by this extract, we have his condemnation here. Sir, twenty-six members only! out of a house of fifty-five, was a fact that ought, with a well regulated mind, with a man of high “moral principle,” and acting under the solemnity of the gravest oath before which a man could bow in the presence of his Maker, to have had this immediate result: Instead of any special pleading in justification of his “clinging to power,” he ought forthwith, and before he penned another passage, or uttered another word, to have respectfully approached His Excellency with some such language as this—“My Lord, this is my position, I have not, I do not expect to have my administration sustained by a majority in the House of Assembly. Notwithstanding the assurances which I presented to Your Excellency previous to the election, I can now only inform you that the party I represent are in an unmistakable minority; and under such circumstances, I can no longer

hold my position as the leader of Your Lordship's Administration, with any credit to myself, or advantage to the country. And, my Lord, I have now to ask your acceptance of my resignation, and that of my colleagues." This, sir, ought to have been the course of the hon. and learned member; but it was not. There was something in the distance which "lent enchantment to the view." He could not so summarily decide where his "own personal and political interests were concerned." He not only refrained from giving to His Excellency that just exposition of the true condition of affairs, which high "moral principle" demanded, which every obligation, apart from the entire violation and prostitution of constitutional principle most loudly challenged, and, above all, which his solemn oath constrained him, but in vain, to give, but he actually goes on to talk of significant features of the general election, as if he had not already sufficiently illustrated its significance—as if he had not sufficiently condemned, over his own signature, his own conduct and his own reputation.

The hon. and learned member writes, "It is a fact of some significance that all the members who in 1857 left and joined the present government have been sustained by large majorities, with the exception of Mr. Fuller."—Now, Mr. Speaker, may I not emphatically ask, Was it not a fact of equal significance, that the hon. and learned leader of the then opposition was returned at the head of the poll in the county previously, and now represented by the gentleman who occupied the position of Provincial Secretary in the administration of the hon. and learned member for Annapolis? Was it not a fact of equal significance, that the Financial Secretary of the hon. member's administration was rejected in the county, his native county, where at his departmental election he had received a majority of upwards of three hundred? Was it not a fact of equal significance that another member of the government, the late member for the county of Victoria, was also rejected by a majority of upwards of five hundred? Was it not a fact of equal significance, that another member of his government, the late member for Queens, was almost in a similar predicament, having only obtained his return by a majority of some half a dozen, which return was subsequently declared to be bad? Was it not a fact of equal, nay greater, significance than all that the hon. and learned member for Annapolis himself—the great leader—the previously invincible champion of his party—was only accidentally returned to this house by the proud (?) majority of *seventeen*, in a constituency where his return had been uniformly sanctioned and distinguished by majorities of hundreds? Sir, there was much, there was astounding significance in all this: and therefore I am at a loss to understand how, when he condescended to be so explicit on the point I have mentioned, as well as on others, he was not more particular in regard to the matters to which I have just adverted. Surely, sir,

in dealing with the head of the government, whom he was bound to advise with candor and with honesty, and that under the weighty obligation of the oath which he so voluntarily took, he ought not to have cast into the shade such momentous, such very significant facts as those with which I have now charged his recollection.

But, sir, I find in the same communication, and also in a document signed by himself and his colleagues, and dated the 20th July, 1859—a most remarkable peice of information conveyed to his Excellency. Were I to characterize it as it deserves, I would use much stronger language than I do, in merely saying that it is entirely devoid of reason and of common sense. The hon. and learned member and his colleagues assert, "that of all the votes then thrown in the province, an immense majority were in favor of those gentlemen who publicly declared their determination to sustain the administration. Sir, without stopping to examine into the truth of this assertion, I would merely ask, Does the hon. and learned gentleman offer such a proposition as sound constitutional doctrine—as doctrine which he could for a single moment be warranted in propounding to the Lieut. Governor as the basis of executive action? Why, sir, is it come to this, that the leader of a government can be permitted to proclaim a doctrine which the veriest schoolboy in the land must see is pregnant and replete with consequences the most absurd and ridiculous?"

I have already intimated that I will not condescend to inquire whether the fact be as stated or not; it is sufficient for me—it ought to have been sufficient for him—that he knew that a majority of the representatives of the people could not be found to sacrifice the true interests of their country, and to support his administration. Sir, what would be thought of an English Prime Minister who would venture to approach her Majesty with such nonsense as that with which the hon. and learned member ventured, dared to hope to affect the mind of her Majesty's representative; but, sir, I will not conjure up an impossible case. Little wonder is it that the Lieut Governor in his despatch of 23d June, 1860, should in reference to English precedent have written thus, "No man calling himself a British statesman could be found, who would consent for one moment to hold office, much less endeavor to cling to it, after he had been defeated in the country, and the committees appointed according to law had declared against him." But, sir, this branch of the subject is so unworthy of further notice that I will at once pass on to other topics.

Mr. Speaker, in the course of the speech of the honorable and learned member for Annapolis, that gentleman has once more referred to that stereotyped subject—the ineligibility of certain members of this house. For my part, I view that matter in an entirely different light from the hon. and learned gentleman; and I do not envy him his views. Sir, I entertain too high a respect for the dignity—too

profound a reverence for the independence of this house, its rules, and constitutional powers, even to suffer myself to enter at this time of day into that argument. That question, sir, was finally and irrevocably disposed of at the last session and no power either within these walls or without them, can reverse or even question the legality of its solution. Parliament has from time immemorial been properly tenacious of that essential and necessary property of its existence, and ever hold in the maintenance of the exclusive right of expounding all law bearing upon, or in any manner relating to its own government—no, sir, its existence; and when its decisions are once pronounced—when its own peculiarly constituted tribunals have once spoken, no constitutional lawyer ventures to open his mouth. Sir, this would not be done by a British statesman in the British Parliament. It would be impossible for him to do so. It ought not to be done here. If, then, sir, I do not follow the hon. and learned member, and discuss with him the eligibility or ineligibility of members upon whose right to sit here sworn committees of this house have passed, I trust. I have sufficiently indicated why I do not; and although my silence on this head may not be acceptable to the fierce denouncer of the action of those committees, I shall nevertheless comfort myself with the conviction, that wherever the constitution of parliament is recognized and understood, the motives of my silence will not be misapprehended, however grossly in other quarters they may be misrepresented.

But, sir, I have said that the hon. and learned member was Attorney General of this province, as well as a member of the Executive Council, and I trust that this two-fold character of the hon. gentleman will be kept in view by the house. Let me now examine the conduct of the hon. member in connexion with that interesting measure. "The bill, the whole bill, and nothing but the bill." And here, sir, I am referring to that remarkable passage, which is to be found in the communication addressed by himself and his colleagues to the Lieut. Governor, on the 28th July, 1860. Sir, let the house listen and wonder while I read. What do I find? "That broad and comprehensive measure was founded upon just principles, which have been recognised and advocated by the leading members of all parties in the province, and was made of universal application." Now, sir, this statement is ventured by the man of high "moral principle," writing under the obligation of the very solemn oath I have already noticed, and arrogating to himself the supreme right of charging perjury, wherever it may suit his purpose or his malice. Sir, instead of his being justified in so characterizing that bill, what is the state of facts in relation to it, within the knowledge of the hon. member and of every hon. member here? This is it: No measure ever submitted to this Legislature met with so general and indignant an expression of disapproval on the part of very nearly half the house as did that bill. And how

could it be otherwise? I will not offer a word just now as to its merits, or I should say, its demerits; but let us look at one single ground of recommendation.

In 1858, the year preceding that of the passage of this celebrated measure, a representation bill deemed adequate and just by the administration was concocted, and brought here, and in the recess distributed over the country. The people were led to believe that that was the measure the government of the day intended should become law. But lo! Sir, at the eleventh hour, in the following year—in the year 1859—just on the eve of the general election, in comes the hon. and learned gentleman with another bill, modelled to meet the political exigencies of his position, and under which he hoped to marshal a force of supporters, which it would be vain to attempt to dislodge. He abandoned his first love; he cast to the winds the measure with which he had deluded the country; he substituted another—and such another!—and with the uncompromising aid of his hon. friend from Western Halifax (Mr. Tobin), "the bill, the whole bill, and nothing but the bill," was carried by his party against the loud and indignant, but unheeded protest of every member on this side of the house; and, sir, it became the law of the land.

After such a specimen, I will not say of moral depravity, but of unparalleled legislative deception, and political violence to every notion of justice, where, I ask, is the exalted "moral principle," the transcendent virtue of which he so often and so loudly boasts. Sir, he did not leave us a chance of redress. To such a bill, affecting, as it did, the deepest interests of many constituencies in the Province, no reasonable man will now venture to say but that a suspending clause ought, in view of such extensive interests, to have been added, reserving it for the signification of Her Majesty's pleasure. But no, sir, it did not suit his interest—his personal interest—which might have been seriously affected by that single clause, to delay by any such show of justice, the final consummation of the plans which that bill embodied.

Nor, sir, have I yet said all that might be said against this nefarious scheme for the retention of power, by an unscrupulous party, which that celebrated bill embraced. Professing to be based on principles of universal application, it nevertheless did violence to all principle, and abounded in anomalies of the most striking character. Sir, it would be a waste of time to point out in detail the objectionable features which disfigured, and, I might add, disgraced it. Suffice it to point to those unnatural and inexplicable divisions of the Counties of Colchester and Hants, and to the exceptions made in favor of preserving vested rights in respect of certain pet constituencies, represented by somewhat nervous supporters of the hon. gentleman. These peculiarities in a measure of "universal application," and said to be founded on "just principles," will immortalize the authors of

"the bill, the whole bill, and nothing but the bill."

I find, sir, I have now reached that portion of my notes which requires that I should make some remarks in reference to the disqualification act; and the more is this necessary, as the official conduct of the hon'ble and learned member in relation to it is worthy of some criticism, when we consider the claim he is now making to a restoration to public confidence. It is evident, Mr. Speaker, that the construction which the hon. and learned gentleman in his capacity of Attorney General has given to that law, is one which the ordinary reading of it will not warrant. And, sir, although he may consider it great presumption on my part to set up my opinion against his supposed gigantic legal acquisitions, yet I have the satisfaction of knowing that months before he gave the opinion which has been set aside by the Crown Officers of England, I had construed the statute precisely as these learned gentlemen have done. The act required a candidate to resign his office within ten days before the day of nomination. Their opinion was always entertained by me; in my opinion it was quite sufficient for any resignation to have taken place *less* than ten days, or even within ten hours previous to the holding of the Sheriff's Court—and I am happy to find the opinion I entertained has been confirmed, as I have already remarked, by the Crown Officers of the mother country. In this personal statement the hon. and learned member for Inverness (Mr. Blanchard) will bear me out—as I conveyed that opinion to him months before the question was disposed of by the eminent authorities to whom I have referred.

But, sir, while the opinion of our Crown Officers which we have just been considering, was wild and unjustifiable in the most extreme degree, it is almost excusable when we regard that greater violation of official duty which was involved in their legal construction of that other act, which referred to the qualification of members of this house, and imposed an oath upon them. Sir, it is within the knowledge of every legal mind in the country—I may say of every legislator—that the oath relating to the property qualification has been for perhaps thirty years or longer standing on our Statute Book, and recognised as applying only to that qualification,—whereas, the act relating to the disqualification of members by reason of holding office, only came into operation two years ago. But, independent of any consideration arising out of the period when these Statutes became law, and regarding merely the intrinsic evidence which is furnished by the act imposing the oath—there can be no doubt but that the *property* qualification of the candidate was all to which that oath was intended to apply. The hon. the Crown Officers of this Province deemed it to consist with their duty to His Excellency to advise him that an office holder, to whom as a candidate or a member that oath was submitted, would be amenable to the charge of perjury, if he took

it on proof of his holding office, although he possessed adequate property qualification, under the Statute.

They, Mr. Speaker, these gentlemen, did presume to inform His Excellency "that any one thus ineligible"—that is by reason of holding office—"who would venture to take the oath of qualification, *we believe*, would be liable to prosecution and conviction for false swearing.

Sir, I differ from these learned gentlemen; I have always done so; and in confirmation of the soundness of my opinion, and the unsoundness of theirs, I beg leave to read an extract from the opinion of the Crown Officers of England.

"In our opinion *perjury could not be assigned upon the qualification oath set out in this act*, on the ground that the member taking it had an office rendering him ineligible.—That Oath, as we have already observed, appears to us, *in terms*, to be pointed exclusively to the want of a property qualification, and not to the holding of an office."

Having read this brief extract, are we not forced to one of two conclusions of the most damaging character. Is not the hon. and learned member for Annapolis "involved in this serious alternation of having in a case affecting his own personal and party interests, and regardless of his solemn *official* oath, wilfully perverted judgment, or of being ignorant of the plainest principles of law." This, sir, is an alternative and a charge, which he has ventured without foundation to apply to an eminent individual; but how can the learned member himself escape, not merely accusation, but conviction, when the evidence against him is so clear, so conclusive, so convincing.

The learned member for Annapolis has expended no little of his time, and much more of his wrath, in unworthy reference to the gentleman who now fills the office of Chief Justice in this Province. Sir, if there was an individual who on every ground should have been exempt from his malicious aspersions, that one was the present Chief Justice. He and the member for Annapolis have long been rivals at the Bar and in the Legislature of this country; and a generous and noble mind—a mind governed and influenced by "high moral principles," by exalted virtue—would have said—"Now that the opponent of a lifetime has been elevated to the Bench, not a word shall be lisped by myself or my party derogatory to him as a man or as a Judge. Henceforward my lips shall be sealed; or, if an expression should escape them, it would be that of satisfaction that though removed from the sphere of usefulness which this arena surrendered, the individual in question had reached an elevated position which would still enable him to employ his distinguished talents in the service and for the benefit of his country." To the many personal and political friends whom that learned Judge has left behind him here, it must be apparent that a vacancy has been created by his elevation to the Bench, which will not easily, if ever, be

supplied; but, sir, we share the confident belief, that those able, just, and honorable decisions, which from time to time will flow from his pen, or fall from his lips, will to some extent repair the loss we have sustained, while their value and influence upon society will be felt and appreciated by the people of this country long after the foul tongue of calumny has been hushed into silence, and the calumniators who dishonored but themselves shall have passed away to "that bourne from whence no traveller returns."

But, Mr. Speaker, not content with assailing the Chief Justice, the learned member has also referred in very disparaging terms, to the hon. the Attorney General of this Province. As that gentleman is here, and fully equal to the most ample vindication of his public conduct and position, I shall not constitute myself his apologist or champion. The learned member, however, referred in most abusive style to the members from Digby and Argyle.—They have had an opportunity of putting themselves right; but I cannot allow this occasion to pass by without saying a word or two on a point which their position suggests. The freedom and independence of a member of this house should be preserved inviolate; a member of this branch of the Legislature is responsible for his action to his constituents, and to them alone; and it is a gross outrage on decency and propriety, for any individual occupying no higher platform to arrogate to himself the right of impugning the character and aspersing the reputation of those who exercise the same independent judgment to which he lays claim. Had Messrs. Campbell and Hatfield been men of the same calibre, and as capable of taking their own part in public as is the hon. and learned member for Annapolis, I do not think he would have ventured to apply to them the terms he used on that occasion. But although not his equal in forensic power the members for Digby and Argyle have shewn by their manly and strait forward conduct that they will not and cannot be deterred by the frowns, or charmed by the smiles of the hon. and learned member for Annapolis. He also referred to the County I have the honor to represent, and ventured to question my position here. Sir, I tell him that I am the representative of the people of Guysborough—I stand here the exponent of their views, opinions, and even their feelings; and I also tell him he does not hold his seat here as the representative for Annapolis,—that if he represents any number of that people, it is a minority; and that if he had accepted the challenge which I honestly and deliberately tendered him a few days since—and which, as the leader of a great party, he should have accepted the moment it was offered, the correctness of my assertion would have been exemplified. The hon. and learned gentleman imagines that these much talked of petitions are going to have a material influence on the future government of the country; but, sir, I should entertain a very mean opinion of the judgment and discretion of the exalted

personage who now fills the position of Lieutenant Governor of this Province, did I imagine that petitions, concocted, circulated and signed as these have been, would for one moment have weight in the quarter they are intended to influence. Instead of having such influence, I believe that they will recoil on the heads of those by whom they have been originated. It is with some delicacy I would speak of the noble individual who now presides over the destinies of this Colony, but, like every other member of this house, I have formed my opinion of his qualifications and public character. Sir, I believe that his manly dealing, his sound judgment, his firmness, his knowledge of constitutional principles, will enable him to resist the machinations of the hon. gentleman and the other parties who have manufactured these petitions in this city, and by every artifice and under every pretence have inveigled the population of the interior into signing them.

Sir, I have said that I speak of his Excellency with delicacy. I had, until recently, always understood and believed that the name of the representative of majesty could only be mentioned on the floors of this house under certain and well defined restrictions. I cannot therefore but express to you, Mr. Speaker, the astonishment with which I have listened day by day to the license taken by the hon. and learned gentleman, who has on repeated occasions coupled with his Excellency's name expressions which delicacy and propriety should have compelled him to omit. It was bad enough for him to include in his category of defamation every other official, but his Excellency he might have spared, particularly when he reverted to the connection which for so long a period subsisted between Lord Mulgrave and himself. Sir, I shall not extend to any length the consideration of a topic to which I am somewhat averse to refer; but I feel compelled to offer a remark or two more in consequence of the character of the observations which have preceded mine. It is a common idea that noblemen are not in general possessed of the largest information or the most cultivated intellect; that they are born, as the saying is, with a silver or golden spoon in their mouths, and hence are not impelled to the same laborious mental exertion as those whose inferior position in relation to worldly circumstances necessitates the constant and earnest application of every faculty they possess in order to achieve an elevation or secure a livelihood. Sir, this is a fallacy. In boyhood, indeed, we may regard all human beings as pretty much upon a par; but as in the higher ranks and walks of life, the means and opportunities for improving and embellishing the intellectual energies—of storing up useful and valuable knowledge, for use in after life, are ordinarily and necessarily greater than in lower gradations of society, so must the youth of noble birth advance with greater rapidity and success in the struggle for intellectual pre-eminence than his companion who lacks those larger means and opportunities. To this, sir, there may be

and we know there are honorable exceptions, but I am now contending for the general principle. Sir, I am happy to perceive that in the case of the distinguished nobleman to whom I have been referring, that those opportunities, whether of youth or manhood, have not been unimproved, and that especially in reference to that species of information which is adapted to his high position here, he has availed himself of those advantages which resulted from a free interchange of thought with the exalted and polished intellects of the most refined society, and the most intelligent legislature on the face of the globe. Sir, the conduct of the Lieutenant Governor, looking at his dealing with this people from the commencement of our difficulties and embarrassments, down to the present time, no reasonable man can fail to recognise in his administration of affairs the most extreme fairness, moderation and impartiality. Sir, he has exhibited throughout the trials to which he has been subjected, a skill and ability in governing upon sound, constitutional principles in the highest degree remarkable. I believe that the same moderation and impartiality—the same skill and ability will continue to influence and mark his conduct; and therefore, sir, however prejudicially even the official action with which he may be charged may affect the party on this side of the house, I shall never allow my mind to harbor any other thought than that a sense of public duty alone regulates and directs his public conduct.

Mr. Speaker, the Lieutenant Governor does not require my voice to be raised in his vindication. If such vindication were necessary his constitutional advisers and friends are here, and on them would that duty rest. Perhaps I have already said more than I ought to have said on this subject; but, sir, as a British subject, as a loyal man, as an inhabitant of this province, and as a member of this Legislature, when he, whom as the representative of my Sovereign, I am bound on general, as well as individual grounds, to respect, is wantonly and unjustly assailed, I felt that I could not, and that I ought not, to say less than I have done.

But, sir, still higher ground did the hon. and learned member venture to occupy when he attacked the Duke of Newcastle. That distinguished statesman, as indeed is the case with Lord Mulgrave, can well afford to smile at the splenetic assaults of the hon. and learned member. Sir, I need not say a single word in reference to the Colonial Secretary. His vindication is to be found on that broad and constitutional platform—the confidence of the Parliament of the British Empire.

Mr. Speaker, I now come to that portion of the hon. and learned member's address which conveyed the miserable threat that if the petitions in the course of manufacture proved to be unavailing here, or in the presence of the statesmen on the other side of the water, the people of British America would rise in their manhood in an uncompromising struggle for

freedom. The idea was responded to by the faint voice of the hon and learned member for Richmond at the conclusion of his remarks. When that day arrives, sir, what may we not expect to see? How gigantic the operation—how tremendous its results. I can fancy a picture of these dire events, and of those who enact them. The hon. member for Annapolis will of course be the constituted leader of this glorious band of patriots—the learned member for Cumberland (Dr. Tupper) will be the next in military rank, and the member for Richmond will have a command; and from the smaller materials which the party can supply will be furnished the magnificent contingent for the crusade against the powers that be. As I have said, sir, when that day arrives, the cabbage garden row in Ireland will be acted over again; but I fervently trust that its issues may be less tremendous, and that those whose patriotism may lead them to the conflict, may not be witnesses of even that amount of bloodshed which marked and soiled the last battle field of Erin.

And now, sir, I feel that I ought to be approaching the termination of these remarks. I have, in this review of the subject before us, been compelled by a sense of duty, to bring the hon. and learned member for Annapolis rather prominently to the notice, and to subject him to the unenviable gaze of the members of this house, and the people of this country. I am now about to leave him to his reflections; but before I part with him I trust I may be permitted to offer a word or two as indicative of my interest in his future fortunes. And let him recollect *Fas est ab hoste doceri*. Sir, he has done his best and his worst, as respects myself. I cannot hope to influence him in that regard; but as the continuance of his natural and political existence will probably bring him into collision with others, whose right to the exercise of their independent judgment he may be tempted to assail with bitter invective and unworthy calumny, I deem it necessary to warn him against any repetition of the offence which has made him amenable to my present censure, and which perhaps has been more mild and merciful than the measure of provocation might have justified. Let me then implore him by a just regard to his own position in this house and in the country; let me implore him by those "hoary locks," which tell of and "proclaim his lengthened years;" let me implore him by that frail and fading tenement of clay before me, while he yet lingers in the lap of time, and totters on the brink of that yawning grave which makes a common level for us all, let me implore him I say, by every consideration that should influence, and by every hope that should animate him for time and for eternity, to renounce forever that flattering, but dangerous and fatal delusion, which would lead him to arrogate to himself the possession of every virtue, while it would ascribe to his brother worm all the crimes and vices of humanity. Let him no longer think "all men mortal but himself." Let his future conduct and action

in this place, and everywhere, be influenced and regulated by the reflection that

"There's not a worm we tread upon,
But feels a pang as great as when a giant dies."

Moreover, and above all things, let him cultivate and cherish that virtue which is pre-eminently styled a cardinal one, and let him ever remember that amid the brilliant gallax of graces which embellish and adorn the truly christian character,

"The greatest of these is charity."

Sir, let me remind him that the most distinguished mental gifts, the most solid and profound erudition, the most eminent attainments, are but as empty nothings without it. That the mind and the tongue that deal in "thoughts that breathe, and words that burn," are but the heralds of their own degradation and deformity, when the heart of their possessor lacks the presence and controlling influence of this, the greatest virtue that can elevate or adorn the gentleman, the scholar, the patriot, and the christian,—that eloquence itself is but *vox et præterea nihil*, when the *veræ voces ab imo pectore*, are the base vehicles of envy, or the baser representatives of malice. And, sir, that even though he himself should "speak with the tongue of men and of angels, and have not charity, he is become as sounding brass or a tinkling cymbal."

Sir, I thank you and the house for the attention that has been accorded me, and now beg in conclusion to offer the following resolutions, by way of amendment to those now upon the table :

Whereas, The Hon. Mr. Johnston having vainly opposed the introduction of Responsible Government into this Province, having broken up the Government of Lord Falkland in 1844, and clung to office with a majority of one—having ruled this Province for four years with a Council divided upon great public questions, and with seats and offices unfilled for months—having in all that period carried but one measure of any importance, and made three unsuccessful overtures to his political opponents.

Therefore Resolved, That whenever any Administration is driven to copy Mr. Johnston's example, the confidence of this House should be immediately withdrawn.

And Whereas, Mr. Johnston was signally defeated at the General Elections of 1847, 1851, and 1855, and only secured a majority in 1857, by nine gentlemen returned to support the Government, passing over to the Opposition on a Sectarian question.

And Whereas, By the aid of a majority thus acquired, without any appeal to the people, or any sanction from the Crown, Mr. Johnston re-distributed the franchise and altered the boundaries of Townships and Counties, without regard to general principles, and influenced only by the desire to keep his party in power.

And Whereas, When in 1859 Mr. Johnston went to the country with a majority of eight,

suit his party exigencies, he was again signally defeated.

And Whereas, When thus beaten, he and his friends, though in a hopeless minority, clung to office for nine months, receiving their salaries, dispensing patronage and embarrassing the Lieutenant Governor.

And Whereas, During this period, Mr. Johnston labored to make the Lieutenant Governor, the Colonial Secretary, and the Crown Officers of England, believe that the House of Assembly would override the Law, and seat Members assumed by him to be ineligible, by a mere party majority.

And Whereas, When the House met, all contested elections were decided according to law, and the practice of this Province for twenty years, by twelve sworn Committees, drawn by ballot, and on which there were 53 of his own supporters and but 31 members of the Opposition.

And whereas, When the said Committees had reported, the business of the Session was despatched, and the Government was honorably sustained,

And whereas, during the recess, Mr. Johnston and his friends appealed to His Grace the Colonial Secretary, complaining of the decisions of the several Committees acting under the law, and of the conduct of the Lieutenant Governor, because His Excellency declined to interfere in matters beyond his jurisdiction, or to dissolve a Parliament which had acted under the law, and honorably sustained the Government.

And whereas, His Grace the Secretary of State, when thus appealed to, has formally decided against Mr. Johnston's views of Constitutional Law, and has approved of the action of the House, and of the conduct of the Lieutenant Governor :

Therefore Resolved, That Mr. Johnston is not justified in asserting that any Members of this Parliament were or are ineligible to sit, and that this statement is a grave offence against the dignity and independence of this House.

And whereas, it appears by the Public Accounts, that during the three years that Mr. Johnston held power, from 1857 to 1860, his Government never fairly met the annual expenditure of the country out of the annual income, but drew from the funds dedicated to the construction of public works about \$400,000 to pay the interest on the public debt,

And whereas, during the same period, two useless works were erected, one at Parsboro, and one at Richmond, upon which large sums of public money have been wasted and thrown away,

And whereas, under Mr. Johnston's management, the Railways on which this Province has expended so large a sum of public money were managed so extravagantly, that in 1859 all their earnings were spent in their upholding, and \$8397 31 in addition.

Therefore Resolved, that this House would deplore the return to power of such men, so

the public credit, and the greatest misfortune that could happen to this country.

And whereas, within a single year, the gentlemen who now conduct the Administration, have increased the Revenue by \$80,000, and largely reduced the expenditure, have made the Railways self-sustaining, and placed of their earnings \$20,000 in the treasury, to pay interest upon capital,

And whereas, the public measures and internal improvements, announced in the Governor's speech, and by the members of the Administration in this House, will be highly acceptable and advantageous to this country.

And whereas, the question of Railway extension has ever been treated as an open question, and can only be wisely dealt with in that manner,

And whereas, in the Mother Country, the Sovereign takes no cognizance of partial losses or party demonstrations, so long as an Opposition is powerless to obstruct the public business, or to pass a vote of censure on the Government :

Therefore Resolved, That this House pass to the consideration of the public business, which an Administration, enjoying the confidence of the People's Representatives, is prepared to despatch.

SPEECH OF MR. MCFARLANE.

MR. MCFARLANE said. The amendment just moved by the hon. member for Guysborough to the resolutions of the hon. and learned member for Annapolis, involving a vote of want of confidence in the administration, appear to be of a nature somewhat extraordinary. Sir, I was of opinion when he rose with such gravity of demeanor, and laid off his ground with such evidently premeditated precision that we were to be favored with a great constitutional argument—and that the hon. gentleman would have delivered himself of something worth the hearing of the house. But, sir, having listened with all patience to the most rambling and ill-judged address it has ever been my good or bad fortune to be compelled to hear, I must confess that my sanguine expectations were blighted and that I was not surprised when that extraordinary amendment was read,—an amendment, sir, which will stamp the action of the present government with the ignominy such conduct of necessity entails—for it is not the production of the member for Guysborough. He has been forced into the forefront of this battle, and has been content to assume a position as the mouthpiece of the Provincial Secretary which no man will envy—which no honorable man would be content to fill. But not to the hon. member for Guysborough will the responsibility of this action attach. I at once place it where of right it should rest—on the shoulders of the administration ; let them bear the burthen—nor seek to escape the consequences of their political mismanagement by shielding themselves behind any shelter—no matter how compliant or how facile. I did not expect when the de-

bate commenced that it would have extended over the lengthy period it has occupied—I anticipated when first we engaged in this discussion that a few days would have terminated it—but, sir, the many interruptions which have taken place, and the new matter from time to time introduced, has prolonged it beyond the period I at first anticipated ; and, sir, judging from the experience I have received I should suggest that in future, for the purpose of economising the time of the House, any subject for discussion shall be taken up and dealt with without the course being interrupted. The importance of the debate is unquestionable ; great public questions—constitutional principles are at issue, and it behoves this House to consider them carefully and well. The means resorted to by gentlemen opposite for the purpose of acquiring and retaining power are unquestionably inaccurate and unsound ; doubts have been expressed as to the right of members in this House to take their seats. When returned at the last election I assumed my seat on these benches, an hon. gentleman not now in this Assembly questioned my right to the seat, and dared to aver that I sat here the simple nominee of the sheriff ; nay, more, sir, at public meetings antecedent to the meeting of the Legislature, the present hon. Provincial Secretary as well as the present Chief Justice, then member for Cumberland, openly avowed their attention of summarily ejecting me from this House. Nor did they stay their action then—for after I had assumed my seat the then President of Council having long deliberated, introduced and laid on the table as a notice a string of resolutions with numerous whereases attached, having for their object the carrying out of their original intention, and declaring that the sheriff's return should be altered and the seat be given to Mr. Fulton. Several weeks thus elapsed, and I waited in amusing anticipation of the pliant majority in the Legislature attempting to carry out the threats of their leaders. The session closed—yet the gentlemen failed to elaborate their intentions—having been compelled to abandon the insane and absurd attempt to perpetrate a gross constitutional wrong—the resolutions were still born ; the hon. gentleman was himself compelled to abandon his offspring—and without the moral courage to accept the office of Attorney General which he knew would necessitate an appeal to the constituency of Cumberland—whose suffrages, having once deceived them he was quite aware could never again be obtained, he left his innocuous resolutions to my hon. friend, Mr. Donkin, who fills his position, a valuable legacy from the now departed politician, but present Chief Justice.

Again, sir, while in several instances committees whereon were majorities of gentlemen on this side retained the sitting members, being of opposite politics to themselves, in their seats—in the only instance, on the single occasion when a majority of gentlemen opposite had the power—a partizan committee contrary to justice unseated a

gentleman returned by a clear majority of the constituency of Queen's; shewing that at all hazards and without regard for truth or honesty of purpose they were determined to retain the power illegally thrown into their hands.

I will not detain the house by discussing the constitutional questions before it; since that branch of the subject has been so ably and eloquently dealt with by the hon. members for Annapolis and Sydney—whose speeches as yet remain unanswered. The President of Council did not attempt to deal with them,—and the present Attorney General utterly failed to instruct the House on any one branch of this most important subject. Indeed, sir, to me, as well as to all who heard him, his speech appeared one of the poorest efforts, the faintest attempt at a reply ever essayed by any man occupying the position of an Attorney General; for, sir, instead of confining himself to questions of constitutional law upon which, upon such a source, this house might expect information, he assumed the duties rightfully devolving on the Financial Secretary, and attempted to explain the present involved financial condition of the country, by drawing pretended and inappropriate comparisons between the Administrations now in power and those who preceded them. I will not, therefore, Mr. Speaker, touch that question, but shall address myself more particularly to the position in which the House now stands as connected with subjects at present more prominently before the people of this country. It is well known that in the despatches which passed between the Lieutenant Governor and the Colonial Secretary in reference to the present condition of political parties in this country, gentlemen opposite were taunted with inability to contest any county for any seat for the purpose of filling their offices, and were therefore compelled to appoint one man to two offices, utterly incompatible with the honest transaction of the public business. At last they did venture to appoint a Chief Justice and a Chairman of the Board of Works, and what was the result? The Counties of Cumberland and Victoria have proclaimed in unmistakable terms their reprehension of the conduct of the government; they sent back representatives adverse to the policy of the Administration, and conclusively evinced that since the General Elections had transpired the government had lost ground in two most important sections of the country.

The tone of the hon. Provincial Secretary's letter to the Lieutenant Governor after these elections were held, conclusively evinces that he considered their determination as fatal to the existing administration; but more, sir, it will be in the recollection of hon. gentlemen that shortly before these contests took place, the Morning Chronicle, the organ of the government, stated that they were prepared to test the strength of the Administration and the position of the party in the country on the issue of these elections. Let me ask, Mr. Speaker, if it must not have

been with deep chagrin and mortification that they found the results of these contests determined in antagonism to them and their party—and it will be in the recollection of those who hear me that the Provincial Secretary was driven to most extraordinary expedients when compelled to assign reasons for these most humiliating and most disastrous defeats.

With the County of Victoria and the marked change which took place therein I am not so conversant as to be enabled to give anything like a decided opinion—although I believe the alteration in the sentiments of the electors of that county was occasioned by the subsidence of that false religious excitement which was caused by the determined desire of gentlemen opposite to obtain at any sacrifice either of public principle or private honesty, temporarily, the reins of power.

But, sir, as to Cumberland, he gave as the principle reason, that the defeat of the Government candidate was caused by the reduction of the county in establishing the Province line, whereby, as he stated, a large portion of territory was cut off and the votes of his party seriously reduced, and was very eloquent in denouncing the act which, as he pretended to believe, had occasioned such loss to the Province. Now, sir, as one of the commissioners who established that line, I have no hesitation in saying that no valuable or useful portion of the County of Cumberland was surrendered to New Brunswick. The land through which the line runs is swampy, and utterly unfit for cultivation, and in its establishment Nova Scotia was clearly the gainer by securing the harbor of Tignish, which is the only port eligible for commercial purposes near the boundary. Again, sir, on the whole of the disputed territory there was only five houses, and not a dozen persons residing eligible to vote, and even this line was run before the present Chief-Justice contested the county, and could by no possibility have altered the result of the late election, when my hon. friend and colleague was returned by the same constituency who voted for Hon. Mr. Young.

Now, sir, I may for a moment refer to the despatch of His Excellency the Duke of Newcastle, wherein he admits that should a further diminution of strength ensue, an appeal to the people would become inevitable; and he goes on to state that he was "of opinion that a dissolution would become necessary before the party differences which had excited the Province for more than a year, are satisfactorily adjusted;" and further, that the loss of Cumberland and Victoria, was a serious blow to his Government. These admissions clearly and distinctly show that, in his estimation, the feeling of the country was antagonistic to the Government, and point to their inevitable doom, should the contingency to which he adverts, arise. The hon. Prov. Secretary finds fault with the species of agitation going on in the Province at present; but, sir, he should be the

last person to complain, for the agitation to which he refers, has its origin clearly in the admissions of the Lieut.-Governor, to which I have referred. It is not denied that petitions are being extensively circulated, calling on His Excellency to dissolve the House, and it will be seen, when these petitions are presented, what answer will be given to this request of the people. The gentlemen opposite now allege that these petitions will form no test of public opinion, although, under similar circumstances, when they agitated the country some years ago, that course of procedure was adopted as perfectly legitimate, and a pressure brought to bear on the then Lieut.-Governor, Lord Falkland, which they even now argue, he should have succumbed to. If that doctrine was true in 1844, it is equally accurate in 1861, and should the people of Nova Scotia speak out as I believe they will—should they require the Lieut.-Governor to dissolve an Administration which has forfeited their confidence, I believe it to be his duty to yield to public opinion, and bow to the well-understood wishes of the people. That this result is demanded by them, and that the requirements of the people invite it, no man understanding our political position, can, for a moment, deny.

Now, sir, let me ask, What is the position of hon. gentlemen opposite? Is it not well known that they are not in a position to carry any measure of general public utility? Every question of importance mentioned in the opening Speech, has been abandoned. They have been compelled, per necessitas, to back down from all their announced measures, and now stand in the position of an administration utterly bereft of power, shorn of strength, and clinging to office solely for the purpose of reaping the emoluments, by which, alone, they subsist.

In former years we heard much of the expansive views which statesmen should entertain—of the large measures they were bound, if in the Government, to bring down and submit to the Legislature. What have we now? With the single exception of the Bribery Act, a measure introduced by the Attorney General—one of the last men who should have dabbled with so serious and important a question—no act has been introduced, no measure submitted, calculated to benefit the country, or advance the interests of the people.

The House has now been in session some 54 days. At this late period no important question requiring investigation and discussion, can possibly receive that amount of consideration essential to securing a just and beneficial result. No measure having for its object the advancement of the interests of the people, can be so dealt with as to lead to any important improvement. Time to discuss their details has not been left us,—and any legislation which could possibly be had, would, at this period, be necessarily hasty, immature, and perhaps dangerous to the

facts connected with the Cameron fraud, were brought to the notice of the Houte, and the papers connected therewith required by Dr. Tupper, were laid on the table, the public were astonished to find that without a pretence of law or justice, £1,260 had been abstracted from the public treasury, and paid for extras to a man who had himself openly avowed before the Railway Committee, in 1848, that he did not claim one shilling.

A more gross, barefaced, and unjustifiable act was never perpetrated by any Government in any country, and under any regime. The claim, if any existed, had been abandoned, and subsequently refused by Mr. Howe and his colleagues, unless Mr. Cameron would consent to a re-measurement, which was made under the direction of Mr. Laurie, by Mr. Cameron's own friend, Mr. Smellie, and upon which it was distinctly proved that Mr. C. had already been overpaid upwards of £1,100; yet the Government with a full knowledge of these facts, and without authority,—without the investigation of a committee of the House—undertook to appoint Mr. Poole to go over the work, gather information from the Chairman of the Railway Board, Mr. Cameron's former counsel, and report; and by some strange and inexplicable legerdemain, the man who had already received £1,100 more than, under his contract, he should have received, was authorized by the Provincial Secretary to take—through his friends, the Northups—the sum of £1,260 additional, making, in all, £2,360 abstracted illegally from the public chest, more than he was entitled to. And yet the pliant majority who support the Government had the unblushing effrontery, while professing principles of economy, to sustain and uphold an Administration which justifies so gross a fraud. I will await, when a distinct vote is taken on the subject, the action of certain hon. gentlemen with some curiosity.

And now, Mr. Speaker, having expressed briefly but candidly the views I entertain on the subject under discussion, and since, before I arose, the ground had been almost fully taken, I shall resume my seat, first expressing my intention of voting for the resolutions propounded by the hon. and learned member for Annapolis.

MR. M'LELLAN'S SPEECH.

Mr. McLELLAN said.—Mr. Speaker, the hon. gentleman who has just sat down has referred to the charge that was brought against him, and to the fact of its having been abandoned. Now, sir, the same charges of ineligibility were made against gentlemen on this side of the House; and when the hon. gentlemen told us that the charges against him were not pressed, but that he was left to occupy his seat without having heard it mentioned this session, he gave us a very strong picture of the contrast between this side and his own. Since the question of his ineligibility was decided, this side of the

ing on his ineligibility. The Opposition, however, time and again, after the question of ineligibility respecting gentlemen on this side of the House had been settled, have been continually offering insults to those gentlemen. Here we have, during this session, twelve months after the questions have been all settled, this story of ineligibility revived, and the same charges reiterated against hon. members on this side of the House; and the leader of the Opposition has based this discussion upon the alleged ineligibility, and has labored for two days, assisted by those around him, to bring that question before the people of this country as one of great magnitude. I think, sir, that it is almost a pity that these gentlemen should occupy the time of this House, or that they should employ their talents in such a vain endeavor to give importance to these questions. We were told by the hon. and learned member for Sydney that the leader of the Opposition had raised this question into a grave importance, and adduced arguments with which the hon. and learned Attorney General was unable to cope, as is the "pigmy with the globe." Sir, when I listened to that hon. gentleman (Mr. Henry,) thus characterizing the able address of the Attorney General, I did not think that he stood in any such position as the hon. Attorney General. When I looked at him and listened to his labored speech, I thought that he was dealing with a question too trivial for his powers. It was to my mind, "too much power for so small a grist," and, instead of my imagination running, as did his, to the pigmy grappling with the globe, I thought, when I surveyed his magnificent proportions, of the stately, solemn, ponderous elephant drawing an empty wheelbarrow round a circle by the hour. (Laughter.) The hon. gentleman referring to the Attorney General's speech, told us that it was rather a repetition of what he had heard from him several times before; and complained that he repeated speeches. Well now, I thought that was too much to come from a hon. member of the Opposition. Why, sir, we have had nothing from the Opposition throughout this entire session but a repetition of speeches. The same ideas and sentiments couched in precisely the same sentences and words, were all heard repeatedly last session. I have sometimes thought whether these hon. gentlemen themselves really believed they were giving us a new speech!

I have heard it said that that very ancient, very valuable institution, the hen, sometimes from some delusion of the head, goes through all the forms of laying an egg, without producing any practical result. It is asserted that a hen will sometimes pass through the barn yard, strutting off all fuss and feathers, to her nest, place herself there, remain a while, turn over the old nest egg which has been there for months, add a new stain to it, and then rise, thinking she has produced a new egg, and burst forth with a little tempest of cackling. So the leader of the Opposition and the hon. members for Sydney

and Cumberland, have been going through all the forms of a new speech; I do not say they have been all fuss and feathers, but they went through the outward forms, have turned over the old, stale egg, adding a new stain here and there, and apparently believed it was a new production, as the succeeding day's *Colonist* was sure to contain a column of self-laudation at the marvellous result. Now I do not deny to these gentlemen the power or the ability to make new speeches or good speeches, when under proper conditions of body or mind; perhaps I am as great an admirer of the talents and ability of these hon. gentlemen, as any of their supporters who sit beside them. There may be, however, some difference; whilst the Opposition leader is, with artistic skill, sketching a Chatham or any other of Britain's noblest men, his supporters may admire their leader's talents, and think that he is almost worthy of a comparison with the man whose portrait he has drawn; but we, sir, on this side, without admitting such comparison, admire his talents, lamenting that there is not added to them the principles and patriotic actions of those men who have rendered England's name famous throughout the world.

We have been told by the hon. member for Cumberland that the question is viewed with attention throughout the whole British Colonial empire; that the public men of all the colonies are turning their attention to this subject and considering it as one of great importance. I cannot believe this. I believe that those who study the question can only come to the conclusion that "offices are the spurs to action" with the hon. gentlemen; and I will not believe that in any of the other 40 colonies of the British empire there can be found a set of public men with English blood coursing their veins, and the spirit of Britons within them, who would have so obstinately clung to office in opposition to the well understood wishes of the people as expressed here in Parliament. The hon. member for Guysborough has referred to the fact that these gentlemen themselves acknowledged to the Lieutenant Governor that that the voice of a majority of the people as expressed through their representatives was against them, and yet they retained their positions.

I take it that this Legislature considers a man holding an office which gives him a control over the votes of electors, which enables him to influence them in his favor, cannot come here as a true exponent of the opinions of his constituency; or that if he holds an office of sufficient emolument, that the fear of dismissal would sway his vote in this house, he cannot be considered a safe guardian of the rights and interests of a constituency. But in the whole number of men whom he charged with ineligibility there was not one to be found that held any such office as either influenced the votes of an elector in his county or swayed his opinions and votes in this Legislature. And the learned member for Annapolis finding the

intention of the act—the substance entirely against him—turned to the shadow, and has ever since been engaged in a pursuit more ludicrous than profitable. Sir, all who pursue shadows must necessarily recede from the light, and the hon. gentleman in the pursuit has become so lost in the mists and darkness of folly, that he has taken to burlesquing legislation and state correspondence by sending listening speeches to the Colonial Secretary in which an election among the snow banks is styled a great naval battle. I very much fear that his Grace upon reading it could come to no other conclusion than that the hon. member for Cumberland belonged to the marines, was himself at the time half seas over, and that the hon. member for Annapolis in sending it was under the influence of something stronger than common sense.

But we are told that although this iueligibility has been a very simple matter it has led to very important results; that the present government coming into power upon an infraction of law have continued to violate and trample it down; and they referred in proof of this assertion to the construction of the Railway Board, and to the management of the Lunatic Asylum. They complain that in the changes made in the management of the Lunatic Asylum 9 commissioners have been dispensed with. I take it that all our institutions are managed by certain regulations made by this Legislature; and that if during the recess it should be found that upon working them the value of an institution is being destroyed, it is clearly the duty of a government to make at once such remedies as they think may meet the case, trusting that the Legislature will sanction such arrangements. Suppose I construct a piece of mechanism and leave it in the hands of an individual to be put into operation at a certain period, and that when he does so he finds that there is some defect in it which if left will destroy the value of the whole machine. Should not that man left in charge at once remedy that defect rather than allow the value of the whole machine to be destroyed? and would he not be conscious that when I returned I cannot otherwise than approve his conduct? Now it was just so in the case of the Asylum. The government found a defect in the machinery of that institution,—that the cost of maintaining a patient was over a hundred pounds a year! and that a civil war was going on among its officers, and if they had failed to step in and remedy that state of matters they would have been guilty of gross neglect to the public interests. But the hon. gentlemen opposite said they could remedy the evil and still carry out the law by appointing other nine commissioners. Now the hon. members for Annapolis and Cumberland have told us frequently that these nine gentlemen holding that commission were the best fitted for that position of any to be found in the city of Halifax; that they were able and competent and trustworthy in every respect. Sir, I take the character which the hon. gentlemen gave to these commissioners; and then I infer that

the defect in this machine was not in the material of the wheels but in the size, and required immediate remedy. If those nine commissioners were able and trustworthy men as could be found, to appoint other nine would not remedy the evil. But although this may have happened, that nine gentlemen have been left off a commission of the Lunatic Asylum, I think, sir, that that slight irregularity has been more than made up by what the Attorney General told us was the result of three years' administration of the hon. gentlemen opposite. Why, sir, he showed to this house by figures which they did not pretend to deny, that during the three years they were in power they spent over £100,000 of the people's money more than their income—that the present government in addition to meeting all the liabilities and all the expenses which naturally fall upon them, have had to provide \$24,000 for interest on what they spent whilst in office. I would have thought that the charge made and proved against them, would have been met by some explanations, knowing the influence such a matter must have upon the public mind. The hon. member for Sydney said he would not attempt that because all the papers were not on the table. We can hardly accept that as a correct excuse, all the papers connected with the question of the squandering of this £100,000 were placed on the table last year, and if the hon. gentleman thought it were possible to offer any explanation satisfactory to this house he could have had all the papers that were requisite. The hon. member for Cumberland attempted to meet this charge by preferring charges on this side of the house previous to the time they came into power, and he told us when he first came to this house he used to open both eyes expecting to be enlightened greatly whenever the Attorney General went into figures, now he had got over that, and was not astonished at any statement he made. I think the hon. gentleman was not astonished in this case knowing what was coming, and felt the truth of the charge of squandering £100,000 of the people's money. The hon. gentlemen told us that when they came into power in 1857 they found the public credit so low that the railway bonds were unsaleable, and that the previous government had borrowed from the Bank of Nova Scotia large sums of money, pledging the railway bonds for it. Now I consider that the members of that government did an act for which they deserve great credit. It is rather too much for the hon. gentlemen opposite to say that their coming into power influenced the state of the money market in England so much that the railway bonds went up—that these bonds which under the previous government had hardly sold at par went up immediately to a premium. I cannot suppose that the illustration which the Attorney General has given of their management of the finances of this country could have very much effect upon the financial affairs of England. Now it is well known that when money is at a high rate of interest, and capi-

talists find ready employment for their money at home, they do not seek to invest it in any of the colonies; but when money becomes abundant, and the rate of interest declines, then they seek foreign investment. Thus because there happened to be a call for capital in England just before the then late government went out, railway bonds were not sought for by capitalists; and because money shortly after the hon. gentleman succeeded to power happened to become cheaper, the rate of interest lower, capitalists sought these bonds for investment, and paid a premium for them. These hon. gentlemen would claim for all this a large share of credit.

But the hon. gentleman says we were strewing money recklessly all around us, and he refers to several matters where he states the then government largely increased the public expenses—the advances, the postal communication, the printing. Well, if the hon. gentleman intended to have offered anything like a fair comparison between his government and their predecessors, he would have taken the three years he was in power and compared them with the three years previous.

The advances in their three years increased	£1,598
Legislative expenses,	5,798
Printing	730
Postal communication	3,503

Aggregate increase in those four charges, £11,623

The hon. gentleman in referring to the increase of revenue, takes credit for that increase, and says it was the machinery which they set in motion, that produced this result.

Dr. TUPPER.—So far from having stated that I ridiculed throughout the idea; the whole tenor of my speech was in ridicule of the claim of a Government for increase of revenue.

Mr. McLELLAN.—If the hon. gentleman did not on that occasion, he did on a former one, attribute the increase of revenue to carrying out system they introduced. He referred to their action in regard to the distilleries. Now suppose this increase of revenue has resulted from a change in the distilleries—are the gentlemen opposite entitled to credit for that? If you will go back to 1859, to the 12th February, you will find that when the late Financial Secretary, (Mr. Marshall) brought in his estimate for that year, he placed it at £10,952, as the amount they expected to receive from the distilleries for that year. Now it is evident from that, when the late Government submitted their estimate and made their explanations upon it, it was not, then, a part of their policy to shut up the distilleries; but rather to continue them in operation. It will be also in the recollection of some members of this House, that, when certain votes were pressed on this House, the Financial Secretary stated that we would have to restrain carefully, and indeed clip off our expenses, because two dis-

tilleries had given notice that they would not take out licenses during the year, which would reduce the amount receivable from that source. Upon this information being given to the House, certain gentlemen then on the Opposition side, determined, if possible, that the distilleries should pay the full sum, or no licenses be granted, and these gentlemen feeling that a motion to that effect would be more likely to succeed if made by a gentleman on the then Government side, proposed to the hon. member for Yarmouth to do so; and the result was that a motion was made that licenses be withheld unless they paid the full amount.

I have shown that when the late Government brought down their estimates, it was not a part of their policy to shut up the distilleries; and I think those who remember the circumstances will believe that that policy of closing them, was forced upon the then Government. But what was the case last year? A committee was appointed to consider the petitions of the distillers. Three members were chosen from the Government side of the House, and two from the Opposition: the hon. member for Annapolis being one of these. A majority of the committee reported, after hearing a large amount of testimony, against granting licenses.

(The hon. gentleman here read the report.)

In this report the learned member for Annapolis who claims the credit of introducing this policy, did not concur. In his minority report he says: "The policy acted upon for several years, should not be changed without fuller information." So, then, up to the time this committee had reported, the leader of the Opposition had not fully adopted the policy of withholding licenses from the distillers. Therefore, sir, viewing this question from the beginning to the end, I think that the hon. gentlemen, when they took credit for introducing this policy, assumed that which did not rightly belong to them. But, in speaking of the increase of revenue this year, he says that in 1856, before they came into power, there had been a large falling off in the revenue, and if they had not got the Government, there is no telling where it would have stopped. Now one would suppose from the hon. gentleman's assertions, that they had largely increased the revenue during the period they were in power. I was induced to turn my attention to this part of the question, and I was astonished to find that, so far from an increase in the revenue, there had actually been a decrease; that, comparing the three years they had been in power with the three years previous, there was a falling off. I admit, sir, that they collected a larger sum of money, but that I do not take to be the true criterion. If, with a 4 per cent. duty, I collect a revenue of \$200, and if, when I increase that duty to six per cent. I only get \$280, I say there is a falling off. Now I take the three years previous to the hon. gentlemen's coming into power, and we find with the duty of six and a quarter per

cent. as the average, £34,889 annually. Now as soon as the hon gentlemen came into power, they increased the *ad valorem* from 6½ to 10 per cent. This increase should have given them without any increase of business, £20,932 of increase of revenue each year, but the average increase of revenue from 1856 to 1859, was only £17,670, showing a falling off of £3,262 annually, which, considering the generally prosperous state of the country, could only result from a loose and inefficient system of collecting the revenue. During the past year, admitted by all to be unfavorable to business, there has been a large increase of revenue, furnishing additional proof that the Opposition, when in power, were incompetent to collect a revenue. But it is not in the increase of revenue alone, that the Opposition claim to share the credit with the present Government. If the present Administration show an increase of revenue, they claim it was owing to them; if there has been a large saving in salaries during the past year, they also step in and ask a share of the credit. Upon the last or some recent occasion, when the hon member for Cumberland addressed the House, he said that much of the credit was due to the Opposition that aroused public opinion, and brought about a reduction in the public expenditure. Well, the hon. gentleman ought to be entitled to some credit, if he aroused public opinion to enforce a reduction of salaries. Sir, the incendiary who fires a dwelling in your city, arouses the public to extinguish the flame. The ruffian who assaults the passenger, arouses the watchman to hasten to the rescue. And the hon. gentleman by creating abuses,—by establishing extravagant salaries—aroused public opinion to send men here to put down both the hon. gentleman and the abuses he created. (Hear, hear.) He knows right well what share he had in arousing public opinion—that it was by giving \$1,000 to ticket-masters, \$2,000 to superintendents, and \$6,000 to Yankee engineers. Perhaps to the fact that they paid Mr. Laurie \$6,000 a-year, do we owe much of that public opinion which sent men here determined to abate such practices. From the very first hour that this gentleman came on the soil of Nova Scotia, and it was known that he was to have this immense salary, the public mind was so aroused that, from that time forth, it might be said of James Laurie as it was said of an old Italian who sold himself to his Government for some base purpose, "That he lived under a double weight—the Government patronage and the public curse."

Sir, in looking over the payments of that gentleman's salary, I saw something in connection with it which was, perhaps, never fully laid before the public; and that was, that these gentlemen opposite, not content with bringing him here, a stranger—not content with taking from the people of this country \$6,000 of their hard earnings to pay his year's salary,—not content with handing him over the key of the treasury, so that he could say to the contractors seeking extras,

"You want £5,000; give me one, and you shall have it,"—not content with all this, they actually gave him 3 per cent. additional upon his salary. (Hear, hear.) When I saw this in the Journals, I asked myself, is it possible that that man was not satisfied with his large salary, and with the power to almost empty the public chest, on his mere order to contractors, and did he, with a meanness not to be found in the lowest Jew—that gathers rags on London streets, exact this 3 per cent. additional, or did the hon. member for Cumberland, when wanting election funds, go to James Laurie, and say, "Subscribe £100, and we will make it up to you in 3 per cents."? Sir, the hon. gentleman was right when he said that they aroused public opinion to put down salaries; and, sir, if such a misfortune happens as that they come back to power, they will again arouse public opinion, for the same extravagance will be enacted over again. It is said of a British officer that in some battle, in the midst of giving an order, he was suddenly struck down, and that for some months or years he lay insensible and unconscious, but at the very moment consciousness returned, he finished the order. The mental machinery started at the very point where it had stopped. So the hon. gentlemen opposite were suddenly struck down in the midst of their extravagance, and should such a calamity befall this country as that power be restored to them, the political machinery which resulted in such extravagance, would start at the very point where it had stopped—the very moment the member for Cumberland grasps the Provincial pen in the Secretary's office, it will commence drawing orders for salaries of \$6,000 a-year, and such like expenditures.

We have been told that this debate will settle the question what are the functions of a Lieut.-Governor. I consider it equally important that we should know what are the functions of a member of this Legislature. Is he to be bound to follow the dictates of a leader of the Opposition or of the leader of a Government? Is he bound to do the bidding of these men, just as chance may place him on one side; or is he to exercise the reasoning faculties which God has given him, and support such systems and Governments and measures as will best conduce to his country's good? Surely, sir, there can be but one opinion in this matter. At the last election, the policy and practice of the late Government were placed before the people of this country and thoroughly discussed; a majority of the constituencies returned men pledged to remove the hon. gentlemen from office. But these constituencies, sir, I hold, did not minutely define the course which their representatives were to pursue for four years; they left that to their judgment, believing those whom they had elected would be anxious to introduce such measures and support such systems as would meet with the approval of their constituents, when they returned at the end of four years. Some constituencies not knowing what changes could be made, and perhaps thinking it better "to

bear the ills we have, than to fly to others we know not of," returned members from that party of which the late Government was composed; but I do not suppose that they considered that these members should support the member for Annapolis for four years longer, regardless of the course he should pursue, or of the improvement which others might effect in the administration of public affairs. The hon. gentlemen opposite in their arguments, or rather in their speeches without arguments, during all this session have been endeavoring to enforce upon the members of this House that there is no independency of action, and that those on his side are traitors unless they support the policy which he pursues. Now I hold that such a doctrine as that would denude the representative of all responsibility, and the office of all honor. I believe that a member, no matter on what side he sits, if he considers that a measure is for the good of the country, should support it without reference to party, and that if it is destructive to the people's interests, he should oppose it. In 1857, I find that the hon. member for Cumberland believed in this independency of action on the part of representatives. In speaking of the formation of a new Government in opposition to a certain party in this House, he said:

"To assert the doctrine that there is any impropriety in the first discussions between independent members of this House, upon so important a matter as the construction of a useful, efficient Government, equal to the exigency of the time, is to propound a principle in the highest degree detrimental to the best interests of the country, and may involve great sacrifice of the public good."

Thus, in 1857 I find that the hon. member upheld the doctrine that if a member of this House believed that the interests of the country required it, he should support a change of Government. If in 1857 that was good doctrine, surely it is in 1861, when it has been shown that for every business hour the gentlemen opposite held office, they spent £20 more than their income; then, sir, I think indeed that any representative having a due regard to the interests of the people, should feel himself at liberty to support any change which could avert the continuance of such an over expenditure. But give to party obligations their greatest importance, and it follows that when a company of men unite upon certain principles, it is just as incumbent upon their leader that he takes no action, and adopts no policy which shall be injurious to those principles, as it is upon the humblest individual of that party to give him his support, when that leader is taking action which is in accordance with the principles upon which that combination was formed. And whenever he departs from those principles, it becomes the duty and the privilege of every member of the party, to place himself in opposition to him. Therefore, sir, if any gentleman in this House who has violated any policy, who has proved recreant to the principles upon which his party combination was

formed, fails to receive the support of gentlemen composing that party, and holding these principles, I cannot consider that he has the least right to complain.

Yet one of the grounds of complaint made by the learned member opposite against the hon. members for Argyle and Digby is that they were always known to be, and elected as conservatives; that when they came here they had a right to depend upon their support. Now it will be perhaps remembered by many present that the hon. member for Cumberland in referring to the minute of council denies what is there stated, that nine gentlemen changed sides in '57; his words were that they stood firm as a rock upon their principles." Subsequently, in the same speech, he went into an elaborate argument to show to this house and prove to the country that the present leader of the government and his party associates up to '57 were extreme radicals, and he gave us this definition of radicalism—"changing for the sake of change, or for the benefit of those who make the change." Now suppose that up to '57 the party holding power was radical in principle and practice, those nine gentlemen referred to were in and of that party, and taking the assertion that those nine stood firm as a rock by their principles, and that the learned member for Annapolis changed from opposing to supporting them—changed for the benefit in office of those making the change,—he and his colleagues are shewn to be now if not always the radicals of Nova Scotia. Yet the hon. gentleman complains because a member coming to this house as a conservative does not give him that support which he expected to receive. The difficulty all arises from the gentlemen wearing the name to which they are not rightly entitled; they should be designated by some other—not that I think there would any improvement in their practice. "A rose", it is said, "will smell as sweet by any other name," and so will the hon. gentlemen be equally destructive to the public interests, whatever change he wears,—but a change might prevent further mistakes. A story is told of an old militiaman who went always to drill with what he called a "revolutionary gun," which naturally attracted much notice. Some one having had a close inspection of it found the stock, lock, and barrel were new, and called the owner's attention to the fact, denying that it was a revolutionary gun. Oh, yes, she is revolutionary, he replied, the stock is new as well as the lock and barrel; but then the ramrod is revolutionary. So the hon. gentlemen opposite will have to acknowledge new stock, lock and barrel, and if they have any claim to conservatism it is only a ramrod claim. To prevent further mistake let the learned leader gather the remnant of his party about him at Mason Hall or elsewhere, and amid the popping of champagne corks rechristen it? (Laughter.) He tells us that the hon. members for Argyle and Digby entered into their counsels with warmth and zeal, and that one of them came here almost at the risk of his life to support

them. Is that any reason why these gentlemen should continue their support? If they did for a time enter into his counsels with warmth, it was perhaps because they were under a wrong impression as to the object and intention which the then government had in view, and as to the policy which they were pursuing, and if on a more intimate acquaintance if on obtaining more correct knowledge of their purposes, they abandoned them, I cannot consider that in doing so they are chargeable with any desertion of party. I can conceive an old practised rouse, whose dark, designing soul is covered by a fair exterior, approaching some artless maiden, and beguiling her with mellow tones and soft words. I can imagine this maiden thus wooed and won, not for a moment suspecting the design which that individual has upon her fortunes, but believing him all sincerity returns his pretended love, entering with warmth and zeal into his counsels and schemes, and supporting them; and I can also conceive that same woman with a more intimate acquaintance of the man with whom she has become entangled, having doubts and misgivings of his sincerity; but while she is thus agitated, if the hand of death be suddenly laid upon him, I can then imagine this woman, forgetting for the time these doubts and misgivings as to the true character of her departed husband, mourning over his remains: but, sir, if when she unlocks his secret desks she discovers his true character—if she learns that she has been deceived and betrayed—I then can conceive of no ties of affection or gratitude which would lead her to sit mourning by the grave of the departed, even though his ghost should rise daily to reprove her.

Neither, sir, can I conceive of any obligation of principle or party resting upon these two hon. gentlemen to remain in the shades of opposition, to support the learned member for Annapolis, if in the course of events they have discovered that they were misled and deceived by external appearances into forming a party alliance with him. Yet the hon. gentleman daily rises to upbraid them as deserters.

In conclusion, sir, believing that the present government are working for the public good, and that it is justified in receiving any honorable support which can be given it by any independent member of this house, and believing that every member has reserved for himself a certain amount of independence which he can exercise best for the people's interest, I can see no cause for that dissolution which the hon. gentleman desires; and I shall therefore vote against his resolution.

REMARKS OF MR. KILLAM.

Mr KILLAM said—The member for the South riding of Colchester (Mr. McLellan), in speaking of Railway expenses, said that Mr. Laurie's salary came out of the hard earnings of the people of Nova Scotia. I suppose that is true; but I would ask who was the cause of it? That is the main question to be considered. The amount paid to Mr. Laurie

is a trifling matter, compared with the whole expenditure entailed upon this Province by the Railway scheme of the hon. President of the Council.

Every body knows that he brought a gentleman out here from Scotland (Mr. Forman), at a salary of £500 sterling, which, however, was pretty soon nearly doubled, and that he so mismanaged the work as to make it necessary to bring Mr. Laurie here to remedy his blunders and finish the work; so that it ill becomes gentlemen opposite to complain of Mr. Laurie's high salary, when they themselves were the cause of it.

As to the question of revenue, it is according to the ordinary principles of trade, that a high tariff tends to an evasion of the law, or to decrease the consumption.

The hon. Attorney General stated that the criterion by which you could judge of the capacity of a government to manage the affairs of the country, was its ability to meet the expenses with a sufficient revenue. I accept that proposition, and I think I can shew on that ground the necessity for a change of government. The member for Cumberland (Dr. Tupper) shewed that in 1856 the revenue was short £38,000; there was therefore good grounds for a change of government in 1857.

The member for Colchester endeavored to shew that during the three years the late government were in power they had robbed the people of £100,000.

There was a deficiency in 1857 of £23,616, in 1858, of £19,878; and in 1859, of £39,578, besides £29,676 last half year's interest for railway debentures; total, £112,748, less £17,000 paid interest for 1856, and Province notes withdrawn, leaving £96,748; but in those years £128,165 was paid for railway interest; so that if the people of Nova Scotia were robbed, it was a robbery rendered necessary by the action of Mr. Howe's government when in power. A further deduction must also be made from these sums of £39,944 for the Lunatic Asylum, commenced under the former government. So that you cannot say that during the three years the late government were in power there was a deficiency of more than £20,000, taking out the expenditure of the Asylum, which is not fairly chargeable upon the ordinary revenues of the Province. If there was a good reason for displacing the government in 1857, there is a better one now; for they have not paid the expenses of the year out of the revenue,—there is a deficiency, as I have stated the other day, of £8,000. Besides that, there will be a balance of £2,000 more due by the Board of Works; and I am by no means certain that more balances will not be found due.

They talk about the vigilance of the government in collecting the revenue; it does not amount to much. We all know that the principal part of the revenue was raised upon rum; there has been £15,000 more collected this year upon liquors than in 1859; there has been no increase upon the other articles of trade, except what the duties were raised on.

and whether the government will be able during the coming year to make up the deficiency, remains to be seen.

These resolutions of the member for Guysboro' contain some queer statements, and I don't see how hon. gentlemen opposite can swallow the whole of them—that is, they may be able to swallow them *as a whole*, but I don't understand how they can stomach some of the items. (Laughter.) In the first place, let us examine the first whereas :

“Whereas, The Hon. Mr. Johnston, having vainly opposed the introduction of Responsible Government into this Province, having broken up the Government of Lord Falkland in 1844, and clung to office with a majority of one—having ruled this Province for four years with a Council divided upon great public questions, and with seats and offices unfilled for months—having in all that period carried but one measure of any importance, and made three unsuccessful overtures to his political opponents.”

There may be some things in reference to that I am much acquainted with; but I think the member for Annapolis satisfied the house the other day, that he did not pursue the course this resolution says he did.

The next “whereas” which I shall allude to is—

And whereas, it appears by the Public Accounts, that during the three years that Mr. Johnston held power, from 1857 to 1860, his Government never fairly met the annual expenditure of the country out of the annual income, but drew from the funds dedicated to the construction of public works about \$400,000 to pay the interest on the public debt,

I think contains a sufficient reason why this government should resign at once. It must be admitted that they are divided in opinion upon the greatest question that ever occupied the attention of this country

There are a great many “whereas's” here, not much to the point, which I don't think it worth while to occupy the attention of the house in discussing. As to this clause about increasing the revenue \$80,000, the government cannot claim much credit for that: the people of Nova Scotia increased the revenue, not the government. One item in this increase is produced by the sale of old iron—\$3000 for old iron! Do they call that an increase of revenue? And yet, their supporters are expected to vote for this resolution. I think this extension of the railway to Pictou should be made a government measure; and I warn the member for Argyle to be careful of the course he pursues on that question. I would remind him of a former member for the township of Yarmouth, who supported a government pledged to railway extension, and when he went back found himself rejected.

Mr. HARRISON.—I have not voted for any railroad yet.

Mr. KILLAM.—I shall not enter at present into the discussion of Cameron's claim further than to say that in the railway report no reference is made to it—(hear, hear, from the

opposition). I shall not occupy the time of the house any further. I think if gentlemen opposite can vote for these resolutions they will pursue a very inconsistent course.

MR. H. McDONALD'S SPEECH.

Mr. HUGH McDONALD said—I did not intend, Mr. Speaker, to have addressed the house this evening; but finding that no other person seems disposed to take the floor, and feeling that every gentleman, holding a seat in this assembly, should express his views, and give his reasons, before recording his vote on a question involving so much interest, in a constitutional point of view as the present, I will claim the attention of the house for a few moments, while I endeavor to touch upon the leading points which I conceive to be material to the issue before us. It is now near that hour of the day when hon. gentlemen feel disposed to adjourn, and, as I am not friendly to long and windy speeches, I will endeavor to be as brief as possible in my remarks, particularly as the subject has already occupied so much time, and been so thoroughly discussed by gentlemen who have preceded me, on both sides of the House.

This, sir, is not a resolution of confidence or no confidence in the Government—it goes much further and takes a much wider range—it calls upon the members of this House to say, whether or not the position of this Assembly is such as to require that His Excellency should, before the middle of the term for which we were elected to serve, terminate its existence by the exercise of the prerogative to dissolve. That being the case, I feel that the subject has assumed, in a constitutional point of view, an importance far higher than any other resolution which has engaged our attention, since I had the honor of a seat here. And I think that gentlemen in voting for the resolution of the hon. and learned member for Annapolis, assume a responsibility that nothing but the gravest reasons can justify; but when I see member after member rise in his place here and so unequivocally declare that this House, in the upholding of which we are all personally interested, should be dissolved, that those grave reasons to which I have referred, do exist, and that nothing but a dissolution can satisfy the requirements of the constitution and the wishes of a majority of the people of this country; when I see that, and when I hear from the best authority that, at this very moment, throughout the length and breadth of the Province petitions are being rapidly, numerous, and respectably signed, praying for a dissolution, I cannot resist the belief that we have arrived at a period in the political history of Nova Scotia, which every honest statesman must regret, and that there must be some well-founded reasons for so much dissatisfaction as exists in the minds of the people, and of a large body of their representatives, with the Government of the country.

What are these reasons? In approaching the subject, the first question I shall ask myself, is, do the gentlemen supporting the Go-

vernment, and by whose support the Government is sustained, represent the views and wishes of a majority of the people of Nova Scotia? And, in treating of this, I find it necessary to take a brief view of what has transpired since the dissolution of the last House. It cannot be denied that, at the last general election which followed that dissolution, there was but one issue before the country—the question of proscription or no proscription. To that issue, which is now past, and which for the credit, peace, and prosperity of this country I hope and trust will never be revived, I do not wish to refer further than is necessary to elucidate my argument. It is well known that, on the affirmative of that issue, many of the members now supporting the Government, have been elected, but not all of them. That agitation is now past, and the people in the country, as well as many of their representatives here, now find that they have been deceived by those whose political interests then necessitated that course, but whose present necessities now impel them to a different mode of action; and when I see my hon. and learned colleague, who, by his own declaration, is proved to have been returned as an anti-proscriptionist, who by his written pledge produced by himself and read in his place here, is pledged to oppose any Government whose principles were exclusion of Catholics from power—not from power, but from even a seat at the Council Board of the Government,—when I see him sit side by side with the hon. Fin. Secretary, who, during his departmental election, canvassed his constituency, and was returned to carry out that policy of proscription and exclusion, as proved by the Organ of the Government of which he is a member, and the press under his own control, I cannot resist the conviction that the political principles of gentlemen on the Government benches, are both varied and inconsistent; or, rather, that their necessities are such as to induce a sacrifice of public faith and principle, for party purposes, if not for personal aggrandizement, and that they do not, as they should, represent the feelings and wishes of a majority of the people of this country.

I am quite ready to endorse the doctrine laid down by the hon. and learned member from Guysborough, to a certain extent, and say that the views of the people are, in ordinary cases, to be gathered from the opinions of their representatives, as expressed in Parliament; but there are exceptional cases in which a different rule must apply. If such were not the case—if his Excellency had not a right to exercise the prerogative of dissolving the house in opposition to the instructions of a majority of that house, that power and prerogative, the due exercise of which is one of the bulwarks of all constitutional governments, wherever they exist in the British dominions, would become a mockery, and the functions of a governor would be ignored and valueless—I hold that it is the right, the privilege, and the duty of a governor to exercise that power, whenever

a necessity exists. He must to a certain extent be the judge of whether the people are represented, and that judgment he may form on various grounds. If, according to his own idea of right or wrong, a governor should find that a house has become corrupt or its acts unconstitutional, he may fairly infer that it is so against the wishes of the people, to whom, in such cases, he should appeal for an expression of their wishes. And, sir, if he were not allowed to judge in such cases, we should have the sad, the un-British spectacle of a governor only in name—a mere nonentity, paid by the people for surrendering his judgment, ignoring his own functions, and throwing absolute and uncontrolled power in the hands of a majority, however impotent to do good, or powerful to do evil. But a governor of a British Colony may gather evidence from every day's occurrence to entitle him to act, though a more reliable, and it may be a, more constitutional method of ascertaining the wishes of the people is by petition, the right of which is held sacred, and jealously guarded by every British subject,—and which in many a constitutional struggle, has been found so pregnant with benefits to the English people—so instrumental in protecting their rights and securing their liberties.

If then, sir, petitions are coming in from every part of the country, subscribed as I have stated, and if so large a proportion of the people's representatives as oppose the government in this house, sitting here without any daring to charge them with ineligibility, or misrepresenting their constituents, if they record their votes in favor of a dissolution, I am inclined to think his Excellency will pause before he turns a deaf ear to appeals of so much weight and made in so constitutional a manner.

Now, sir, having said so much on that branch of the subject, I will turn my attention to the position of the government—what position do they occupy? After the last general election, giving them the benefit of my hon. and learned colleague's vote, and assuming that he was elected to support them, they came here from the polls with a majority of only three. Since then we had two other elections, and the result has been that they lost two of their supporters, and two supporters of the opposition came in their places—thus reducing their majority of three, which at the general election they obtained at the polls, into a minority of one. That is the position the people placed them in when appealed to. But I will be told that they now count a majority of five. I ask how did they get that majority? Was it by the voice of the people? No, sir, but by the action of a committee of this house, and by the defection of two hon. gentlemen who were returned to oppose them. I do not question the right of any hon. gentleman to pass from one side to the other, for were it otherwise, did no such right exist, the free action of the people's representatives would be trammelled, and the independence of members would have fled—(hear, hear)—but when hon. gen-

gentlemen differ in opinion with their constituents, and cannot sacrifice their convictions to please them, it is their duty to resign the trust reposed in them; or in other words, when they pass from one side of the house to the other, they should bring with them the wishes and views of their constituencies. And if they sit here in direct opposition to the wishes of their constituents, not representing but misrepresenting them, and that in a palpable and unmistakable manner, is it not such a state of affairs as challenges the exercise of the prerogative of the crown to dissolve this assembly, so that the country may be governed "according to the well understood wishes of the people."

I have no wish to say anything disrespectful of the committees of last session, nor of the gentlemen who occupy their seats by the action of these committees—I will not say anything disrespectful of the Chief Justice in whose high office it is important that the public should have confidence for purity and integrity; not that I would shrink from expressing my opinions freely on the actions of that dignitary if the question should be brought here as it might be. I feel that, to elucidate my argument or maintain the position I have taken, it is not necessary to make any reflections upon his integrity,—but I would ask any person in this house or in this country, who have read the evidence adduced, (to say nothing of the evidence which was offered and rejected), touching the eligibility of the hon. member for North Hants, if any doubt can exist, on the mind of any such person, that that hon. member was a coroner at the time of his election. If that be so—if no such doubt can exist—is it not mere trifling with the intelligence of the country to say that the report of a committee who wittingly or willingly, or, it may be under misapprehension, retained him in his seat, has removed his ineligibility or satisfied the requirements of the law. And, sir, besides having a coroner here, is it not patent to the world, is it attempted to be denied that we have, at this very moment, sitting on these benches, a way office keeper—holding his office, exercising his functions, as such officer, and receiving its emoluments, under the government, in direct violation of the law which was solemnly enacted in this legislature, and plain and distinct on the pages of our statute books. No, sir, it is not denied—and yet it is contended that this house is composed of members constitutionally holding their seats here. The law declares that no sheriff or postmaster general shall be eligible to represent a constituency, and what would be said if either of these officers were returned as representatives, and retained as such by the action of a committee of this house? Would it not at once be pronounced, from one end of the Province to the other, an outrage against law and reason? Yet the law that disqualifies them equally disqualifies way office keepers and coroners. It is the same law, written in the same book, enacted and passed with the same solemnity, and contemplates no distinction

owing to a difference in the emoluments incident to the different offices. This is not my law alone, it is the law of the Attorney and Solicitor General of England, and of every lawyer in Nova Scotia, not excepting the Chief Justice himself.

Then does not this House, composed as it is, of such persons, occupy an anomalous position! Does it not occupy that position which merits at once such a remedy as his Excellency alone can apply. I hold that it is of the highest importance to the country that examples so pernicious as the violation of law in a place like this should at once be resented, and if other means fail that a dissolution should be immediately resorted to.

Another reason why I shall vote for the resolution is that the government is unable to transact the business of the country. I find, in one of his Excellency's despatches, a pledge that if he finds the government unable to carry on the public business he will dissolve. In what position do we find them now? On a question, of all others the most important to the interests of the country—that of railways—they, by their own admission, are sadly and irreconcilably divided in opinions, notoriously powerless as a government, not only to act but to express an opinion as to whether or not we are in a position to progress with that public work;—divided in such a manner as not to dare come here and tell us whether the financial position of the country does or does not warrant an extension of our railroads. And here I am reminded of the declaration of the hon. leader of the government, made here some days ago, that it was the first duty of the government to take care of itself, adding the significant words—"Perish railways—perish every thing in comparison to the important matter of sustaining ourselves in power." Well, I did give that hon. gentleman credit for some disinterestedness till I heard that declaration, and, even now, I feel disposed to question the sincerity more than the policy of that announcement. But, when the leader of a government is forced into a position to speak to the country in such terms, I must say we have drifted into a most unfortunate state of public affairs; and I now say in reply, perish the government, and perish all party and factious distinctions, wherever they may exist, rather than that the public works—the vital interests of the country should suffer. (Hear, hear, from the government benches.)

The hon. leader of the government says that they will build ten miles of railroad this summer, and open up negotiations with other countries, to act upon next session. Why not open negotiations long ago. This strong government has been in power over a year, and why not negotiate before now, and submit the result to this house?

Hon. Mr. Hows—We did not wait until the meeting of the house. I put myself in communication last summer with the Provincial Secretary of New Brunswick and was informed that no definite answer could

be given until the meeting of their legislature.

Mr. McDONALD continued. Not only on questions of railroads have the government members proved themselves incompetent, but in other public works also. There is the St. Peter's Canal for instance—a work that could be completed for the cost of a couple of miles of railroad, and, yet, nothing is done towards the completion of that public work. If we cannot afford funds for the Pictou railroad, surely we can spare sufficient for that undertaking, but no action is taken in the matter—the government being content while holding power.

I find in his Excellency's speech a promise that a measure will be submitted for the readjustment of the representation of the country, and I assume his Excellency conceives that to be a measure of public importance. In that view I fully concur. That, sir, is the reform that we require. Not that we require a measure of a narrow and partizan character, framed to cut and carve particular counties to serve particular or party purposes, but a broad, comprehensive, and statesman-like measure, which will recommend itself to the good sense of every right-thinking man,—a measure which will have for its basis the population of each county, as compared with that of the whole province; for I must say that the representation as it now stands, exhibits a most striking and unaccountable inequality.

Oh looking into this matter, I find that the counties east of Colchester, with a population of 104,755, have only 17 representatives; while the counties west of that, with a population of 171,341, are represented by 38 members. Now if we take the representation west of Colchester's east line as the correct standard, then the counties east of that would be entitled to 24 representatives, or as many additional members as there are counties, being seven in number; while if we take the Eastern representation as correct at the same ratio, the Western Counties would be entitled only to about 27, being eleven less than their present number, or, say one less for each county. This, no one can deny, is a monstrous injustice to the Eastern Counties, crying loudly for redress, and is such a state of things as cannot long be tolerated in this country. As, however, I mean to take another opportunity of referring to this subject, and testing the opinion of the House upon it, I shall not dwell longer on the matter at present; but will merely say that I shall always oppose any measure of that nature, which will not tend to place the representation of the country upon what I conceive to be the only legitimate footing—that of representation according to population. We find, however, that though his Excellency has alluded to this branch of the public business, the Government are, as far as present facts enable us to judge, powerless to carry his promise into effect.

I was much amused at the remarks of the hon. member for North Colchester (Mr. McLellan) when he told us that Mr. Laurie left

this country "bowed down under the double load of the Government patronage and the curse of the people." I am not an apologist for Mr. Laurie, but I could not help thinking that if Mr. Laurie had come here as another engineer did, when our country was prosperous and free from debt—had he, by false representations, induced the people of this country to believe that all their railroads could be built for a million of money—had he a few years subsequently left this country with a million of money expended under his management, and but little over half of our railroads constructed—the Province groaning under the burthen of a ruinous debt which we can never repay—then, indeed, he might have been said to have quitted the country borne down under the weight of the people's curse, if not the Government patronage.

Had Mr. Laurie falsified figures with a desire to defraud the Government of the country of thousands of pounds to enrich a personal friend or political partizan,—he might be said to have carried with him, when he quitted the country, not only the curse of the people, but a curse of a darker cast and more indelible impress. And, sir, had Mr. Laurie, failing in that attempt, boldly plunged his hands into the pockets of the people of this country, not only without law, but contrary to the express directions of this House, and extracted from them large sums of money to accomplish the object which falsification at figures failed to effect,—then he might be said to have merited the curse which the hon. gentleman would so earnestly invoke; but when no such enormities can be traced to his door,—when, on the contrary, we find him the main check on these monstrous attempts, and when we find that his most bitter enemies can charge him with no greater offence than receiving from the Government the wages for which he stipulated, and to which he was legally and honestly entitled, I cannot help thinking that the maledictions of the hon. gentleman might have been spared.

I fear, Mr. Speaker, that I have been trespassing upon the indulgence of the House, at this late hour; and as the time usually allotted to the session is rapidly drawing to a close, I shall not at present detain you with further remarks. I have but slightly adverted to the leading reasons which have induced me to record my vote for the resolution of the hon. and learned member for Annapolis, but though I could detain the House for hours in adducing further arguments, I feel that such would involve much loss of time, and that the facts to which I have imperfectly adverted, are sufficient to justify the course which I have determined to pursue.

Hon. Mr. JOHNSTON complimented the hon. gentleman upon the amount of argument he had compressed in a small compass, and upon the logical ability he had displayed. As the hour was late and several gentlemen wished to address the House, he would move the adjournment of the debate.

Hon. Mr. HOWE was also pleased at the

ability displayed by gentlemen on both sides of the House; it was satisfactory to know as he and the hon. member for Annapolis were getting old, that there were young men of talent and promise to take their places.

The debate was adjourned.

HON. ATTY. GENERAL introduced a bill to provide for the erection of Marine Hospitals.

Then the House adjourned until 3 o'clock the next day.

TUESDAY, March 19.

The house met at 3 o'clock, when the adjourned debate was resumed.

SPEECH OF HON. PROVINCIAL SECRETARY.

HON. PROV. SECRETARY then arose and addressed the house as follows:—Mr. Speaker, the time has now arrived, when the duty which I owe to the Lieut. Governor, to my colleagues in the administration, to this house, and to the country, requires that I should review the speeches which have been made within the last ten days. I regret my physical inability to do justice to the task. We sometimes hear of the cold shades of opposition; but my seat is the coldest in the house. I have been living on wild honey for the last two days, but I am afraid I shall not be able to charm you with the melodious tones of voice which distinguished the great orator of the wilderness.—In some respects, I am unfortunate in having to answer long speeches delivered many days ago. One catches from the voice, the action, and the style of an orator, the animation and sprightliness required to answer his speech; but coming to the task ten days after it is delivered, it is exceedingly difficult to rouse oneself in order to command attention. But I may gain something from the delay; if I do not catch animation from the preceding speeches, I trust I may to some extent have forgotten their bitterness of language.

In the first debate of this session, which took place upon the motion of want of confidence, I was driven to answer at night, in an hour and a half, speeches which had occupied fourteen hours; and I must now crowd into an afternoon an answer to speeches, most elaborate in their character, perhaps the best prepared, and certainly about the longest that have ever been delivered in this legislature; and therefore gentlemen upon both sides will bear with me when I say to them, that whilst I will endeavor to condense, it is yet almost impossible, from the very nature of the review, that I can be very brief. Not only had we long speeches, but written perorations. The hon. member for Annapolis favored us towards the close with more bad words woven into a sheet of paper than I thought were in the dictionary; and the hon. member for Sydney, copying his bad example, gave us also a written peroration in which all the hard words that the hon. member for Annapolis had not borrowed, seemed to be disposed of in his peculiar style. I never knew any three gentlemen in my life who agreed so well in one

thing—and that was in highly complimenting each other. The hon. member for Sydney asked us to answer, if we could, the great constitutional argument which the hon. member for Annapolis had given us; and then the hon. member for Annapolis, with a smile upon his countenance, complimented his friend from Sydney upon the grand oration which he had made; and I think the hon. member for Cumberland, whose speech had certainly some sprightliness in it, complimented both in his best style; so that anybody who had not heard them, would believe that these two gentlemen had delivered themselves of two marvellous orations, which nobody within this assembly or anywhere else could answer.

The hon. member for Annapolis, as we all know, can be argumentative and powerful in debate; but the speech to which I must reply was not a favorable specimen of his powers. The gentlemen on our side, displaying the courtesies due to our relative positions, held their ground tolerably well, but the hon. gentleman very nearly cleared his own benches; for was not his speech one of the most tiresome, weary tirades that anybody ever listened to in this Assembly? Long before the close, there were hardly seven gentlemen sitting on that side, and the hon. member for Cumberland was fast asleep.—(Laughter.)

Dr. TUPPER—I am not always sleeping when my eyes are shut.

HON. PROV. SEC'Y—Perhaps not, but if he slept, he has the excuse of that old Presbyterian deacon who slept when his own Minister preached, but when a strange clergyman filled the pulpit, invariably kept awake. Said he, when the old Pastor remonstrated—“*Diinna ye ken, I can trust to your doctrine being sound, but when the other fellows come, I have to keep awake to watch them!*” The learned member for Cumberland can always trust his master, and what is more, if he were to wake up and find that he had asserted that the moon was made of green cheese, or that three old women had flown over the harbor on three broomsticks, I will back him to maintain the authenticity of the statements. But I do not wonder that he slept, and that the others ran away, *toujours perdrix*: partridge every day was too much even for a Frenchman; and so, after having read and heard these dry tirades about perjury, bribery, and disqualification, for twelve months, *ad nauseam*, what could they do but go to sleep, or clear the benches?

O'Connell beat an old apple-woman once by assaulting her with mathematical terms. She was furious when he called her a hypothenuse, but struck dumb when denounced as a right-angled triangle. Listening to the hon. member for Annapolis, I could find nothing in mathematics on which to found a comparison; but Poetry came to my aid, and as the shades of evening closed over his wearisome oration I thought of Pope's *Alexandrine*, that

“Like a wounded snake,
Dragged its slow length along.”

I must say I was sorry at the close, not because of any damage done to our side by that volume of bad language, but for the hon. member himself. To see a man of his acknowledged talents, occupying his position, with the weight of experience that he has acquired, take Johnston's dictionary, put it between his knees and pick out every bad word that was not unparliamentary, and weave it into a written peroration, to fling it at his opponents,—was a spectacle which nobody would wish to see repeated. A young man making his first speech, or an impetuous old fellow unaccustomed to the restraints of public life, may be excused if he blurt out a mouthful of coarse words. but I cannot comprehend how a gentleman like the hon. member for Annapolis could so deliberately lower himself by the use of such malignant expressions.

Now the speech of the hon. member for Sydney was even more gross and vulgar than that of his hon. leader. Looking at the portly figure and foul speech of the learned member, I said to myself here is George Coleman's Duke of Limbs, carrying the dead arguments of his master. There was no novelty in the speech. It was Mr. William Johnston's speech at Windsor, re-hashed over again, with here and there a point over which something like novelty was thrown. My hon. friend from Colchester (Mr. Morrison) compared the learned gentleman to a bark-mill; but his bark was certainly worse than his bite. Some one else compared him to an elephant drawing a wheel-barrow, and this reminded me of a hyena that got under an elephant, and sucked his blood, till the elephant exhausted sunk down and crushed him with the weight of his body. The learned member for Cumberland, thought I, has sucked the member for Sydney pretty well. But he has his revenge, for his cause is now crushed beneath the weight of his friend's ponderous orations. In justice to the hon. member for Sydney, however, I ought to acknowledge that there is a good stroke of manful hard work in him when he is right. One cannot say of him, as was said of a very able man in this house, that his mind was like a powerful locomotive, just as strong when it was going right as wrong. The hon. gentleman's mind is not exactly of that calibre. Anybody can tell when he is going wrong. There is a pretty fair amount of manly work in him yet; but the kind of quibbling that he has been employed about for the last twelve months is not much to his taste. An old friend of mine, speaking of another, said, I cannot describe him; he could make a button hole, but never make a coat. Now, the hon. member for Sydney has been employed in making button holes for the last twelve months; engaged with little technicalities and quibbles of law. His finger is too large for the button holes contrived by his learned leader. He fumbled over them the other night. Yet the employment was not to his taste. But after all what did the hon. member say? He accused the Chief Justice of perjury! Sir, I do not think that anybody in this assembly

will elevate the Legislature of this country or himself by such accusations. Perjury, sir, is a pretty high crime and misdemeanor. I shall presently have to shew that the hon. member for Annapolis has violated his oath of office; that he has done it knowingly, without the ordinary permission of the Lieutenant Governor; and if that can be proved, as I believe it can, the hon. gentleman will not stand very far off that unenviable platform upon which he has sought to place the present Chief Justice. But even if it could be shewn that the member for Annapolis had done that which he ought not to do, through some carelessness or inadvertence, would I hurl at him the charge of perjury, day after day? No, sir; I trust I would be above that. I do not think that the hon. member for Sydney, considering that the Chief Justice was an old companion in arms, an old personal friend, added very much to his position in making that charge in the coarse and strange manner in which it was done. I could not understand him when he said something about Mr. Young's brains being knocked out, but I said to myself, if they were, it is a pity that they were not knocked into that learned gentleman's head. (Laughter.)

Then he assailed Mr. McCully in the usual coarse manner; that gentleman was called our "chief cook and bottle washer." All I can say is this that if there were any bottles to wash, and anything in them, there is a certain stout gentleman opposite who would be the last person to whom they should be entrusted. [Bouts of laughter.]

The hon. gentleman also referred to some of our old caucus meetings. I think he might have spared the reference to those merry days, when he and I were companions in arms, and when I will venture to say he had three laughs for one that he ever has now; that peaceful monitor within his breast always felt cheery and comfortable; he had then his true position and true friends around him, by whom he was ever honorably sustained, and never misled. Let me say to the hon. gentleman that as regards the past, our mouths are not sealed by any oath of office; but there is a gentlemanly obligation resting upon us all which ought not to be violated. It is enough for me to know that I kept my friends together as long as my guardianship lasted; and if they fell out by the way after I left them, let those who did not know how to live together in unity bear the blame. But as regards anything that took place in a caucus twenty years ago, I consider we are in honor bound at the present day not to make disclosures. Sir, we owe it alike to the dead, who shared our councils, and to the living, who are still around us, to seal our lips, and to respect the past.

There is one thing patent to the hon. gentleman and to the world. In our early companionship, we had a mutual regard for each other; while he stood by my side, he rose step by step, until he held the highest position with a single exception that any lawyer or layman could in this country. Where is he

now? The hon. gentleman has sowed the wind, and reaped the whirlwind, but need not, I think, reflect upon men who fought his battles in the olden time, who advanced him honorably, and who invariably kept his counsels and did him service.

The hon. gentleman reminded me that he was at one time my official superior. Well, so he was; I served under the hon. gentleman, and was not ashamed of it; the old Indian is not ashamed to walk after a young man in the forest. For a time the young Indian who goes ahead is in the position of leader to the stately old chieftain in the rear, but, sir, the young man who mistakes their relative positions, who disregards the hints which come from his old, experienced friend, will find himself in swamps, and have to swim lakes, climb mountains, and risk his life continually. Sir, the hon. member did not understand Indian policy nor Indian courtesy; and perhaps if he had understood them a little better he would have found his way through the tangled woods a great deal easier, and had less reason to blame himself or anybody else.

I think the hon. gentleman might have left the present Chairman of the Railway Board alone to the hon. member for Cumberland; he is his peculiar property. Among the best gifts of heaven to man, the gift of Jonathan McCully to Charles Tupper was a most generous and marvellous gift.

The hon. gentleman tells us that the present chairman actually went on some circuit last summer. Suppose he did. Does not the hon. member for Sydney know that he accepted the office of Provincial Secretary in August, that he went the eastern circuit all that autumn. That in five months he was not five weeks in his office, but was doing work and earning money over and above the official salary of an office, the duties of which he entirely neglected. Take another comparison between these two gentlemen. Three lawyers were sent out to revise the statutes; and what happened? The statutes were revised; but we now find Mr. Martin Wilkins, the late Solicitor General, coming in here and declaring that whilst he did the lion's share of the work, the hon. member for Sydney took the lion's share of the pay. Now we know that Jonathan McCully had a share in the first revision of the statutes, and nobody says he did not do his work, or that he took money that he did not earn.

The hon. gentleman also stated that I complained to the British government of Lord Falkland. As far as my recollection serves me he is incorrect; for I do not remember that I sent any document complaining of Lord Falkland across the water.

He told us that adversity makes strange bed fellows; but I think adversity teaches us some other lessons. I remember a story of a foolish fellow who, when burglars were breaking into a house, jumped out of his bed and joined them, thinking to be rewarded. When the plunder came to be divided, he was shared out, and found another fellow snugly ensconced in the warm bed he had

left. The hon. member for Sydney made as great a blunder in 1857. Had he fought manfully for the house that sheltered him, he could not have fared worse, and before he jumps out of bed again he should calculate more accurately his chances of getting back.

The hon. gentleman asked me who began the Catholic controversy. That is a question easily answered—it was Mr. McKeagney. Before I wrote a single letter or did a single thing to fan the excitement, that hon. gentleman sought to arouse religious feeling in this assembly.

The hon. member for Sydney accused me of vanity and egotism. Of ignoring the Governor and everybody else. Let me tell him I do not ignore the Governor; I know too well the position of the Queen's representative in a British colony, having responsible government, to do so. Whilst I know how to respect myself and the rights of my party, I claim and discharge all the functions of government that ought to be committed to my charge, I also know that responsible government will be better worked when there is an able and independent representative of the sovereign at its head. All government, to be successful, requires that there should be mutual concessions and respect; and therefore from the moment I put my foot into Lord Mulgrave's council I treated his Lordship with all the respect due to his high position; I have only claimed what is my right, with all courtesy. I ignore the Queen's representative! I would like to ask the hon. member to show anything in my conduct, in my letters and minutes of council that quite comes up that little passage which we have in the speech of the hon. member for Annapolis—that little disclosure, which I contend was made in violation of his oath, from which it appears Lord Mulgrave was not permitted to write freely what he thought to the Colonial Secretary, because, if he did, certain gentleman would resign.

I have said that the speech of the hon. member for Cumberland was about the best of the three; it was one which interested us from its animation; and even when he did hit hard, there was a gentlemanly touch of the foil that nobody could much complain of. Here and there he was a little violent; but that is nothing. He said I was both unlike and like the Apostle Paul. Perhaps so, but after reading these long state papers of theirs, I thought that he was a little like Shimei, who railed at the great king continually without cause, but who found at last that David was the strongest of the two.—The hon. member in most exultant style praised his two colleagues and hit everybody else as hard as he could. Indeed the three speeches were devoted to the abuse of three persons who were not here to defend themselves—the Duke of Newcastle, Lord Mulgrave, and the Chief Justice.

I could not help wishing that the stern Duke of Newcastle had the hon. member for Annapolis for ten minutes on the floors of the House of Lords; if he would not take it out

of him I very much mistake the style of the man, and the power of his arguments. Why, sir, these miserable button hole technicalities could not enmesh the Duke of Newcastle for many minutes. The rush of the moose through the cobwebs described by the hon. member for Halifax (Mr. Tobin) would not be more decisive than would be that noble Duke's rush through all the flimsy sophistries with which the hon. member for Annapolis has been trying for twelve months to vex and annoy this country. I do not know much of Lord's Mulgrave's power as a speaker. I have heard him but once or twice; but I think there is, in the manly candor of the man, in his plain, straightforward statement of his own case, either on paper or anywhere, that which must lead us to suppose that if he had his three accusers before 658 English gentlemen on the floors of Parliament, he would make mince meat of their case very soon. Indeed, I believe that the House of Commons would not listen for the twentieth part of a night to all that these three gentlemen's speeches contain, or to all their state papers rolled into one. Then, we had Mr. Young, the present Chief Justice, abused pretty roundly. They would have shown better taste if they refrained from these unseemly exhibitions. Do we not all know that we have might safely trust William Young before any Court or Legislature in Christendom, to beat the whole three of them? Don't we remember last winter how he instructed them in parliamentary precedent, and constitutional law, and made their own followers ashamed of the doctrines that they taught, and at last swept them away, as it were, from the high court of Parliament.

I came in for my share of the compliments of the learned gentleman. The hon. member for Annapolis did not particularly distinguish me, but the hon. member for Cumberland did, for he accused me of flippancy of speech and general incapacity. Perhaps I am amenable to these charges; but all I can say is,—here we are, judge ye between us. Sir, I may be vain, but I confess when he gives me advice I sometimes feel as Abernethy would have felt had the hon. member for Cumberland went to instruct him in surgery; just as Hotspur felt when the poppinjay offered his pouncet box; just as Sir John Harvey felt when a young officer fresh from Sandhurst, began to instruct him in the art of war. I admire the talents and qualifications of the hon. member for Cumberland.—I invariably do him justice; but, after all, he will pardon me if I say that I do not think he has the experience, the knowledge, or the breadth of view, always to comprehend me, or to be my guide and instructor.

When I looked at the hon. member for Annapolis and his auxiliaries, and heard them depict the fearful manner in which they intended to agitate this country, I was reminded of Mrs. Partington, who, when the Reform Bill was agitating England, was represented by Punch, broom in hand, trying to sweep out the Atlantic waves. The difference is slight. The hon. member for

Annapolis has been trying to get up the waves with his broom, to cause a tremendous excitement in the waters—but, some how or other, the sea last summer was very quiet; this winter we do hear now and then of petitions, not exhibiting any spontaneity in their origin, but all emanating from Mrs. Partington's manufactory in Hollis street,—in fact little brooms intended to churn up the Atlantic waves. I sometimes smile at the busy household the member for Annapolis has got. Mrs. Cumberland is the maid of all work; she does the carving, clear starching, and a little of everything; then there is Mrs. Sydney who is the char woman, and does the heavy business. (Roars of laughter.) But there is another domestic that Mrs. Partington does not parade quite so often—Mrs. Hamilton, of the *Acadian Recorder*—who does the “mangling.” She lives over the way, and the connection is not avowed. Mrs. Partington is very unwilling to own that she “keeps a mangle,” or has any connection with the concern over the way. Running through these despatches there is a good deal of what is pretty coarse, but there is also an appearance of decorum attempted to be preserved—but then Mrs. Hamilton, she may do the mangling, may hammer away at Lord Mulgrave and everybody else, and the hon. gentlemen opposite like to have it believed that they are not responsible. The disguise is too transparent—they must either acknowledge Mrs. Peter, or they had better “sell the mangle.”

Before I turn to the State papers, let me say a word or two in reference to the Lieut. Governor. In old times, by the practice of this House, the moment the Lieut. Governor's name was mentioned, somebody was called to order; but that practice has been so disregarded that now the Governor's name seems to be almost a household word and an element of debate. I do not like the custom—but, as it prevails, and as strange liberties have been taken with his Lordship in these long letters and long debates, the House will bear with me for a moment. Who is Lord Mulgrave? The son of the Marquis of Normanby, one of the most popular Lord Lieutenants that Ireland ever had. Trained in the House of Commons, he should have a good knowledge of public affairs; and every body must admit that he writes with clearness and accuracy that many persons might be glad to be able to imitate. Anybody who has heard him in public, knows that he is a clear, fair, and candid speaker. I cannot think that a nobleman with these qualifications, should be harshly treated by those he is sent to govern, unless he goes out of his way and really deserves it. Lord Mulgrave came to this country just after the gentlemen opposite came into office. He had no communication with the Opposition, except of the most casual and trifling character; and for twelve months he was as entirely in the hands of gentlemen opposite as any party could wish a Lieutenant Governor to be. I do not mean to say that Lord Mulgrave in any unconstitutional sense was influenced

—but I mean that their opportunities were as great, their means of influencing his judgment as various, as it ever fell to the lot of any political party in any British Colony to enjoy. Did Lord Mulgrave justify, in the least degree, the insinuations that are running through these papers? We are told in some of them that Lord Mulgrave showed a public document to Mr. Young, on one occasion; that Mr. Johnston did not think Lord Mulgrave's treatment of Mr. Young was very proper. I do not know what intercourse that gentleman sought; but this I do know, —that nobody ever catches me upon the back stairs when in Opposition, or trying to interfere with those who, having a Parliamentary majority, should command the confidence of the Lieut.-Governor. The first year Lord Mulgrave was here, I dined with him once, and for nine months never entered his house, or spoke to him, except in the street, or about the weather. His Lordship was surrounded by these gentlemen, and perhaps I may have thought that ordinary courtesies were not paid to me. But what of it? I was in political opposition; it was their vantage hour, and I gave it to them; I kept from Government House until the country declared itself and scattered their majority. Did Lord Mulgrave treat them as if he did not give them his confidence? Certainly not. What is there that they were not permitted to do? He allowed them to accuse Forman of stealing the books of his office, to vilify him in the Gazette, and in the public journals, day by day. Lord Mulgrave, no doubt, believed all they said about Smellie; they were allowed to dismiss Mc Cully without trial and without notice, for I hold in my hand the official letter from Charles Tupper, in which McCully is dismissed without shadow of complaint or form of trial; and yet they stand up and put into public documents and weave into speeches the accusation that we have dismissed men without enquiry or cause! Lord Mulgrave permitted them to put their hands into the public treasury, and pay 70 or £80,000 of contractor's claims; and yet when this Government pay £1,200, there is an outcry rung through the Opposition press! Sir, there was one thing Lord Mulgrave did not permit them to do, for which he deserves the thanks of this country—there is one fact in the history of these past transactions which shows that whilst they surrounded him, he knew how to assert his independence, and knew what he was about. He did not allow them to cram the Legislative Council after their majority was gone. I am merely looking at the scenery of the horizon with an uneducated eye; but, if I am accurate in my surmises, then did Lord Mulgrave save this country much distraction, and perhaps the constitution of the upper branch, by his firmness in withholding his sanction to the filling up of those seats by a party beaten at the elections.

Now, sir, the hon. member for Annapolis tells us of a conversation between him and Lord Mulgrave, about the elections. He de-

nied his Lordship's accuracy, and laid the blame on his memory. If the conversation so repeated, be not imaginary, then is the learned member's conduct most unfair; and, it accurate, I tell him that in repeating it, he violated his oath of office, sworn when he entered the Council. But there is evidence of another kind, to support Lord Mulgrave's assertion. His Excellency and Mr. Johnston are at issue upon this question—Did Mr. J. deceive himself about the result of the elections of the 12th of May? If there was nothing to stand beside their unsupported assertions, some of us might think Lord Mulgrave was right, and others, Mr. Johnston; but, sir, don't we know this, that the language Lord Mulgrave says Mr. Johnston held was that held day by day, by his organ in this city—the very same false calculations were flung continually into our faces? If I remember right, the hon. member for Halifax (Mr. Tooin), made a speech at some meeting here, in which he claimed almost the exact number the Government would get. I may be in error upon this point, for I had the misfortune not to be present at the metropolitan election; but this I do know, that a gentleman who used to be a partner of the hon. member for Annapolis, whilst holding a poll at Lawrencetown, while the Sheriff's Officer and representatives were luncheoning, said,—It will be all over in an hour or two, and our calculation is this, that the Opposition will have fifteen votes out of the whole fifty-five. For these reasons, when Lord Mulgrave and Mr. Johnston are at issue upon these points, I give credence to the former. I do not mean to say the latter would make a misstatement; but in a matter where they differ, I believe the one whose testimony is fortified by the circumstances known to this community.

Let me turn for a few moments to the first document in this curious collection. And let me say, before I touch it, I am much amused at the holy horror which the gentlemen opposite evince for the high crime of bribery. A man convicted of bribing an old fellow called Johnston, should be hung, drawn and quartered. I could not help smiling when the hon. member for Cumberland was very animated upon this point. He never bribed anybody! O, no, not he! Is this bribery, to attend a sick family for a year, and have a good bill against them, and when the election comes round, to go to the father, and say,—You have two sons, come with them and vote for me, and the physic may go for nothing! Is it bribery thus to give up one's debts for votes, and their brother's debts besides? We hear of such things in Cumberland, and I would ask, what is bribery, if this is not? Again, is it bribery to go to a member of this House, after he has been elected, and offer him £500 for his vote, if he will change his side and desert his party? If a man should be punished for buying old Johnston in Truro, what should be done to a man who offers to purchase a member of this House in that way? But suppose the man should reply,

"Well, no, that is not exactly what I am worth;" and then this adroit man who would purchase him, says, "Only name your price." I ask is that bribery? Is it bribery for a member of the Government to say to a member of this House, Here, my dear fellow, is a seat in the Legislative Council that we want you to take, but we are afraid if you do so, your brother who sympathizes with the Opposition, will take your place; we will give you the seat, provided your brother signs a bond that he will not oppose the Government! Did anybody ever hear of more contemptible trafficking than that? Corrupt practices may be common elsewhere, but I never did hear of any public men in any country, offering to take bonds from a man's brother, before they conferred on him an honorary distinction. I say if that was done, for I am only speaking hypothetically, not from my own knowledge; (hear, hear, from the Opposition); but from that of others who are here; then I want to know if these hon. gentlemen are the pure and holy men to lecture us about bribery, to ring the changes upon perjury, or to inculcate principles of high morality and honor? I think it would be just as well for them to pull the beams out of their own eyes before they begin to pick the motes of others.

Now it will be borne in mind that Lord Mulgrave and the gentlemen opposite were very good friends down to the 12th May; and then they took a longer time to write him a letter after the elections than I did recently; they did not do so until the 9th June. Here is that letter, the first of the series, signed by Mr. Johnston. I have heard the hon. member for Cumberland say over and over again that if anybody would convict him of an untruth, he would instantly retire from public life. Well, now as the charge of inaccuracy, falsehood, and all imaginable tergiversations, is hurled at us continually, he will pardon me if I deal with these documents plainly and explicitly. I do not say that I will charge upon him in his individual capacity an untruth, for that would be unparliamentary; but if he is accurate in his own estimate of his veracity, it is marvellous how many people have time and again called it in question. When the hon. member for Cumberland and Mr. McCully were at Windsor, and some dispute subsequently arose as to facts, up jumped some seven or eight respectable men of that region, and signed a declaration convicting the hon. member of a frightful inaccuracy. Then again when he attacked a body of clergymen on the floors of this house, he was distinctly charged with misrepresentation, and I fear convicted. The matter has slumbered ever since, and I have no desire to revive it; but my recollection assures me that he was largely inaccurate in that instance. I think, too, I could go over a portion of the press, and gather an amount of material to be produced as evidence that the hon. member should leave public life.—But I am now going to invite the attention of hon. members to two or three statements in this single paper, which it must be as-

sumed had the concurrence of the other members of the Council, and I am prepared to show that they are full of inaccuracies.

For instance take the first few lines:

"Twenty-six of the members returned are known supporters of the Government. Of the twenty-nine who remain, seven were by law disqualified to be elected," &c.

Here is a subtle lawyer dealing with the Lieutenant Governor, who can know nothing of the facts, and what he does he tell him—that seven were by law disqualified. Mr. Harrington told us clearly the other day that Mr. Chipman had resigned his office long ago, and therefore he, and the committee who tried the case, gave him his seat. Did Mr. Johnston not know that Mr. Chipman had resigned, when he penned that letter? If he knew it and did not tell Lord Mulgrave is he in a position to find fault with Mr. McCully's statements? What next? Mark you he concealed the fact that Mr. Henry, who held the commission for revising the statutes, was in the same position as the others. Perverting the Disqualification oath to suit his purpose, we find the then Attorney General assuring the Lieutenant Governor that "it is difficult to anticipate their taking the oath of qualification in the House."

Now the hon. member makes it a capital charge against us that we, in our minute of council made out a majority of two to be only a majority of one when we had a political friend in the chair. We argued that matter, and I showed him that, whatever his majority was, his government was powerless and inefficient.

But what has been the gist of his whole argument? You have put a falsehood into the minute of council and given it to the Governor to mislead him. Well, if we did so, it would be a serious charge, from which we could not shelter ourselves; but he knows right well that when the Speaker was counted he had but a majority of one, and that the minute of council was accurate in all essential particulars. But here I charge upon his government, and I arraign him before the country for having in the familiar intercourse with Lord Mulgrave placed deliberately before him the grossest misstatements, the worst perversion of law, the strangest attempt to deceive that ever was hazarded by any public man sitting beside a British Governor. We are told Mr. Young perverted judgment; but let me ask, what did this man pervert when he told Lord Mulgrave in confidence on the 9th June that an oath embodied in a provincial statute for one purpose was there for another—a statement which he must have known was not accurate. Sir, the man possessing the legal knowledge of the hon. gentleman, who would take a provincial statute, and lay it upon the Lieutenant Governor's table, and and give it such an erroneous construction, is not the person to stand up here and call men hard names, or accuse them of high crimes and misdemeanors. But he went further. When Lord Mulgrave, doubting his law, requested him to send his

case to England, he did it in such a way that if it had not been for the astuteness of the Crown officers they would have been deceived. The Attorney General of England found him out, and gibbeted him to the end of time, as a man who either did not understand the law of his country, or who violated it for the purpose of misleading the Lieutenant Governor. Sir, in the whole history of legal perversions there has never yet been anything like that in any colony, as far as my reading extends.

He next goes on to argue from assumed contrarieties of statement at the hustings, that we could not form a Government, and assures Lord Mulgrave that he entertains a strong belief that his Government will be sustained. I would ask the House to look at the result. We have formed a pretty good Government; we have continued to act together, and we understand each other's principles. By the light of our present experience, let anybody read these last three lines:

"On a calm review of the state of parties and existing circumstances, my colleagues and myself entertain a strong belief that the Government will be sustained."

Does anybody believe that the hon. member for Annapolis believed, when he wrote that letter, that his Government could be sustained, or that he wrote it for any other purpose than to mislead his Excellency, and to enable the gentlemen opposite to hold their positions down to the meeting of the Legislature?

The next document in the series is the letter of the members of the Opposition to his Excellency. Here was a majority of the House asking, not for a dissolution, let it be borne in mind, but for an early session. But the gentlemen opposite could not recognize this paper; but now, forsooth, when a petition is scared up in Guysborough or Digby, every attention must be paid to it. And hear what they say: "The only mode known to the constitution, either here or in Great Britain, of definitely ascertaining the relative position of parties after a general election, is by a vote of the house after due deliberation and discussion." That is pretty sound doctrine. Is not a vote of the house in 1861 just as good a basis of government as in 1859? The substantial business of the country has been done for two sessions; but what do we hear now? That somebody misrepresents his constituents; somebody has changed sides. I often smile when I hear these declarations made here. I happened to be in Lord Mulgrave's library the other day, and I picked up the votes and the names in the House of Commons for a single session. Did I find that members of that body are controlled like machines, and never have opinions of their own? No, sir; it will be seen from that book what the practice in the House of Commons is every session, and that a very large proportion of the members float from side to side, as measures are approved or opinions fluctuate, and that a large amount of the public business is

done in that way. A leader of the opposition would no more call a member a traitor who voted against him, than he would dare to fling his hat in the Speaker's face. But here, it seems, when a man is elected a member of the House of Assembly, he must bind himself to some political leader, and if he should exercise his own judgment, he is driven out as a Pariah, and the harsh term traitor is flung continually at him. What was the doctrine in 1859?—"And we know of no principle or precedent that gives to the private opinions of individual members of Parliament the weight that belongs to the decisions of the collective body." Now the hon. gentleman tries to make Lord Mulgrave believe that the collective wisdom of this body is to pass for nothing, and that the smoky elements outside are only to be observed.

Take another passage—"In the aspect of advisers of the Lieutenant Governor, the memorialists can, we believe, as little find constitutional authority for the course they have adopted—the principles of Responsible Government not sanctioning those in opposition in approaching the head of the government with unsolicited advice." Here is their first Minute of Council written in 1859, stating their opinions that the opposition have no right to approach the head of the government with "unsolicited advice." I have described to you the manner in which I acted whilst in opposition. But times have changed, and hardly a day passes that some member of the opposition does not intrude himself into Government House to tender his advice. Up goes the hon. member for Cumberland, as a delegate from Digby and Argyle; then the member for Sydney takes up the Guysborough petitions,—and some other gentleman goes on some equally legitimate errand. "Unsolicited advice!" Oh! sir, my mind goes back to the period of Sir Gaspard Le Marchant; and do we not know how his footsteps used to be dogged? He could hardly appear in the streets till his shadow fell upon one at least of the *confreeres* of the gentlemen opposite. As the subject has been mentioned, I protest that what was sound doctrine in 1859, should be equally sound in 1861.

Let me turn again to the Minute of 20th July, 1859:—"It is well known that but twenty-one of the memorialists can occupy the seats in the Assembly which they claim." This is the bold statement hazarded; but did not the Attorney General know that every man of the twenty-nine could occupy his seat under the law? that there was no power to restrain him until he was legally dismissed from the halls of legislation! Here is another gross attempt, under perversion of law, to deceive the Lieutenant Governor, who is no lawyer. Then we were told that two members are not entitled to seats, "as the return of the writ for the Eastern division of Halifax carries on its face its own illegality." Yet the writ was brought up here—the return was sufficient, and Commissioners appointed by the learned member for Annapolis, swore in the mem-

bers for East Halifax, and in doing so, convicted him of another gross attempt to deceive the Lieutenant Governor. How was His Excellency to thread his way through the subtle contrivances and legal snares by which he was surrounded in 1859?

But turning to the Minute again, we are told—"Your Excellency cannot have failed to remark that the memorialists propose no measure of importance which would make their immediate advent to power, or an early meeting of the Legislature, essential to the public welfare." Will the hon. member for Annapolis point me to the great measures of this session which he has produced—to the great measures that the petitioners for Digby have recommended to our consideration?—What measures have they sent us from Argyle? Not a single principle has been propounded—not a single measure produced; we have nothing but a bold and strange demand for the disruption of the public business and the dissolution of the Assembly.

Turn, for a moment, to the answer to the memorial, signed by the Prov. Secretary. The government, it is there stated, "cannot accept any advice except from his constitutional advisers." That was sound doctrine in 1859; but now the Lieut. Governor is to get advice anywhere and everywhere, and his advisers are to count for nothing. Any body who prints a petition, and gets some names to it, may become his adviser; and then the petitions are all got up with such excessive candor. There is a ferry boat at the Little Bras d'Or called the *Charles Tupper*. A friend writes me that a person who was carrying a petition round actually made the people believe that it was to get money to put a new bottom into the *Charles Tupper*—(great laughter). If we were repairing her namesake, I fear we should have to begin above and below, before we made him sound.

I turn now to the answer to Mr. Young's memorial, sent to England on the 25th July, 1859, in which we are told "it is our duty to vindicate the people of this and the neighboring provinces from the unmerited imputation on their loyalty and sense of constitutional property, which Mr. Young has ventured to express or insinuate. No such tendencies to republicanism exist as his letter is designed to intimate," &c. Mr. Young happened to hint that it was just possible that the refusal to allow the majority of the people's representatives to exercise a constitutional control over their own affairs, might create a little discontent; and then the hon. gentlemen, in great indignation, declare that there are "no republican tendencies." What is the language now? It is this; "Colonists are degraded," "Nova Scotians pass for nothing;" "a Governor is sustained by the Duke of Newcastle;" "Nova Scotians begin to feel that he is a piece of State machinery, and a very expensive toy." This is the language now, and certainly not ill calculated to foster "republican tendencies." Was Mr. Young so intemperate in 1859, or is the hon. gentleman opposite sane in

1860? But let me say this to him. If he entertains the opinions he says he does; if he believes that colonists are degraded, that there is no fair play in the colonies; that governors should be elected from amongst the people, that they should not be paid as they are at present,—I would then ask why he has never, in his long political life, tried to redress our wrongs, and give us a higher status? He may tell us of his single speech on the union of the colonies; but he was three years in office, and never moved in the matter, or found out that colonists are degraded. If he entertains these opinions now, he owes it to the people openly to avow and boldly to act upon them—to attack the system, not the man—to challenge discussion of opinions, bold and comprehensive—rather than to put these miserable scraps into his public documents and speeches, to damage the Lieut. Governor in the judgment of the Secretary of State. Such a line of conduct is unworthy of this controversy, if it be a great one; it is discreditable to this legislature, and the hon. member will never reap any great renown by giving to a great theme a personal application. If he entertains strong views on these subjects, let him invite us to discuss them as statesmen should; and I promise him that I will give to these large questions all the elevation of mind of which I am susceptible, and all the ability with which God has endowed me.

Let me call the attention of the house to another passage or two of this paper which is under my hand. "In advising the Lieutenant Governor to assemble Parliament, or in offering any advice whatever, Mr. Young interferes with the functions of the Executive Council, and would have the Queen's representative personally responsible for acts of administration, or which is worse, would drive him to seek shelter under the advice of irresponsible councillors, unknown to the constitution." If Lord Mulgrave, in 1859, could not take Mr. Young's advice to assemble Parliament, when that gentleman was backed by a majority of the assembly—if he would violate the constitution by doing so, I would like to know in what position is it sought to place his Excellency now, when unconstitutional advisers, without a majority, ask him to dissolve Parliament?

How can the learned member for Annapolis now, after such sentiments as he has expressed, make use of all his subtlety of intellect to drive and intimidate Lord Mulgrave to do, by his own mere motion, an act which involves ten times more responsibility than the mere assembling of a legislature after a general election?

The gentleman opposite did not like, in 1859, "the reference of a domestic difference to a tribunal, three thousand miles off;" but, in 1860, every other packet takes a long letter full of grievances. Even when the tribunal comes nearer home, in connection with that auspicious event, the visit of the Prince of Wales, the Duke of Newcastle must be approached. If it was wrong for Mr. Young to

send a single memorial in 1859, is it right for the Opposition to be eternally bombarding the Colonial office in 1860 ?

Then we are told in this celebrated letter that some gentlemen "could not take the qualification oath without perjury, or vote without a bold and open defiance of law." The statements attributed to my friend Mr. McCully in Truro, sink into significance in comparison with this mendacious statement. They touch but a few thousand pounds, which the treasury of a noble province might well spare. But upon the opinion of a crown officer may hang the life of a human being, which is ten thousand times more precious than gold or silver; and when I see how that hon. gentleman has perverted and misrepresented the law in these documents, I am driven to look at him almost in terror; for I reflect, sir, that in his hands have hung many times the lives of human beings, their fortunes and their honor. Sir, looking at his long forensic career, I tremble as I think, and the exclamation passes my lips, good God, has not some poor wretch died from his not understanding the law! has not some horrid crime gone unpunished by his misstatements of the law! Here is a bold, audacious perversion, one that he can never wipe out of the public records of the country. On the opposite page the Crown officers tell him that he is mistaken; that the statute which he raked up to deceive Lord Mulgrave and frightened members from their seats was framed for an entirely different purpose; that any of these men could take the oath and yet not be amenable to the charge of perjury. And when I remember that the learned member for Annapolis in 1859 hurled anticipatory crime against these men what do I care what he hurls in 1860! When the law officers of England put him down by that plain statement, from that moment I felt that the hon. gentleman was not the man to instruct us in the law, and I feel now that he is the last person to assail the Chief Justice for its alleged perversions.

The hon. gentleman goes on to say in another paragraph that "no public officer has been unjustly dismissed, at our instance, from the public service." Perhaps not; but they dismissed a good many, and it cannot be very difficult to prove that that passage is entirely inaccurate.

Referring to the representation bill, which the hon. member has boasted of over and over again, both in his minutes of council and his speeches, he styles it in the paper before me "a broad and comprehensive measure, founded upon just principles, which had been recognized and advocated by the leading men of all parties in the Province." A more largely inaccurate statement I never heard of in my life. His bill was no sooner read than it was denounced by every party but his own.

"Under that bill," we are told, "every elector in Nova Scotia enjoys the same franchise." What are the facts? Did they tell Lord Mulgrave the truth, the whole truth, and nothing but the truth? The hon. member takes the County of Kings, which is just

beside the County of Annapolis, and cuts it into halves, and every farmer who had three votes, suddenly has but two; but across the border, in his own county, the representation is undisturbed. Is that equality? I should say not. Can he tell me how it was that the County of Hants had not only its fifth member taken off, but was actually split into two halves, while Cumberland was not disturbed? Will he tell me how it was he spared the townships of Argyle and Liverpool, and some others? Why, of all the measures that ever proceeded from a public man, pretending to be fair and just, that was the most unfair and the most unjust—the one, of all others, that no man should be proud of. How did he deal with this iniquitous measure? He brought it in towards the close of the session of 1859, and did an act which would have revolutionized England, if done in that country—he cut and carved the face of the Province from end to end, upon no principle that anybody could comprehend, except perhaps, upon that of getting back a majority at all hazards.

He hurried that measure through Parliament in the most indecent, arrogant, and unjust spirit that I ever saw exhibited by a party leader in this House. Sir, there are two scenes which will never pass out of my mind, as illustrative of the hon. gentleman's temper, and of the spirit he can exhibit to a minority when he is in power. Do we not remember that night, when the Chief Justice sat at this table, and when the member for Annapolis had in his pocket the names of the men who were to pass over and give him the majority; how he flew with perfect phrenzy at Mr. Young, and called him to his face "a job." Can we forget how, at the close of his last session, he crammed that Representation Bill down the throats of a reluctant minority? That as an example which I trust I may never have the inclination to follow, even if I have the power.

We have been told in the Speech of the measures of the session. There is an intimation given there that the representation of the country is in an unsatisfactory state, and that it will require revision. Before this House rises, I hope to lay on the table a bill containing the policy and views of the party in power. Is it to be crammed down your throats—to be forced upon you without sufficient opportunity for criticism and discussion? No, sir; no man in his senses but the hon. and learned member for Annapolis, would offer such an outrage to this House, or to the reason and common sense of the people of this country. That bill will be laid on the table—it will be printed, and go abroad; and when we meet here again, with the aid of the new Census, we will be in a condition to give to that measure the due consideration which a year's experience will very likely enable us to give. I have been thus frank in this matter; for I do not wish that the hon. gentlemen opposite should have the slightest apprehension that I intend to follow their bad example.

Now I pass on to another document on

which I must say a few words. The hon. member for Annapolis wearied us enough last session with his references to the disqualified, and the causes of grievance he had then; but, at all events, down to the close of the session, the hon. gentleman did not attempt to make any personal onslaught on the head of the Government. Now let me call your attention to the change of treatment of the hon. and learned member after the close of the session. I am justified in supposing that Lord Mulgrave, down to last spring, had treated these gentlemen with all the fairness and freedom from party bias that any nobleman could evince; and, sir, I am free to admit that down to the close of last session there is nothing in the public documents which would create upon my mind the impression that the hon. gentleman had forgotten himself. I hold in my hand his letter of the 13th June, addressed to the Duke of Newcastle; and here I find the first of those personal, unjust attacks upon the head of the Executive. Let us take some specimens of the language which it contains. We are told of "open and flagrant violations of law and honor," sanctioned by the head of the Government; that the prerogative of the Crown, committed to His Excellency the Earl of Mulgrave, "was laid by, to become hereafter insignificant in its impotency." Here is the first insult to the Queen's Representative; here is the first passage which displays the animus of the hon. member; and let anybody in his cool moments read it, and reviewing the entire controversy, he cannot but come to the conclusion that it was as unjust and ungenerous as it was inaccurate. Was the prerogative of the Crown powerless? No, sir; it has never been, and it is not now powerless, but Lord Mulgrave respected the rights of this Assembly and of the people too much, and his own position, too much, to throw himself into an endless conflict with the Legislature of this country.

The hon. gentleman then goes on to say that he does not wish that anything should "mar the harmony and unanimity with which the whole people" would greet his Royal Highness the Prince of Wales.

Judging by what I saw and read, if the hon. gentleman could by any means have created divisions, and made the Prince of Wales' visit neither harmonious nor pleasant, he would not, I apprehend, have been very reluctant to have done so. I do not attribute to him the harmony that this community exhibited, for my memory goes back to some attempts to create a good deal of discord; and it is just and candid to say that to the hon. member for Halifax (Mr. Tobin) do I attribute the fact that the appeals of the hon. member for Annapolis met with no response; that hon. gentleman, and others having much influence in this city, did co-operate in sustaining the union and harmony necessary for that great occasion. It was said in the community that on the very day the Prince landed, the learned member for Annapolis was excessively anxious to get some of his friends to make a demonstration in the Dock-

yard, but his friends had the good taste to decline his invitation. The hon. member was determined, however, to have an interview with the Duke. I remember that I went up one day to Government House, when everything in nature looked glad; the arches were all green, and the flags were floating gaily; all was merriment and rejoicing. I found the Prince, the Duke, the Lieutenant Governor and their suites on the lawn to be daguerrotyped by an enterprising artist. Just as the instrument was levelled, and the sun was about to transmit to our posterity the interesting group, in rushed the hon. member for Annapolis with his load of grievances to bore the Duke of Newcastle, and I almost wished that the artist had preserved his rueful countenance as a foil to the sunny scene. Surely, surely, thought I, this man has but little taste and less discretion. However, he got his answer. The Duke heard him as we have heard him; and I have not the least doubt that the Duke tried his best as we have done to understand him; but by the time he had paraded his legal cobwebs, and imaginary grievances, we can fancy the Duke saying to himself, Is this man a fair sample of the ability of the country; is he the leader of its opposition; is he a fair specimen of their statesmen? From that hour, I fear, our country fell in his Grace's estimation; but but from hour, as we see by the subsequent correspondence, the Duke took the measure of the man.

Turning again to Mr. Johnston's letter of the 13th of June, we find it written;

"Among the peculiarities with which Lord Mulgrave has surrounded himself, it is not the least that for the sake of a policy offering no higher results, he should have deemed it proper to assume a position which a Lieutenant Governor should never occupy, except for some object of essential moment or some grave necessity,—that of rejecting the advice of constitutional councillors, and assuming a responsibility which the constitution aims to transfer to those who are immediately responsible to the people."

That means that Lord Mulgrave ought not to have rejected the advice of constitutional advisers who had no majority. And what are we told now? That Lord Mulgrave is to be suspected and abused because he takes Mr. Howe's constitutional advice, based upon a parliamentary majority, which actually exists. The hon. member for Annapolis will here pardon me if I say that I attribute it to his long practice in defending right and wrong that he does not know the difference between them; for here he tells Lord Mulgrave at one moment that he was bound to accept his advice when he had no majority, and in the next that he is bound to reject mine when I happen to have one.

We are then told that "Mr. Young's relinquishment of the office of Attorney General involved the necessity of a compact by which that preferment (that of Chief Justice) should be turned aside from its ordinary channel." This is not accurate. The

tronage was running in the ordinary channel. Having held the position of Attorney General, and put it aside, Mr. Young had qualified himself for that preferment, if his political friends chose to give it to him. Had the hon. member for Annapolis had a majority at his back when the Chief Justiceship became vacant, what man would have dared to come between him and that long desired object of his ambition? But when the prize was won by another what did he do? He did not act as I would have done had I been in his place. I would have bowed my head and said, This great controversy has been decided by the God of Heaven, who

"Shapes our end,
Rough hew them as we may."

But he could not get the office himself; and then sprang up in his breast a feeling that did him little honor; the determination that if he could not be successful, to be at least revenged. He acted like a man, who, when some pretty girl chooses to prefer his rival, gashes her face to destroy that beauty which he cannot himself possess. He could not get the wig himself so he got up a petition and an agitation for the purpose of putting it on the head of Judge Bliss. Yet the hon. gentleman knows well that as long as he had a majority at his back Judge Bliss had no more chance of getting the Chief Justiceship than I had. The poor attempt failed. Mr. Young now occupies the judgment seat, and will justify I am sure the sagacity of the men who selected him, and the firmness of the nobleman who placed him there. Why is all this outcry against him now? To strew his path with thorns, if possible, all through his life. Will they do it? No, sir. They fear that William Young will go from county to county, conducting himself with the decorum, the intelligence and the industry which we know him to possess. Sir, just as he goes from county to county, dispensing law and justice in the presence of the people, he will live down the slanders with which his path has been beset, and earn the reputation of an able and incorruptible judge.

(The hon. gentleman here alluded to the next statement in the letter under consideration, in reference to the Solicitor Generalship. Why should they find fault if Mr. McCully chose to take charge of the Railway Department, and also assume the office of Solicitor General without pay. He was senior on the roll to other aspirants. It was but proper, then, that he should not, whilst doing the work of a financial department, give up his rank in the profession to which he had devoted a large portion of his life.)

Then we are, continued the hon. gentleman, told that Mr. Hamilton was evicted from the Registry of Deeds—"an office of considerable value entirely unpolitical." Here Mr. Johnston tries to make the Duke of Newcastle believe that Peter Hamilton is a non-combatant, with politics. Could any statement be more grossly inaccurate

than that? The hon. gentlemen do not like to work the mangle at their own cost and charges; they want Mrs. Hamilton maintained at the public expense. Let anybody take up the *Recorder* for the last twelve months, and he will not find a number in which the head of the Government is not assailed with vulgar abuse and ribaldry. The gentleman opposite pretends that he has nothing to do with it. Let me tell him that had he wished to prevent it, all he had to do was to hold up his finger; but he has not done so; an office given that it might weaken, has been reclaimed by the Government, and if Peter will work the mangle he must have his labor for his pains.

Through all these papers members of this House—Mr. Smith, Mr. Cochran and others—are named, and gibbeted, as far as lies in the power of the writers, before all the world. This is a system which ought not to be tolerated here any longer. Take the hon. gentleman's resolutions, and you find three or four names woven into them. This is never done in England, and I candidly acknowledge in giving a little biographical sketch of the hon. and learned member for Annapolis, in our amendment, I have, to a large extent, followed a bad example.

The hon. gentleman goes on to say in this letter, "that these persons were by law ineligible Lord Mulgrave knew, before he formed his present Administration; he knew it on the authority of Sir Henry S. Keating." I tell the hon. gentleman that of all the strange misstatements I ever heard, that is the strangest. Did the English Crown Officers tell Lord Mulgrave anything of the sort? No, sir; they told him the very reverse. Here is this hon. gentleman who charges us with large inaccuracies, stating that Lord Mulgrave knew these gentlemen were ineligible, because the Crown Officers of England had told him so! Let anybody take up the opinions of the Crown Officers, and he will find that these men were entitled to sit until they were deprived by law of the right. Their opinion was, that Mr. Johnston could not prevent them from sitting and voting, or Lord Mulgrave either—all that could be done, was to judge them according to law. Now I can show the learned member for Annapolis that these men who he says were ineligible, were recognized by himself as eligible, and that Lord Mulgrave recognized their power and authority to vote in this House, by his advice. If they were ineligible to give their vote on the motion of want of confidence, any vote they gave was equally a violation of law.

I ask, then, how is it that he charges upon the Duke of Newcastle and the Earl of Mulgrave, the sanctioning of an illegal act, when he knows that these men voted to put the Speaker in the Chair, and that Lord Mulgrave accepted that Speaker while he was Attorney General, and of course, by his advice? When the Speaker went up to claim acceptance and privilege, it was then the Attorney General's duty to have said "that these men had exercised legislative functions

in violation of the law and the constitution." There the stand should have been made. The Speaker should have been rejected, or the Council should have resigned. If the men were ineligible, if the law had been violated, and ought to have been vindicated, that was the time. But when the Speaker had been elected by the very men now declared ineligible,—when the hon. member stood beside his Excellency as his sworn counsellor and adviser, and told him to accept that Speaker and ratify the act,—from that moment his mouth should have been closed; from that moment he sanctioned the illegality which he charges upon Lord Mulgrave. Let him answer that argument if he can; I have never yet seen it answered, and all his skill will fail to get him out of this dilemma.

There is another point to which I wish to call the attention of the House, and it is this—we are told that the Chief Justice has reached an office to which he is not entitled, by perversion of judgment, and that he is a perjured man. But are not the hon. and learned members for Annapolis and Sydney who make this charge, strangely inconsistent? Was I a member of the bar of Nova Scotia and believed that charge, what would I do? Go into the Court where that man sat and countenance his perjury and perversion of law, for money? Plead before him with my gown upon my back, and walk forth into society, claiming to be an honest man? I think not. If I was a Barrister of Nova Scotia, and believed the bench of Justice was polluted, as they say it is, by a man who has perjured himself, I would say: I am a member of an honorable fraternity, I have been bred to that old and venerable profession which has trained so many illustrious men, which has animated the halls of legislation and the courts of law,—a profession adorned by the Grattans, the Currans, the Erskines, the Campbells, and by the great men whose portraits hang around, as it were, the stately edifice of England's judicial empire. Sir, I would say, I am an English barrister, and humble though I may be, I am bound to illustrate the spirit which alone can keep our institutions pure. And, sir, if I had seen on the bench of Justice an impure Judge—a man with perjury on his lips and perversion of judgment on his escutcheon, what would I have done? Would I have pleaded before him, and addressed him in terms of courtesy? No, sir; I would have walked into his court and laid my gown—silk or bombazine—upon the bar, and said, Not for fees and retainers, nay, not for all the treasures on this earth, not for pearls or jewels, or other precious stones, will I ever lend my countenance to the practice of law, before a Judge that I despise. But, sir, when the hon. and learned member for Annapolis did not do that, when the hon. and learned member for Sydney did not do that; when they kept their silk gowns upon their backs, and walked into the Court and addressed the gentleman who presided there with all the courtesies of the profession, and sanctioned his

elevation by practising before him,—from that moment their mouths should have been closed; from that moment they were parties to the crime, if crime there were, of which the Hon. William Young has been so often accused.

(It being seven o'clock, the House adjourned, with the understanding that the hon. gentleman would then resume his speech.)

TUESDAY, March 19.

HON'BLE PROVINCIAL SECRETARY'S SPEECH—
SECOND DAY.

Hon. PROV. SECRETARY commenced by expressing his regret at not having been able to continue his address on the previous day, and then went on to speak as follows:

Let me now turn the attention of the house to the address of the hon. and learned member for Annapolis to the people of Nova Scotia. There are several passages on which I will hazard an observation or two. Let me ask the hon. gentleman, in the presence of both sides of this house, if he thinks he will do honor to Nova Scotia, or to this Legislature, or advance his own reputation, at home or abroad, by sending such statements as these into far off countries: "Party interests have eradicated public opinion and suppressed a wholesome popular sentiment." This is a libel upon his own country. Then we are told that "inferior or unworthy men have the power, by means of political influence, to force themselves into the highest judicial and official situations." If the hon. and learned member meant this assault upon the judiciary, or upon gentlemen who now sit, or have before sat, on this side, he will level his shafts in vain. Sir, he is the last man to challenge comparisons of that kind; and I tell him, for a Nova Scotian to pen such a passage as that, and send it across the Atlantic, to slander and defame his own country, is neither patriotic, honorable, nor consistent; for, at the same time the hon. gentleman declares public opinion to be debased, he is even invoking it. And what is he about now? Trying to make public opinion override this Legislature, overrule the Lieut. Governor, and control the Government; and yet popular opinion, he would have us believe, is so debased and degraded in Nova Scotia, that it should pass for nothing.

Here is a passage which I think the hon. gentleman should not have woven into a public document. Mr. Campbell and Mr. Hatfield thought proper to exercise their own judgment, and they are called "degraded and notorious men." Sir, I have no hesitation in saying that the liberty which is taken with these two gentlemen is a shame and a scandal which the hon. gentleman should have been far above.

Then we are told "why expect truth in the witness box, or honor and sincerity in public and private business, when falsehood and fraud have been conspicuously triumphant."

Sir, the gentlemen on that side are called upon to vote that, which if they do now vote, I

shall be marvellously astonished. I hold the report of these election committees in my hands. In three or four of the most important his own friends were in a majority. They had the law and the facts before them, and fortunes of these men in their hands, and they reported that there was "no one ineligible." Then, I would like to ask Mr. Robicheau, Mr. Townsend, or any other man on that side, how, having declared these men eligible to sit here, they now vote for the hon. gentleman's resolution, by which they are to declare themselves idiots or something worse. They may do it; party influence may bring them up to the mark. When they do so we may come to the conclusion that

"Judgment shall have fled to brutish beasts,
And men have lost their reason."

The learned gentleman tells us that "the game of life taught them by the great teachers, example and observation, in view of what is passing before them, is to secure the end, regardless of the means; to win the tricks, and carry off the stakes, although it be by loaded dice and marked cards."

Where, sir, is the foundation for such a slander as that? When the hon. gentleman sat down to play his political cards the game went against him, and instead of losing like a gentleman, taking the chances of his game, what does he do? He says, I only sat down to play because I thought the cards would run in my favor, but as they happened to run against me I shall demand a new deal, and if I do not get it why the cards are marked and the dice are loaded. Who believes it? — Nobody.

He tells us that Lord Mulgrave's government descended to falsehoods. I tell the hon. gentleman that if untruths would give him the government he would have a long possession of power.

The most amusing part of these documents is this: "I entirely disapprove of anything of the nature of personal abuse or low invective." Why, there never was scold in a market place that used coarser language than we find in these letters. Yet, after abusing everybody, from the Governor downwards, and his country besides, he ventures to assert his hatred of personalities and invective.

This brings me to the end of the hon. gentleman's two grand letters, one addressed to the Duke of Newcastle, and the other to the people. What does the Colonial Secretary say to Lord Mulgrave? "I have no hesitation in expressing to you my entire approval of the course which you have adopted." That is after Mr. Johnston had bombarded the Duke of Newcastle with his letters, and bored His Grace with his complaints, at a most inopportune time, the Duke tells him that he entirely approves of Lord Mulgrave's conduct.

(The hon. gentleman then alluded to several passages in the answer of the Duke of Newcastle to show that he had clearly sustained the position of the Earl of Mulgrave; referring particularly to that paragraph in which he stated that it was to the Assembly that the

law has given the power of conducting any effectual investigation, or enforcing any decision respecting a contested election. In relation to the Duke's approval of the appointment of Mr. Young as President of the Council, Mr. Howe observed:)

Now I am aware that the hon. member for Sydney said that in creating the office of President of the Council, the Governor had overstepped his line of duty because, because by the instructions from the Crown, the General and not the President of the Council, administers the government in the absence of the Governor. What of it? The duty of the President of the Council is to preside over the Cabinet when the Governor is not there.

Now, in England the Queen never attends the Cabinet Council; she transacts the business of the nation with the separate ministers or with the Premier. The President of the Council presides over the Cabinet, and the office is found indispensable in England. In Canada there is a President of Council. In 1851 I attended with Mr. Chandler, of New Brunswick, a meeting of the Executive Council of Canada, and Colonel Tache, who was at that moment President of the Council, presided. We then discussed the whole of the Railway policy of British America; the Governor was not there until the policy to be adopted was matured. I grant you that when business is ripened, when you come to give official form to minutes, or measures, or appointments, the Queen's Representative must always preside. The appointment of Mr. Young was one entirely in accordance with the instructions of the Crown, justified by the experience of England and the practice of Canada.

It will be seen that when the Duke's despatch came from Montreal the hon. member for Annapolis was nearly ruled out of court. His winter's and summer's work had gone for nothing; the Duke of Newcastle, looking through him at half a glance, gave him his answer in twenty-five lines. They took some time to think over the matter, and then it was "Tupper to the rescue!" The hon. member for Cumberland came forward to try his hands at diplomatic conversation with the Duke of Newcastle; and here we have a pretty good specimen of the hon. gentleman's spiny style; he tried to bully the Duke of Newcastle, which was more than all the Orangemen in Upper Canada could do. He tells us of "the natural contempt for all law and order which has thus been engendered in this colony." Now at that very instant what was the hon. member for Sydney doing? Why going with his silk gown from county to county in Cape Breton, maintaining law and order, at considerable expense according to the hon. member for Cumberland. And the hon. member for Annapolis was to be seen in the centre of the County of Cumberland explaining the law before the new Chief Justice, trying criminals, and coming back perhaps with the record of as light a calendar as was ever seen in the province of

Nova Scotia. It is just possible that a few more offences against property and the person occurred last year than in those halcyon years when the hon. and learned gentleman was at the head of affairs; but does the hon. member for Cumberland mean to say that there was any foundation for his statement? I have sometimes known more criminals tried in a single county than were tried in the whole Province in 1860.

The hon. gentleman then says:

"That the same influence that obtains the appointment to a Colonial Governorship, from a British ministry, will be sufficient to sustain the incumbent, in whatever the caprice or the self-interest of the Governor may dictate, in the most important crisis."

Let any fair-minded man in any country read Lord Mulgrave despatches, and say whether there is any sign of caprice from the beginning to the end; whether there is not the evidence of a manly nature struggling through difficulties, always trying to do what appeared to him at the moment to be right. Could any opposition or government do anything for Lord Mulgrave? Certainly not. His position is independent of anything we can do, just as long as he administers the government in accordance with the spirit and principles of the British constitution. The only risk that any British Governor runs is this, that he shall be proved in Parliament not to have understood the free system he is sent to administer; but as long as he did what was fair and upright what had Lord Mulgrave to fear?

But we are told by the hon. member for Cumberland—"I am informed that Lord Mulgrave has so far forgot himself as to slander the late government in a despatch to Your Grace." Fancy such a passage as that being written on mere supposition. Now the despatches are before us, and will any body point to the line where Lord Mulgrave has laid himself open to that charge? It was a strange attack, entirely without foundation.

But the learned gentleman deprecates the manner in which Colonial Governors are appointed, and the exclusion of colonists from the gubernatorial chair. Well, as I said before, whenever the hon. gentleman wishes to raise the broad question to what extent British colonists should share the higher patronage of the empire we shall be prepared to give it that serious consideration which a question of so much importance demands. But I cannot understand the sincerity of a man who only suddenly discovers, when out of office—when Lord Mulgrave is maintaining an independent attitude, that colonists have been excluded for years, and that new modes of selection should be preferred.

The hon. gentlemen next alludes to the fact of the Governor receiving \$15,000 a year, whilst the State of Maine only gives that officer \$1500. I would ask him why he did not move against the salary the other day if he considered it too large?

Dr. Huxley.—I had not the power.

Hon. PROV. SECRETARY.—The hon. member had not the will. Why did he not do so when he had the power? He only discovered that the salary was too large, and that the mode of selecting governors was a little too expensive, after he discovered that Lord Mulgrave could neither be intimidated nor entrapped.

We are next told that "it will become necessary to lay the subject before the Imperial Parliament." What is to become of the Duke of Newcastle and the Earl of Mulgrave should the learned gentleman carry out his threat? There are shrewd men in the Imperial Parliament—men who can see through all these flimsy papers in the slightest possible compass of time; and I do not believe that if the hon. gentlemen were there to argue their case themselves they would make much more of it than they did before the Duke of Newcastle.

The learned member said something the other day about "this man Howe." Well, I think "this man Tupper" could not have felt much complimented when he got the quiet answer to his memorial:

"On this subject I may refer you to the letter which I addressed to Your Lordship dated the 30th August last, upon the political events of the past session, which form the topics of Dr. Tupper's communication. To the opinions which I therein expressed I fully adhere."

The Duke of Newcastle was evidently accustomed to deal with angry people, and does not appear to have had his temper much disturbed. The Duke's ratification of Lord Mulgrave's conduct, was, on the contrary, all that could be desired:

"Placed in a position of considerable difficulty you have, in my opinion, exercised a sound judgment in declining to adopt the course pressed upon you by the members of your late Council."

Throughout the year 1860 the opposition were dead beat. The committees had reported. The government had a majority of nine. The Duke had come and gone, and upon every point submitted gentlemen opposite were beaten, and the conduct of Lord Mulgrave sustained.

But at last came the Cumberland and Victoria elections, and I must acknowledge that never did a dead corpse, touched by a galvanic battery, spring up with more eccentric movements than did the gentlemen opposite. They were pretty nearly defunct, and tried with hawking about their complaints, and finding no one to give them any comfort; but at last by hard work they did get in a third man for Cumberland, and by bad management another from Victoria.

(The hon. gentleman here attributed the success in Cumberland to the Doctor's great exertions and his peculiar style of canvass. The revulsion and change of sentiment were mere moonshine. In relation to Victoria he acknowledged that he could not comprehend the result; but he had no doubt, if the opportunity were given, that that county would

second thought would meet his entire approval.)

After these elections I wrote a note to His Excellency, in which I stated that I believed we had a majority to carry on the business of the country, and finish the work of the session; but, if deceived, it would be my duty to reconstruct the government, or to ask for an appeal to the people. Let me now tell the hon. gentleman that the first of these difficulties has not yet arrived. The gentlemen opposite have not yet been able to obstruct our measures, or drive us to the first alternative, a reconstruction of the government. There is not a man in this house that, up to this hour, can say that I have approached him with the expression of a wish or with the slightest inducement that he should aid us. While the gentlemen on this side steadily support the government they are entitled to my undivided confidence. If they fail me, or are unsteady in their support, I shall not hesitate to make the sacrifices which it would be then honorable to make, or appeal to the country if that step be indispensable. Lord Mulgrave understands my position—has understood it from the first, and I have never had with his Lordship, on this or any other point, the slightest difference of opinion. I have never disguised from Lord Mulgrave my opinion that a government that is too weak is not a good one. I have never been in favor of governments resting upon a mere nominal majority of one or two. But let me say to the gentlemen opposite that when His Lordship wrote his despatch in January it was never contemplated that because any gentleman chose to run into some other gentleman's county, and get up petitions against him, that these were to be considered proof of parliamentary weakness. The majority we have now is as large as can be ordinarily expected in a country like this; and if there was a dissolution to-morrow and the other side were successful, I doubt very much if they would have a majority of more than five. In the House of Commons this would be equal to a majority of 60; but to tell me that because some petitions are got up we should have a dissolution is simply absurd. If parliaments in Nova Scotia are to be dissolved when the ministry have only a majority of five or six, at the wish of outside parties, we should have endless dissolutions, and an election every year. There are many people in Nova Scotia always anxious to have an election—the tavern keepers who make money by a contest, and all the loose fish who wish to be bought over again, and a certain number of fellows who have no principle, but like the fun and the excitement.

Is there nothing for a Parliament to do in Nova Scotia, before it is dissolved? I think there is a good deal that can be done, if we make a wise use of our time. There are roads to open—bridges to build—steam-boat lines to establish—good laws to pass—and to this work I shall address myself, conscious that upon no other terms can I secure the

confidence of the head of the Government, and of the men who surround me.

Hardly were my letter and Lord Mulgrave's despatch sent across the water, than up jumps the hon. member for Annapolis, and writes another missive to the Duke. On the distant prairies of the West, worn out and weary, the Duke of Newcastle, in that long sleep which His Grace is said to have taken, must have had the figure of a sallow gentleman with very white hair, flitting through his dreams. But here he is again, on the threshold of Downing Street, and what is to be done with him?

I have not much time to linger over this letter. There are some curious passages in it, though it is pretty much in the old strain. His argument in favor of a dissolution, is as usual, defective. Suppose three or four gentlemen did something wrong, what is his remedy? Scatter everybody abroad—that is, 55 of us must be sent adrift because half-a-dozen gentlemen have not read the law as he does, or have, on their oaths, exercised their judgments, as they were bound to do. I would wish to know if this is sound doctrine or fair play? The hon. gentleman talks of a dissolution as if it were a pleasant pastime, whereas we all know it is a pretty serious thing to every country. I have had some experience in this House, and I have seen a good many dissolutions; and what has been the invariable result? That one-fourth at least, and often one-third of the members, never come back. I am not speaking of either party, but of the House as a whole, and I would ask, in view of the results of this experience, would not the hon. gentleman reward his own supporters in a most unhandsome way? He tells them—scatter both sides, spend your money, risk your seats; I know a lot of you will never return; but what care I, if I come back with a majority?

Where is the hon. gentleman's gratitude to his supporters? It is very like that of the veiled prophet who tells his followers, as they die around him, "Ye would be dupes and fools, and so ye are." But the hon. gentleman gave the finishing touch when he called the Duke's attention to Dr. Tupper's election speech at Amherst, which he sent across the water. I could not help smiling at the extraordinary idea of the hon. and learned member for Annapolis sending a hustings' speech to the Duke of Newcastle—a man surrounded with innumerable claims upon his time, literally borne down with a load of official cares, and who never gets time to read the hustings' speeches made by his own friends in the House of Commons. But the hon. gentleman must also send what was not a report of my speech in reply. I do not feel at all wounded that my speech was not sent with that of the hon. member for Cumberland, for I am sure that the Duke of Newcastle could find little time to read either; but, at all events, if he determined to send it, he should have given a correct version of what I did say. Never was there a more contemptible advantage at-

tempted to be taken by one public man of another, than in that instance.

This garbled report says, "I admitted that Mr. McLean's appointment was a most unfortunate one for the Government." I said no such thing. But I did say that if I wished to traffic the office of sheriff, I could have saved the election. That is my belief; but I said I preferred to do what was just to Mr. McLean, rather than sacrifice what I conceived to be principle.

Dr. TUPPER.—The hon. gentleman did not say a single word about trafficking the office.

Hon. PROV. SECRETARY.—I am sure, then, the hon. gentleman's deaf ear was towards me. I said, also, there were other parties, my own friends, who wished that office, and that disappointment had cost me some support. There was no reflection on Mr. McLean, or any regret expressed at his appointment.

Here is another matter which has not yet been explained: "Mr. Howe also admitted that he sent a threatening letter by Mr. McDonald, the Queen's Printer, to Mr. Seaman, of Minudie." This marvellous story has been hawked about the Province, and discussed over the Bay. Let me explain all the circumstances in all frankness. The estate of Minudie contains 120 Frenchmen, all tenants of Mr. Seaman, and for the last fifteen or twenty years, at every election in Cumberland, that horde has been hurled in opposition to the Liberal party, by the will of one man, who has thereby decided the County contests, to a large extent. When I represented Cumberland, the Irish Catholics were all in my favor, and the Priests too, as far as I knew; but not one single soul could they influence on the Minudie Estate, for the daily support of these men depended on Mr. Seaman. Such was the way in which this pressure of landlordism was brought to bear on me.

Mr. McFARLANE.—The hon. gentleman will bear in mind that not one-half of these men are Frenchmen—they are as independent a class of men as there are in Nova Scotia.

Hon. PROV. SECRETARY.—These men, in my time, would have voted for me, and their priests wished it, but they dared not, and never did. Now when the last election was going on, I felt that this mode of settling great county elections by the will of one man, was a novelty in Nova Scotia. By the law of the land I am entitled to a single vote—but it is contrary to its spirit that I or any other man should have a hundred votes. I saw Mr. Seaman myself, and some of his friends, and I advised him not to bring up again this body of men to oppose the Government, and I believe if he had been left to his own deliberate judgment, he would not have done so at the last election. However, pressure was brought to bear upon him, and he was warmed up to the contest. Under these circumstances I thought it was quite compatible with my views and opinions to send a friend to Mr. Seaman, and in order that there

might be no mistake, I wrote a note for my friend to read to him. I gave him notice that if he exerted his power and brought up his tenants, it would be abated if there was any law to do it, and if there was none, the law ought to be changed. My friend was also instructed to make him understand that as the Seigniorial Tenures had been swept away in Canada, and as a similar course was being advocated in Prince Edward's Island; that free Nova Scotians were not going to support much longer any system which had been condemned in other colonies. I freely admit I did write such a letter and send such a message. If there is no remedy, we must submit; but, if there is, both the policy and spirit of our laws make it our duty to apply it.

After a slight reference to the Duke of Newcastle's last pithy dispatch, the hon. gentleman said that he had now reviewed the correspondence, including four letters written by the hon. gentlemen opposite. The review was imperfect, but it was apparent from end to end that these gentlemen were lecturing Lord Mulgrave, the majority of this House, the Duke of Newcastle, and the people of Nova Scotia, upon elevated sentiment, and upon the necessity of law and order.

The solemnity of an oath and a sacred regard to truth, were sagely inculcated. But I ask the House to observe that in all our Minutes of Council they could only attack one statement easily defended, and in Lord Mulgrave's dispatches but one passage is assumed to be inaccurate, and that is sustained by evidence that cannot be put aside. Let me now gather out of these five documents of their's, materials for a pyramid of misrepresentation.

I have taken the trouble to go over these five documents, and here, in the presence of this House, and of this country, I am prepared to show that these five documents contain at least fifteen gross misstatements.

(Turning to Mr. Johnston's Letters of the 9th June):

It was untrue "That seven were, by law, disqualified to be elected." He knew that Chipman and Blanchard had both resigned.

It was untrue that "all or a majority" of the members for Queens, would support the Government.

It was untrue that the Opposition of 1866 was so divided in sentiment that they could not form a Government.

It was untrue that there was any foundation for the "belief that, when the House met, the Government would be sustained."

It was untrue that five of the men elected could not take the "Oath of Qualification."

Taking Mr. Johnston's letters to the people, of the 21st of June, 1869:

It is untrue that governors are selected "without the acquiescence or knowledge of the people."

It is untrue that "party bias and prejudice and interests destroy public opinion, and debase the popular sentiment."

It is untrue that "Lord Mulgrave allowed the government to be seized in opposition to the expressed instructions of the Crown."

It is untrue that "party interests have eradicated public opinion, and suppressed a wholesome popular sentiment." That "inferior or unworthy men force themselves into the highest judicial and official situations"

Taking the Executive Council's letter of 25th July, 1859:

It was untrue That "but twenty-one of the memorialists occupy the seats in the Assembly which they claim."

It was untrue "That the writ for East Halifax carried on its face its own illegality."

Taking the Councils letter of 28th July, 1859:

It was untrue that any members of the Opposition "could not take the qualification oath, or vote without a bold and open defiance of law."

It was untrue that "no public officer had been unworthy dismissed."

It was untrue "That 26 pledged supporters of the Government were elected whose seats were free from any legal disqualification."

It was untrue "that the Representation bill was based on broad and comprehensive principles, recognized and advocated by leading men of all parties."

Referring to Dr. Tupper's letter of the 29th of October, 1860:

It is untrue that "Lord Mulgrave so far forgot himself as to slander the late Government"

It is untrue that Lord Mulgrave had any "interest" in the questions at issue.

(The Prov. Secretary commented on these passages, but we must condense, as our report is already so long.

He denied that the picture drawn by Mr. Johnston of the state of Society in Nova Scotia, was accurate. He contrasted our rural districts and civic population with those to be found in the British Islands or any other country, and declared that there was as much manly, political sentiment here, as elsewhere. Greater men might have been trained on wider fields of exertion, but our politicians were as pure, and our people as honest and intelligent as they were in the British Islands or anywhere else. It ill became the hon. and learned member for Annapolis to libel and slander his own country. He enforced the argument that Mr. Johnston having advised Lord Mulgrave to accept the Speaker, was powerless to complain of illegality when the vote of want of confidence came. The clerks and the chaplain were elected on the same day by the same gentlemen, and if Mr. J.'s argument was sound, the Journals were an illegal record, and the prayers which ascended to Heaven every morning for a blessing on their deliberations, were offered by an officer whose election was a mockery and a fraud.)

We have been told, over and over again, that Lord Mulgrave knew that these men were disqualified, and that he should have acted on his personal knowledge of the facts.

I ask the learned member for Annapolis, if he has not many a time known that a man had committed a crime? Has he not, as Counsel, had personal knowledge, many times, of the guilt of his clients? But would he convict them on his personal knowledge? Or would he not throw around them all the guards and securities of British law? Nay, sir, when the guilty man was brought into court, would not he, who knew fifty times more about his case than Lord Mulgrave did about these men's disqualifications, feel it his duty to defend that prisoner until he was either convicted or acquitted, by testimony taken in open court and sifted by cross examination? There is a curious passage in the lives of the old English Chief Justices. Some persons may have a very degraded opinion of the Bench of Nova Scotia; but even in Old England, men have reached the Bench through curious paths and strange vicissitudes. Chief Justice Holt once tried a highwayman, and sentenced him to be hanged. Thinking he recognized one of his early companions (for wild fellows at the Universities sometimes supported themselves by taking a purse upon the road), after the trial was over he visited the man in his prison at night, and a startling conversation took place between the highwayman and the Chief Justice. They recognized each other at once as old pals, and when Holt asked, "Where are the rest of the gang?" the highwayman answered, "All hanged but you and I, my Lord." I quote the anecdote, because it supplies a pregnant illustration. When that man was being tried, the Judge knew that he was a highwayman, but he did not think of trying him by what he knew. If he had convicted him from his own knowledge, and not upon clear testimony produced in Court, he would have committed murder. I went once with an old friend of mine into a cell; I heard the Counsel and the prisoner discuss the nature of a crime which had been committed. It was an idle curiosity that took me there, and certainly I never went again. Though I did not understand the law very clearly, I suspected, and my friend knew, that a murder had been committed. But my friend went into Court and threw around the prisoner all the securities of law, and defending him eloquently, reduced the crime to manslaughter. It was murder, notwithstanding; but who could hang the man? And will the learned member for Annapolis, trained in these principles, ask Lord Mulgrave to prejudge and convict members of this house on his own personal knowledge? Were any Lieutenant Governor to do this, he would violate every principle that is recognized for the security of Parliament at home, and that guards men's lives and liberties in the courts of law.

[The hon. Provincial Secretary then related an incident in the life of Wedderburne, afterwards Lord Loughborough. A very violent Judge, who had been in the habit of insulting members of the bar practising in the Edinburgh Courts, one day treated Wedderburne, then a young Barrister, with rudeness.

He resented it immediately; and when called on to retract or apologize, indignantly refused, and stripping his gown from his shoulders, threw it on the bar, declaring his determination never to practice in that Court again. He kept his word. He left his country, rather than practice before a Judge who he thought disgraced the Bench.]

Though I do not much admire Lord Loughborough as a politician, particularly in reference to his conduct prior to the American Revolution; still, contrasted with that of the learned member for Annapolis, I must extol the spirit of independence which he evinced at the bar. That hon. gentleman missed the finest opportunity that was ever offered to a lawyer in this colony to make a reputation as imperishable as the profession. Sir, had the learned member walked into Court, and hung his old silk gown up before the Chief Justice, and walked out again, from that moment, whatever their previous rivalries had been, James W. Johnston would have towered above William Young, like Ossa o'er a wart. From that moment all comparisons would have been odious. If the judge were innocent, still the independent barrister would have towered in sublimity above him; if guilty, as the shadow of Poe's raven, that sat above his door, sunk into his soul till he went mad, the shadow of that old silk gown, hanging on the bar before him, would never, sleeping or waking, have passed from the mind of William Young. In two years there would have been a vacancy; for it would have driven him mad; and when the succession came to her great Barrister, all Nova Scotia would have gone mad for joy. When he died, his country would have built a stately monument over his bones. Year by year young races of students, in bright succession, would go and strew flowers and ever-greens and shed grateful tears upon his grave; and, as for that old silk gown, it would have sold for a fabulous price; nay, every silken thread would have been seized and woven into ornaments to deck the breast of beauty, and cherished as relics to all future times. Women, that nothing else could win, would say to their lovers—"Bring me, in a brooch, a thread of that old silk gown, and I am yours forever."

But I must now turn to consider some few passages of the speech which the hon. gentleman delivered the other day. In the second column he says:

"The prerogative, once the instrument in the hands of tyrants to oppress, is now the auxiliary for sustaining the people's rights. Let me ask the attention of the House to the description of the prerogative given in Blackstone's commentaries: 'For prerogative consisting (as Mr. Locke has well defined it) in the discretionary power of acting for the public good, where the positive laws are silent, if that discretionary power be abused to the public detriment, such prerogative is exerted in an unconstitutional manner.'"

Let me ask, who is to exercise the discretion? Is it the leader of the opposition, or the whole body of the opposition? He knows full

well, the Lieutenant Governor, who, in the exercise of his discretion, was entitled to respect.

But there are, on the exercise of prerogative, constitutional restraints. If I remember aright, the Governor of New Brunswick, Mr. Manners Sutton, directed his ministry to dissolve; they declined, and he then determined to dissolve the house himself; but when he came to look into the matter, he paused, and then he found that the constitutional mode was to dismiss his ministry, appoint another, and dissolve the house: because the ministry who dissolve must be prepared to defend the dissolution. The hon. member will therefore allow me to say that no Lieut. Governor has the power, without advice, to dissolve the house; but, if the ministry will not dissolve, he can dismiss them, and appoint others, who must be ready to sign and defend the proclamation.

I was much amused by the hon. gentleman's reference to the Earl of Chatham. I am familiar with the life, and have always admired the public conduct, of that great statesman; and I used to be very familiar with that old story about Wilkes. But Chatham demanded a dissolution, because a man having no majority was seated in the house. Here, the learned member demands a dissolution, because men who have majorities, and are declared eligible to sit by sworn committees, are not turned out contrary to law. The cases are not parallel, but if they were, does not the hon. member know that, even when so great a man as Lord Chatham stormed in favor of a dissolution, his arguments were laughed at, and that the Parliament was not dissolved? Chatham, we are told, defended the liberties of America. So he did, because British Governors and Parliaments dictated to Colonial Legislatures, and overrode their laws; but if the thirteen colonies had had no greater grievances than those we hear of now, Lord Chatham would have had but little scope for his eloquent appeals. Would they have complained had they been left, as we are, to deal with their internal questions as they wished? No; they complained because English Governors trampled upon the rights of their parliaments, as the member for Annapolis desires that Lord Mulgrave should trample upon ours.

The hon. member should never have brought the Preeper trial here. I pronounce no opinion at this moment as to the main facts of that case; but the hon. member knows that he cooped up in jail for a whole summer, a number of men whom he could not get a grand jury to arraign, and that the only man he tried was acquitted by a jury of his country. Sir, blood was shed; but who began the affray? Those who outnumbered and outraged the smaller party. But I do not wish to go into that question; where blood has been shed, it is a solemn thing. Let us at all events hope and pray that innocent blood will never cry aloud for justice in this country, or anywhere else in vain. What is the charge, the hon. gentleman has given of his own? It is, both

in reference to this trial, and to the proceedings of this house? That it is impossible to get a just decision here, or a verdict in a criminal case in Halifax or Colchester. I say it is shameful that a man, standing in his eminent position, should scatter abroad such an infamous libel upon Nova Scotia. But if this be true, the hon. member for Cumberland tells us he is the father of the jury law. If he is, and the hon. member for Annapolis cannot get a verdict under that law, we must come to the inevitable conclusion, either that the hon. gentleman's statement is a slander upon his country, or else that his colleague's jury law is not worth a rush.

The hon. gentleman says they pressed upon the Lieut. Governor the fact that a reaction had taken place in the country before they resigned. If they did, they were wrong, and Lord Mulgrave was justified in rejecting their advice. Let him look to the returns from the Hants, Colchester, and East Halifax elections, run just after they retired, and what is the result? That the elections in all these counties were carried by larger and more triumphant majorities than on the 12th of May; showing clearly that at the time they were trying to make the Governor believe that a reaction had taken place, the contrary was the fact.

The hon. gentleman says, suppose three judges were to offer themselves for three seats and be elected, would not Lord Mulgrave know they were judges, and act upon the knowledge? I will tell him what he would do. If he had a sagacious adviser beside him, he would say—If you have a desire for legislation, and prefer taking a seat on the red benches, I will see if I cannot select three worthy men to take your places on the other bench. A very slight intimation of that kind would very soon vindicate the law, and relieve all parties from embarrassment.

He refers also to the fact mentioned by Lord Mulgrave, that he had at one time held the office of Solicitor General whilst in the Legislative Council, and says that was before Constitutional Government was introduced. Not so; Constitutional Government came in with Lord Falkland. When he sat down in the Council, he occupied precisely the same position that Mr. McCully does now.

He dwells very much upon what happened in the cases of Messrs. McLellan, Smith and Cochran, towards the close of the session, and argued throughout that our Government depended upon these men. Does he not know that by the time these committees reported, we had a majority of nine, and were thus able, if necessary, to send these men to these elections, and preserve our majority until they were re-elected?

We have, of course, an onslaught as usual on Colin Campbell and Hatfield. Let me tell these gentlemen that there is a very illustrious example to justify their course. Edmund Burke was as eloquent a man, as profound a statesman, as has ever figured in the political history of Great Britain; and we all remember that when the French revo-

lution broke out, he not only severed the political ties that bound him to the Whigs, but the personal friendship that existed between him and Fox, the friend of his early youth. Who does not recollect the time when Fox and Burke, with tears in their eyes, separated on the floors of the House of Commons, when Fox, bending across to his friend, whispered, "This need not change our friendship," but was repulsed. Edmund Burke could change his side and separate from the friends of his early days, and yet be no traitor! I would like to know whether men in this country are to be trammelled and tied down by iron rules that, in the mother country, every man laughs to scorn!

When I am told by the learned member that the Lieutenant Governor exercises his functions prejudicially to the interests of the people, I answer it is not true. I do not believe that the meanest man in Nova Scotia has ever been denied a hearing by Lord Mulgrave whilst in this colony; that there is a single soul who, by petition or personal remonstrance having claimed his sympathy, has not had his claim allowed.

(Mr. Howe laughed at the member for Annapolis for complaining that Hatfield and Campbell had invested the capital entrusted to them by their constituents in the wrong concern. They were right, finding that the Johnstone bank was broke, to seek another and a secure investment).

We are told that these two men were actuated by personal and selfish motives. But this is not true. A seat in the Executive Council was offered to Mr. Campbell months before he finally accepted it; it was not solicited by him; it is not at this moment valued more than the fulfilment of honorable obligations. As to Mr. Hatfield, I do not believe that all the means at the hon. gentleman's disposal, when in the government, could for a single instant have made him do that which his own conscience did not instruct him to be upright and honest.

In closing my remarks upon the speech of the hon. gentleman, I will not follow his bad example, and indulge in coarse and scurrilous language. I may be pardoned, however, if I sketch the portraits of some gentlemen opposite by borrowing a couplet or two from a poem addressed by glorious old John Dryden to an ancestor of the Earl of Mulgrave. The learned member for Annapolis might fairly be likened to that troubler of other times, who, the poet tells us, was

"Raised only by his mercenary tongue,
For railing smoothly, and for reasoning wrong."

And might we not find on that side, also, some resemblance to another worthy

"Who by the world was thought exceeding
^{wise}
Only for taking pains and telling lies."

I will close with a single reference to a topic touched upon by two or three gentlemen opposite. The Catholic members this session have given no offence. I will not undertake to say that they have receded from any ground that they may have taken in the

vor of their church; but this I may assert, that they have displayed no bigotry or intolerance, but have rather evinced a desire to further public business, as men charged with mutual obligations; and so far as my memory serves, they have given no offence by a single coarse or unhandsome observation. But there is hardly any member of the Opposition pretending to be a leader, who does not bring up the Catholic controversy. Now a word or two upon that point. In the first place, I do not think such gentlemen are consulting feelings of good taste or acting wisely, when they seek eternally to mingle religious animosities with our debates.

I cannot help smiling when I see these great champions of the Catholic cause thrusting themselves forward, as though religious strife was a necessary element of legislation! The hon. member for Annapolis told us that, having insulted the Catholics, we were now "crouching at their feet" I am speaking in the presence of those gentlemen, and I denounce the statement as a foul slander. I have made no overtures to those gentlemen. I have asked no aid from them. I have respected their position, perhaps their prejudices, and have maintained my own, but I have transacted the public business with their co-operation and assistance—that is what I intend to do. The member for Annapolis evidently desires that the Catholic members should bind themselves together as a religious organization, and form a part of his tail for ever. His only hope of political salvation is that they should do this; for he knows that he never had a policy that could command the deliberate judgment of this country, and that it was only by an accident that he seized the Administration. What love has he for Catholics, or they for him? A friend of mine told me that when the torch light procession took place the other night, and the hon. member for Annapolis was haranguing the crowd, he heard one Irishman say to another—

"Dennis, do you think, after all, the ould fellow likes us much?"

"Yis," said Dennis; "just as much as the divil does holy wather."
(Great laughter.)

But he tells the Catholics that I insulted their Church! I tell him that I but defended my own. I tell him more; I never took an unruly member, and claimed for him the right to disturb a Catholic congregation, and to make faces at the priests at the altar. He did that, and yet he is now so careful of the Catholic Church!

Then the member for Cumberland patronizes the Catholics! But they see through him, and laugh at him. "Does he not look like O'Connell?" said an Irishman the other night, laughing and winking his eye. Fancy the member for Cumberland trying to look like Dan, and satisfy the Irish taste for fun and declamation! You might as well mistake the tumultuous heaving of the waves in a storm on the Atlantic, for the white squalls that pass over the doctor's mental Mediterranean!

As respects the Catholics, they left me foolishly and without cause, and like little Bo-peep in the nursery rhymes, I let them alone till they choose to come home, wagging their tails behind them. (Laughter.) They will soon tire of the short and bitter pastures of the hon. and learned member for Annapolis, where bigotry and intolerance, hypocrisy and selfishness, are the natural products of the soil.

I do not think it wise for the Catholics of this country to play the hon. gentleman's game, to bind themselves in a religious league, and keep up a continual war with the Protestant population. If I wished to keep power forever I would desire that they should do nothing else; for being a minority they must always be beaten. So long as religious organization is kept up on one side, just so long will there be antagonistic combinations; and the weakest must go to the wall. When the whole body combined against me I resisted manfully and did my *devoir*; but when the fight was over my own sound judgment told me that to perpetuate that quarrel, to keep up that religious ferment, was not wise in a mixed community, and would not produce a beneficial result.

Sir, I deal with this matter, as I have dealt with it from first to last since I assumed the leadership of this government, with the utmost explicitness and frankness. I have nothing to conceal from either Protestants or Catholics; what I believe to be fair and honest between man and man, that I am prepared to do. I resisted the Catholics when I considered that they combined for improper purposes, and in an improper spirit; as I would resist to-morrow any other religious combination; but I do not believe it will conduce to the harmony of public business to have religious controversy forever mingled with our debate. The learned member for Annapolis should be the last man to attempt to stop the public business with old controversies, for, if my recollection serves me, when my first letter was published, the hon. member for Annapolis, in the presence of three or four persons in a stage coach, said he was proud that there was an individual in Nova Scotia, who had the courage to tell those people the truth. This I heard from a person who was, I think, in the coach at the time.

Hon. Mr JOHNSTON — Give your authority.

Hon. PROVINCIAL SECRETARY — I think it was Mr Ross of Pictou. I also believe there is extant a letter from the hon. member for Cumberland, written about the same period to an individual in this city, and expressing the same opinion. And it would be more becoming in both the learned members if they left the Catholic members of this House to take care of themselves hereafter.

In conclusion the Provincial Secretary said that he had not thought it worth his while to praise the speeches of his supporters. It was enough for him to know that the luminous expositions made by the learned Attorney General and the Financial Sec-

cretary had never been answered and could not be shaken; and as respected his honorable friend, Mr. Morrison, there was a single passage of his speech which he would not exchange for a whole volume of declamation—it was that, in which he told the learned member for Annapolis that he regretted to see a man so old, and with such pretensions to a religious life, who had nothing but the reed, the sponge, and the vinegar for every human being who crossed his path.

FRIDAY, March 22.

Hon. Mr. HOWE said that in his speech of the previous night he had alluded to a conversation which he had with Mr. Ross of Pictou. He had since ascertained from that gentleman that he was not the person with whom the conversation was held. It must have been some other person from Pictou.

The adjourned debate was resumed.

SPEECH OF MR. WADE.

Mr. WADE said—Although, Mr. Speaker, I did not intend when this debate commenced to occupy the time of the house with any remarks—the wide range it has taken, the extended scope of the arguments, the many extraneous matters referred to, interesting alike to my constituency and myself, prevent me from following the bent of my previous inclinations and prompt to express the opinions I entertain freely and unreservedly; more, especially, sir, since the hon. President of Council delivered that extraordinary address which occupied two days, and was concluded yesterday—and which requires at my hand some comment, explanatory of the vote I intend to give.

In doing so, sir, I may remark that much of the interest at first evinced in this discussion has evaporated—first, because of the period which has elapsed since it commenced, and secondly, from the frequent and prolonged interruptions which have taken place. And, Mr. Speaker, before I come to the discussion of the main point in issue, permit me briefly to refer to some of the observations of gentlemen opposite. And, first, I may refer to the observations which fell from the Attorney General—the chief crown officer—from whom on a great question like this, involving constitutional principles of the utmost importance to the people of this country; principles, sir, in which every member of this house—every man in this country is deeply interested—something like an argument elucidating their character and expounding their operation and effect might have been reasonably anticipated. But no, sir, with a complete abnegation of his duty the hon. Attorney General shrunk from its performance and the responsibility, which the exalted position he occupies imposes, and dealt solely with the minor and less important points. He, sir, in violation of all precedent, constituted himself a temporary financial secretary—ignoring the member who fills that situation—and attempted to show that the government were entitled to the

confidence of the people solely because financially the condition of the country had improved—a proposition which I here take leave entirely and explicitly to deny. But, sir, even though true it would not justify the Attorney General in the course he pursued: in the abandonment of his duty—in the evasion of the responsibility—which as the legal adviser of the crown constitutionally attached to him. Besides the self imposed financial duty he disentombed the old story of the Colchester election, and attempted to justify conduct which a member of his own cabinet—himself on the election committee which tried the hon. Attorney General,—denounced as worthy of a fine. Both of these points were, like men of straw set up by the hon. gentleman to divert attention from the real question at issue, and cover if possible the retreat he made in the face of arguments too powerful to be overcome by any sophisticated weapon he might wield. Passing from the hon. Attorney General, whose speech as I have before remarked was entirely beside the subject, I feel called upon to notice the observations of the hon. and learned member for Inverness—inasmuch as on a former occasion I referred to the pledges he gave on the hustings at Inverness, and their violation after his return to the house,—any man who is acquainted with the sentiments of that constituency, and looks to the course which that hon. and learned gentleman has pursued since he was returned here, will at perceive the truthfulness of my remarks. And while I find the hon. gentleman giving a generous and hearty support to the government, yet I cannot but reflect on the position he now occupies. What is it? He averred on the hustings that he would uphold no government carrying proscription on its banners—not only there did he announce that principle, but he enunciated it on the floors of this house. What position does he occupy, then, when we contrast that statement with the avowed—the openly expressed opinions of the Financial Secretary—a leading member of a government of which he is a supporter—opinions, sir, which were at once at variance with the antecedents of the Financial Secretary and the member for Inverness—“that no Catholic should have a seat in the Provincial administration.” Sir, I felt it was due both to myself and to the members of this house to make this statement.

The next and only important point to which he referred was the Smellie trial—which the learned and hon. gentleman attempted to try over again—and as one member of this legislature I may say that my heart rejoiced when I heard of that gentleman's acquittal,—but, sir, I thought the member for Inverness—having self constituted himself Mr. Smellie's advocate without fee—might have gone a little further and traced the matter from Smellie's trial down to the Cameron fraud; well, sir, perhaps the word is a little too harsh—I withdraw it; I mean that little piece of private poaching which Mr. Cameron, by the exercise of great ingenuity and the use of all his influence, ac-

complished so successfully. A fraud I will not call it, but I do say that every man in this house—every man in this country at all acquainted with the facts, knows that an attempt of the grossest, most barefaced and disgraceful character, was made to extract some \$8126 from the public treasury by some individual; and had it not been for the scrutinizing eye of Mr. Laurie the late Engineer that fraud would have been perpetrated, and this Province would have been robbed to that amount. Yes, Mr. Speaker, the learned and hon. gentleman should have gone further; as the partner of the Chairman of the Railway Board it was his province—nay, sir, his bounden duty to have explained how it was that in the face of a report of two committees—on the eve of an election, when the public mind was excited—turbulent—passionate—\$5000 was paid to Mr. Cameron contrary to law and against his own previously expressed intention, for he openly announced that he claimed nothing for extras. Yes, sir, in violation of all honor and truth and honesty, this Cameron fraud—for I can call it nothing else—was perpetrated. The Government that sanctioned such an act, does not stand in the position to challenge the support of that hon. gentleman or the country at large. I care not what Government is in power—no Administration is deserving of support that would sanction such an act. If permitted to be done to-day, a similar act may be permitted to-morrow, and if recognized by the Government, a strange, incongruous, and most corrupt state of affairs, would inevitably ensue.

Having disposed of this matter, I think I can safely say that the hon. and learned member for Inverness gave no sufficient or justifiable excuse for the course he pursued. Let me now turn for an instant, and an instant only, to the hon. and learned member for Colchester, (Mr. McLellan, I beg his pardon for naming him,) whose remarks were so ably answered by the hon. and learned member for Cumberland (Mr. McFarlane.) He, Mr. McLellan, in one of his illustrations, referred to the hen laying an egg, but since the hon. member for Cumberland has sufficiently ruffled the feathers, I will let the hen set.—(Laughter.)

I now come to the speech of the hon. President of Council, which I might have felt inclined to pass by without remark, had it not been for one or two of his observations, which affected my position in my own county; nor shall I now refer to more than some two or three points to which he adverted. More than once,—yes, sir, over and over again, has the hon. gentleman referred to the £70,000 of railway extras paid the contractors, and charged this expenditure on the late Government; but never yet, by any arguments he has adduced, has he sustained that position, or given any facts or evidence in support of it. He well knows that these payments were made, not because there was any default or deficiency in the late Government, but because of the imbecility or want of knowledge of Mr. Forman or those in

charge, who exhibited the greatest incapacity in drawing the contracts.

Sir, it was owing to the Young Administration, of which the hon. President of Council was not a member, although he held the office of Chief Commissioner of Railways,—that this large sum was taken out of the Provincial funds. The hon. gentleman should be careful to see, before making such statements, that his premises are stable, and his position impregnable,—nor is it wise or seemly in one holding the high position of the hon. gentleman, to hazard such broad, unsubstantial, and baseless propositions, feeling, the while, that they cannot be sustained.

It is well known that the present track of the railway to Windsor was placed in its present position through favoritism and the powerful influence brought to bear on the government of the day, by a few of their friends and supporters. It is equally within the knowledge of gentlemen around these benches, that it was owing to the swamps, and bogs, and unfathomable lakes, through which the railway passes, that these extras were incurred. Had the line been placed in its proper position—had it been carried over the ground as first proposed, these difficulties would have been avoided, and the province saved the £70,000 referred to. The contracts were so worded that the contractors had a right to claim for extra fillings—a difficulty arose between the contractors and the government, and the whole question was referred to a committee of this house—the government refusing to pay the amount; nor do I believe that any jury, any committee, any arbitrators, mutually appointed, could have given under the solemnity of their oath, a decision different from that rendered by the tribunal to which I have referred. What was that decision? Merely that the spirit of the contracts should be carried out—that the work having been performed, and the contracts recognizing the right of the workmen, they should be paid. The committee had no power—no option—no authority to report otherwise than they did. The government refused to decide the questions; and it was only upon the return of the re-admeasurements, and after the decision given by the committee (upon which, I am sorry to say, hon. gentlemen opposite, though themselves chargeable with complicity in this matter, refused to act), that the administration, not of their own mere motion, but compulsarily were obliged to pay the amount due according to the report of the parties who re-admeasured the work. I think, therefore, sir, that I have clearly shewn that the fault, if fault there be, rests not upon the then government, upon whom the hon. gentleman seeks to fasten this imputation, but upon the Young Administration, of which he was a supporter; and while he himself was chairman of the Railway Board.

Having disposed of this subject, I come to the observations touching public men. I am not inclined to give in my adhesion to his doc-

trine: the principles which he lays down are in my opinion subsversive of all political honor, honesty, or integrity. That a man returned to this house by the votes of the people should be permitted to stand here and act in direct violation of his openly expressed pledges on the hustings—to snap his fingers in the face of his constituents—to outrage their feelings and abuse their confidence, is a degradation which, I at least hope, I never may experience. These sentiments, Mr. Speaker, illustrate the position which I now occupy; I am now dealing with public men as they should deal with me—not in a vituperative or vindictive spirit, but honestly, candidly and moderately.

The hon. President of Council, in his usual sententious style, referred to the example of Fox and Burke; they, Mr. Speaker, were bosom friends, companions in arms, long associated in the political struggles which rent the Commons in those days. They separated; divided in opinion, they could act no longer together, and they did right in separating. Their quarrel arose out of a difference of opinion on a question involving the peace of Europe; and I think the hon gentleman was indeed at a loss for an illustration, when he quoted the example of these two illustrious statesmen as a precedent for the course pursued by my hon colleague and the hon member for Argyle, and this, sir, brings me to the position which I have been compelled to assume in this house. It is necessary that I should refer to my own political career, more especially when we consider the relative positions occupied by my hon colleague and myself. When, for the first time, in 1851 I obtained the confidence of a constituency, they with generous independence returned me to the house untrammelled and unpledged—free to take my stand on either side as my judgment, predilections or opinions on any of the great public questions of the day might prompt. It is not necessary for me to detail the circumstances which induced me in 1851 to offer my services to the Township of Digby; but I am here to challenge any man in this house to shew that in the slightest degree, in the most unimportant particular, I have deviated from the principles upon which I first entered public life, and in the words of the hon. member for Guysborough, I may say—

“Come one, come all, these bricks shall fly,” &c.

—a quotation which he delivered with so much emphasis and effect. Yes, sir, with steady and undeviating determination from 1851 to 1857, I gave no divided support, but sustained the administration of the day—never swerving from the allegiance which at the outset I had given those who carried on the government when I entered the house. When in October, 1857, I saw the letters written by the hon. Provincial Secretary, I felt that the time had arrived when an unavoidable necessity had compelled me to sever old party ties; but although that conviction was strongly impressed on my mind—although I felt and knew that it was my duty to cut the connec-

tion—yet I never publicly avowed what course I intended to pursue until my arrival in Halifax—until I had held personal and private communication with my party, which they well knew. And then, sir, I informed them that while the time had arrived, when on a great public question, as a public man, I found it necessary to secede from among them, yet the obligations of secrecy imposed on every man connected with a party should never be violated, and that no disclosures should be made, except such as were absolutely necessary to put myself right before my constituents, and the people generally, and vindicate my public conduct from any aspersions which might be cast on it.

If in 1851 I had taken a course antagonistic to the views of my constituents, I should have considered myself a dishonest man to refuse them an opportunity of passing upon my public conduct, and electing, if they saw fit, another who possessed their confidence and acquiesced in their sentiments and opinions; and, sir, the same rule which I would have felt myself in honor bound then to abide by, is, in my opinion, equally obligatory on the two hon. gentlemen I have heretofore referred to, at this day. Sir, I feel it necessary to make these references, inasmuch as not only has the hon. Provincial Secretary embodied in his amendment, the idea that the gentlemen who defeated the government in 1857 abandoned their principles, but the same language was reiterated in the despatches of His Excellency the Lieutenant Governor. I hope from this time forth that we shall hear no more of this. I wish it to be distinctly understood, that they—not we—deserted the standard under which they, previously to 1857, had battled, and adopted principles which, up to that time, they had repudiated as unsound and inpolitic.

The hon. Provincial Secretary states that the Young government were pressed by certain parties. As one, I am here to deny having ever brought such pressure to bear; nor do I believe that the charge has any foundation in fact. He claims to be the introducer of Responsible Government. When I entered this house, I came here to carry out those principles. I have never deviated from them; nor up to this period have I experienced regret for the stand I then took. But, sir, while I have the honor of a seat in this house, no leader of a party, whatever his position, however potent or powerful he may be, shall drag me at his chariot wheels, through the mud and mire of political turpitude. On minor questions a politician should be prepared to sacrifice much for his party; but on great public constitutional measures, it is his duty to take a broader, a wider, a more comprehensive course, and allow no ties, however binding, to interfere with the performance of his plain, incontestible duty. I say again, sir, I left not my party, but that party left their principles, and from that day to this they have been floundering in the dark, without a landmark or light to guide their erring

footsteps. That is my answer to the charges which have been hurled against me. But how different the position of my hon. colleague and the member for Argyle. They came pledged, by their own acknowledgement, to support the policy of the then government. The aspect of the political horizon has not altered since their advent into public life—no measure of public importance—nothing that would warrant a public man in violating his pledges has transpired, and yet we find them outraging the confidence of their constituencies—supporting a party that have taken \$5,000 out of the Provincial Treasury and without authority to reward a political friend, and assisting to increase the salaries of subordinates in the public Departments. A curious commentary on their professed economy.

I now come, Mr. Speaker, to the question of proscription—a subject which I had hoped was worn thread-bare, which now I feel unwilling to touch, and hope never again to be compelled to speak upon; but since the hon. Prov. Secretary has again seen fit to revive this worn-out stalking-horse, a remark or two from me may not be inappropriate. Let me say to the Prov. Secretary, that his vain-glorious boast of being able to “trample a denomination out of existence in a month” has not yet been realized—a sentiment contained in that memorable letter to which I have before referred, and wherein he goes on to say that “after the accomplishment of this achievement, he would survey the field, look round, and see what was next best to be done;” and although, even with the assistance of my hon. colleague and the member for Argyle, he had not yet accomplished—yet every effort has been put forth by himself and the party who support him to break down the political power of that body in this country—to destroy their influence and rob them of their rights. Every Catholic has been driven from the Council Board; and not content with this, a bill is now before the house, its object being to take away from the last Catholic holding any office of emolument in this country—the Inspectorship of Mines.

I listened with surprise to the hon. Prov. Secretary, when, in bad taste, he attempted to caricature the position which the member for Annapolis occupied in appearing before the present Chief Justice. He, at least, as an old opponent of the learned leader of the opposition, might have spared that allusion; but, sir, it was of a piece with the remainder of his speech; for, although I have been accustomed to see the hon. gentleman revert to many strange expedients and sudden shifting of policy, I certainly did not expect to hear him, within so short a period after his accession to power, take back almost every opinion he formerly expressed respecting the Catholics. I ask, sir, in the hearing of this house whether the hon. gentleman did not invite that denomination, which he had maligned and lashed into fury by his uncalled for assaults, to enroll themselves once again under his banner, as though, like the spaniel dog, that body were prepared to forget both ignominious insult and

uncalled for injury, and to lick in fawning servitude the hand of the man who whipped them. He, in October 1856, unfurled his banners—planted his proscriptive standard on Cape North and Cape Sable, and sent his standard bearers east and west the country over, to propagate the doctrines and inculcate the opinions he espoused. The rallying cry was proscription; it served his purpose for a day—the people were deceived by the subtle delusion, and he obtained power. But now that fallacy has exploded; the people have had time for calm and cool reflection, and have awakened to a knowledge of the fact that they have been deluded—the hon. gentleman feels that a revulsion in the popular mind has taken place and he does not scruple to go down on his knees and pray and beseech the men to whom he has applied every epithet of contempt known to the English language, to come back and help them. The terms he even then used sufficiently indicates the temper of his mind; and when he quoted the doggerl verse which I will here repeat—

“Little bo peep, he lost his sheep,
Does not know where to find them,
Leave them alone—they'll come home,
And bring their tails behind them,”

I felt, as I know every one will feel who reads the nursery rhyme in his speech, that he was adding insult to injury; but, sir, simple as this little verse is a deeper meaning was conveyed by it than would at first sight appear.

And now, sir, having disposed of the speech of the hon. Provincial Secretary, and leaving him in the hands of the hon. member for Annapolis, I beg leave to turn the attention of the house to the subject more immediately under consideration. The hon. Prov. Sect. in his opening speech said he thought the wisest course to pursue was to bury in oblivion both the resolution of the hon. member for Annapolis and his own lengthy amendment. I do not wonder that such a proposition emanated from him; and, sir, I have no doubt but that both he and his party would be equally pleased to consign to the tomb side by side with them, every record of the transactions on which the present debate has been founded. The experience of the past eighteen months has taught him that a storm is gathering day by day, and is about to burst about his head. He referred to the petitions which he says are in circulation. Sir, if there ever was a time when the people of this country felt they were governed by a minority—when from the most brilliant and gifted minds, down to the humblest—one sentiment of dissatisfaction prevailed, and when petitions requiring the Lieut. Governor to dissolve were justifiable and necessary—that period is the present. Here on this side the house are twenty-five members of Her Majesty's Constitutional Opposition, prepared one and all to lay down their seats and appeal to the people—confident in the rectitude and strength of their position, and the impregnability and truth of their principles. He says these petitions were clandestinely got up, and were manufactured in Halifax. Suppose they

were indited in Halifax, what then? The people could not by any possibility be here personally, en masse, to watch the scenes that transpired since the commencement of the session; their representatives, cognizant of the facts, were in duty bound to instruct them in these particulars, and it would then be for the people to say whether they required a dissolution or no. Clandestinely! No, sir, these petitions when they come they will be presented to the Lieut. Governor; he will then be called on to decide, and I for one will be prepared to leave the responsibility where constitutionally it ought to rest. But if the voice of the people is unheeded by the Governor, with a government now so weak to depend on the two gentlemen I have already referred to for their existence,—for one I would not like to have resting on my shoulders the weight of responsibility which will attach to him; but as I have said, if the remonstrances of the people are not treated with the consideration they deserve, it will be high time for us, in the language of the leader of the government, “to look round and see what is next to be done.” For my own part I do not believe they will tamely submit to be governed by a minority.

Let me now refer to the resolutions introduced by the hon. and learned member for Annapolis. The first two refer to the Cumberland and Victoria elections; and I ask if any man in this House can controvert the truths they contain? It is impossible; they are founded on facts, the accuracy of which every man within these walls recognizes and acknowledges. I may leave them and refer to the four following paragraphs, on which the main issue rests—the weakness and dependent condition of the Administration. I wish I could see my hon. colleague in his place. When that gentleman separated himself reluctantly from the party he was elected to sustain, it cost me a pang I never before experienced in public life; I did not for a moment believe that he, without cause, could so far have forgotten the duty he owed to his constituents as to violate his pledges and connect himself with a party diverse in opinion to the men he was sent here to represent.

What was my observation to him, after he had given that vote? He will recollect it. I openly stated that henceforth we were politically sundered—as far apart as the poles—that he, from that time, would have to pursue his own course, and I mine, each independent of the other. In connection with the Township of Argyle, a petition signed by a majority of the electors of that constituency, calling on Mr. Hatfield to resign, was presented to His Excellency the Lieut. Governor.

MR. HATFIELD. How do you know?

MR. WADE. I derive my opinion from the petition itself, which has been brought down and laid on the table of the House—which I think myself bound to believe represents the interests, views, and feelings of the constituency of Argyle. In consequence of the late unfortunate affliction of the member for Dig-

by, Mr. Bourneuf, a vacancy occurred in that county. On leaving for home, Mr. Robichau and myself, who had previously been returned on the same interest,—he for the township of Clare, and I for the township of Digby—decided to run side by side, and leave the choice of the third member on our interest to the people. We returned and put ourselves before the people. Several candidates on the same interest as ourselves came forward and canvassed the county, and it was not until the morning of nomination day that the numerous aspirants who were running for the seat filled by Mr. Bourneuf, not against Mr. Robichau or myself, one by one gave way, and left the field to my hon. colleague, Mr. Campbell; after which he placed himself side by side with us, and solemnly pledged himself to support the late Government. He scarcely ever canvassed at all, but was brought in by Mr. Robichau and myself; he asked me to canvass for him, and I did so.

MR. CAMPBELL. Where?

MR. WADE. At Digby Neck, Long Island and Brier Island—in fact, almost over the entire county. Was it strange, Mr. Speaker, that I should have experienced the pang to which I have referred, when I found him deserting me and the constituents who experienced deep interest in the issue involved; more especially when I found that he and another gentleman were bringing a pressure to bear on Mr. Robichau, who was but a young member in the House? Not only was personal influence used, but letters were written and false statements circulated—a practice which has been continued up to the present time—and is, as I am well informed, now more rife in the township of Clare, than heretofore; but I am here to say that he honorably maintained his position, and that I have his authority for making the assertion that side by side we will go together; and if the electors of Digby decide that, because we have adhered to our expressed opinion, they have lost confidence in us, we shall be quite content to abide the issue, and yield up the representation to the men who will forfeit their pledge and betray their trust. I therefore ask, Mr. Speaker, if the four resolutions to which I have already referred, are not also true?

I now turn to the seventh resolution touching railway extension—a question mentioned in the Governor's speech, at the opening of the session, but with which, we have since been informed, the Government have naught to do, it being the offspring of the member for Windsor alone, who intends to put it to this House as an open question, thus ignoring the first principles of Responsible Government,—backing down from the policy they propounded,—and shaking themselves clear of a responsibility the Government are bound to assume.

Can it be possible that a question involving the expenditure of half a million of money, is to be thus dealt with—more especially as the Government has assumed the responsibility of initiating money votes?—The hon.

Prov. Secretary stated that the railway had always been discussed as an open question. I differ from him. I have no hesitation in saying that the railway policy as it now exists, was carried by a strict party vote. I therefore ask, if this resolution, also, is not true? Looking to the defeats sustained by the Administration at Victoria and Cumberland—to the unqualified pledge given by the Lieut. Governor in his dispatch—and taking in connection with that despatch the meetings held in Digby and Argyle, and petitions from those quarters,—I ask whether the Government have not suffered a diminution of strength, and whether the people of this country who have been deceived, deluded, and betrayed, should not be afforded an opportunity for redressing the wrongs under which they groan?

Stripped of every vestige of real power—the last plank knocked from beneath their feet—the Administration present to this country an aspect of hopeless, helpless, tottering imbecility. I have asked, where is the Pictou railway? They dare not submit it. I ask, where is the Representation Bill? Powerless, again, the brag with which the session opened has evaporated, nor do they venture to submit that great measure of public policy upon their own responsibility. An Administration, to command respect, should take bolder and higher ground, nor should they shrink from taking the initiative on any great public measure required by the exigencies of the country.

Sir, the time has arrived when I think the country should speak out as I believe it will, in a few days; and I wait with anxiety to see whether the voice of the people, which has been denied expression through the polls, but has found speech through constitutional petitions, will be disregarded by the Lieut. Governor.

I now come to that very curious document written by the President of Council, but put in the hands of the member for Guysborough to move, to which, as I have occupied already considerable time, I shall give but a passing notice.

(The hon. gentleman here read the first Whereas, and the Resolution accompanying it.)

What situation do the present Government occupy? Are they in a position to charge the hon. member for Annapolis with having conducted the Government with a majority of one? No, sir; they are powerless—they have no majority, they are in a minority,—and it becomes a member of a Cabinet so situated, to institute these invidious comparisons, and therefore I contend that the very argument in the first clause of the amendment should induce gentlemen opposite to vote for the resolutions of the hon. member for Annapolis.

The doctrine propounded by the hon. Pro. Secretary, that a Government should retain power merely because the Opposition could not obstruct public business, appears to me to be unsound and unconstitutional in the extreme; but when we come to consider that

the Administration has been compelled—as I have before observed—to back down from any measure of general public utility propounded in the opening Speech, it affords us an evidence of the weakness which any man, at all understanding the Constitution, knows should necessitate an immediate resignation. What statesman in England, what honorable minded politician, would hold office an hour, after he found that the Commons were opposed to his policy?

I vote for the resolutions of the hon. and learned member for Annapolis, inasmuch as I am firmly convinced that the present Government obtained power unconstitutionally. I vote for them, inasmuch as the present Government are powerless to administer the affairs of the country in the mode its exigencies demand. I vote for the resolutions because the present Government retain power only upon the support of my hon. colleague and the hon. member for Argyle, who were returned to oppose them. I vote for the resolutions because the Lieut. Governor has announced that a further diminution of strength would necessitate a dissolution, and the petitions from Digby and Argyle sufficiently evince that the diminution referred to, has taken place. I vote for the resolution, that a dissolution may take place, and the people of this country be afforded an opportunity of retrieving their errors, and rescuing this country from the anomalous and degrading position it now occupies.

MR. MOSELY'S SPEECH.

Mr. MOSELY said: I rise, Mr. Speaker, to address the House on the resolution and amendment now under debate. Did I study my own feelings I should be content to give a silent vote; but I would fail in the duty I owe to my constituents, and to the province at large, were I to allow this question to be decided without expressing, in the most open candid manner, the opinions I entertain. Sir, I feel that the major portion of the ground has been already travelled over by the ablest men in the Assembly, and the stock of argument almost exhausted, so that I am placed somewhat in the position of the gleaner, who, after the harvest has been reaped is obliged wearily to labor in gathering up the stalks.

Sir, when I first entered this House, I came here a novice in public affairs. Unacquainted with the rules of Parliament I sat on these benches to be instructed. What was the first lesson I received? The learned and honorable member for Annapolis rose and assailed the two honorable members for Shelburne, who were returned to this House with a majority of 999, on the ground that the words "Duly elected" were omitted in the Sheriff's return. This, Mr. Speaker, was mistake No. 1! and then came his unwarranted attack upon myself, when having, without a knowledge of the facts, questioned my qualification he sought to humiliate by attempting to compel me to take the oath in the presence of this House. Sir, I did so, but the ignominy attached not to me,—it

found its home in the source from whence it emanated—it reverted back to the honorable gentleman; and while I never, in the whole course of my life, experienced a prouder feeling than when I went to the table of this House and gave testimony of my right to sit here. The honorable and learned leader of the Opposition, in his blanched cheek and quailing eye, gave evidence indisputable of the humiliation which he experienced. This, sir, was mistake No. 2.

Not content with this, the hon. and learned member assailed the member for Victoria, Mr. Munro,—questioned *his* qualification, and sought to drive him from the House; but with a dignity and calmness which did that gentleman honour, he asked for time to produce his credentials; they came; and then for the third time the member for Annapolis found himself prostrate, defeated—*hors de combat*. Mr. Munro maintained his position—rescued his character from the toils of the ensnarer, and now deservedly fills one of the highest offices in the gift of the Administration. This, sir, was mistake the third. The next attack by the learned and hon. member for Annapolis was against the hon. member for Queens, Mr. Lewis Smith; he (Mr. J.) demanded that the house should arraign that hon. gentleman at the Bar and summarily dismiss him, because he happened to keep a Way Office in the Northern district of Queens, without a commission. At the election Mr. Smith had a majority of 50 votes in a constituency numbering 300; being 1-7th of the population, or equal to a majority of 300 in the county of Cumberland. Now, sir, there are in this Province upwards of 300 Way Office Keepers, and in my opinion, the law never contemplated that these should be considered ineligible. The party supporting the present Government contended that the case of Mr. Smith should be tried in the legitimate, ordinary and Parliamentary manner,—by a committee drawn and sworn from both sides of the house;—need I add that this hon. gentleman was acquitted by that competent and sworn tribunal? This was mistake number four.

But, Mr. Speaker, in what spirit did the members of this House deal with a supporter of the late Government, Mr. P. Smith; that gentleman held an office of profit under commission—from which he derived, nay, sir, from which he may hereafter derive emolument. He had never resigned that office to which he was appointed under an act of Parliament, which act has never been repealed—but the committee by unanimous vote retained him in his seat—deciding in accordance with the spirit, but against the letter of the law—affording an example which other committees thought themselves well justified in following; an example which, having been followed, this house has no reason to regret—for while the stringent rule applied by the hon. and learned member for Annapolis would have detracted from its dignity, and perhaps struck a fatal blow at its independence, the course pursued has maintained

the honour and upheld the character of this Legislature for honesty and integrity.

In like manner the seat of the honorable member for Kings (Dr. Webster) was attacked, and honorable gentlemen opposite sought to deprive him of his seat, on the ground that he was ten years before appointed Health Officer. That honorable gentleman never received a commission—but in direct violation of the provisions of the Statute, which enacts that “Health Officers should be appointed to the various ports”—was notified that he should attend to the duties pertaining to that office at Hantsport. He never did so—he never received a shilling—he lived ten miles from any port, and after due and thorough investigation, the committee wisely decided to retain him in his position.

These, sir, are some of the cases which have been decided by the committee of this House, legally appointed, and acting with impartiality, candor, and honesty, and yet day by day the taunt of disqualification and ineligibility is hurled across the floor; or as the honorable member for Halifax would say, “*flours*” of this House, against gentlemen on this side. Sir, I will hazard the opinion that no man in the British House of Commons would have the hardihood to impugn the decision of a sworn committee. Representatives of the British people in the peoples’ house know too well what is due to themselves and their constituents to permit so flagrant a violation of constitutional principle; nor could an Englishman be found so vainly self-opinated as to attempt it; and if he did, I will venture to say that the Speaker of the Commons would at once order the Sergeant-at-Arms to arrest him. The policy of the late Government has always been antagonistic to public improvement; whenever they could stab a public work it has been done.

Just before the late dissolution, the administration then in power, had an opportunity of constructing the Pictou railway. What was their object in allowing that work to lie slumbering, dormant when they had the chance of constructing it? Sir, it was to leave the impression that railways in this country would not pay; because these great public benefits had been initiated and carried out by the Young administration, and they, in the insanity of their rage, transferred their revenge from the person to his acts; they could not discriminate—so blind was their furor between the man and his performances.

I now come to the honorable, and, I suppose I must say, learned and independent member for Digby. That gentleman scarcely ever rises in this House but he says something personally offensive to his political opponents. One expression fell from him at the last session which still finds a place in my memory; he called the Government supporters a screwed up majority; and this year he capped the climax by stigmatizing them as dumb dogs. Sir, the analogy may be accurate; I love *dogs*, for dogs are honest

creatures;—they never fawn on the stranger—sincere and affectionate, they never betray their masters. Would that the member for Digby could claim connection with those animals in this regard. But, sir, I have said enough respecting him; he scarcely ever rises here but I am reminded of that celebrated scriptural animal, "Balaam's ass." Like that quadruped the honorable gentleman delivers his oracular statements, but with less discretion than the "ass," forgets his example and will not imitate by forever after holding his peace—(laughter).

The hon. and learned member for Sydney bragged that he was able to speak, despite "the paltry efforts of a majority,"—a majority which he admits, but yet denominates as unconstitutional! He complains of an intention, supposed by him to be exhibited, of shutting out debate. Sir, he need entertain no such apprehension,—it is a chimera of his own imagination, the offspring of a disappointed, if not diseased mind; the members on this side of the House, with the good nature which they usually exhibit, are willing in all courtesy to listen to the hon. gentleman, even though his long-drawn speeches may afflict them with ennui, or cost them an effort to suppress a yawn.

Mr. Speaker, there is an honorable principle which should exist in every human being—inherent, natural to every honest mind,—which the member for Sydney seems entirely to have ignored. Yes, sir, there is some deficiency in his mental constitution—some disorganization of his moral machinery—else he would never have exhibited the extraordinary spectacle he did when having dismissed Wm. Condon—signed that man's political death warrant—he, a day or two afterwards, repudiated his own act, resigned the office of Provincial Secretary, which he then held, and suicidally shattered the Administration of which he was a member. He first committed his colleagues, without the power of recall, to a policy he now denounces as destructive to any Government, and then left them to find their way out of the labyrinth in which he himself had involved them.

The hon. gentleman referred to the petitions, which were, as he said, "now flooding the country," requesting the Lieut. Governor to dissolve this house. Sir, my mind reverts back to an episode in our history, which should be familiar to the hon. gentleman, who, in the year 1844, was a member of her Majesty's constitutional opposition, headed by the men he has recently abandoned, if not betrayed. He well recollects when the representative of majesty, desirous of inspecting the province he was sent to govern, (but which the hon. member himself declared he misgoverned,) went on that celebrated tour, and was met at Kings by a deputation of 800 of the substantial yeomanry of that county, headed by the high sheriff, who presented him with an address, which, after detailing the grievances under which the people then groaned, expressed their hope that his excel-

lency would understand and appreciate the real sentiments of the people in the rural districts, and announced the pleasure they would experience should he surround himself with advisers who really possessed the confidence of the great mass of the people. The hon. and learned member from Sydney is, or should be, also familiar with the addresses presented by the people of Hants—signed by 1062 freeholders—to Lord Falkland at Windsor; nor should he entirely obliterate from his memory the memorial sent from the great county of Colchester, and signed by 1500 of her substantial freeholders, praying an early dissolution, and asking that an opportunity might be afforded them of expressing, in a constitutional manner, their antagonism to the administration of the day. Who was the leader of that government? The man under whose banners the member for Sydney has taken refuge; the man whose policy he denounced—whom he privately and publicly slandered, until he felt inclined to play the traitor to his old companions in arms, and left them for the embraces of gentlemen opposite. Let him recollect that that very leader was then Lord Falkland's adviser, and that under his counsel his lordship replied to these expressions of sentiment, that "he could not recognise this illegitimate expression of popular opinion, and would only hold it as valuable when it came through the constitutional channel—the people's representatives." What a commentary on the action of his learned leader at the present hour—seeking as he does to ignore the constitutional principles he then avowed—abandoning the platform of policy on which he then stood—and, after a general election, which resulted in a sweeping condemnation of his principles, sending his emissaries the country over, and by every artifice of his fertile mind, entrapping the simple-minded inhabitants of distant counties, on any and every pretence, into signing requisitions calling upon his Excellency to dissolve. Am I not justified, then, sir, in quoting the example of the member for Annapolis against his present doctrine? But I will venture to say, that the hopes in which the member for Sydney, as well as his learned leader, now so fondly indulges, will be doomed to disappointment, and that the sound common-sense, the constitutional knowledge of his Excellency will teach him to estimate the selfish efforts of these men at their proper value.

This is not their first attempt to mislead the Lieut. Governor. Having obtained the government by the desertion of nine gentlemen, headed by the member for Sydney, they strutted upon the public stage for the brief hour of their existence, indulging in the wildest phantasies, the most extravagant dreams of perpetual power—nor did they hesitate grossly to mislead the Lieut. Governor, by boasting assuring him that the elections would result in bringing them back to favor with a majority of 15 or 16. But, sir, alas! for the evanescences of human anticipations; then, as oftentimes before in the history of mankind, the prophecies of the interested failed them in the

result, and their opponents came back with a majority of seven; and then, with a lack of dignity, the exhibition of which, Mr. Speaker, I did not anticipate, with leech-like tenacity, they clung to office—refusing to recognize the power of the people, and falsifying the doctrine they had professed to believe. And then arose the cry of ineligibility, writhing like the serpent beneath the heel of Hercules—they vainly sought by tortuous windings to escape the consequences of their own perfidy. This subject, Mr. Speaker, recalls to my mind a very celebrated scene which transpired on the evening of the 18th May, at Temperance Hall, when one of the gentlemen who now represents the metropolitan county stood on the platform and announced the decisions at the elections, received by telegrams from east and west. An Irishman in the crowd asked, "What of Lunenburg?" No answer; solemn silence prevailed; but from the lengthened visages—from the aspect of disappointment which those on the platform, including the gentleman to whom I have referred, presented, it was easy to conclude that Lunenburg was against them; and when another inquired, "What of Kings?" the gloomy silence prevailed with greater intensity—the shadows deepened on their brows, and, sir, as each succeeding telegram struck terror even to their obdurate hearts, they became more nervously sensitive of their defeat; and at last the meeting broke up, each man feeling that his sanguine anticipations had been blighted, and that the Johnston-Tupper-Government had sustained a signal defeat.—But, sir, by whom were these telegrams read? By a man whose name will go down to remotest posterity in connection with a certain celebrated, but absurd, expression applied to the then opposition—"Drowning wretches catch at straws." Vain hope; little did the hon. gentleman dream how applicable that sentence was to the position of himself and his party.—Blind, deluded, unacquainted with public sentiment; knowing not the feelings of the people, the shock of their defeat blighted their sanguine anticipations and struck them with an indefinable awe; and as I have said, the meeting broke up, and among those who were seen wending their ways homeward with drooping crest and soiled pinions, was the hon. ble metropolitan representative who vauntingly asserted that "drowning wretches catch at straws"—(laughter).

The hon. member for Cumberland, not in very good taste, ventured to assert that his senior in public life by twenty years—the hon. President of Council—was chargeable with flippancy of speech. Sir, he but little understands the man he thus maligns. Well do I recollect the year when the hon. President of Council, having earned for himself something more than the same Provincial reputation the member for Cumberland has spent half a lifetime in endeavoring to acquire—for the first time, in 1836 took his seat on these benches. Not a day did he allow to elapse before he introduced a question of reform, and from that time up to the present hour has he been

continually struggling against the machinations of the member for Cumberland's leader—against the party with whom he is associated to redress the wrongs and strengthen the power of the people. Flippancy of speech, sir! Surely the hon. member forgot himself, or imagined that those he addressed were entirely destitute of comprehension. For flippancy of speech, absence of argument, and want of wit, the member for Cumberland stands unrivalled. Witness his celebrated production on nomination day at Amherst, which his learned leader, in blind enthusiastic admiration of the stay of his declining years, thought fit to send across the Atlantic to the Colonial Secretary. Let me read a single paragraph, which must indeed have caused a smile to wreath the stern lips of that nobleman, and ought to bring a blush to the cheeks of every Novascotian, sensitive of his country's honor,—yes, sir, a blush that any party in the Province could be found willing to recognise as second in command a man capable of delivering and inditing himself the trash I am now about to quote:

"The government ship has borne down upon us under command of Commodore Howe, with Capt. Anand and Lieut. Blanchard, and Purser McDonald, and last and least, chief cook and bottle-washer Motton, on board, with a black flag flying at the main, on which was inscribed in blood-red letters, NO QUARTER. But it was all in vain. While the River Philip and the Wallace were grappling in deadly encounter with the Pugwash, and the River Herbert, with the Macan—that splendid ship of the line the Parrsboro', bore down with the "LAW AND THE CONSTITUTION" flying at the main, and 'Liberty forever' at the fore, and poured in a broadside of 284 guns, which gave us the victory."

Flippancy of speech, sir! From henceforth let the member for Cumberland hold his peace; let him educate his mind, and repress his vanity, nor by insane admiration of his own productions place himself in a most ridiculous and unenviable position, and bring disgrace upon his country.

Flippancy of speech! Why, sir, I can recall one or two of the productions of the hon. President of Council, instinct with life-redolent and breathing the immortality of intellect—o'erleaping every obstruction, and finding a home in the immortal recesses of the human heart. In his "Room for the Dead" he struck a chord which vibrates only to the touch of a master spirit; and did he leave behind him but that single production, his memory would be rescued from the obloquy of the member for Cumberland's imputation. Again, sir, as I speak from out the past, arises his speech on education, passages of which would honor the productions of the ablest men on the other side the Atlantic. Contrast these productions with the puny, peurile platitudes of the member for Cumberland, and say wherein consists the flippancy of speech; and as I gaze across the floor, I may recognize in the hon. gentleman's pallid

countenance, indications of the laborious, the pedantic student, but I fail to discover any indication of mind. The member for Cumberland referred to the Protestant Alliance; let me ask him who brought that question here? Sir, had it not been for his celebrated charge of "fraud and forgery," hurled against Ministers of the Gospel, that Institution would never have acquired the importance it has in this country. In his opening speech the other day, the hon member stated that he paid but little attention to uneducated men; and in accordance with this sentiment, I noticed that he passed the remarks of the hon. member for North Colchester by, with an appearance of silent indifference. His language may not be so perfectly accurate as that of the hon. member for Cumberland, but his speeches are remarkable for a quality which does not abound in the productions of the Cumberland hero. The member for North Colchester regards the truth; he weighs what he says and speaks deliberately—nor follows the bad example of that gentleman, by unbinding his tongue and indulging in a latitude of expressions which very often leads the member for Cumberland beyond the realms of truth. Uneducated men, sir! Let me ask him who were Stephenson, Arkwright, Fulton, and many more whose names I might mention! Almost all comparatively uneducated men. Place that gentleman, with his fluency of speech, beside these practical master-minds, and he would at once find his level far beneath the uneducated intellect he now pretends to despise. He charges the hon. President of Council with grasping at power; twice has that hon. gentleman thrown up place, power, and position, rather than sacrifice his political opinions; and never, during, the whole course of his public life, did that hon. gentleman maintain so firm a hold on the affections of the people as at those periods.

Again; the Doctor takes great credit to himself for what he achieved during the three years he was in power, and claims as the offspring of his government, the settlement of the coal mine question, and the passage of the Jury Law. Now, sir, living away down in the County of Lunenburg, I did think that if any credit was attributable to any one for the settlement of that vexed question, the coal mines, it attached to the hon and learned Attorney General, whose assistance the late impotent and imbecile administration were compelled to invoke. Of the Jury Law, I know but little, but opine that I will not be far wrong in asserting its advantages, whatever they were, against the blundering policy which constructed the Parrsboro' snag, paid £70,000 to foreign contractors, and constructed those unsightly and useless ruins that stand at this hour at Richmond, an enduring monument of Tupper's folly. I do not wonder at the anxiety evinced for a dissolution; with gentlemen opposite it is a question of pounds, shillings, and pence; excluded from the public offices, bereft of power and salaries, the non gentlemen stick at no-

thing to get back again—again they wish to obtain a hold on the public purse strings—and for this and this only would they convulse this country with a dissolution. Without a shred or particle of public policy—without a measure of importance to submit, their object is by bullying, by flattery, or cajolery, again to obtain a position which may enable them to plunge this country still further in debt, and perhaps irretrievably ruin our position and credit abroad. We all recollect the journey made by this celebrated juggler into the rural districts of Digby and Argyle; we all know that he reaped from that inroad little else than thorns and thistles, despite the political capital he has attempted to make out of it. Captain Hatfield may not possess the flippancy of tongue attributable to the hon. member—he may not understand the juggling tricks by which the member for Cumberland has succeeded in deluding the simple but honest inhabitants of Argyle; but I will venture to say that if placed on the deck of a stout ship in the midst of the broad Atlantic, Mr. Hatfield would be the commander and the Doctor would be under hatches. (Laughter.)

During the summer of 1858, a bill was circulated throughout the province touching the representation; petitions poured in from all quarters of the country, asking that the measure should not be passed. The hon. gentleman, in the session of 1859, withdrew that objectionable measure; and on the eve of a general election, and without consulting the people, introduced another still more objectionable, which was forced through the house by sheer party pressure, was adhered to, clause by clause, paragraph by paragraph, line by line, word by word, with undeviating pertinacity, and passed, as the member for Halifax (Mr. Tobin) said, as "the bill; the whole bill, and nothing but the bill." What was that measure? Founded on no known principle, it was brought forward for a mere party purpose. Halifax, they split up into districts, giving the eastern two members, the western three. In Lunenburg, they destroyed the township representation, continued the three members, but forced them to canvass the whole country. Lunenburg, with 17,397 population, as shewn by the census of 1851, had three representatives, while Queens, with a district representation and a population of 7256, has also three members. Shelburne has a district representation, and returns three members; Yarmouth has also a district representation. Digby, with its three members, had formerly a township representation, which was struck down, merely to please the hon. member for Digby (Mr. Wade), and a county representation untouched. The township representation of Annapolis was also stricken down; Kings was changed from county to district; so with Hants; then we jump into Cumberland, which they left untouched—Colchester they changed from a county into two districts; so with Pictou. Sydney, Guysborough, Richmond and Cape Breton remained

in statu quo, while they gave to Inverness an additional member—making eleven counties and fourteen districts. Was there ever such a bungling, unsightly piece of legislative humbug?—void of principle, and based on nothing but the selfish design of retaining themselves in power.

The charge of being proscriptionists is often hurled by gentlemen opposite against those on this side of the house. Sir, I do not believe that charge has any foundation in fact. I am no proscriptionist. When first I went to the county of Lunenburg, I enunciated the broad, catholic doctrine—equal rights to all—that every man, Jew, Turk, or Christian, should be permitted to worship God according to his conscience. These sentiments, sir, were imbibed by me in early youth; and as I advanced in life, experience proved the soundness of the doctrine. Turn to the page of history; it teaches no other lesson; tradition inscribes it on our memories as incontrovertibly true; and, sir, if the Presbyterian body, to which I am proud to belong, were to adopt proscription as their maxim, I would be the first—hard as the trial might be—much as the effort would cost me—to rise and oppose them.

And now, Mr. Speaker, I shall resume my seat, thanking the house for the courtesy with which they have listened to me. More I might have said, but the ground has been already taken up; and although I have not referred to many of my notes, I shall reserve any future observations I may have to make until the railway question is submitted.

MR. SHANNON'S SPEECH.

Mr. SHANNON said: I should be sorry, Mr. Speaker, to let this debate close without expressing my sentiments in reference to the resolution and amendment now before the House, and also to the conduct of the Government relative to the most important interests of this country. The hon. member who has last spoken has referred to the petitions which have been circulating in his county, calling upon His Excellency the Lt. Governor to dissolve the House, and other members have also made repeated allusions to similar petitions in their counties. Now, sir, I ask why have these petitions been got up, and so numerously signed, as is stated to have been the case? Why? Can there be any other answer than that the Government have outraged the feelings of large portions of the population of this Province, and therefore they have determined to use this constitutional mode to express their sentiments? The right to petition is undeniable. The Executive Government is amenable to public opinion, and if its members have so exercised their power as to have forfeited the confidence of the people, they have an undoubted right to call upon the representative of the Crown to dissolve the House, in order that there may be really a Government based upon a legal majority, and exercising its functions according to the well-understood wishes of the people.

Now, sir, in what respect have their feelings

been outraged? I contend that the correspondence laid upon the table shows that from the formation of the Government down to present time, their acts have been in open defiance of the law of the land, and therefore it is that the country has become so convulsed from one end to the other. Let me particularize: and in doing so I would recal the consideration of hon. members to what I consider the main points of the discussion, from which we have widely diverged, for we have introduced topics very foreign to the subject of the resolution.

Now, sir, I will not refer in detail to the Disqualification Act which was passed when the last House was in session, for every member is familiar with it, but I will briefly trace the proceedings by which its enactments have been nullified. So soon as the elections of 1859 were ascertained, the result was communicated by the then Government to the Lieut. Governor. He was told that 26 members had been returned, pledged to support the Government. The hon. member for Guysborough says that the Government ought at once to have resigned, for by this statement they admitted themselves to be in a minority. But could they have known at that moment what were the sentiments of every member of the majority? Some of them had given pledges to their constituents directly opposed to the principles of the then Opposition, and it was by no means certain that some might not have co-operated with the Government and sustained them by their votes.

The present Government are now dependent for their existence on the votes of two men who were sent to oppose them, and yet they think it all right to lean upon their support and to call them independent, although they know that these gentlemen are directly violating the expressed wishes of their constituents! Might not the late Government, with much more justice, have expected support of those who had expressed upon the hustings sentiments in accordance with their own? At all events, the member for Guysborough is the last man who ought to have made such a reference, for he well knows what party he was originally returned to support in this House, and how easily he was won over to give strength to his opponents, when they needed it.

But shortly after it was ascertained or alleged that several members of the majority were ineligible under the Act I have mentioned. And here I would state that I mean no insult to hon. gentlemen by the use of this term, and am surprised that one of the clauses of the amendment should express such to be the case.

I am sure the hon. member for North Hants, whose name has been particularly mentioned throughout the discussion, knows full well that I am incapable of wounding his feelings, and that I only use the phrase and refer to the alleged fact as necessary in the course of my argument.

Immediately after this fact was brought to the notice of the Lieut. Governor, a corres-

pondence took place with the Home Government, and the opinion of the Crown Officers of England was obtained. Armed with this, His Excellency met the Legislature last year. The first step of the members of this House was to elect the Speaker, and by the mode in which this was done, the hon. Prov. Secretary says the Government was non-suited, because they allowed ineligible members to vote without opposition. But does he not see that the very language of the Crown Officers permitted this? and how could he suppose that, in the face of this opinion, and with the courtesy due to the Licu. Governor, who was waiting in the Council Chamber, the members of the Government would venture to take such a course? They did not, but at the first convenient moment, so soon as the House was constituted, the question of ineligibility was raised, and the debate which ensued assumed the form of a motion of want of confidence in the Government, which was finally carried.

Now, sir, one would have supposed that on such a question the gentlemen whose seats were aimed at, would have immediately withdrawn, and not have ventured to have voted; and had this course been adopted, the Government would have been sustained. But they were not permitted to withdraw. The hon. Prov. Secretary said that he would not allow his majority to be taken from him, and at his bidding, and in defiance of the rules of the House, they voted to retain their own seats. This was the first step in that downward course which has brought this House to the verge of contempt.

The only course then left for the Government, was to ask His Excellency to dissolve the House. Now was he not in a position, nay, was he not bound, at such a crisis, to accept this advice, and to interpose the royal prerogative to protect the constitution from so gross a violation? He was possessed of his faculties, he had access to all the necessary documents, he could read the evidence which had been brought to his notice with regard to three at least of the gentlemen alleged to be disqualified. He had also the instructions of the Home Government, and the opinion of the Crown Officers, and he knew that to dissolve would be at once to sweep away those difficulties which, so long as they existed, would continue to be the fruitful sources of irritation. But he could not be brought to view matters in this light,—he faltered, he refused, and the country is now reaping the fruits of this decision. The late Government had then no alternative but to resign, and the present Government were installed in their places.

Now what were the reasons which His Excellency gave for the course he had adopted? They are exhibited in the state papers on the table, which are the subject of discussion, and may be reduced to three. The first was that he had no doubt the questions would be fairly tried by the sworn committees of the House, and he did not wish to interfere with their operation. Now his Excellency had been a member of the British House of Com-

mons, and had seen the operation of the Grenville Act, which we retain, in that august body, and he knew that so injurious was it considered, that by universal consent it was abolished, and a new mode adopted of appointing election committees. Had he any reason to suppose that its operation would be less improper here, where party spirit was even higher than in the mother country? On the contrary, he must have known that on the result of the ballot-box hung the fate of the seat. And such in fact it proved, more particularly in the committees on which the Government supporters had a majority. The alleged ineligibility was cured, and the law of the land deliberately ignored, and at this moment a gentleman holds a seat in this House, although in possession of an office of emolument under the Crown.

The second reason of His Excellency was that it was improper to dissolve a House which had been so recently elected. Well, sir, let us look for a moment at the precedents furnished us by the mother country. It is not very long since the House of Commons gave a majority adverse to Lord Palmerston on the China question, and this, in my memory serves me right, in a House which had not been very long elected. What did his lordship do? Did he bow to the decision of the Commons? No. He appealed to the Queen for a dissolution, which was granted. Why, sir, when one reads the History of England, one feels that it is almost a matter of course for Her Majesty to acquiesce in the views of her Minister, when he wishes to appeal to the people. The appeal was given, and his lordship was sustained by a large majority of the electors. Well, sir, hardly a year had rolled over when his lordship found himself in a minority again, on the French question, and Lord Derby became Prime Minister. His lordship carried on public business with the House for a short time, and then deemed it necessary to have another appeal to the people. Did Her Majesty refuse it on the ground that the House had been so recently elected? No; she granted it. A dissolution took place, which in the end resulted adversely to Lord Derby, who was again obliged to retire into Opposition.

Now if the election of 1859 had been at the instance of the late Government, it might be said they ought not to have the right to another chance. But this was not the case. The House expired in 1859, by operation of law,—and therefore upon the precedents I have quoted, I contend that the late Government were entitled to the dissolution in 1860 when they asked it.

But the third reason is the most curious of all. One would think we were living in the wilds of Siberia or Nova Zembla, for his Excellency declined to grant a dissolution at so inclement a season of the year! Why, sir, it is a libel on our climate and country, and I am only sorry that such a character should be given to the British public. Can we expect the emigrant to venture to our shores when the heated partizan is prevented by the rigor of the climate from engaging in the

contest of an election? The best practical proof we have of the absurdity of this reason is, that when two vacancies occurred in the House last year, the elections to fill the seats were deliberately postponed by the Government until winter had set in. There is, however, a singular coincidence between this reason of His Excellency and that assigned by the late President of the Council, in his celebrated letter of 1859, when he asked for an early session of the Legislature. I do not say there is anything beyond a coincidence, but certainly it is very remarkable.

Now, then, what were the results which followed this decision of His Excellency? I have already stated that the late Government resigned, and that the present Government assumed their places. The first step was improperly to adjourn the House while the elections were going on. The next was to fill up the Government offices in a manner never before known to the people. I pass over the other appointments, but I cannot forbear speaking of that of Chairman of the Railway Board and Solicitor-General. I do not like to use harsh terms, especially as that gentleman is lying on a sick bed, resulting from the recent railway accident, but I must say that this was one of the most improper appointments made in this Province. Why, sir, I have already given my opinion that the railway throughout its history has always been too closely connected with politics, but now it is absolutely made a Government department, and subject to be affected by the party feelings of the people.

This is wrong, and it has been followed by the worst consequences, many of which have been detailed to the House by previous speakers. But the Chairman of the Railway must hold his power alone; no commissioners, as required by law, are permitted to be associated with him, and consequently his whole conduct has been illegal, from the period when the late commissioners resigned their office, to the present time. No wonder that we have been startled at the announcement of money improperly paid to Mr. Cameron, the contractor. I have listened to the hon. Prov. Secretary with great attention in the hope that he would explain this extraordinary affair, but I have only been disappointed.

Hon. PROV. SECRETARY.—I did not refer to it because the papers are being printed, and we shall have an opportunity of discussing the matter at a future day.

Mr. SHANNON.—In that case I shall say no more on this point, but pass on. Then there is the Lunatic Asylum. During nearly the whole year this institution has also been managed in direct violation of the law of the land. But the hon. Prov. Secretary and the hon. Att'y General have an answer for us. True, they say, the law has been violated; true, these institutions have been governed illegally; but then, see what we have done: we have increased the revenue during the past year over any previous one, and the country ought to be content. Sir, I consider this to be adding but insult to in-

jury. Have these gentlemen so poor an opinion of their countrymen as to suppose that they consider pounds, shillings and pence of more importance than the obligations of morality or the law of the land? No, sir, the people of Nova Scotia are not yet so degraded as to be influenced by such motives, and the best answer is to be found in the petitions for a dissolution, which are now being so numerous signed. But even the figures in reference to the revenue are not exactly so flattering as these gentlemen would make out. They have passed through the careful examination of the honorable member for Yarmouth, and I do not think they appear in so favorable a light as when first paraded by the hon. Financial Secretary. But even if they were true what do they show? Why, that when all the material interests of the country are declining, the increase of the revenue has been obtained upon the article of spirituous liquors alone, and thus the boasted success of the Government rests on the demoralization of the people.

I would now advert briefly to some of the remarks made by the supporters of the Government in their speeches. I confess I was disappointed with the hon. Attorney General. I expected him to have given to us the answer of the Government to the legal points introduced by the hon. leader of the Opposition, in his admirable speech. But these he evaded altogether, leaving them to be handled by the hon. Provincial Secretary; and in place of legal argument he treated us with the old stories of the cutting up of his county, and the Colchester election. Now, if it be true that the late Government took special pains to render his seat insecure, it appears to me it was only the greater compliment to himself as one of their most formidable antagonists, and ought to be viewed as such by him. But is he the person who ought to complain of such things? Do we not all recollect when the old county and township representation was intact and held to be sacred? Who, I ask, were the sacriligious hands that inflicted the first injury upon the system? They were the hon. Attorney General and his friend, who, finding that the Townships of Truro and Onslow were Conservative in their character, swept them away in order to make room for the return of Liberal members. He then should say nothing on this point. The Attorney General then referred to the committee on the question of bribery last winter. Now, I happened to be on that committee, and it is well known that I took a view of the law at that time differing from that of several of my friends, but which view has since been ascertained to have been correct. Now, sir, if the law was right, I can much more confidently assert that the decision of the committee on the facts was equally correct, for no reasonable man can have a question upon the evidence. The hon. and learned Attorney General refers to the evidence of Johnson having been contradicted, I would tell him that even if this were the

case, he is corroborated upon all important points by Dickey, the Attorney General's own witness, who proved the case beyond any reasonable doubt. But I pass from this which I know will be dealt with more fully by the hon. and learned chairman of the committee, who is to follow me, and I turn from the Attorney General to the hon. and learned member for Inverness, Mr Blanchard.

I did not happen to be in the house when he commenced his speech, but understood he referred to circumstances under which he resigned his several offices. Now I happened to be a member of that committee also, and I distinctly state that no evidence, in my recollection, was adduced to show that the telegram in question was ever exhibited to the member of the late government previous to the election. The telegram was sent to the hon. Mr. McCully, and a notice only, with the name of the hon. and learned member appended to it, written by a clerk of Mr. McCully's, was handed in at the Provincial Secretary's office. It was evident that, from the construction then put upon the law, the hon. Mr. McCully thought the resignation too late; and therefore nothing more was done than sending this notice, and, from the course pursued by his friend, the hon. and learned member very nearly lost his seat.

With reference to the Smellie case I shall not say one word. Those who heard the evidence and Judge's charge can decide for themselves. I may add, however, that a felt deeply for the position in which that young man was placed, and could not but be gratified at the verdict of the jury. It was a most extraordinary case, and I trust the day will come when the mystery connected with it will be fully unravelled.

To the speech of the hon. member for North Colchester (Mr. Morrison), which was so much commended by the Prov. Secretary, I may add my quota of praise. It was so racy and fresh, so full of variety, now exhibiting the learning of a Lord Chancellor, and then the language and the voice of the ship-master on the quarter deck with the speaking trumpet in hand, that it was absolutely irresistible. His attention was principally given to the leader of the Opposition, but he took occasion also to tell us the marvellous story of a jack-knife in connection with the hon. and learned member for Sydney. I confess I did not altogether see the point of the story, and was somewhat disappointed when I found that the knife had not finally reached the pocket of the hon. gentleman himself. It was a singular circumstance that an incomplete speech of the hon. gentleman had been given in a *jeu d'esprit* which had appeared in one of the papers that morning, and for some time it seemed as if he were about to continue it, but the fiction soon dwindled before the reality, and the hon. gentleman stood forth with his stentorian voice and vehement gestures as palpably imitable. He complained some time since that his speeches were not reported. I trust justice may be done to him now, and indeed I may add the street rumors that the print-

ers were engaged upon his speech the other day when the explosion took place, and that in fact so highly charged was his eloquence that it was even too much for the boiler to stand. (Laughter, and hear, hear, from Mr. Morrison.)

I need not dwell upon the barn-yard illustrations and speech of his hon. colleague, nor upon the topics introduced by other hon. members, as this debate has been protracted to such a length that I hardly think it right to consume any more time, and I therefore will bring my remarks to a close. But, Mr. Speaker, I cannot sit down without imploring hon. gentleman how they allow the law to be violated. It may be done by the leaders of parties, in their lust for power, but it cannot be done with impunity. The hon. Prov. Secretary, on the first night of the last session, compared the law to cobwebs which could as easily be swept away by him as a moose would brush them in his passage through the woods, and he suited the action to the word.

Sir, this is the language of a man greedily grasping at power, and regardless of consequences. It is the language which might have been used by Louis Napoleon, on the eve of his *coup d'état*, or by a Cromwell when he invaded the sanctity of the House of Commons, and ordered the mace to be removed, and the members to be expelled,—but we want no such language to be used in our free country. I ask, then, hon. gentlemen to be the guardians of the law of the land. What has elevated England to the position she now occupies, but the respect which her people pay to the laws? Why is it that the nations on the Continent, with the exception of Sardinia, have never yet been able to carry out Constitutional Government? Because their people have never been trained to a cheerful and willing obedience of the law. Let us, then, be careful how we act. Let not the subtle poison of disregard for the law permeate our people. Look at the present position of the United States. Why is it, that in the midst of prosperity, they present such a pitiable spectacle? Is it not, among other things, that this very poison has diffused itself among the people, and has ended in a thorough disregard for the highest constituted authority in the land? I ask hon. gentlemen, then, to take warning by these events, and never to allow the spirit of party to break down the best bulwark of the country, without which there never can be true freedom, or peace or prosperity.

MR. A. CAMPBELL'S SPEECH.

Mr. A. CAMPBELL said—I had no intention, Mr. Speaker, of saying one word, or making any remark on the matter now before the house, till the hon. member for East Pictou (Mr. McDonald) made a very unjustifiable attack, towards the close of his remarks, on the character of a respectable young man who is not here to defend himself. The hon. member has deliberately asserted, in reference to this young man, that he is so destitute of moral character that no one who knew him

would trust him with sixpence to buy a pound of sugar. Now, I must say that the hon. member, in making use of such language, has quite overstepped the bounds of propriety. The description he has given of that young man's moral character is utterly inaccurate, and without, I believe, the slightest foundation in fact. Mr. William McKenzie is regarded in the community in which he is well known, where he has been brought up, as a respectable and moral young man, and he belongs to a moral and respectable family. Let the hon. member, if he can, put his hand upon one stain in that young man's moral character. If he cannot, why does he hazard statements that he knows to be at variance with the fact. I believe the hon. member has had demonstration of the fact that Mr. William McKenzie could not be induced to do what he believed to be wrong, what he regarded as a violation of conscience, even for a larger amount of money than sixpence. If, in that part of the country where both these gentlemen are well known, any one wished to send to the grocer's for a pound of sugar, I am not quite sure, if he had his choice of the two for an errand boy, that he would not choose Mr. William McKenzie.

The hon. member has made several remarks in reference to the action of this house on the report of the committee on the Attorney General's election, of which the hon. member himself was chairman. His remarks were characterized by utter want of fairness and generosity. They were in exceeding bad taste, and certainly did not add anything to his own honor or credit. When the hon. member read that report to the house, every man of honorable feeling and impartial mind, who listened to it, felt—fearfully felt—that the committee had unnecessarily travelled out of the ordinary course of procedure of such tribunals, seemingly for the purpose of injuring the character of the Attorney General of the Province. Who that has heard the evidence taken before that committee, but must have seen in their report a desperate effort to grasp a conclusion which the evidence did not authorize or justify? What mind, unaffected by political prejudices or party bias, but must have seen lurking in the resolutions of that report, the dark slimy serpent of political revenge?

The hon. member asserted, with an air of triumph, that the first proposition in the resolution moved by the hon. and learned member for Annapolis, is the corner stone of his party, the very foundation on which the party rests. Now, the principal matter of that proposition is a charge of ineligibility against some members on this side of the house—a very slender foundation, one would imagine, for a "great constitutional party" to rest upon. But if it can be proved that the alleged ineligibility never existed, what becomes of the corner stone? and what becomes of the great party that rests upon it?

There has been a great deal said by hon. gentlemen of the opposition, about the ineligibility of some members on this side of the

house, and about the infraction and violation of law resulting from that ineligibility. Now, I deny that the alleged ineligibility ever existed; I deny that there was any violation of law committed in consequence of the members said to be ineligible being confirmed in their seats by the committees before whom these cases had been tried. I have listened very attentively to all the ingenious reasoning conducted by some hon. and learned members of the opposition to prove the alleged violation of law. But after all, the only conclusion that I can come to is, that there has been no ineligibility, and therefore no violation of law.

He argues that the government are unworthy of confidence, on the ground that they rode into power on a religious question. Does he forget that the party he supports rode into power in 1857 on a purely religious question—on the very same question to which he alludes? When he proves that the party now in power got their majority by means of that religious question, he, in effect, proves that in the opinion of the great majority of the people of this country, he and his party arose on the wrong side of that question. But the party now in power won their majority, not so much on that ground, as on the ground that the general policy of the late government was believed, by the people of this country to be ruinously bad; and that they were placed in that peculiar position in which it seemed almost impossible that they could carry on the government of the country efficiently and satisfactorily.

The hon. gentleman complains that members on this side of the house make statements that they do not prove; but he does not take the trouble to prove a single one of his own statements. He seems to take for granted that everything said on his own side of the house, by speakers who preceded him, was proved. He says this has been proved, that has been proved—in short, every thing has been proved ready to his hand; but the hon. member proves nothing for himself.

The argument conducted by the opposition is based on the general principle, that "in every instance in which the domain of the law is invaded, the law is invaded." It is argued that the domain of the law of 1858—the disqualification law, as it is called—covers the whole region of salary and fee offices under the provincial government; that several members supporting the government held some of these offices at the time of their election; that all these cases were an invasion of the domain of that law; and that therefore these members violated the law in holding their seats; and that the action of the committees in confirming them in their seats, was a violation of the law.

Now, the conclusion arrived at in this train of reasoning is evidently quite unsound, quite inaccurate; because it rests on premises that are unsound and fallacious. The fallacy consists in assuming the domain of the disqualification law to be vastly more extensive than that law pretends to claim, or was assigned to

it by the legislature. The domain of that law does not, as assumed, cover the whole region of offices which draw a salary or fees. Even by the strictest interpretation of the letter of the law, its proper domain covers no more than the region of offices of profit or emolument. It does not, by any means, follow that every office which draws a salary, however small, is an office of profit or gain—which is undeniably meant by the word emolument—nor does it follow that every office which draws fees is an office of profit. If an office will not leave to the incumbent some valuable consideration, in the shape of gain or profit, over and above the amount of loss it causes to to him, it can, with no more truth, be called an office of profit or gain (emolument) than the business of the merchant, who sells his goods at cost and charges, can be called a profitable business. It is a gross fallacy, an unpardonable error, to place every office, to which a trifling fee or salary may be attached, in the category of offices of profit or emolument, when such fee or salary is not by any means an equivalent for the expense and labor given to the office in return for it.

Now, I reason the matter for myself in this way: Laying down the converse of the same general principle, on which the honorable and learned member for Annapolis based his argument, that where there is no invasion of the domain of the law, there can be no infraction of the law; and where there is no contravention of the policy of the law, there can be no violation of law—I next enquire, what is the policy of the disqualification law,—what is the extent of its domain? In the outset of this enquiry, I take for my guide, or I avail myself of the assistance of a rule laid down to this house, for the exposition of law, by the hon. and learned leader of the opposition, on the very first day of the first session of the present parliament—a rule which recommends itself to the good sense of every body. I respect the rule; I respect also the authority whence it emanated. The rule is this:—"In the interpretation of law, the essential matter for enquiry is, what is the intention of the law? The intention is to be sifted out from among the words—the words are but the serviles of the intention." Thus assisted, I examine the disqualification law, and find the intention of that law to be, the exclusion from the legislature of persons holding offices, the profits of which are of such value and advantage to them as that their legislative independence may thereby be placed in danger of being injuriously affected, or destroyed. I find the object of the law—the purpose for which it was enacted—the duty assigned to it, expressed and defined in its title—"A law to secure the independence of the Legislature." Where that independence is not in danger, it does not require security, or it does not require to be guarded; and where that is the case, the law has no duty to perform—no work to accomplish. The proper sphere of its duty, therefore, extends no farther than the region of danger.

The domain of the law cannot be more extensive than its legitimate sphere of duty; nor can its policy be more comprehensive than the object of its enactment. It is clear, therefore, that the domain of this law is, beyond doubt, limited to the region of danger; and it is equally clear and indisputable, that the sphere of its policy is circumscribed by the bounds of its proper domain. The legitimate sphere of the disqualification law's policy is, therefore, limited to the region of danger—to that class of offices, from the lucrative nature of whose income, danger may arise to the legislative independence of the incumbents. Where the income of an office is of a lucrative nature, there may be a desire and a disposition to retain it, even at the sacrifice of principle; therefore, in every such case, the legislative independence of the member holding the office is in danger of being affected by it, and the case clearly falls within the domain of the law.—But where the income of an office is scarcely a fair equivalent for the loss it causes, there cannot possibly be any such danger; and the case of a member of the legislature holding such an office is no invasion of the domain of the law, because it lies outside of it; neither is it a contravention of the policy of the law, inasmuch as it lies outside of the proper sphere of its operation.

Now, as regards the offices of coroner and way-office keeper, in this country, it is well known that the income derived from these offices is scarcely sufficient to cover all the expenses incident to them. Any person who will take the trouble to examine the matter, will find that, after deducting rent of office, fuel, stationery, attendance and other incidental expenses, not a cent remains in the shape of gain—he will find that the income of these offices does not amount to anything like a fair compensation, or anything near a just equivalent for what has to be given in return for it. Such being the case, these officers indisputably lie outside the domain of the disqualification law—outside the sphere of its policy; and, therefore, the fact of a member of the legislature holding one of them, is no invasion of the domain of the law, nor a contravention of its policy. Hence the alleged ineligibility does not, nor ever did exist; consequently there has been no infraction—no violation of the law; and the decision of the committees who sat on these cases of alleged ineligibility was righteous and equitable.

We have been told that on account of so much violation of law the people are indignant, and long for an opportunity to call their representatives to account for their conduct; and that the country is fearfully agitated from the one end to the other. Now, I have good reason to believe that this agitation is confined almost to the city of Halifax, and to a small number even there. I had an opportunity during the past summer of travelling through several of the counties East and West, and I can certainly say that I never saw the people in the rural districts less agitated with politics, or more disposed to treat with con-

tempt the efforts of party newspapers to agitate them. A feeling of contentment, and of confidence in the head of the administration, and in the management of public affairs, seemed to pervade the population generally.

The hon. members for Digby and Argyle (hon. Colin Campbell and Captain Hatfield) are abused, and stigmatized as traitors, because they dared to act independently—because they would not slavishly follow a party, when they knew the policy of that party to be wrong—when they were fully convinced that the party was not in that position in which it was possible for them to administer the government advantageously to the best interests of the country. Instead of what they have done being a disgrace, it is an honor to them: it has not been, and cannot be, shewn—nor has it been attempted to be shewn—that they left a party for selfish purposes, or for any consideration of a selfish nature; nor can it be shewn that, in forsaking the party, they sacrifice any valuable principle: therefore, it only proves that they are honest men—men who will not sacrifice the interests of their country to the interests of party. This is the style of men to which this country must look for protection against the abuse of power, and corruption of government—against the injustice of party selfishness, and the tyranny of faction.

It has been argued that the government must be weak, because it rests on the votes of such men; but the reasoning is unsound.—There can be no better evidence of the strength of any government, than its being supported by the votes of disinterested men—men who love their country more than their party—men who can lay aside party predilections, when it is necessary to do so, in order to advance the best interests of their country; it is an evidence of the popularity of the government—of strong confidence in the government, and of the soundness of the policy of the government. When the policy of the government is such, as to attract to its support honest men from the ranks of the opposite party, it is, surely, not an evidence of weakness; but an indisputable evidence that it possesses, or deserves, the approbation of the people.

Hon'ble members of the opposition argue that the government is weak and powerless, and cannot carry on the public business of the country, from the fact that they will not bring down railway extension as a government measure—that being, as they have asserted, over and over again, the most important question that can possibly claim the attention of the government, and the measure, above all others, with which it was most important the government should deal. Now, it will not be denied that the leading members of the opposition are in the habit of denouncing our railways as utterly ruinous to the prosperity of the country; and that any extension of them would but add to the enormous debt they have already saddled upon the country, and thus increase an enormous evil. If this doctrine be sound—if it be the true doctrine, railway extension can have

no importance; it can have no importance only in one respect, if it has any at all—and that is, that it should be left alone—that the government should have nothing at all to do with it. Instead, therefore, of its being a proof of the weakness of the government, and of their incapacity to deal with the public business of the country, that they did not make railway extension a government measure, it is proof of wisdom and sound policy on their part. If to extend our railways would be to increase a great evil, it certainly is not important that that evil should be increased; but it is important that it should not: hence, either their doctrine is not true, or their argument is absurd.

REMARKS OF MR SHAW.

MR. SHAW said: Mr. Speaker, it is only between the booming of the artillery that the crack of the rifle can be heard, and as it is now past the usual hour for adjourning, I shall omit touching many points of the subject under discussion that deserve a passing notice, but I shall condense my remarks on the points that I shall take up, as much as possible.

I must say, in the first place, that many of the remarks that have fallen from members on both sides of the House, since the commencement of this debate, have been too personal, and have tended to prevent that harmony and decorum that should characterize the deliberations of a legislative assembly.

The origin of much of the evils and troubles in connection with the election committees of last session, and the angry discussions that have arisen during this debate, may be attributed to the Disqualification Bill introduced by one of the members of the present Government. This bill was conceived in anger, and brought forth in iniquity, and anger and iniquity have followed it ever since. The operation of this Act has gone to show that the Liberals of this Province are most tenacious office-holders, for, with the exception of the hon. member for North Queens, few or none of the candidates at the last election resigned the offices held by them under the Government, and his resignation was not within the time specified by law; but, in contradistinction to this, the Conservatives proved themselves to be a law-abiding people, for they resigned their offices in due time.

Now, sir, I will turn your attention to the oft-repeated word *Retrenchment*—this magic pass-word, the modern definition of which, I believe, is Rat Trap. Now if this is correct, we will understand what all this clatter about retrenchment means, and Dame Rumor saith that rats have been taken in this trap. But what is the kind of bait used? There is a variety of conjectures. Some say a wharf—but this would imply that they were wharf rats. Some think break-waters—but I think there was but little water used in the catching. Some say a steamer was among the ingredients; there might have been steam on of some kind, as they got evidently seized over, and into hot water; but "dinna ken"

what it was. I fear the bounty on rats is too high.

But, Mr. Speaker, to be serious and return to the subject. It is often asserted by hon. members of the Government side of the House, that the Catholics ratted when they changed sides, but it is evident that this was not the case. I believe they voted with the well-understood wishes of their constituents, for we know that the action taken by them has been approved and confirmed by the return of the same men at the last election. The impression had gone abroad that the Irish laboring men of this city were naturally bad citizens; but this erroneous impression is dispelled since the majority have become Conservatives. "I hope they may remain such," was the remark made by an elderly gentleman of this city, in my presence, not long since, "their warm hearts not being excited by inflammatory harangues, as of yore."

The dispatches from the Colonial Secretary in reply to the letters of the leaders of the minority in our Legislature, and other causes, have impressed many with the belief that if there is a fraction of tyranny left in the vast dominions of our beloved Queen, it is in the Colonial Secretary's Office, Downing Street. I will not say that the present incumbent is more so than his predecessors, but I can hardly approve of his apparently harsh treatment to the loyal Orangemen of Canada, the brave fellows so mainly instrumental in putting down the revolt in 1837,—the men that said, at that eventful time, when that colony was in great peril internally and externally, "If Her Majesty's troops are wanted elsewhere, we will defend this Province." I hope, sir, the treatment they have received has not crushed the loyalty out of them. If they were not to be allowed to join in the demonstrations in honor of the son of our noble Queen, timely notice should have been given them.

I trust that no untoward event may ever occur to crush the loyalty out of the Nova Scotians. The Conservatives have, in more instances than one, been badly treated, but let us never swerve from our true allegiance to our Queen and Constitution, but let our motto ever be—

Conservatives up
Or Conservatives down,
Ever true to our Queen,
Our country and Crown.

House then adjourned until 3 o'clock on Saturday.

SATURDAY, March 23.

The House met at three o'clock, and the adjourned debate was resumed.

MR. TOBIN'S SPEECH.

MR. TOBIN said: Mr. Speaker, I do not intend to occupy the attention of the House by speaking at any great length on the subject under discussion, nor do I intend to follow, in anything like detail, the arguments of the gentlemen opposite. After the eloquent and able speeches of the hon. members

for Annapolis, Cumberland, and Sydney, I feel that the subject is quite exhausted, and, as I am not in the habit of repeating statements and arguments previously used in debate, I shall therefore be brief.

The hon. and learned Attorney General, who, it appears, has at length found utterance after a long and painful silence of several days, attempted a reply to the speech of the learned member for Annapolis. Sir, did the hon. gentleman answer that speech? Did he give his views on those great constitutional questions which have been agitating this colony since the present Government came into power? No, he only gave us an exposition on commercial speculation, and a review of the returns of the last General Election, and the issues of that contest. "The bill, the whole bill, and nothing but the bill," appears to be the whole stock in trade of the hon. Attorney General, and he really never seems to be in earnest—seldom becomes animated till he gets fully mounted on his hobby, the Representation Bill of 1859. He has carefully noted down in his memorandum the political proportions of the electors of South Colchester—he understands their wants and their wishes. It is said, and I do not think it will be controverted, that the yeomanry of Colchester, since the hon. Attorney General's connection with them, have been very much troubled with itching palms. I know of no cure for this distress except the panacea of the hon. and learned Atty. General, who manages, through himself or his agents, to oil their knuckle joints; this appears, sir, to be an infallible remedy, and only administered to those who vote for, or abstain from voting against, the hon. gentleman.

Had the hon. Attorney General taken up the mercantile profession, he certainly would have succeeded in commercial life, or, had he held on to physic, he would have better understood how to dissect our doings. The hon. member for Cumberland thinks that the gentleman opposite was the life-man of his party. Well, he does cut quite a figure; but when I see the hon. gentleman's figures in the newspapers, I look them over, and cannot perceive much sense in them. There is, in my opinion, as much information to be gleaned from the cast of a chance mixture of types, as from the hon. and learned Atty General's figures.

We have had before this House every year since 1857, the claims of that innocent man, Mr. Donald Cameron. He told the committee, in 1858, that he was an illiterate man, that he could not write; yet, in a few months afterwards, we find him writing letters in the newspapers over his own signature,—pieces of composition which proved him to be other than the illiterate man he represented himself. But, sir, what was the nature of Mr. Cameron's claims? He came before the committee and stated that the contractors were bound to construct the work for the sum named in the agreement with the Government, without reference to the accuracy of the survey, the extra quantity of cuttings or

filings, nor were the contractors, in his judgment, entitled to claim any compensation for any extra work performed on account of sinkages or subsidences.

Now what was the nature of Cameron's claims? They were these: he took, in the first place, three of the longest contracts on the line, and after he entered on the work, excavated a large part of it, and got paid for every shovelfull of earth he excavated, every yard of work he cut, in monthly measurements, which was at that time the practice of the engineer, (Mr. Forman) for ascertaining the work done, and paying the contractors as it progressed. You will therefore perceive, sir, that Mr. Cameron got paid for every yard of cuttings and filings done on these contracts. He found, however, that two of these contracts were likely to be unprofitable, and got the Young Government to take them off his hands; they were re-let, under new engagements, to Blackie and Johnston, involving the payment of additional large sums of money.

What next did he do? He retained a contract on the Windsor Branch Line, which he regarded as remunerative. Well, he wrote a letter to Mr. Forman, asking liberty to alter the line, lower the grade, and other alterations highly beneficial to himself. What will you think, sir, when I tell you that he gained the consent of the Engineer to make those changes in the line and grade, by which he saved a large sum of money, and got paid for a quantity of mason work in the construction of a bridge, which was never built. What next? This wily contractor wrote a letter to the Engineer, Mr. Forman, stating that it was necessary to have some drains and culverts built on his contract. The Engineer requested him to name the sum for which he would perform this work. Mr. Cameron replied, £850; but this it appears was never brought before the commissioners, and it will be recollected that there was a clause in the contract, under which all bridging, draining, and masonry were to be paid for when not specified in the contract—so that this was a piece of patronage extended to Mr. Forman's friend, unknown to the Government commissioners or the other contractors. Before Mr. Forman left this country he wrote a note to Mr. Cameron, acknowledging this contract. The claim came up before the Railway Committee, and it was proved that the work for which Mr. Cameron claimed £850, only amounted to £137 10s!

Mr. Young, the present Chief-Justice, was so astounded at this jobbing that he declared he could not in his conscience—and you know, sir, how tender he was on that point—recommend the payment of that claim. The committee reported a clause which was adopted by the House, and acted upon ever since, for the settlement of the disputed claims of contractors. How were these settlements to be made? All the work was to be re-measured, and whenever the quantity was in excess or diminution it was to be added or subtracted, as the case may be, a true

balance struck, and a settlement made, in order that the contractors should be paid for all the work done. These surveys and measurements were made and all the contractors settled with, except Mr. Cameron. Under this construction of the contracts, Mr. Cameron refused to attend a survey, but his work was measured, and it was found that he was overpaid a large sum of money. His friend Mr. Smellie made the measurements, and he now, I believe, contends that they were carefully made.

I never said that Mr. Cameron had no claim, nor do I say so now; but this I contend—that the Government had no right to pay him \$5,000 under any report of a committee of this House,—under any survey or re-measurement of his work. The mode in which he was paid,—the manner in which the settlement was made, and the gentleman employed (Mr. Poole) specially to settle their claim, a gentleman who was unacquainted with the nature of the claims, who never measured the work, and therefore did only what he was employed to do,—this contractor or who had many friends pressing his claims on the Government, succeeded in obtaining a sum of money which no man in this House believed him entitled to. These are my views on the nature of the payment to Mr. Cameron of \$5,000, and which I condemn in the strongest terms. I have always condemned and still condemn this system of jobbing and partiality, and believe the rule of settlement applied in the case of the other contractors, should also have been enforced in the case of Mr. Cameron.

The hon. the President of the Council told my hon. friend the learned member for Annapolis that he was guilty of sacrilege for leaving the church of his childhood. Sir, no man can be accused of sacrilege for quieting his conscience—what that inward monitor speaks, let man obey. The hon. member for Annapolis obeyed the voice of conscience—he left the Church of his childhood, breast every billow of danger, and why should he be accused of sacrilege for joining the Baptist Church, whose creed he believed? Sir, it does not become the President of the Council to make such references in a Christian Assembly.

The hon. member for North Hants (Mr. Cochran) looking along our ranks, enquired, Were we the old Conservative party? The President of the Council told us that his public letters in 1857 were misunderstood. There is one gentleman in this House, the member for North Hants, who understood them in letter and spirit. I will tell the hon. gentleman who we are. We are a combination of men of every religious denomination, representing every interest, every class, every country and every race, politically, religiously, socially and commercially; actuated by one motive, guided by one principle—not to promote selfish views, or to elevate any particular class, creed, or race, at the expense of the rest, but to advance the interests of the people, and raise this Province to that high and proud position which the God of Nature

and the God of All, predestined it should occupy. We are desirous of uniting the people for mutual defence and safety. There has been no grandeur in the past history of our country; the future, therefore, is the heritage of our race.

The future of British North America should be the hope of the rising generations; the young Nova Scotian should love his native hills as the Swiss Mountaineers love their native Alps, and be ever ready to defend them.

The hon. the President of the Council, in one of his first speeches before the House this session, referred to the Gourlay Shanty riots, and spoke of blood being spattered over the stumps. Well, there were no lives lost, although there was quite an excitement. Some hon. gentlemen have particular faculties for raising excitements. I could give you a picture of the state of things here in the city of Halifax, during the late political contest. So inflamed was the public mind that, had I been a stranger, had I not been known to almost every child in the city—no one, at this time of day, can have any idea of what might not have happened.

Sir, I do not want to get up an excitement. I have always labored to keep such down; but I do say the Gourlay Shanty Riot was got up; I will not say by whom, but this I will say,—that, in my opinion, it was in the power of the Chairman of the Railway Board of that day, to prevent it. A worthless, idle, drunken fellow, was allowed to disturb the peace for weeks previously. He fell in with some of the Scotch navvies, and it appears that when under the influence of spirits, he became exceedingly pious. The Scotchmen thought a few stripes would not be deemed out of place, by way of a little mortification. Out of this, sir, grew all the political trouble we have gone through; and I think, sir, it was quite unseemly on the part of the President of the Council, to review the Gourlay Shanty riot and the Grand Lake tragedy.

I was attracted to the Court House during the Preeper trial, and there were the gentlemen opposite exhibiting a spectacle which I trust it will never again be my misfortune to witness. What was it? An unfortunate man on his trial, who was more an object of commiseration than envy. I heard the evidence of a woman who was in the witness box; she said she was looking out of a window of a house at Grand Lake, and saw several men with fire arms standing in a group; she saw Hurley moving towards them, then diverging to the side of the road in order to pass them; she saw a man lift a gun to his shoulder; she let the window blind which she held in her hand fall; she heard the report of a gun; then lifted the blind, and saw Hurley rise, run a few yards, fall on a pile of timber, his heart's blood oozing from its fountain—he breathed his last. I could hear no more, left the court, and did not visit it again during the trial. Good God! thought I, a fellow creature summoned before his Judge, without a moment's warning—without a moment's preparation!

Gentlemen opposite may say, "We are not answerable," but there are men, intelligent men, in this country who will be haunted by Hurley's ghost. There was malice—*malice prepense*. In the silence of sleep—in the shades of midnight—the arms were folded in oil cloth, carefully wrapped up, and conveyed from a distance to Kenty's house to be used; and they were used with fatal effect. The Fin. Secretary says, "I want to connect my hon. colleague with this transaction." No, sir, the hon. member for East Halifax (Mr Esson) knows that I am above even harboring in my mind the slightest suspicion that he had any idea when he was leaving the city for the eastward, before the election, that any such misfortune would have occurred; he would not have gone. I am quite sure, had he or I been there, it would not have happened. The hon. Fin. Secretary always leans upon some one to prop himself up. Is he not aware, that were it not for his hon. colleague he would not fill a speck of space in the political field of vision? I shall say no more, sir, on those topics; had they not been referred to by the President of the Council I should not have mentioned them, as I prefer to deal with subjects of a different character.

The extension of the rail road towards Pictou has engaged the attention of the government; on that subject they appear divided. The President has moved in it, on his own individual responsibility. I have ever been in favor of the extension of the rail road; but I am sorry that the public mind has been for years directed towards Quebec, or what was popularly called the inter-colonial railway. I always looked upon this as a visionary scheme, more particularly since the British government refused any guarantee of interest. I know this scheme has been kept alive in England by the Cunards, Gilmores, Richardsons, Dunlops and Gillespies, names the most powerful on the stock exchange, and in the reception room of the Prime Minister. I shall be glad if they succeed, but I have lost all faith that the British government will pledge the imperial revenue for the construction of rail roads in British America. Our duty is to connect our railway with New Brunswick and Maine, and form a connection with the whole system of American and Canadian rail roads; this would give us the passenger travel over our road through Nova Scotia, which the Northern road would not; for it is evident that the people of the United States and Canada would not go to Quebec for the purpose of coming to Halifax by rail to take shipping for England, while if the road run in the other direction, they would, as it would be in the direct line of travel.

There is another little matter, sir, to which I may be permitted to call your attention before I conclude. The hon. the President of the Council has taken to himself the credit of introducing responsible government into this Province. Sir, if it were not for the social commotion that disturbed the Province of Canada in 1837 and 1838, the hon. President

of Council might write on the nature of constitutions, the guards, changes and balances necessary for a new state of society for years before he would have attracted any attention; the imperial government did not feel disturbed about this Province, but Canada occupied a different position. Lying along the borders of the United States, separated by a mere water line, England felt it was her best policy to make concessions. The swell and clamor of the unsuccessful insurrection had not passed away, when the high commanding voice of Lord Durham was heard, propounding remedies. Lord John Russell was then a pupil in the whig school of British statesmen, and became deeply impregnated with the sentiments of Lord Durham. He became Colonial Secretary during the Melbourne Ministry of 1839, and Lord Sydenham accepted the Governor Generalship of British America. He called here on his way to Canada 1840, assembled the politicians, heard their plans, read the hon. the President's pamphlet, and proposed the system of government which has since existed in this Province. He arrived in Canada the first week of October, and before the end of December he carried the union of the two provinces, and established a system of government which has since been materially modified. Canada was governed up to 1840 as two provinces with two legislatures. Lord Sydenham boasted that in two short months after his arrival he carried the union, so far as Canada could give assent or make submission. Executive address and the advance of £1,500,000 for public works—the Sydenham loan—carried the Sydenham constitution; but it was not until the arrival of Lord Metcalf's successor that the executive ministers of Canada bowed to the vote of a majority in the Canadian parliament. The constitution then framed was on our model; one branch by nomination, the other by election, which, up to 1855, continued. Since then both branches are by election, and the executive ministers are responsible to a majority on the floors of the Canadian parliament.

I will now say a word or two on the resolution of the hon. and learned member for Annapolis. I have read the correspondence between that gentleman and his Excellency Lord Mulgrave and the Duke of Newcastle, the Minutes of Council of the Executive Government, and the letters and correspondence of the Chief Justice. I will only refer to them in general terms, and say that the reasons given by Lord Mulgrave for not dissolving the house do not recommend themselves to my mind. Had he, sir, taken the advice of his executive council, and referred the matter to the people, we would not have had the public mind of this province in the state of fermentation in which it has since continued, and will continue until these questions are decided at the polls. I shall therefore vote for the resolution on the table; I fully concur in the sentiments it conveys. I shall sustain the party who stood by me in times of danger, difficulty, and excitement, when the angry passions of men were

let loose, when the demon of religious bigotry stalked abroad, when interested politicians made false representations, and raised false issues to enable them to obtain power. I should, sir, be less than man if I did not remain faithful to those friends; under every vicissitude and change of fortune they shall have my best and undivided support.

REMARKS OF MR. KILLAM.

MR. KILLAM asked permission to make the following comparative statements, in answer to the Attorney General and others who had made charges of extravagance against the late government:

	<i>Revenue.</i>	<i>Payments.</i>	<i>Deficiency.</i>
In 1857	£163,844	£187,461	£23,616
1858	158,949	178,827	19,878
1859	166,860	206,737	39,878
Interest on Railway Debentures 6 months, due 1st January, 1860,			29,676
			<u>£112,747</u>
Deduct for 6 months' interest, last half year 1856,		£9,500	
Deduct Province Notes, withdrawn, 1859,		8,000	
			<u>£17,000</u>
Total deficiency in 1857, '58 and '59, or per year,			£95,747 <u>31,916</u>

Extraordinary services paid those years:			
Lunatic Asylum,		£39,944	
Interest on Railway Debentures,		128,165	
Total,		£168,109	
or per year,		56,036	

	<i>Revenue.</i>	<i>Expenses.</i>	<i>Deficiency.</i>
In 1856	£142,702.	£171,757	£29,055
1860	187,343	198,235	10,892
Add interest for 6 months, accrued in 1856, paid 1857			9,500
or per year			49,446
			<u>£24,726</u>

Extraordinary services paid in those years:			
Lunatic Asylum,		£13,961	
Interest for 1856 and 1860,		77,825	
Total,		£91,786	
or per year,		45,893	

So, during 1856 and '60, the deficiency was	£24,726	
per year, with extraordinary charges of	45,893	
		<u>£21,167</u>
per year; while in 1857, 1858 and '59 there was deficiency per year, with extraordinary charges of	31,916	
	56,036	
		<u>£24,120</u>
		<u>£2,953</u>

Which leaves during the years 1857, 8 and 9, £24,120 per year as the sum really paid from the revenue for extraordinary services of Railway interest and Asylum, while the present government paid £21,167 for similar services; making a balance of £2,953 per year in favor

of 1857, '58 and '59. But the Atty. General stated, we gave you in these years £67,000 derived from the 3½ per cent. added to the 6¼ in 1857; but he calculated for the whole three years, while it was only two years and nine months, and it is well known that a large quantity of the season's goods come in at the 6¼ before the 1st of April, anticipating an increase of duties, making a difference in that year of at least £8,000, which, with £7,000 lost from the distilleries in 1859, reduces the £67,000 to £52,000, or £17,333 per year. Then, say the late government had £52,000, and that the present government had the 3½ for 1860, £22,333

And they had the additional on	
Liquors in 1860,	15,000
They had also the additional duty	
on several other articles,	5,000
	<hr/>
	£42,333

Making £21,166 per year, or £2,833 more than the late government had in 1857, 8 and 9; and adding £2,953 more paid per year for extraordinary expenses, makes £6,886 per year in favor of the late government, instead of the £100,000 said by the Attorney General to have been squandered, and reiterated by his supporters.

In relation to the road service for 1857, '58 and '59, it was £97,528, or £32,509 per year,	
While in 1856 and '60 it was	
£69,453, or	34,726

Diff. in favor of present Gov.	£2,217
Which take from the £6,786 from other side,	
	<hr/>
	2,217

Leaves £4,569 per year in favor of the late Government.

I have not taken into account the \$20,000 claimed as revenue from the Railroad.

In making this comparison, it was right to take 1856, that being the first year the public works became chargeable.

SPEECH OF HON. FINANCIAL SECRETARY.

Honble. FINANCIAL SECRETARY rose, and spoke as follows: Mr. Speaker, after the very able and lengthened addresses that have been delivered those few days past, I have felt it would be presumptuous in me to take up the attention of the House for any time. Indeed I had abandoned the idea of speaking until the hon. gentleman, (Mr. Tobin), arose and made some personal references to myself. He asks in what school we learned finance. Now I may say, in reply, that no one can assert that I have ever made any large pretensions, but when I hear these allusions made, I look across the floor, and ask, Are the gentlemen opposite those to instruct us? We have had some experience

of their mode of conducting the public business of this country, and I undertake to say this, and it is capable of proof, that, with regard to the collection of the revenue and the general financial arrangements of the Province, the gentlemen who have had charge of the public business of the past year, can compare most favorably with those who preceded them in office.

The hon. gentleman has asked, Is the Financial Secretary a man of much experience? Perhaps he is not. When he came into the office he now holds, he was an entire stranger to its duties. The office sought him, rather than he the office. He has endeavored ever since, to make himself acquainted with all its requirements, as far as possible; and I refer to the last year as some evidence of what the gentlemen conducting the public business can do—and I do not hesitate to say this, that had we the year '59 instead of '60, with the revenue regulations which we have introduced, we would have had a much larger revenue than we had in 1860—that is my firm belief. I believe that the financial arrangements of this country, while the gentlemen opposite were in power, were badly conducted; that proper vigilance was not exercised in the collection of the revenue; that there was a spirit of looseness on the part of its officers throughout the Province; and allow me to say this—I have it from several Conservative officers of the Customs, that they were not sustained as they ought to have been, and therefore had no inducement to vigilance.

But the hon. member asks, What is the use of the Railway Office in Granville street? I ask him when he first made that startling discovery. Was it when the party with whom he is associated had a majority to deal with the question? No; and it is only when he is powerless to carry any measure, that he manifests any desire to abolish the office. Let him, if he can, take us to the United States, and point out a railway that has not a Board of Directors, and somebody beside the Engineer at the head of it. Would he ask us to place the road under the management and control of the Board of Works? Suppose you do so; you must necessarily increase the staff of that department, and you must put somebody there acquainted with the proper mode of conducting such works. Therefore it is self-evident that no economical result would ensue from the change advocated by

the hon. member. But he says that their's is not the Conservative party. I believe him; it has long ceased to deserve that name. The gentlemen opposite form a rare combination of parties, possessing no principles in common, united on no questions of public policy, utterly regardless of the material interests of the country, and only banded together with the view of obtaining office.

The hon. member has referred to the Peeper trial. Sir, it would be better if he had left that subject alone. He used rather strong language, and made sundry allusions and insinuations. What was the state of things on that line of railway? We were on the eve of a General Election, with party feeling running higher than on any former occasion, and in no place, perhaps, were parties more excited than at the Grand Lake District. We have been told that the supporters of the present Government came armed to the polls, but what are the facts? The people of that District were led to believe that there was a combination among the navvies to prevent them from voting; that swords were being sharpened and pistols put in order, and therefore they must submit to be deprived of their rights as freemen, or else be prepared to protect themselves. There was a riot, but who commenced it? Those who deposited their arms a short distance from the polling place, to be used only if attacked? No! it was commenced by the friends and supporters of the hon. member, who, infuriated with liquor, and armed with sticks and stones, furiously pursued their opponents; and it was only in self-defence that one of these men was struck down.

But there was another election in the same place a few months after, and what happened then? Some two or three hundred men, supporters of the hon. member for West Halifax, were sent from the city to vote, and to overawe, intimidate, and maltreat the natives, and only that my friends abstained from going to the poll, it was well known that blood on a pretty large scale would have been shed on that occasion. But what more did we see at that election? There is a settlement in the Eastern District called Chezetcook, where the inhabitants are mostly French Roman Catholics, adjoining two other settlements, Three Fathom Harbor and Forter's Lake, occupied by a population chiefly of German descent, who are Protestants. These people had always voted at

Chezecook, which occupies a central position. And what occurred there? The heretofore peaceful French, acting under the advice of friends of the hon. member sent from the city, and led on by a clergyman of his own faith, barricaded all the roads leading to the hustings, and would not allow any of my friends to pass and record their votes in favor of the Government candidate? About a hundred electors were deprived of the franchise by these lawless proceedings almost, I am happy to say, without precedent in this Province.

So much for the Peeper trial and its results; and I would advise the hon. member to leave these old stories where they should be. It is quite time they were forgotten.

Now I will proceed to make a few remarks in reply to some other hon. gentlemen.

The honorable and learned member for Western Halifax, (Mr. Shannon) last evening, referred to the petitions which were being circulated throughout the country. I travelled, during the past summer, all over the Province, and I never heard of a political meeting, or of a petition in circulation anywhere; I never saw a people in a more prosperous, contented, and happy condition. What makes the difference now? Would the people of this country, if let alone, get up these petitions spontaneously? No, sir; they have all emanated from the manufactory in Hollis street, and are therefore deserving of very little consideration.

The hon. member also said that Lord Palmerston, when he lost his majority, got a dissolution. I admit the fact, and he was entitled to it because, having lost his majority in the Commons on a question of public policy, he was right in appealing to the country. But he argues from this that the hon. member for Annapolis should also have got a dissolution after he had just come from the country, where he had lost his majority at the polls, and after the majority of the House had voted they had no confidence in him or his Ministry! In what position was the Lieut. Governor placed? Certainly not in a position to take the advice of the hon. member for Annapolis, whenever it was clearly ascertained that his majority was gone. But he says we have got a revenue by demoralizing the people. No sir, I deny that. The greatest reason for that increase was the vigilance shown in the collection of the revenue. Let me remind him, too, what the hon. member for Cumberland said—that we had a large increase, but it was owing entirely to the policy, initiated by the late Administration. I leave, then, these two hon. gentlemen to settle their differences. If we have demoralized the country by carrying out the policy of our predecessors, the hon. gentleman should first censure his own side.

Mr. SHANNON.—You lowered the duty last year.

HON. FINANCIAL SECRETARY.—But it was not near as low as when the hon. gentlemen opposite had the distilleries.

The hon. member for East Pictou said that the present Government derived their existence by deceit and fraud. Fraud and deceit, indeed! Sir, I can imagine an hon. member coming into this House by deceit and fraud, such as declaring that he was in favor of railway extension to Pictou, and yet by his action during the entire session, doing all he could to destroy it—so disgusting the gentleman who came here inclined to extend the railway, that they are now heartily sick of it.

But it is said that we went to the country on a cry of proscription. That charge has been denied here a hundred times. I deny, sir, that we—

DR. TUPPER.—Read your speech.

HON. FINANCIAL SECRETARY.—I deny, sir, that we were proscriptionists, or that there ever was a speech made on this side that will bear out the assertion. Let me call his attention for a moment to the question, Who was the person that first raised the religious cry in this Province? Was it any member on this side? No, sir; it was a gentleman who was afterwards rewarded by the office of Inspector of Mines; that cannot be denied. I ask the hon. member for Halifax, can he deny the fact?

MR. TORIN.—The first reference was made by the late Mr. McLellan, that first gave rise to this discussion. Then the Inspector of Mines made use of it for his own purposes, as the hon. gentlemen opposite made use of it for themselves.

HON. FINANCIAL SECRETARY.—My recollection of the facts is very different. Mr. McKeagney's action preceded the remark of the late Mr. McLellan. That Catholic cry, I am quite sure, was raised by the gentleman I have named. What was it? That they had not their share of offices. Now, sir, I have always laid down the principle that no man should be elevated to office because he belonged to this or that religion. Suppose that the Presbyterians with whom I am connected, were to do as did the co-religionists of the hon. member, band themselves together as a third party in this country, and attempt successfully to control both the others; then, I say, I would denounce that body, and would separate myself from them—politically, at all events. I say, sir, whenever any religious denomination thus combine, it is right that both Liberals and Conservatives should unite to put down any such combination. That is the position which I have always professed to occupy in the past, and hope I shall ever occupy in the future.

It is stated in one of these resolutions, moved in amendment to those of the hon. member for Annapolis, that that hon. gentleman held his office by a majority of one—by the vote of Mr. Benjamin Smith. Gentlemen opposite thought I had been put in the wrong in regard to this gentleman. I do not intend that such should be the case. The hon. member

for Annapolis, when he addressed the house on a former occasion, said that Mr. Smith was "a gentleman who had all his life long been associated with him in the closest political relations." I quote the exact words. Now, sir, that statement is incorrect. I hold the evidence under my hand that they were not so connected. Mr. B. Smith I knew better than the hon. member; I lived in the same house with him; and was well acquainted with his political opinions. He was returned to the legislature, I well remember, the colleague of the late Henry Goudge, as one of the old reformers. He voted with them down to the close of 1840; and what do we find on the journals of that year? The hon. leader of the opposition was at that time a member of the Legislative Council and Solicitor General of Sir Colin Campbell's government. We were struggling for Responsible Government—and where do we find Mr. Benjamin Smith? Acting with the hon. member? No, sir; but in direct opposition to him. Let me read the following resolution, passed on the fifth day of Feb., 1840, the fourth resolution of a series:

"Therefore Resolved, That it is the opinion of this committee, that the House of Assembly, after mature and calm deliberation, weary of seeing the revenue of the country and the time of its representatives wasted—the people of Nova Scotia misrepresented to the Sovereign, and the gracious boons of the Sovereign marred in their transmission to the people, do now solemnly declare, that the Executive Council, as at present constituted, does not enjoy the confidence of the commons."

Mr. Benjamin Smith voted for that resolution, and declared that he had no confidence in the government of which Mr. Johnston was a member; yet the hon. member for Annapolis says he was "all his life long associated with Mr. Smith in the closest political relations"! The coalition government was formed in 1841, but party ties were not severed; they were as clear and distinct as ever, as the result proved; and we had a right to expect, as every liberal did expect, that Mr. Benjamin Smith would be found voting with my hon. friend the Pro. Secretary, and his old political associates; but he went over, and that made the majority of one, the foundation of the government of which the member for Annapolis was leader for four entire years.

But we are told that the present government is sustained by a majority of two, who are condemned by their constituents. Where is the proof? Petitions have been coming up against them; but what are they worth? Were there no petitions from Hants condemning the position of Mr. Smith, none from Colchester against another gentleman returned to support the old liberal party. Sir, I have before me a copy of one of these addresses from Hants. What was the action of Lord Falkland relative to them? He understood a good many persons had been deceived and entrapped to sign them; they did not know what they were signing. In Kings something like the same answer was given. Is not that the ground

we take now? What was good advice then, should be equally good now, to go to the Lieut. Governor in 1861—that the people have been deceived and misled. And what more? The people of Colchester asked Lord Falkland to surround himself with an administration having the confidence of the people, or to grant a dissolution. What was the reply, the advice of the hon. member opposite, the then leader of the government? I think it was good constitutional advice: “You cannot be ignorant that the confidence of a majority of the house of assembly in those by whom I am at present advised has been significantly indicated in the course of two sessions.” That was the doctrine of the hon. member in 1844; how is it with us? Have we not had that confidence expressed in the late session as well as in the present; and yet we are taunted because we do not unnecessarily precipitate a general election.

But, says the hon. member for Pictou, should members elected on one principle be justified in crossing over? That depends upon circumstances; and let me say, if he valued his county or his country as much as he does his party, he would soon cross over. Sir, if he really wished to support the Pictou railway, he would leave the hon. members for Annapolis and Cumberland, who have openly over and over again denounced that great public undertaking, and join the hon. Provincial Secretary.

That same hon. member appears to have fallen in love with the hon. member for Yarmouth. Everything that gentleman says is to be accepted as gospel; and the hon. member for Halifax delivered the same testimony, and was content to take his stand by the hon. member for Yarmouth, Mr. Killam, as a financier. That hon. member stated that the Young Government was £38,000 worse off than nothing at the close of 1856. Did he bring any paper to prove that fact? Did he, like the hon. Atty. General, bring down a clear and detailed statement, showing the amount of revenue collected, from what source it was derived, and how it was disbursed? He did not, because he knew it would not maintain his assertion; and I defy him to bring it now, and prove, if he can, that the deficiency he speaks of existed anywhere but in his own imagination. The hon. member for Cumberland said that the Young Government had gone behind in 1856 to the extent of £59,000, so that there is the trifling difference of £21,000 between these two great financiers, which I leave them to reconcile as they best can.

DR. TUPPER—I never said any such thing. In all the speeches I made the figures agree.

MR. ANNAND—The £59,000 is here in my notes, taken at the time, but as the hon. member denies their accuracy, I must accept his explanation. The hon. member will not, however, deny that he said the Young Government were ruining the country, and that the Administration of which he was a member restored things to order.

Now I am prepared to shew a contrast between that administration from 1854 to 1856, and the government that succeeded. It is not denied that the late government went behind at the rate of £33,000 or £34,000 a year; about £101,000 in the three years; and it is admitted that the Young Government in the three years from 1854 to 1856, inclusive fell short about £9,000; but then it is well known that at the close of 1856, we had £22,000 in the treasury, which was more than sufficient to meet all the liabilities of that government; and at the end of 1859 the late government left you £101,000 worse off than nothing; the railway construction fund had been used to pay railway interest, and even to make the ordinary roads and bridges of the country. I hold a statement in my hand derived from the archives below, in which it is shown that the Johnston Government gave, during the three years they were in office, £13,005 more to the public departments than did their predecessors. The hon. member for Yarmouth admits that, under the late government, the expenditure exceeded the income about £100,000, but he takes credit for £39,000 expended by them on the Lunatic Asylum, which he contends should be deducted from that amount. But he has forgotten to tell you how much the Young Government gave to the lunatic asylum, and how much less the party he supports gave, in the three years they were in office, to the public improvements of the country than the gentlemen they succeeded. Now, what are the facts? That the liberal government in 1854, '55, and '56, gave in all £130,500 for roads and bridges—and the Johnston administration in 1857, '58 and '59, but £92,500 for the same service—difference, £38,000. Then there are the piers and breakwaters, upon which the Young government expended £5,586, and their successors only £3,860—difference, £1,726. I find, too, that while the liberal government, during the period referred to, appropriated £2,212 to the erection of light houses, the gentlemen opposite spent but £900 on that important branch of the public service—difference, £1,312. Add these three sums together, and you will find that the late administration gave less by £41,038 to the public works of the country, during the three years they were in office, than their predecessors. Now, here is £2,038 more than the honorable gentleman claimed to have been expended on the lunatic asylum. But that is not all; something else is to be said. The Young government expended on the hospital for the insane, in 1854, '55, and '56, no less than £9,964; so that if you add that to the sum I have just given, you find that the liberals have expended £51,000 on public works, including the asylum, and the gentlemen opposite only £39,000—difference £12,000,—which, added to the £101,000 admitted deficiency under the Johnston government, makes a difference of £113,000 in favor of the Young administration. Then what does the hon. gentleman's

argument go for? Literally for nothing. But we are told that they came into power, and found everything in ruin. They took upon themselves the power of examining all the public departments below; they were going to introduce economy and reform into them all. How did they do it? They passed a resolution, and that is all, in reference to these matters; but they did not reduce a single salary, or improve the condition of one of the offices they promised to remodel and reform. No, sir; from that day to this that resolution has remained a dead letter on the journals of the House of Assembly. But what did they do? They increased the expenses of the Board of Works: the salary of the chairman, (Mr. Thorne) from £250 to £400; that of Mr. Condon from £150 to £250; and yet they turn round and taunt us with a want of economy. But it is said that the Young government was most extravagant. What does the hon. and learned member for Sydney say to that charge? What does he think of the declaration of the hon. member for Cumberland, that that government was hurrying the country to destruction? He was the Solicitor General of that administration; and at the time it was broken down he was Provincial Secretary. Does he appreciate the compliment paid him by his present friend, the hon. member for Cumberland?

Dr. TUPPER—The hon. member was then in bad company.

Hon. FINL. SECY.—I will ask the hon. member for Halifax, who was a supporter of that government, what he thinks of the taunt flung at the government of that day.

Mr. TOBIN—I did not know anything about their sins until I got rid of them. (Laughter.)

Hon. FINL. SECY.—I would ask the other hon. member for the County of Sydney (Mr. McKinnon), what he thinks of the character given to the government of which he was also a member! (A voice—"And the hon. member for Digby.") Mr. A.—I did not forget that gentleman, and only refrained from referring to him because he was not present. And lastly, I would ask the hon. James McNab, who has been eulogised upon all occasions by gentlemen opposite, what he has to say to the assertion that the government of which he was the leading financial officer, Receiver General, was running this country recklessly into debt—that at the end of 1856 there was a difference between the income and the expenditure of some £38,000. I believe that gentleman was an able financier, and thoroughly understood the duties of his department; and cannot, any more than the government or which he was a member, lie under the imputation which the hon. gentlemen opposite would unjustly fasten upon the administration of that day. But they are great financiers on the other side of the house! What did they do in 1857—the very year they took office? At the end of the year 1856, according to the hon. member for Yarmouth, the country was £38,000 in debt; they had nothing to give for public improvements; and

yet, with that fact before them, they voted the enormous sum of £42,000 for roads and bridges. Surely that was not the act of able financiers or very wise men.

Let me give another evidence of inaccuracy on the part of the hon. member for Cumberland. He said the Young government increased the expenditures on all the public services, and made the same charge on this government. Can he lay his hand on the salary of any man increased by us?

Dr. TUPPER—The hon. gentlemen were hardly warm in their seats, when they raised the clerk in the Board of Works from £150 to £200 a year, and even made that increase take effect from the very time they came into power.

Hon. FINL. SECY.—Well, that is not much of an addition—not quite so large as that of Mr. Thorne and Mr. Condon, whose salaries were increased from the time the change of government took place, in 1856. Mr. McNab has been in that office ever since it was created, I think about ten years, and received but a very small salary for the duties he performed. We only increased it by £35, not £50, as stated. What we do, however, in the small, they do in the gross. A good deal has been said about increase in expenses of the public departments. The hon. member for Cumberland cannot surely suppose that our expenses will be stationary. With the growth of the revenue the expenses must necessarily be increased. Look at the public printing, for instance. The Journals of 1860 are now double the size of those of former years—a proof that, with the growth of the country and its public business, the printing must also increase. Take, again, the Post Office, and suppose the expenses have slightly increased—have we received no corresponding benefit? Have there not been new rides and new post offices established? and is not the business carried on better than ever before? I defy the hon. member to show that we have been guilty of extravagance—that we have spent the public money for useless objects. Let me convict the hon. member of another inaccuracy. He said the public printing in 1852 was £395, and that it had grown to the enormous sum of £1,468 in 1856. I have looked over the Journals of 1853, for the cost of the public printing of 1852, and it will be found to have been £1030, not £395, as was confidently stated by the hon. member. That hon. member, on a previous day, spoke of the hon. Receiver General and myself in a style that was hardly worthy of even himself. He said that he would vote us twenty-five cents each to purchase a Dilworth's Arithmetic. I have heard of Dilworth's reader and spelling book, which, doubtless, would be very useful to some gentlemen opposite; but I never before heard that that celebrated author had tried his hand at arithmetic, or even figures of speech, so much now the fashion in this house. But were I called on to present a book to some on the other side, it would be that curious and interesting little volume, Mrs. Opie's "Illus-

trations of Lying," which should be in the libraries of certain of our public men.

Dr. TUPPER said that he had his authority for the public printing from the Receiver General's statement.

Hon. ATTY. GENL. stated that the amount in the Receiver General's account was £395; but it did not show the actual cost of the printing.

Hon. FINL. SEC'Y.—That same hon. gentleman, on a previous day, speaking of our exertions to increase the revenue, said that our forms were laughed at and treated with contempt. I do not wish to claim for myself or colleagues any large amount of praise, but I believe that the new regulations have done much for the increase of revenue during the past year; and I am proud to say that there are some gentlemen in this country, who appreciate our efforts to induce vigilance among the Custom House officers. I hold in my hand two curious little documents, and the first one which I shall read will not illustrate anything that has occurred since I came into the department, but before. I have already said, that if the same vigilance had been exercised in former years, we would have had a much larger revenue. Here is evidence before me now that the hon. gentlemen opposite did not encourage their officers in the collection of the revenue. I know an instance while they were in power, of a quantity of brandy having been landed from a French man-of-war in this town, which was seized by one of the revenue officers. The fact was reported to one of the financial officers of the late government, who, instead of supporting his subordinate, ordered him to restore the brandy. The officer, more faithful and conscientious than his principal, ventured to disobey and held on to the brandy, which was ultimately sold as contraband. And this is only a specimen of the way in which the revenue officers were supported in the city. Here is another instance, from one of the outports, which forcibly illustrates the mode in which our financial affairs were managed by the late government. I quote from a letter addressed to a member of the Board of Revenue, written in March last:

"Without wishing for one moment to cast any reflections on the late government, or any of its members, common honesty compels me to say (as far as I could judge from frequent conversation with the late Receiver General and President of the Board of Revenue) that it was their wish that the Revenue laws should be most leniently administered in this place, and as that was a matter solely for their consideration, I as a subordinate obeyed my instructions. I now beg respectfully to be instructed if such a state of things is to be continued, or is the law to be enforced."

Hon. Mr. JOHNSTON.—Who is the author? It is a rule of Parliament that a letter, when read by a member, is immediately laid on the table. This is necessary, in order to prevent any deception.

Hon. FINL. SEC'Y.—That rule has never been acted upon in this house.

Mr. HENRY.—We have gone quite far enough with having letters read here. I call the hon. gentleman to order—to withdraw his statements, or lay the letter on the table.

Hon. PROV. SEC'Y.—We never had any particular rule in regard to such matters.

Dr. TUPPER considered the question one of much consequence; no gentleman should read statements, impugning the character of others, unless he intended to show his authority.

Hon. FINL. SEC'Y. would ask the house to allow his statements to go for what they were worth. The hon. member for Yarmouth made some references, a day or two ago, to the visit of my hon friend Mr. Wier, and myself to his county last summer. I was then in the discharge of my official duties, visiting the outport collectors. He said he did not know what particular good we did. It is true that we were not very long in Yarmouth; but at all events, quite long enough to see the officer, to understand the mode in which business was done, and to inspire him with confidence.

Dr. TUPPER—And raise his salary £50 a year.

Hon. FIN. SEC'Y.—His salary is the same as that of the officer at Picton, who collected less revenue. We inspired him with confidence that he would be sustained (as was every officer we visited) as long as he was vigilant and faithful in the discharge of his duties. But our regulations were treated with contempt, they say. Indeed! I think the regulations we established have been worth a good deal, as every master, trader and officer in the country will admit. And not the least useful is the new books of entry, in which every man who pays a custom house officer is required to fix his name alongside the sum of money which he deposits in the treasury. Now, here's another letter, which makes no reflections upon any one.

Mr. HENRY—Is the hon. gentleman prepared to lay it on the table? Otherwise I must call him to order.

Hon. FIN. SEC'Y.—This letter is from the revenue officer at Digby—the brother-in-law of one of the members for that county—dated 4th October last:

"Under the arrangement which came into operation in September," (substituting an oath in place of the old-fashioned, useless declaration by masters of vessels), "I anticipate for this county an increase of duties commensurate thereto; and I have much pleasure in stating that the September arrangement works beautifully here; and so soon as the masters of vessels can be compelled to report every trip, the excise department at the outports will appear almost perfect."

That is what is said in the west, by persons competent to express an opinion of the forms which the member for Cumberland says are universally laughed at. Here is another letter from the extreme east—from the old town of Sydney—written by a Conservative whose sympathies have always been with the gentlemen opposite.

"The duties of this port will be found to have increased nearly double the last year. The late regulations will add much to the revenue."

With these evidences, drawn from opposite parties and different sections of the province, of the value of the improvements introduced into the revenue department, I am content that our management should be contrasted with that of our predecessors, and to abide the judgment of this house and this country. But, says the hon. member for Cumberland, you should have a large increase of revenue; they have got in New Brunswick even a larger increase. The hon. member is wrong again, both with respect to his facts and his conclusions. The increase of revenue in New Brunswick over 1859 is £15,000; here it is £20,000. But suppose it were otherwise, no argument of any value could be derived from the financial condition of the sister province. Everybody knows that the trade of these two provinces is as different as possible. Our principal export is fish; theirs timber. The catch of fish with us was much more limited than usual, and therefore we had not much to export, and that little was disposed of at very low rates. Inasmuch, then, as the ability of a people to buy depends on the amount realized for articles sold, the wonder is that the revenue of 1860 was even equal to that of 1859, instead of being \$80,000 more. In New Brunswick, on the other hand, they have had a good demand for timber, at fair prices, besides finding a ready sale for a large number of ships, upon which they impose an export duty. Their imports, too, have been larger than usual, and hence a considerable increase of revenue.

The hon. member for Cumberland also stated that the increase of 1859 was largely over 1860, except in spirituous liquors—another "large inaccuracy." The total increase of excise duties for the year is \$79,409, of which \$53,369 was on spirits, brandy, wine, &c., and about \$26,000 on sugar, tea, raisins, tobacco, leather, and advalorum goods. The increased revenue at the outports for the year is \$31,978, a very small portion of which was derived from liquors.

So, all the tirade about our deriving our revenue from liquors fades away. But, said the hon. member, there is a falling off in the last quarter of the year—another inaccuracy.

Dr. TUPPER—I said I assumed there was. We had the statement of the three first quarters, and asked in vain for that of the last.

Hon. FIN. SECRETARY—Now, I admit this, there was a large falling off in Halifax, but a large increase in the outports—proving again the value of our new regulations and forms; upon the whole, there was a small increase. In the December quarter, there was a falling off of \$10,642 in Halifax; but how does that arise? In Dec'r, 1859, the revenue in Halifax was \$19,936; in 1860, £15,402; in 1858, £11,515; so that the increase in 1860 over 1858 is about £4000. It will be perceived, then, that the revenue of 1860 was £8,421 in

excess over that of the previous year, which is accounted for by the fire in September, 1859, which destroyed a very large amount of dutiable goods, which had to be replaced previous to the close of the last quarter of that year. It could not, then, be expected, that the Dec'r quarter for 1860 should exceed that of 1859, unless, indeed, we had another fire, attended with the like results.

So much for the alleged falling off of revenue for the last quarter of 1860, which appears to give so much satisfaction to the hon. member for Cumberland.

Mr. HENRY—They got the increase of revenue, not by the fire, but by the water—by the duties obtained on the goods taken from the *Hungarian*.

Hon. FIN. SECRETARY—I have shown the house that there was another large steamer—the *Humboldt*—wrecked upon our coast several years ago, with a much more valuable cargo upon which the duties were collected in the ordinary way, and that they got but £500 from her—less than half the sum we received from the *Hungarian*.

The hon. member for Cumberland has charged us with being a reckless and extravagant government, and having largely increased the expenditure in the public departments. It is true that the Legislative expenses of 1860 exceeded those of 1859 by \$5,701, but then, as every one knows, the session was protracted to an extraordinary length, owing to the number of controverted elections which had to be tried out before the house could rise. But the hon. member forgets that in 1858, under his own government, when there were no controverted elections, and no very valuable measures under consideration, the expenses of the session were £350 in excess of 1860. We are told, too, that the expenses of the revenue department have been increased. So they have, by \$3,016, about 4 per cent on \$20,000 increase of revenue, when the ordinary commission to country collectors at 10 per cent, would amount to \$8,000. I refer to these two services to show how little there is in the argument that the public expenditure has been largely increased. Now I will tell the hon. member what I call *extravagance*. Building snags—huge unseemly things, unlike anything on the earth, or in the waters beneath the earth—at a cost of \$18,388, which when built are a terror to the mariner, and perfectly useless.

Dr. TUPPER—Does not the hon. member know that snag was built under a resolution passed whilst Mr. Young was in power?

Hon. FIN. SEC'Y—Mr. Young did not spend the money, at all events. I call it *extravagance* and waste to employ such men as Mr. James Laurie, at a salary of £1500 a year, and 3 per cent. besides, to superintend the building of a snag at Parrsboro' and a scarcely less celebrated work, the engine house at Richmond. There they both stand, the snag and the engine house, monuments of the incapacity, the folly and extravagance of

the late government. That engine house alone, if there was nothing else, is enough to condemn Mr. Laurie, the pet engineer of gentlemen opposite, imported to take the place of Mr. Forman. What are the facts? That this engine house, if completed, would cost \$13,314, and when finished would hold only *eight engines*; whereas it appears by the report of Mr. Stead, Chief Engineer, that by adopting a different plan, and expending \$1881 more, we might have had an engine house capable of holding *twenty engines*. And it is for disgracing our country with such wretched erections as that at Richmond, that Mr. Laurie is lauded as a great engineer—a structure which Mr. Stead, in his report under my hand graphically describes as “a patched up, crippled thing, with its many defects.”

The hon. member charges us with extravagance, but what did he himself do towards the close of the session of 1859, when he had a majority at his back? A resolution was moved from this side of the house to reduce the expenses of the railway office. The work of railway construction had nearly ceased, and the time was considered to have arrived when the expenses of the railway department might be largely reduced without impairing its efficiency. The motion was to reduce the salary of Mr. Laurie from £1500 to £750 a year, and to dispense with the services of two assistant commissioners, which would save £400 more, £1150 in all. And how was this reasonable proposal met? By reason and argument? No, the house was to rise the next day, and the hon. member, taking advantage of that circumstance, and the fact that there was less than a quorum on the benches, had the house counted out to stifle discussion. Care was taken the next day by gentlemen opposite that there should not be a quorum, and by this simple device Mr. Laurie was retained at the highest rate of salary for another year, and Messrs. Scott and Shannon were left in the enjoyment of their emoluments. And yet the gentlemen who do these things accuse the Young government, and the present government of extravagance, and boldly assert that they, forsooth, were great economists!

Members of the late administration boast of their Representation Bill—that it did equal justice to all parties. We know how much that statement is worth,—how the counties and townships were cut and carved to secure an electoral majority, and how in some favored counties and districts the people were allowed to have three votes each, while in others less friendly they were reduced to two. We also know that they introduced a bill the year before much more fair than the one that passed, but it did not suit the views of the gentlemen representing the counties of Yarmouth, Shelburne and Queens, and had to be abandoned, in place of which they were obliged to adopt the one of 1859, with all its manifest favoritism, inequalities, and inconsistencies. In one of the resolutions moved by the hon. member for Annapolis we are told that this government differed on questions of public policy. Per-

haps it does, and if so what then? Other people some times differ too, and think it all right. What occurred in 1858? What did those gentlemen who are charging the government with want of unanimity respecting railway extension do when they brought down the Legislative Council Bill? That measure, intended to effect a fundamental change in the constitution of the country, was announced in the Governor's opening speech—and how was it treated? It was laid on the table, when, finding they could not agree among themselves and pass it, it was abandoned.

DR. TUPPER—We carried it.

HON. FIN. SEC'Y.—Yes, by the casting vote of the chairman, and that's the last we heard of the Elective Council bill, although it occupied the foremost place in the speech with which the session of 1858 was opened.

They also boast of the many things they did while in power; among others settled the question of the Mines and Minerals. So they did, with the assistance of the hon. Attorney General, and I have no hesitation in saying that but for his aid they would not have succeeded. They only borrowed the question after all; and I must say that I never particularly admired the way in which it was settled. I hope and trust it may turn out to have been a wise and equitable arrangement, but I have my doubts. This, however, we do know, that by that settlement the province has lost a large source of revenue; for I find that while in the two years preceding that arrangement the revenue from coal was \$79,868, the two years after only yielded \$45,188, involving a loss in two years of \$34,780.

The hon. gentlemen did one thing in connection with it which I never approved of. They created an office, the Inspectorship of Mines, and they placed in it the gentleman who first raised the cry of proscription in this country. I consider that it was created for the purpose of rewarding an earnest political partizan. I adduce this fact as an evidence that not only did the gentlemen opposite increase salaries but they actually created offices.

The gentlemen opposite were supposed to be extravagant, and to be improperly influenced, and upon those issues we went to the country, when a majority of the constituencies returned to power the gentlemen now forming the administration. What have we done since? They say, violating law and order. I reply, governing the country economically and wisely and well. I ask if the business of the country has not been faithfully performed? if every demand on your treasury has not been promptly and honorably met?—and if the credit of the Province ever stood higher than at this present moment? In that case, I ask the house, should the men who have thus honorably fulfilled the trust reposed in them, be put aside, for others who have been proved to be recreant to the public good? I believe that the majority of the intelligent people of this country are satisfied with those now charged with the administration of affairs, and demand no change.

On the conclusion of Hon. Mr. Annand's speech the House adjourned for an hour.

On re-assembling at half past seven o'clock Hon. Mr. Jonston addressed the House for upwards of three hours, and finally moved the following amendment:

Whereas, The members of the Government, by the amendment moved to the original resolution, in seeking to evade truths they cannot controvert, have descended to place on the Journals a tissue of stale and perverted references to the past history of the Province—having no bearing on the question before the House,—and flippant and vapid personalities, alike undignified and inappropriate to the occasion; childish and unwarranted self-laudations and distorted and erroneous statements of public affairs. In the subjects and style of the amendments they have violated parliamentary and official propriety, and the respect they owe to the House, the Country, and themselves; they have shown the want of those qualities of the statesman and gentleman, without which no Government can conduct the business of the country in a manner consistent with the Provincial honor and welfare; and they have imposed upon this House the duty of rebuking an example calculated to debase the administration of public affairs, and to bring the Province into derision and contempt in the eyes of intelligent men abroad;

Therefore, and for the reasons assigned in the original resolutions, be it

Resolved, That as soon as the necessary business of the Legislature shall have been transacted, due regard to the constitution and well being of the country demand that an appeal to the people shall be had, in order that the country may be governed in accordance with the well understood wishes of the people, and in conformity with the law of the Land.

On a division the amendment was lost by 25 to 29.

Yeas.	Nays.
Messrs. Wade,	Messrs. C. Campbell,
Johnston,	Hatfield,
Townsend,	Howe,
Cowie,	Archibald,
Killam,	Locke
Robichau,	Wier,
Bourinot,	Annand,
Caldwell,	Morton,
Harrington,	Grant,
P. Smyth,	McKenzie,
H. McDonald,	A. Campbell,
J. McDonald,	Morrison,
Martell,	McLellan,
Henry,	Chambers,
McKinnon,	Burgess,
Churchill,	Brown,
Donkin,	Chipman,
Tobin,	Coffin,
Shannon,	Robertson,
Pryor,	Bailey,
McFarlane,	Mosely,
C. J. Campbell,	Ross,
Longley,	Blanchard,

Yeas.

Messrs. Shaw,
Tupper.

Nays.

Messrs. Esson,
Heffernan,
L. Smith,
S Campbell,
Cochran,
Dr. Webster.

Dr. Webster's name (who was absent from illness) was added to the nays.

The House then adjourned at a quarter to twelve o'clock until three o'clock on Monday.

[Hon. Mr. Johnston's closing speech as well as Mr. James McDonald's in this debate have not been returned to the Reporter.]

MONDAY, March 25th.

MORNING SESSION.

Mr. Henry, chairman of the committee on private bills and expiring laws, reported 12 bills.

The House resolved itself into committee on bills, and passed the Revenue Bills and 15 other bills.

Mr. Longley moved the consideration of the bill introduced by him to amend the present license law. The hon. gentleman explained the provisions of the bill, which provoked some discussion. After which the committee adjourned without taking any action upon it.

The House adjourned until 3 o'clock.

AFTERNOON SESSION.

Hon. Prov. Sec. laid on the table a despatch from the Duke of Newcastle to the Earl of Mulgrave on the subject of the fishery convention.

Hon. Mr. Johnston introduced a bill to preserve the small kind of birds.

Hon. Fin. Sec. introduced a bill to authorize a Provincial loan.

Mr. Esson brought in and read report of Committee of Public Accounts.

A Message from the Legislative Council announced the passage of the following bills: a bill to enable Wm. Forbes to receive letters patent; a bill concerning streets and street expenditure in the City of Halifax.

Mr. Coffin brought in a bill to extend to this province certain provisions of merchant's shipping act.

Mr. Blanchard reported the following report of the majority of the committee appointed to investigate the charges made in the Guysboro' petition:

"The committee appointed to take into consideration the petition of J. J. Marshall and others, on the subject of the road monies of the County of Guysborough, beg leave to report that this committee was organized and met on the 15th day of March inst., E. H. Harrington, Esq., appearing as Counsel for petitioners, the members for Guysborough being also present.

"Mr. Harrington applied to the committee for subpoenas to compel the attendance of three witnesses, J. J. Marshall, Esq., and Messrs John Jost and Jonathan Hartley, of Guysborough, but declined to open his case,

or specify to the committee the facts intended to be proved.

"After discussion on two different occasions, a majority of the committee refused to grant subpoenas, unless they contained an intimation that the committee did not guarantee to such witnesses the expense of their attendance, at the same time stating to the Counsel that if it should hereafter appear that there was good cause for this investigation, they would recommend to the House that their expenses should be paid out of the public funds.

"Mr. Harrington declined to accept subpoenas so expressed, and upon being requested to intimate whether under these circumstances, he intended to proceed further in the matter, handed the chairman of the committee a letter, of which the following is a copy :

H. BLANCHARD, Esq.,

Chairman of Committee upon Guysborough petition :

SIR—

The resolution of your committee to issue subpoenas at the risk and cost of the petitioners, irrespectively of the result, is evidence of intention on the part of the committee to make private individuals bear the expense of an investigation of a purely public nature, against a member of the Assembly, and will stifle the inquiry.

Under these circumstances I cannot accept the subpoenas in that way, and without a modification of the resolution, will deem it only a mockery to make further application to your committee to promote the investigation.

Yours respectfully,

E. H. HARRINGTON,

Counsel for Petitioners.

HALIFAX, March 18, 1861.

"The committee having again met on the 19th instant, the members for Guysborough brought before them the hon. Financial Secretary, who showed to the committee his book containing various road scales for 1860, by which it appeared that in the Guysboro' road scales for that year, there were the following entries :

'This sum at the disposal of the Government, \$1,705 41.'

'This sum unappropriated at the disposal of the Government, \$32 33.'

"No 40 appeared afterwards to have been subdivided into several smaller sums for the expenditure of which, Commissioners were appointed by the Government in the usual manner. Of these the largest sum, viz., \$1,295 12 was paid to the order of Mr. Wm. McKenzie, Commissioner in May, 1860, and several smaller sums to various other Commissioners, being together in all, at various dates, between that time and the 9th of February, inst., the whole amounting to \$1,507 99; for the expenditure and payment of all which sums regular accounts and vouchers have been filed.

"Mr. Annand also stated that another small

sum had lately been drawn in the same manner, and that the balance of the amount remained undrawn. These facts clearly show that the unappropriated monies for the past year for the County of Guysborough, referred to in the petition of Mr. Marshall and others, have either been duly expended, or remain undrawn.

"The petition itself contains no specific charge of improper use of public monies, nor does it clearly set forth any facts affecting the members of that county, nor have any charges or facts been brought to the notice of the committee, and your committee feel bound to express their strong opinion that the time and attention of the House and its committee have been very unnecessarily occupied in this matter.

"The committee would add that after they had closed their investigation and agreed upon their report, Mr. Harrington intimated to the chairman his desire to appear before them, but to this request a majority of your committee, for reasons which will be apparent to your honorable House, declined to accede.

HIRAM BLANCHARD, Chairman.

SAMUEL CHIPMAN,

ROBERT ROBERTSON.

Committee Room,

Halifax, 29th March, 1861.

Mr. McFARLANE then brought in the following Minority Report :

The subscribers forming the minority of the committee on the Guysborough petition, dissent from the report of the majority, for the following reasons :

"The petitioners having preferred charges affecting the character of their representatives, it was the duty of the committee, in so serious a matter, to have afforded every facility and aid in their power for the production of the proof necessary to enable them fully to investigate the matters referred for their examination.

"The counsel of the petitioners having applied for an order to enable him to procure the attendance of certain witnesses stated by him to be essential for sustaining the charges made (two of whom, in his opinion, could not be induced to attend without such order) and although he offered to take the order at his own risk, so as to relieve the committee from hesitation as to the expense of their attendance in case the petitioners failed to sustain the charges made, yet the majority of the committee refused to prevent any order to issue, except by inserting therein a condition which would divest it of all power by relieving the witnesses of any liability in refusing to appear.

"That although, on the part of the petitioners, after the receipt of Mr. Harrington's letter, and before any report was prepared, the committee were informed that so anxious were they to have the witnesses examined, that they were prepared to give a personal guarantee for the expense, or, if necessary, to deposit with the committee such fees as they

might deem necessary to pay for their attendance. Yet the chairman stated that the majority determined to adhere to their former decision, and would not consent to give any order or to proceed farther in the investigation.

“ Because, in the absence of the minority, and without any person appearing on the part of petitioners, the majority proceeded to take *ex parte* evidence, and thereupon made a report without any fair or just investigation of the charges being had, or an opportunity afforded the petitioners to sustain them.

“ That for these reasons the minority feel compelled to protest against the report of the majority as partial and partizan, and have to complain of their decision in refusing the necessary process to ensure the attendance of witnesses, thereby shutting out investigation and preventing a free and full enquiry into the charges made by the petitioners.

ALEX. McFARLANE,
AVARD LONGLEY.

Committee Room,
21st March, 1861.

Some discussion ensued, after which the House adjourned until three o'clock the next day.

SUMMARY REPORT.

TUESDAY, March 26.

House met at 3 o'clock.

Several bills were read a third time and finally passed.

Mr. Bourinot reported from committee a bill relating to the imposition of a tax on dogs.

The Attorney General introduced a bill to incorporate the Board of Education of the Presbyterian Church of the Lower Provinces.

Mr. Shaw presented a petition praying the alteration of a polling-place in the county of Annapolis.

Mr. Pryor introduced a bill regulating the proportion of county assessment to be imposed on the city of Halifax.

Mr. Robinson presented a bill to amend Chap. 2 of the Revised Statutes, relating to Legislative and Executive disabilities.

Mr. Locke, as chairman of the Fishery committee, reported.

The Government introduced a bill to amend Chap. 26 of the Rev. Stat., of Shipping and Seamen.

The House then resolved itself into committee on bills, and took up the Bribery Act, which was passed after some brief discussion.

The Hon. Provincial Secretary laid on the table certain correspondence in reference to the Exhibition of Arts.

The hon. gentleman also presented the petition of Alex. McPhee and others, against the sale of spirituous liquors on the Railway property.

The House then went into committee and passed the Statute Labor Bill.

The House adjourned at 8.30.

(We omitted in yesterday's Summary the fact that Mr. Longley brought in the report of the committee on the penitentiary.)

WEDNESDAY, March 27.

Several bills were read a second and third time.

Mr. Shannon, chairman of committee on City Bills, reported favorably of the Water Bill, a bill restricting the erection of wooden buildings within certain limits, and a bill authorizing the issue of some new city debentures.

The committee recommended that a bill relating to assessment in the city of Halifax, be deferred for three months.

Mr. S. Campbell, from the committee on the amendment of the laws, reported two bills.

The Legislative Council transmitted their assent to the Revenue and other bills.

Mr. L. Smith introduced a bill to provide for the improvement of a road in Queen's County.

A bill to transfer the office of Inspector of Mines to the Crown Lands, was read a second time.

A debate ensued.

BILL RELATING TO THE INSPECTORSHIP OF MINES.

Mr. BOURINOT said: Mr. Speaker, I do not credit the reasons advanced by the President of the Council for introducing this bill—that it is necessary for the sake of economy, when it is considered that the salary paid to the Inspector of Mines is only \$1,200 a-year, including travelling expenses. The intention of the Government is to render the office subordinate to the Crown Land Department, and to assert that no additional expense will be required by the transfer; is an absurdity palpable to any one.

It is necessary, however, before I enter into the question, that I should make a few prefatory remarks. This is, it appears, the great bill of the session, which the gentlemen are going to enact—the only bill of any importance that they have matured—a bill intended to affect the interests of a gentleman who has been of late years opposed to them.

But I cannot, on the present occasion, avoid reminding the President of the Council that this gentleman (Mr. McKeagney) was associated with him; that he fought for many years the political battles of the Province by his side; and yet he is now the means of removing him from the position he now holds. And let me say, also, in justice to the Inspector of Mines, that no one can for an instant deny that he has performed the duties of his office faithfully and successfully; indeed the reports on the journals of the House, show conclusively that he is well-fitted for the office.

If the hon. gentleman had introduced measures which are wanted and expected by the country, he would have given greater satisfaction than he can possibly do by intro-

ducing a measure of this nature. There was the great measure by which it was intended to change the representation of the Province, and legislate some on the Opposition side out of the House, if practicable; for have not threats been raised, time and again, to that effect? This question has been, however, deferred for some reasons doubtless best known to the gentlemen themselves. There was also another bill which was expected and should be before us—one that would grapple with the great subject of education. Where is it? We hear nothing of it. The numerous petitions laid during the session on the table, show that the country is not at all satisfied with the state of Education, but loudly demand that there should be some practical legislation, and that forthwith, on the subject. It was the duty of the present Government, as it has equally been the duty of past Administrations, to have turned their attention to that important question; but in accordance with their principle of inaction, they sit idly, and do nothing.

Again there is another question, that of Emigration, which has been, in a like manner, totally ignored. Now every Colony, the Canadas, New Brunswick, and the surrounding Provinces and States, have their emigration agencies in every country,—in England, in Germany, and Northern Europe—and even in Halifax, I believe, they have those agents who can give every necessary information to intending settlers. Surely the Government should have taken some steps to give us that population which is so indispensable in a country like this—the chief source of our wealth, in fact. And I may add that a Union of the Provinces should have formed the chief feature of the session,—it has already become the great question of the day, and one which now occupies the thoughts of every statesman who looks forward to the future greatness of British North America, for by it alone can we claim rank among the favored nations of the earth. A Legislative, not a Federal Union, is therefore, I hope, not far distant. Linked with it is the often-proposed great international railway, which I will always advocate, however opposed I may be to the Nova Scotia scheme. By all those now neglected measures, can we become prosperous? An imperishable name, and one that will never die, will the statesman gain who matures and renders them acceptable to these Provinces.

All such important questions have been entirely overlooked, and the hon. gentleman who presides over the Government has only brought here a petty measure to do away with the Inspector of Mines—to remove a gentleman who is politically opposed to him. We all can surmise the influences that compel him to such a step. He knows that an hon. gentleman who was returned to this House by a legitimate majority of the County of Victoria, has been unseated by the decision of a committee. And let me say that one of the reasons assigned for the defeat of the Government candidate at the last elec-

tion, was, that the gentleman holding the office of Inspector of Mines, had not been removed. There are those who believe that the gentlemen opposite, aware of this, wish now to remove the obstacle that is said to stand in the way of their success, and have accordingly brought forward this bill.

Thus almost the only bill of any importance that these gentlemen have to give us, is the one which is now under consideration. Now they pretend that they are going to save the Province some four hundred pounds a-year, by transferring the office to the Crown Lands.

A natural enquiry suggests itself,—What is the position of that department? In the accounts the receipts are set down at \$23,000, while the expenses amount to \$13,000, leaving a nett revenue of only \$9,100, and without taking into consideration \$1,200 paid as pension to Mr. Morris. Therefore the Department puts but a small amount into the Treasury. But the receipts received from the coal amount to \$28,000, and the only expense incurred is the salary paid to the Inspector of Mines. Thus we find that the Crown Land Department has been dwindling away, paying little or nothing into the revenue, and has, I may assert, almost stood still. But look at the great trade derived from the Coal Mines. In 1850 the exportation of coals from this Province was 92,613 tons. In 1857, the year when the Coal Mines question was compromised with the General Mining Association, it reached to 147,250 tons, and the value was about \$324,000; and we can easily estimate the very remarkable and great growth of the trade, when we find that in 1860, by the report of the Inspector of Mines, that all the coal exported from Nova Scotia, including that from the new Mines leased by the Provincial Government, was 346,600 tons, the value of which at the several places of shipment, was \$650,000! Does not that show the great value of our coal at this moment, and the necessity of having a person to keep an inspection over the numerous mines? Is it proper or consistent to make the duties of such an important officer subordinate to a department inferior in every respect!

The coal mines should be under the inspection of a competent, reliable person, in direct communication with the Government, and not with a department already overburdened with work. Let me mention, too, that even Australia, which has so many mineral resources, possesses a Minister of Mining Affairs; and I believe that the time is not far distant when there will be a similar department here. But some may say that Australia, on account of her gold mines, requires an appointment of that nature. I admit that the difference between the two countries is great; but draw a distinction between this and the sister Provinces, and it shows that Nova Scotia, in point of mineral resources, stands far higher than any of them, and should, in every justice, have a person at the head of the Mining Department.

I may also say that it is well known that

the supremacy of England has rested, to a very great extent, upon her coal and iron; and I confidently assert that the greatness of this country will hereafter depend upon her richness in the same particulars. Is it not, then, the duty of a wise Government to use every advisable means to extend that trade, and throw around it all necessary guards, rather than to underrate its importance by placing its inspection under an inferior department?

The effect of such transfer, or rather of the virtual abrogation of an office of such importance will be, in my opinion, most injurious to the mining interests of this country. If they are not watched closely by a person well qualified, the mines will be neglected and badly worked, and much of their importance will dwindle away, as has been the case with the Crown Lands, although its head all will concur in admitting, is a most efficient man.

I regret, Mr. Speaker, that I have occupied your time so long, and certainly I would have preferred leaving this matter to have been handled by those who are most competent to deal with it; but coming from a section of the Province second to none in its mineral resources, I felt it was a duty which I owed to my constituents to rise and address the House on a question of such vital importance, which does not only affect their own interests, but those of Nova Scotia at large.

After remarks from several gentlemen, the debate was adjourned.

Mr. Cochran, chairman of the committee appointed to try the merits of the election return of C. J. Campbell, Esq., of Victoria, reported, vacating the seat of that gentleman.

The House then adjourned until 11 o'clock the next day.

THURSDAY, 28th March.

The House met at 11 o'clock and went into committee on bills, and passed the Halifax Water Bill.

The committee having adjourned, the Statute Labor bill was taken up.

Mr. Wade moved that the bill be deferred for six months, which motion was lost.

Mr. Wade then gave notice of a motion to rescind.

At 2 o'clock His Excellency the Lieutenant-Governor came down to the Council Chamber and gave his assent to a number of bills.

On re-assembling at half-past 3 o'clock, the adjourned debate on the bill relative to the Inspectorship of Mines, was resumed; and the Hon. Prov. Secretary and others addressed the House.

Hon. Mr. Johnston moved a resolution deferring the bill, which, on a division, was lost by—yeas, 20; nays, 26.

Hon. Mr. Johnston then gave notice of a motion to rescind.

The House then adjourned at 7 o'clock, until Monday next, at three.

MONDAY, April 1.

House met at 3 o'clock, and sat with closed doors, discussing a motion to rescind, until 4 o'clock.

Soon after the opening of the House,

The hon. Fin. Secretary moved a resolution for the sub-division of the road scale. The scale is the same as that of 1859.

A long discussion ensued—after which Mr. Bourinot moved an amendment, the object of which was to make the scale the same as last year, by taking the sum of \$1200 of the three Railway Counties, and dividing it amongst the outlying counties not touched by the railway.

This amendment was lost, 28 to 15.

Mr. J. McDonald moved another amendment similar to one moved by him last session—that in counties which are divided into electoral districts the road money shall be divided so as to render one district independent of the other—which was lost, 20 to 17.

The road scale was passed.

The house then went into committee on bills, and took up and passed the following bills:

A bill to authorize a provincial loan.

The bill relating to the Inspectorship of mines.

A bill to amend the act incorporating the Nova Scotia Telegraph Company.

A bill to prevent fraud on creditors by secret bills of sale.

A bill to provide for the trial of criminal at the same time with civil causes.

The committee then adjourned and reported the foregoing bills.

The house then adjourned at half-past six until three o'clock next day.

TUESDAY, April 2.

Hon. Atty. General introduced a bill relating to the militia; also a bill to continue the law relating to education.

Mr. Harrington presented five petitions from Richmond, praying that the county be divided into two districts for municipal purposes.

Mr. Wade read a letter signed by a number of persons from Digby Co., denying charges made in a letter from Mr. Everett that their names had been obtained to a petition for a dissolution under false pretences and stating that they were aware of its object.

Hon. Mr. Wier, from committee on trade and manufactures, reported.

Mr. Ross, from committee on Indian affairs, also reported.

Mr. Chambers, by special leave, presented a petition from Hants Co. in favor of taxation for schools.

On the third reading of the bill to abolish the office of Inspector of Mines.

Hon. Mr. Johnston moved that it be deferred for three months, which motion was lost, 22 to 27.

Mr. Blanchard moved that the report on the Guysboro petition be adopted.

After a long discussion,

Mr. Henry moved: *Whereas*, by a report of a majority of the committee appointed to investigate the charges made against the member for Guysboro, it appears a majority of that committee, being political partizans of the parties accused, have refused to use the powers conferred upon them by this house for the purpose of obtaining the testimony necessary due to a due investigation, and upon *ex parte* testimony, in the absence of the petitioners and their counsel, and without notice having been given to the petitioners or their counsel, to have made a pretended investigation, and made a report thereon: *Resolved*, That the report be not adopted, but that the committee be discharged, and another appointed with the same powers as the last.

On division, there appeared for the amendment—Yeas, 22; Nays, 26. So the report was received.

Mr. Henry asked for certain correspondence relative to certain duties levied on cargo of *Hungarian*.

Hon. Prov. Secretary laid on the table a report from Mr. Smellie relative to an accident upon the railway, which occurred on Monday. The hon. gentleman also stated in answer to a question that the estimated cost of the repairs of the damage caused by the late accident would be some \$1500 or \$1700. He also laid on the table a return of removals from offices since the late government resigned office; also, a list of appointments made by the present administration. The hon. gentleman also laid on the table a letter addressed by the hon. Mr. Johnston, on the 20th March, to the Lieutenant Governor, and his Excellency's reply, dated 30th March.

These letters having been read, the house adjourned at 7 o'clock.

WEDNESDAY, April 3.

The House met at 11 o'clock.

Mr. Donkin presented a bill to amend chap 131 Revised Statutes, of Justices of the Peace.

Hon. Provincial Secretary laid on the table a report of A. Light, Esq., with a plan, showing his survey of the proposed extension of the railway into the city of Halifax; also, a notice of a resolution which he intended to move, relative to the union of the colonies.

He also read the copy of a letter which he received by the last mail from Mr. Nelson on the subject of the Halifax and Quebec railway. He moved, after some remarks on the matter, that a committee be appointed to confer with the Legislative Council, for the purpose of framing an address to urge upon the British Government the advisability of giving aid, by a guarantee or otherwise, to an intercolonial railway.

The committee was then named as follows: Hon. Provincial Secretary, Dr. Tupper, Attorney General, Henry, Grant, Tobin, Blanchard.

Hon. Mr. Wier introduced a bill to amend the law regulating the inspection of fish.

Mr. J. McDonald presented the following petitions, asking for road grants, on the part of Mr. C. J. Campbell: From McKinnon and others, of N. S. of Grand Narrows; Charles Campbell, of Bedeque; Alex. McPhee; Alex. McPhee of Boulardeire; A. McNeil of S. Narrows; M. McKenzie of Boulardeiere; J. McNeil of S. Narrows; A. McNeil of Washabuck; Chas. Campbell and others; J. S. McNeil and others of S. Narrows; J. McPherson; W. McDonald of Big Glen; D. McDonald of Little Crossing.

The same gentleman presented two petitions from Bedeque relative to a bill before the house.

The house then went into committee on bills.

Bill relative to county of Guysboro; to authorize appointment of commissioners without the Province; bill in addition to chapter 92 Revised Statutes; bill respecting lockup-houses; bill amend chap 160 Revised Statutes; to amend chap 160 Revised Statutes; act to naturalize certain aliens; to authorize imposition of tax upon dogs; to prevent the destruction of the smaller kinds of birds; to amend chap. 46 Revised Statutes.

The House having re-assembled at three o'clock,

The hon. Provincial Secretary laid on the table a circular despatch from Downing street, announcing the decease of the Duchess of Kent. He then moved for a committee to confer with the Legislative Council, in order to frame a joint address of condolence to Her Majesty. The following committee was chosen: Attorney General, Hon. Mr. Johnston, Provincial Secretary.

The amendments of the Legislative Council to a bill concerning the County of Hants, were considered, and after a long discussion, were passed by a vote of 22 to 18.

Mr. McFarlane, from the committee on agriculture, reported.

Hon. Attorney General, from committee on education, reported favorably of a bill to divide the county of Queen's into two school districts.

Mr. S. Campbell, from committee on amendments of law, reported favorably of the amendments of the Legislative Council to a bill to amend the new Practice Act.

The House went into committee on bills.

Mr. Longley moved the consideration of the license law.

After the clauses had been severally discussed, and one negatived on a division, with some amendments, the bill passed, and the committee reported.

Hon. Provincial Secretary reported an address of condolence to her Majesty.

The House adjourned at seven, until eleven o'clock the next day.

THURSDAY, April 4.

The house met at 11 o'clock, and several bills reported upon the previous day from committee were read a third time and passed.

Hon. Provincial Secretary moved the concurrence of the house in the following joint addresses to her Majesty: one of condolence on the death of the Duchess of Kent; one on the subject of trawl fishing, and another relative to an intercolonial railway. The latter is as follows:

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY OF NOVA SCOTIA.

May it please Your Majesty,—

We, Her Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Nova Scotia, respectfully beg leave again to invite our Sovereign's consideration to a work of National importance.

For nearly twenty years the people of British America have been struggling to secure a great Highway extending from the sea to the Western bounds of Canada, and have made many sacrifices to obtain it. The foremost men in all the Provinces, of all political parties, have from time to time, united to accomplish this work. They are united now, and they justly regard the realization of their hopes as an object not unworthy of the grave consideration of the Imperial Government.

The recent visit of His Royal Highness the Prince of Wales to these Provinces has not only enabled our Sovereign's Son to survey their boundless resources, but has illustrated the spirit of loyalty and love of British connection which pervade them. To unite in the bonds of peace—to develop their resources: to enlarge their population, to harmonise their public sentiments by mutual intercourse, to strengthen them in time of war, and to keep alive in their midst the traditions and the policy of the mother country, appear to us objects worthy of combined effort on the part of the Provincial and Imperial Governments; and we rejoice to perceive that, at last, the great cities of the three kingdoms are awakening to a sense of their importance, and are about to petition Parliament for aid to construct a great highway from the St. Lawrence to the Harbor of Halifax.

The Legislature of Nova Scotia beg respectfully to refer Your Majesty to the various efforts made by means of Addresses and Delegations from the Colonies to enlist Imperial support to this great national undertaking; and the heavy sacrifices made by them in constructing several sections of Railway which may now be incorporated in this work, sufficiently evince the anxious desire of the people and Legislature of all the Provinces to secure its speedy completion, which cannot be done without Imperial aid.

We entertain the confident hope that the assurances repeatedly given by Your Majesty's Ministers of their determination to aid this important enterprise, may yet be realized, and that Your Majesty's reign may witness the completion of an undertaking

which involves the interests not only of British America, but of the Empire at large.

Trusting that Your Majesty will give to the subject of this Address the grave consideration due to its magnitude and importance, the Legislative Council and House of Assembly, as in duty bound, will ever pray

The House went into committee on bills, and passed the following: An act to amend chap. 20 Rev. Statutes; act relative to the erection of wooden buildings in the city of Halifax; act to establish a division line between two polling districts, and to add a polling district in the county of Cumberland; act to divide the county of Hants into two districts for municipal purposes; act to naturalize certain aliens; act to alter one of the electoral districts in the county of Annapolis; act to continue laws relative to education; act to enable Mr. S. C. Barry to obtain letters patent.

The house then adjourned, at half-past one, and having re-assembled again at 3 o'clock, adjourned until the next day at the same hour.

FRIDAY, April 5.

The house met at 3 o'clock.

The hon. Provincial Secretary prefaced a motion for adjournment by saying:

It is my painful duty, Sir, to announce to the House the death of William Webster, Esq., member for South Kings; and I am quite sure, in making that announcement, I only express the feelings of gentlemen on both sides who I say, that no man could have departed from our midst who would be more sincerely regretted by us all. I have known Dr. Webster for many years; he has not only been a political, but a firm personal friend. I have always loved and respected him, and I deeply regret the calamity which has fallen upon his family and saddened their circle. Many of us who take an active part in politics come necessarily into violent conflict with each other, and sometimes perhaps are not disposed to do each other the greatest amount of justice, but it was Dr. Webster's good fortune whilst in life and in politics, as a member of this House, not to have come into hostile contact with any member. His genial manners and kind disposition were appreciated by all, and I am sure he has not left, either in this House or in the county where he has lived and is best known a single person who will not deplore his loss.

Dr. Tupper followed, and said:—In rising to second the motion which has just been made, it affords me a great deal of pleasure to be able to add my tribute of regret to that so fully expressed by the President of the Council, with reference to the worth and character of one of the members of this House, who has so suddenly been called away. I had the pleasure, more than twenty years ago, of making the personal acquaintance of Dr. Webster, who in his own county possessed the confidence and the kind feelings of every one, I may say, and de-

servedly so, not only as a professional man of high standing, but on account of that strict and undeviating character for integrity which he acquired among all classes of people. That character he has maintained here, and though he did not take so active a part as many of us, yet both sides will bear tribute to his unwavering devotion to the business of the Legislature, on committees, and in every mode in which his services were called for as a public man. I believe the President of the Council has only expressed the sentiments of every member of this House, when he says Dr. Webster carries with him the respect and kindly feelings of every man in this Legislature.

The House then adjourned until Monday next at 11 o'clock.

MONDAY, April 8.

House met at 11 o'clock.

MORNING SESSION.

Several local bills were read a third time; also, a bill relating to the Volunteer force; an act to continue the law relating to education; a bill to enable Samuel C. Barry to obtain letters patent; a bill to naturalize certain aliens—passed without discussion.

On the third reading of the bill to restrain the erection of wooden buildings within certain portions of the city of Halifax:

Mr. Pryor moved that a clause be added by way of rider, giving the City Council discretionary power to extend the operation of the act beyond the limits set forth in the bill, provided two-thirds of their number are agreed.

Hon. Mr. Wier and others spoke against the clause, as giving the Council too extensive a power.

After some discussion the clause was negatived—23 to 19.

A bill relating to railway damages, which provides that the gravel and other material necessary for the repair of the railroad, the expense of which is now borne by the counties through which it passes, shall in future be a charge upon the general revenues of the Province, was read.

After considerable debate the matter dropped until after the railway committee had reported.

A bill for the preservation of small birds, was read.

Mr. Chipman moved that the bill be deferred for three months, which was lost—23 to 19.

Mr. Shaw moved that the bill shall not be in force the months of July and August, which was lost—20 to 25.

The bill then passed.

The license law was also read a third time.

Mr. Shannon introduced a bill in reference to travelling agents and peddlers.

Mr. Wier moved that the amendments of the Legislative Council to a bill to change a polling place in Lunenburg Co., be not agreed to. Carried.

Mr. Esson moved that the amendments of the Legislative Council to the bill relating to

the new Court House, be not received. Carried.

Mr. Blanchard introduced a bill to assess the city of Halifax for railway purposes; also presented the protest of the Mayor against the same.

Mr. Chipman introduced a bill to extend the time for the repayment of the loan on the Cornwallis Bridge.

Mr. Blanchard, chairman of the committee on Crown Lands, Mines and Minerals, reported.

Mr. Cochran moved a resolution to the effect that the facts contained in that report in reference to the application of Thomas White for reimbursement, for certain legal expenses incurred by him, entitled him to the consideration of the Government—which was agreed to.

Mr. McFarlane (in the absence of the chairman, Mr. Henry, from sickness) from the committee on private bills, reported favorably of five bills, and against a bill to incorporate the Milton Tramway Company.

Mr. Wade asked the Government to bring down a return of the expenditure of the past year of the grant of \$8,000 for the Volunteers.

AFTERNOON SESSION.

Mr. Blanchard, from the committee on the patent law, reported a bill to amend chapter 120 Rev. Stat., of the Patent Law.

Mr. Pryor obtained special leave to present the petition of John Thomas Lane, Esq., medical man to the Micmac tribe of Indians, on behalf of Sally Paul, an Indian woman who had discovered a remedy for the small pox. Petition laid on the table.

Mr. Ross, member for Victoria, obtained leave to return home after to-day, on urgent private business.

House went into committee on bills, and passed the following bills:

A bill to revive the act to incorporate the Merchant's Exchange Company.

A bill to amend the act relating to the signal station at Halifax.

A bill to incorporate the Board of Education of the Presbyterian Church of the Lower Provinces.

A bill to alter the time of holding the sessions in Victoria.

A bill to provide for the erection of a public wharf at Pictou.

A bill to amend cap. 62, Rev. Stat., of the laying out of certain roads other than great roads.

A bill to amend cap. 126 of Rev. Stat., of the Supreme Court and its officers.

The committee adjourned.

The House resumed, and passed the bills reported from committee.

Hon. Mr. Johnston enquired whether a new writ had been issued for the South Riding of Kings.

Hon. Mr. Howe replied in the negative.

Dr. Tupper wished to know whether any inquiry had been instituted in relation to another railway accident which had occurred on Saturday evening last. He thought, in view

of the frequency of these accidents, that some means should be adopted to ascertain their cause, so as to satisfy the public mind.

Hon. Mr. Howe agreed in the necessity for investigation. He had only a few moments since heard that the tender had run off the track near Windsor, and he had sent Mr. Smellie and Mr. Marshall to the spot, with instructions to report to him the result. He did not think the accidents so frequent as on other railroads on this continent.

Mr. Harrington asked for a return of the expenditure in furnishing the Government House.

Mr. Moseley introduced a bill to amend Chapter 132 Revised Statutes, of Barristers and Attornies.

On motion of Mr. Howe the House resolved itself into committee on the general state of the Province.

Hon. Prov. Sec'y said he rose to perform a duty he owed to the people of Pictou and other parts of the Province, to move a resolution to ascertain how much support could be rallied from either side for railway extension. It gave him little pleasure, he said, moving this resolution, knowing the feeling of members on both sides. Whatever of self-deception existed before, it was quite clear there could be none now, and whichever of the two routes were chosen, the road to Pictou would cost £10,000 per mile. We had gained useful lessons from the past, and should profit by experience.

A road to Pictou would cost about £400,000. In taking the responsibility of moving this resolution he was not likely to increase his popularity. He referred to the increase in the revenue and on the railway, about £25,000 or £30,000, which, some say, would enable the Government to pay interest on half a million. But it has been admitted that for two or three years we have been over-drawing, and the increase of the year will all be wanting for the ordinary services. If, said the hon. gentlemen, it is stated that we had the money to commence, it is an error. If the Financial Secretary comes here next year and shows that the revenue has met ordinary expenses, I shall be surprised, looking at the aspect of business at present.

He then referred to the unsettled state of affairs in the United States, pending which, he thought it would be unwise to incur so large a debt as the road to Pictou would involve. He started, he said, at once with the conviction that we could not take one dollar for construction. New sources of revenue must be found to pay interest. He could not believe any Nova Scotian politician could go to England and borrow £500,000 with our present advances. He for one would not deceive them. The hon. member then read the following resolution:

Resolved, That the Government be authorized and empowered to locate the railroad to the harbor of Pictou forthwith; that should the Province be relieved of the whole or any portion of the cost of the Trunk line, the branch to Pictou shall be completed without delay. Should no such arrangement be

made, the Government shall proceed to construct that portion of the extension beyond Truro which will be common to the Eastern and Northern lines.

The location of the road, he remarked, should be completed at once, it could not cost but a few thousand pounds, and as the road must be built soon, it would be an advantage to have the whole line known, as many persons are desirous of sinking shafts, and making other preparations. He spoke of the care necessary in making surveys; &c., and he would take care hereafter that lakes should be sounded, bogs probed, and banks measured, so that all after-claps in the shape of extras, should not again create embarrassment.

The latter part of the resolution stated that should the intercolonial railway go on, ours should be connected. If it does proceed and portion is taken, we shall receive the cost for our sixty miles. If we accede to previous propositions and give our lines we should profit. If the British government step in and build the line we will be relieved from all responsibility of continuing the main line and the city extension, and could push on the branch to Pictou at once. Should no such arrangement be made, the Government ought to proceed at once with that portion of the line between Truro common to both lines. He supposed it would not be long before we knew whether or not the guarantee could be had. The intercolonial road could not be built without it. The enthusiasm was not now as formerly. He remembered years ago the feeling shown in Halifax for a railway *anywhere*. People came forward at public meetings and otherwise, offering support,—there was not a ragged urchin in the city but appeared willing to pledge his entire wardrobe towards it. He did not catch the enthusiasm as fast as others. The late hon. Mr. Cogswell, the late George Young, Esq., W. Pryor, Esq., and other leading citizens, were its early and earnest advocates. Look at the change now. The people refuse to give one stiver of the money pledged. In other words, refuse to pay their honest debt to the Railway. He believed that the Railway bills would not have passed through the Legislature when they did, but on the strength of the city pledge. The people of Pictou would now see the difficulty. The people of Pictou would now see the difficulty. The citizens of Halifax may quibble out of the payment, and say "You have not got our bonds"—but he doubted that it was good policy in them not to look beyond the three mile house. It was not thus that the city of Portland had grown up. While we were sleeping that city had assumed magnificent proportions. If Halifax shrunk out because the road was not extended, they would have done so, he believed, if the road was completed. He thought if Halifax understood her true interests she would come forward and pay her proportion. A large portion of our trade was made up from Cape Breton and P. E. Island. The New Brunswickers had extended their line to the Gulf and were fast taking that trade from us. They had

advantages over us in having had but one main line to build, and had fine engineering advantages through the Valley. During the four weeks he was in Charlottetown last summer, he saw scores of New Brunswickers and Americans there, buying up every thing, while he saw but few from Halifax.

The trade of the Island was considerable, and if lost to us would be felt. Steamers now were touching at the principal Island towns, and at ports of Cape Breton,—and unless we early obtained communication with the Gulf, nearly all that trade would pass away. Looking to our own interests, he said, he was content to move on as fast as he could without embarrassing the country. It has been said that the Railways when completed will never pay; perhaps not, but we must have them. He might be asked where the money was to come from? He would say that they would proceed carefully, locate the whole line at once and endeavor to hear from England as early as possible. Enough money could be raised on our bonds to pay whatever expenses would be incurred until we meet again. We would then understand what was best to be done.

Pictou has thirty thousand of a population; beyond it, Guysborough, Sydney and Cape Breton, having a large portion of our people, all require the advantages this road would give. If completed they would be enabled to pass thither in a day. To shorten communication with so large a portion of our population, much should be risked. One point there seemed suspicion on, an eastern man had said to him, when you get your ten miles of trunk line built, the Pictou branch would not go on. This was wrong. If Laurie and Wightman were right, about ten miles only were required to meet the trunk. If this was required by the Company it would have to be bought, and we would at once push on to the Gulf. Referring to the trade over the line, he would not then say that coal or timber would pay, but we should take a broad view, that of giving relief to the 130,000 people who live beyond. The hon. member for Cumberland had taken him to task, in his playful way for errors in cost, &c. He would refer him to a report in a Canadian paper, in his hand, in which Mr. Keefer, had stated that the railway would cost a little over £5000 a mile. Mr. Hincks, whose abilities had often been referred to, had named £5000 and Mr. Galt one of the most able financiers on this continent, had stated the cost at £3500. If he (Mr. H.) was misled so were the cleverest men in that colony.

There was another point on which he wished to set the member for Cumberland right. When he (Mr. H.) went to England in 1850, he labored hard for months to make Nova Scotia known; he created a greater interest in reference to her than existed before. His scheme was then to combine the three Provinces, and bend their united exertions on a road traversing the whole. Had that scheme been carried out where would we be now? Who was to blame for the failure he would not say. However, Nova Sco-

tia, disgusted with what had taken place, borrowed money and built. New Brunswick had done the same. Canada had come forward and borrowed £3,000,000. After the millions expended there is no connection with the sea. Had his scheme been carried out, the distance to Quebec, 626 miles, would have been completed, and Canada would not have disgraced herself by the corruption which has been exposed. Suppose, instead of paying on £6,000,000 at 6 per cent. we had got £12,000,000 at 3 per cent, we would have had the trunk lines finished, and the country opened up as contemplated, and over that vast line as every colonist travelled, he would feel a deep sense of obligation and respect for the Queen's name.

At times when he looked back at the deep mortification experienced, he wondered that he had not sunk under it. He had lived, however, to maintain his position,—and would yet have an opportunity to put himself right in such a manner as would have an enduring form.

Canada has already spent £1,000,000 in corruption; and after her vast outlay has only a road to River du Loup, without any communication with the sea. The hon. gentleman referred to the case of the slave Anderson, and the difficulties which surrounded his transmission to England, as was spoken of, for the want of a line through British territory.

The British Government had refused to give us £3,000,000 in 1851, and yet since then, how many millions have been fruitlessly expended. The sale of bonds by him to the Messrs. Barings had been referred to. On that point he would say, that just before he left here, difficulty was experienced in getting £150,000. When he treated with Messrs. Barings, he found their terms were better than he could get elsewhere in England. Supposing a question might arise on the bargain made with that house, he had requested them to send their offer here, and it was concluded by Messrs. McNab, Wilkins, and their colleagues. Our bonds now float at a premium where before they were not known. New Brunswick followed our example, and did just the same. After a few further observations the hon. gentleman again read his resolution.

Mr. Townsend briefly addressed the House, strongly opposing Mr. Howe's proposition, which he considered intended as a burlesque.

Mr. Grant went into the question in a long and carefully prepared speech, in which he traced the progress of the Railway from its inception,—pointed out very clearly the desirableness of its extension, and gave a large amount of statistical information, a description of various sources of traffic for the road, &c., and contended that although a large debt might have to be incurred to complete the road, the revenue would be largely

increased, and the country greatly benefitted by its extension.

The House adjourned until 11 o'clock.

three months; which on division was lost 21 to 12.

The House adjourned until 3 o'clock.

TUESDAY, April 9.

MORNING SESSION.

House met at 11 o'clock.

The following bills were read a third time:

A bill to revive the act incorporating the Merchants' Exchange Company.

A bill to alter the time for holding the sessions in Victoria.

A bill to amend the act relating to the signal station at Halifax.

A bill for the construction of a public wharf at Pictou.

A bill to amend chap. 126 Rev. Statutes, of the Supreme Court.

A bill to incorporate the Board of Education of the Presbyterian Church of the Lower Provinces.

Mr. McKenzie, chairman of the committee on the subject of steam communication in the Gulf of St. Lawrence, reported; amongst other things, recommending the enterprise mentioned in the communication of the hon. John Rose, Commissioner of Public Works in Canada, to the favorable consideration of the Government.

Hon. Mr. Howe alluded to the discovery of gold at Tangier. About a week two men had come to him, and stated, that gold had again been discovered, nearer the sea coast than the locality where it was found last summer—between the mouth of the Tangier River and Pope's Harbor. He had despatched Mr. Anderson, Deputy Crown Land Surveyor, to the spot, and he had returned last evening with the specimens of gold he held in his hand. These consisted of about an ounce of fine gold, and some pieces of quartz streaked with gold. He (Mr. H.) had just prepared a letter of instructions which he proposed to give to Mr. Anderson, to the effect that he should proceed to the spot, and lay off the land in lots of 50 feet by 20; and as the land was private property, he proposed to give the owners the first choice, and other parties applying should pay the sum now paid for a license to search for gold, viz., £10. The owners of land also to receive £1 out of every £10.

Hon. Attorney General, from the committee on education, reported a bill relating to the division of grammar school monies in Annapolis County.

On the second reading of the bill to amend the act relating to the management of the Hospital for the Insane,

Dr. Tupper, after a lengthy speech, moved that the bill be deferred for three months.

He was replied to by hon. Mr. Howe, who was followed by the hon. Mr. Johnston and Mr. Pryor; when the motion was taken, and Dr. Tupper's motion was lost 25 to 19.

A bill to abolish the office of Inspector of Pickled Fish, was read a second time.

Mr. Esson moved that it be deferred for

AFTERNOON SESSION.

House resumed at 3 o'clock.

Mr. A. Campbell moved the second reading of a bill introduced by him, for the better observance of the Sabbath.

Mr. James McDonald moved that it be deferred for three months—which, after some discussion, was negatived 18 to 15. The bill was committed.

On the second reading of the bill for assessing the City of Halifax for Railway purposes,

Mr. Pryor moved that petitioners against the passage of the bill be allowed to be heard by counsel at the bar of the House. After a long debate, this motion was negatived 29 to 28.

Mr. Shannon then addressed the House against the principle of the bill. He was replied to by hon. Mr. Howe, who was followed by Messrs. Shaw, Wier, Pryor, Locke, Johnston.

The motion for the second reading was then carried, and the bill committed by—Yeas, 39; Nays, 4.

Messrs. Pryor, Shannon, Esson and Shaw voting in the negative.

The house then went into committee on bills, and passed the following:

Bill to assess the city of Halifax for railway liabilities.

Bill relative to loan for the building of the Cornwallis Bridge.

Bill regulating the inspection of fish.

Act to amend the act for the management of the hospital for the insane.

Bill relating to Liverpool Tramway Company.

Bill to amend chap. Rev. Stat., of public instruction.

The bill to amend chap. Rev. Stat., of legislative disabilities, caused some discussion.

Hon. Mr. Johnston made some remarks against the nature of the bill; it had the tendency to destroy the principles involved; was merely a bill of exceptions. He read a bill in amendment, which he considered would be more advantageous if adopted.

The bill was laid over for the present.

Hon. Fin. Secretary introduced a bill in reference to sundry payments from the treasury.

In answer to a question when the writ for King's County was to issue, the Provincial Secretary intimated that it was the desire of the government that the election should not interfere with the seed time.

Hon. Prov. Secretary alluded to a statement in a paper of Saturday, that the time of issuing the writ for Victoria was withheld from Mr. Campbell. That was not the fact, the writ was hardly filled up before he sent Mr. Campbell a message through a friend, stating that it had been issued.

The House then adjourned until 12 o'clock the next day.

WEDNESDAY, April 10.

MORNING SESSION.

The House met at 12 o'clock.

The bills passed in committee on the previous day were read a third time.

A bill relating to public instruction, as amended, passed.

On the third reading of the bill assessing the city of Halifax for railway purposes,

Mr. Pryor moved that it be deferred for three months.

For the motion, 4—Messrs. Pryor, Shannon, Tobin, and Eason; against it, 26.

Mr. Pryor gave notice to rescind.

Mr. Morton presented a petition from Queen's Co., in favor of taxation for schools.

AFTERNOON SESSION.

House resumed at 3 o'clock.

Mr. Cochran moved the second reading of a bill altering the representation of the county of Hants. The hon. gentleman explained the necessity which he considered existed for the bill.

He was followed by Mr. Churchill in opposition to the bill.

A lengthened debate ensued, in which Hon. Mr. Howe, Hon. Mr. Johnston, Mr. Wade, Mr. Morrison, Mr. Henry, Hon. Attorney General, Messrs. McFarlane, Blanchard, Tobin, Harrington, and Longley took part.

After which the vote was taken on the motion to defer the bill, when there appeared: for the motion, 21; against, 23.

Dr. Tupper asked the government to lay upon the table the memorials of over 24,000 electors of this Province, declaring their want of confidence in the present administration, and praying for a dissolution.

A desultory debate ensued.

On the third reading of a bill to amend the act relating to the construction of railways in this Province, and the acts in amendment thereof, a call of the house was had.

An amendment was moved that the house adjourn, which was lost, 18 to 24.

The question was then taken up on a motion to defer the bill for three months: for motion, 18; against it, 25.

Mr. H. McDonald gave notice to rescind.

Hon. Mr. Johnston enquired what time the election in South Kings would take place.

Hon. Mr. Howe replied about the first week in June.

On the third reading of a bill to incorporate the Milton Tramway Company, a discussion ensued, but no action was taken upon it.

House adjourned at 9 o'clock, until 10 o'clock the next day.

THURSDAY, April 11.

The House met at ten o'clock, and sat with closed doors until 11 o'clock.

When the galleries were opened, hon. Mr. Johnston was addressing the house on the subject of the payment to Daniel Cameron,

railway contractor, of the sum of \$5,000—amount reported to be due to him by H. Poole, Esq. The hon gentleman moved the following resolution:

Whereas, the Railroad committee of 1859, on which the hon. Jos. Howe, William Young, A. G. Archibald, and John Locke, formed a majority, recommended that Contractors should have "the benefit of a re-measurement of their works, subject to the prescribed reductions"—thereby bringing them under the operation of the report of the Railroad Committee of 1858, from which they have been excluded in consequence of their having made settlements with the Railway Board; and the said Committee of 1859, after having heard Mr. Cameron, and Mr. McCully, his Counsel, and the witnesses they adduced in support of his claim, did not report in favor of the claim or any part of it, but recommended two alternatives for the settlement of his demand—viz.: either "a measurement of the whole work subject to deductions, as in the case of the other contractors," or a suit at law;

And whereas, the Report of the Committee, except so much as gave to Daniel Cameron the option of prosecuting his claims at law, was by Resolution adopted by the House;

And whereas, by an admeasurement, which was made of his whole work in the year 1859, under authority of the said Resolution, by Mr. Smellie, it was found, that after giving the said Daniel Cameron full credit for all the work he had performed, and charging him with the monies he had received, he had been over-paid by the large sum of £1127 8s. 2d;

And whereas, in the Session of 1860 detailed statements of the said measurement, and of Mr. Cameron's debts and credits, shewing the said balance against him, were returned to the House, and were entered on the Journals, and do not appear to have been objected against or questioned;

Yet, in the knowledge of all these facts, the Government, in the late recess, renewed the investigation of the claims of the said Daniel Cameron, and in November last ordered the payment to Mr. Northup, his surety, of over \$5,000, on Mr. Cameron's contract, under the excuse of a report of Mr. Poole, made without measurement, and without its being shewn or alleged that the measurement of Mr. Smellie had been incorrect, or that the rates credited were inconsistent with the contract and schedule, or with the principles of adjustment adopted by the House; or that the sums charged as paid were erroneous;

Resolved, That this revival of the investigation and payment of Mr. Cameron's claims, without any renewed application to the House, as to the mode proper for determining them, and after by that mode it had been made apparent that he was already largely over-paid, was not reasonable or just, in view of the public interest, and derogatory to the authority of the House; and the payment of the \$5,000, in addition to the \$4,500—making an over-payment of \$9,500—was

a very serious and injurious mis-appropriation of the public monies.

He was replied to by hon. Mr. Howe, after which Mr. Johnston again addressed the house, when the debate was adjourned until 3 o'clock.

The house resumed at 3 o'clock.

Hon. Mr. Howe moved the following amendment to the resolution introduced in the morning by hon. Mr. Johnston:

Whereas, Mr. Daniel Cameron, having an unsettled claim against the Government of Nova Scotia, proposed in 1858, through his Counsel, to adjust that claim, either by arbitration or by suit at law, and was refused by the government of the day to do either;

And Whereas the Railway Committee in 1859 reported that Mr. Cameron should either be permitted to sue the Government or to have a re-measurement of his work;

And Whereas, the Government refused him the first remedy, and Mr. Cameron declined the other;

And Whereas, the claim being unadjusted in 1860 was referred by the present Government to Henry Poole, Esq., a disinterested and competent person, who struck a balance after investigation;

And Whereas, the Government paid only the amount awarded by that gentleman, without allowing Mr. Cameron interest on his claim, as was done by the late Government to the other contractors;

Therefore Resolved, that the House pass to the order of the day.

Mr. Henry then addressed the house. He was followed by Dr. Tupper, Mr. Blanchard, hon. Mr. Howe and Mr. Tobin; after which the vote was taken, when there appeared for Mr. Howe's amendment 24, against it 21.

Mr. Grant, chairman of the committee on the petition of Mr. Rand, relating to the seizure of sugar at Canning, reported that a majority of the committee were of opinion that the charges contained in the petition had not been sustained.

Mr. Tobin explained the views of the minority of the Committee. He was followed by Messrs. Henry, Grant, Morrison, and Wier.

The house adjourned at half-past 9; until 10 o'clock next day.

FRIDAY, April 12.

House met at 10 o'clock.

The house went into committee on bills, and considered a bill to amend the act relating to executive and legislative disabilities.

A lengthened debate took place, after which,

Hon. Mr. Johnston moved in amendment another bill, which he said was a consolidation of the law as it now stands. On division, the amendment was lost.

Mr. Johnston then moved that way office keepers be excluded from a seat in the house.

The motion was lost.

Mr. Cochran moved that Government Land Surveyors, Medical Superintendent of Lunatic Asylum, Supervisor of Great Roads, Deputy Crown Land Surveyors,

and Railroad Contractors be excluded—passed.

Hon. Mr. Johnston moved an amendment, to the effect that a conviction in the Supreme Court shall be sufficient to vacate the seat; which was lost. Then the bill passed.

The committee adjourned, and reported the bill up to the house.

Hon. Mr. Howe, from Railway Committee, reported a bill to amend chapter 80, Revised Statutes, "Of Railways."

The Legislative Council transmitted their assent to a bill to restrain the erection of wooden buildings within certain parts of the city of Halifax, with an amendment, giving the City Council power to extend the limits prescribed in the bill, provided 12 are agreed. The amendment was rejected by a vote of 17 to 6.

Hon. Mr. Johnston again called attention to the election in Kings County, and argued that according to law it should be held at the same time as in Victoria. He was replied to by Hon. Attorney General and others; after which,

Hon. Mr. Howe stated that the election in Kings would be held on the 4th June next.

The House adjourned until 3 o'clock.

House resumed at 3 o'clock.

Hon. Mr. Howe, from the Post Office Committee, reported.

Mr. Morrison, from the Committee on Navigation Securities, reported.

Hon. Mr. Howe, from the Committee on Railways, reported.

He also laid on the table the petitions praying for a dissolution, asked for by the member for Cumberland.

Mr. Colin Campbell explained the circumstances of the case of Mrs. Rice, who had lost £25 in the post office, whose claim had been rejected by the post office committee, and who, he thought, had been unjustly dealt with. He read an affidavit on the subject.

After some discussion, the matter was left to the Government.

Mr. Shannon moved that postmaster's salaries be regulated by the amount received by them for the last quarter, as per schedule laid before the committee by the Post-master General—which was lost.

Mr. Henry moved that that portion of the report which referred to a scale of postmasters' salaries be not received, and that the present system be continued—which was lost, 24 to 10.

A bill relating to executive and legislative disabilities, was read a third time.

Hon. Mr. Johnston moved that the bill be deferred for three months; for the motion, 20; against, 22.

Dr. Tupper moved a resolution for the issuing of a new writ for East Pictou, in consequence of the acceptance by George McKenzie, Esq., M. P. P., of an office as one of the Board of Examiners of Shipmasters—being an office of emolument under the Government.

On the question being taken, there appeared—for the resolution, 21; against it, 24.

Dr. Tupper then moved that the house receive testimony at the Bar, touching the appointment of Mr. McKenzie to the office referred to.

For the motion, 19; against it, 22.

Hon. Mr. Howe, from railway committee, reported a bill relating to railways.

Mr. Henry moved, in amendment, a resolution abolishing the railway office in Granville Street, and transferring its duties to the Board of Works.

Hon. Prov. Secretary replied. The House then went into the committee on the bill and passed it.

The committee having risen and reported, the hon. Prov. Sec. laid on the table a communication from the Governor of P. E. Island, with regard to light houses; also, a letter from Dr. McLeod and John Ferguson, of Sydney, in reference to a petition presented some time ago, and referred to the government.

Hon. Provincial Secretary also gave notice of a resolution in reference to the representation of Nova Scotia at the Great Exhibition in 1862.

Mr. Townsend called the attention of the Speaker to the fact that there was no quorum present. The House was accordingly counted, and but 23 found to be present.—The House therefore stood adjourned until 10 o'clock the next day.

SATURDAY, April 13.

Dr. Tupper called the attention of the Government to the model of a floating wharf to be seen in the old court house room of the Province Building, for which Mr. Thomas DeWolf had obtained a patent.

After some further conversation the subject dropped.

A Bill to amend the act relating to the construction of Railways, was read a third time.

Hon. Attorney General moved a clause by way of rider.

Mr. Harrington, Mr. Tobin, and the Attorney General, the report was received and adopted.

Hon. Mr. Johnston moved that a number of copies be printed. Agreed to.

Mr. McLellan, from committee on Road Damages, reported. The hon. gentleman also reported from committee on Humane Institutions.

Dr. Tupper expressed the pleasure he, in common with the rest of the Committee, had received from the inspection of the Institution for the Deaf and Dumb.

Mr. Longley, from the committee on Temperance, reported at length.

Hon. Mr. Howe announced to the House that, by a telegram just received at the Merchants' Reading Room, it appeared that Fort Sumpter had been attacked, and was bombarded all day yesterday. He alluded at some length to the deep regret he felt at this melancholy news, so injurious to the interests of the civilized world.

He was followed to the same effect by the Hon. Mr. Johnston, Dr. Tupper, Mr. Har-

ington, Attorney General, Mr. Henry, and Mr. Tobin.

Hon. Mr. Johnston suggested to the Hon. President of Council the propriety of the House passing some resolution expressing their sympathy in the calamities which have befallen the neighboring States.

Hon. Mr. Howe agreed to do so.

On the reading of the clause of the Post Office Committee Report, recommending the payment of the half-year's salary to the Messrs. King, for services in 1859, when they had taken a contract for the conveyance of the Western Mails at a nominal price.

After some debate Dr. Tupper moved that the clause be struck out, which was carried, 16 to 15.

The report, as amended, was then received and adopted.

Hon. Mr. Howe introduced a Bill to adjust the representation of the country. He laid it on the table, and said it was his intention to have it printed and circulated before the next session, when it would be considered.

After some remarks—

Dr. Tupper moved a resolution, that, previous to its publication, the proposed division lines between the counties be defined.

The resolution was laid on the table.

House adjourned until 3 o'clock.

AFTERNOON SESSION.

House resumed at 3 o'clock.

Hon. Mr. Howe moved the following resolution in connection with the troubles in the United States.

Resolved, That the House has heard, with deep sorrow and regret, of the outbreak of civil war amongst their friends and neighbors in the United States: that this House, without expressing any opinion upon the points in controversy between the contending parties, sincerely lament that those who speak their language and share their civilization should be shedding each others' blood, and desire to offer up their fervent prayers to the Father of the Universe for the restoration of peace.

Hon. Mr. Howe, in reference to the case of the member for East Pictou, stated that he found, on looking into the question, that the parliamentary rule was to appoint a special committee to report whether the member had accepted an office of emolument under the Government, and if so, whether it vacated his seat. He therefore moved the following committee:—Messrs. Heffernan, Morrison, Robertson, Tobin, Donkin, and McKinnon.

After some debate—

Dr. Tupper submitted to the Speaker a question of order, and contended that the subject having been finally disposed of by the action of the House on the previous day, could not again be revived in the same session.

He was replied to by the Hon. Attorney General and others, after which the Speaker decided that the motion was in order.

The debate then proceeded, after which the Hon. Mr. Johnston moved that the com-

mittee be drawn by ballot, which was lost, 20 to 18.

House adjourned for an hour.

The House re-assembled at half-past 7.

Hon. Attorney General reported from the Revising Committee the following gentlemen as a committee to investigate the eligibility of Mr. McKenzie, one of the members for East Pictou:—Messrs. Brown, Longley, Heffernan, Martell, Morrison, Donkin, and A. Campbell.

The hon. gentleman also made some explanations.

J. McDonald then arose to speak on the question of the Pictou Railway; he said he would conclude by a motion.

Hon. Atty. Genl. said that the question before the house was in reference to a committee; the gentleman must speak to the question.

After some remarks from several gentlemen, Mr. J. McDonald said he would be satisfied if the house went into committee before 12, in order to give him an opportunity of moving a resolution relative to the Pictou Railway.

Mr. Martell desired to be excused from serving on the committee before referred to.

Dr. Tupper, as one of the revising committee, spoke at length, protesting against the mode in which the committee on Mr. McKenzie's case had been appointed.

The Attorney General replied.

Some further debate ensued.

Hon. Mr. Johnston moved a resolution in amendment, on the subject of the committee; which, on division, was lost—yeas, 17; nays 20.

Mr. Pryor was appointed to the committee, in the place of Mr. Martell.

At a quarter past eleven, the House went into a committee on the general state of the Province.

Mr. J. McDonald briefly addressed the house in advocacy of the extension to Pictou, and moved the following resolution.

Whereas, When the Legislature assumed the responsibility of constructing Railways in Nova Scotia, at the public expense, it was designed to improve the internal communication and thereby promote the trade and prosperity of the country, by connecting the Gulf of St. Lawrence and Bay of Fundy with the capital, by lines of railway to Pictou and Windsor, or Victoria Beach, and the people of the Eastern Counties of the Province assented to the policy of railway construction by Government, on the faith of the extension of the Branch to Pictou.

And Whereas, It is of the greatest importance to the Province, and more particularly to the Eastern Counties, that the branch line to Pictou (attracting, as it assuredly would, the trade of Prince Edward's Island, Cape Breton, and other ports in the Gulf of St. Lawrence, and the large local traffic flowing from the wealthy and populous Counties to the East of Truro, together with the traffic arising from the transport of coal from the inexhaustible coal fields of Pictou County), should be constructed without delay.

And Whereas, The correspondence now pending relative to an immediate, or even ultimate construction of an Inter-Colonial Railway is not of such a character as to inspire confidence in the negotiations and agreements contemplated in the resolution of the hon. leader of the Government, by which he assumes that the Province may be relieved of the whole or some portion of the cost of the Trunk Line, and the burden thereby imposed upon the Province.

And Whereas, The people of the Eastern Counties of the Province assented to the contraction of a large public debt for the construction of our public works, on the express pledge on the part of the promoters of these undertakings, that they should participate by means of a Railway to Pictou in the great benefits which public works of this nature confer; and the road to Windsor and the Trunk Line to Truro being now completed.

Therefore Resolved, That in the opinion of this House the Government should proceed to construct the line from Truro to Pictou without delay, and the Government is hereby authorized and empowered so to do.

Hon. Speaker seconded the resolution, and took the opportunity of stating that if the resolution was lost he would move another in amendment to the original resolution of the hon. Prov. Sect. moved at the commencement.

An adjournment was moved but lost—yeas 16, nays 18.

It being two minutes of 12, the house adjourned until 10 o'clock on Monday.

MONDAY, April 15.

MORNING SESSION.

House met at 10 o'clock.

Mr. J. McDonald moved the resolution introduced by him on Saturday, in relation to the extension of the Pictou railroad. After some debate,

Mr. Grant moved that the House resolve itself into committee on the general state of the Province, in order to allow the honble. Speaker to record his vote; which motion he subsequently withdrew.

The motion, however, was pressed, when there appeared—for it, 16; against it, 20.

Mr. Henry then moved his resolution for abolishing the railway establishment in Granville street.

Dr. Tupper addressed the house:

AFTERNOON SESSION.

House met at half-past two.

The Council transmitted their assent to a Bill relating to Railways, with certain amendment.

Hon. Provincial Secretary moved a resolution in reference to the Union of the Colonies; also, one relative to the representation of Nova Scotia in the Great Exhibition of 1862,—all of which passed *nem. con.*—They have been given before in this paper.

Dr. Tupper enquired whether the Bill sanctioned the payment to Cameron, of the amount which had been paid to him, under

the report of Mr. Poole, if so he would be obliged to journalize upon it.

Hon. Attorney General replied in the negative.

After some remarks the amendments were agreed to as amended by the Hon. Attorney General.

Hon. Financial Secretary from committee on Road Scale reported. He also laid on the table certain returns of Excise Duties asked for by the member for Cumberland.

Mr. Brown, Chairman of the Committee appointed to investigate the case of the member for East Pictou, reported by a majority that his seat was not vacated.

Messrs. Donkin, Longley, and Pryor, from the minority, also reported.

The report of the majority was adopted, 22 to 19.

Dr. Tupper objected to the vote of Mr. Burgess being taken, as he had paired off with Mr. Wade.

Mr. Burgess replied that it was only on government questions.

Dr. Tupper continued his speech of the morning until 4 o'clock, when the Governor prorogued the House.

PROROGATION OF PARLIAMENT.

At 4 o'clock His Excellency the Earl of Mulgrave, Lieut. Governor, came to the Council Chamber in state, and after giving his assent to a number of bills, prorogued the legislature with the following speech. A Guard of Honor, with the band of the 63rd regt., were stationed in front of the Province Building, and the usual salute was fired from the Citadel by the Royal Artillery.

SPEECH.

Mr. President and Honorable Gentlemen of the Legislative Council.

Mr. Speaker and Gentlemen of the House of Assembly.

The business of the Session having been matured, it affords me much pleasure to relieve you from further attendance on your legislative duties.

The demise of Her late Royal Highness the Duchess of Kent, has called forth your sincere condolence, and given you an opportunity of again expressing the deep interest you feel in all that affects the happiness of our Gracious Sovereign.

The session which we are about to close has been marked by an improvement in practical legislation, which commands my entire approval.

The Government in assuming, and the Legislature in yielding to the Executive, the

initiation of money votes, have, for the first time, adopted the usage of the mother country; and I have no doubt that a fair trial of the system will prove that you have acted wisely in conforming to the practice of the Imperial Parliament.

I thank you for the provision which you have made for the maintenance and extension of the Volunteer System. The experience of each day shows how strong a hold this movement is taking on the intelligence and patriotic feeling of the young men of this Province. Six new companies are now in course of formation, and no exertion shall be wanting on my part to render the whole Volunteer force of Nova Scotia as effective as possible.

The enlightened policy which has induced you so liberally to provide for steam communication upon the coasts and estuaries of your country, and for the opening and improvement of roads connecting important sections of its territory, will, I am well assured, be hailed with satisfaction by those for whose benefit they are designed.

Mr. Speaker and Gentlemen of the House of Assembly:

I thank you for the very liberal supplies granted for the service of the present year, and you may rely on their judicious and faithful application.

Mr. President and Honorable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the House of Assembly:

Among the valuable measures matured by your joint deliberations, I am gratified to perceive a bill for suppressing corrupt practices at elections, and for securing that independent exercise of the franchise, without which there can be no true freedom, and no security that public opinion will be duly represented in the Legislature.

I have not failed in forwarding to Her Majesty's Government your addresses on the important subject of the deep sea fisheries, and the Inter-Colonial Railroad, to express the hope that these questions will be considered with the care which the strong interest you have professed in them would seem to warrant.

In releasing you from your legislative duties, I trust that you will bear with you to the communities in which you reside, and to the districts you represent, a full conviction of my sincere desire to promote the happiness of all Her Majesty's subjects confided to my care, and of my determination to govern this country with impartiality and independence.

[The reporter may state that the pamphlet is not as full towards the end as he would wish. This has arisen from the fact that one of the assistant reporters failed to supply the manuscript of several speeches and debates he had taken.]